CITY OF
CLOVERDALE

AGENDA
MEETING OF THE PLANNING COMMISSION

TUESDAY, AUGUST 2, 2016

PUBLIC SESSION: 6:30 p.m.
CLOVERDALE PERFORMING ARTS CENTER, 209 N. CLOVERDALE BLVD., CLOVERDALE, CA 95425

The Cloverdale Planning Commission welcomes you to its meetings that are typically scheduled for the 1st 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 PLANNING COMMISSION:

When asked to do so by the Chair, those wishing to address the Commission 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, the Planning Commission Chair may revise the amount of time allotted. Public comments will normally be received after staff presentations on an agenda item and before the Commission starts deliberations.

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 Planning Commission.
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 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 Planning Commission 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).

OPENING:

- Call To Order
- Pledge Of Allegiance
- Roll Call
- Agenda Review (changes/deletions)
- Declaration of Conflicts of Interest

PUBLIC COMMENT PERIOD:

Under this item, citizens may speak on matters within the Planning Commission's jurisdiction, which are not on the agenda. The Planning Commission is prohibited under the Public Meeting Law from taking action on matters that are not on the agenda, however, the Commission may take citizen's input under advisement, direct staff to place the matter on a future agenda for discussion and/or possible action or refer matters to staff for follow-up.

CONSENT CALENDAR:

1. Minutes Review: June 7, 2016

NON-PUBLIC HEARING ITEMS: None

PUBLIC HEARING ITEMS:

2. Consider Cort Munselle's application and by resolution recommend the City Council approval of:

a) Tentative Parcel Map, PUD Permit, Zoning Ordinance Amendment and Map Amendment application (ZOA/TM/PUD 023-2015) to amend the zoning designation from the Planned Development (P-D/15 Rink Mixed Use Project) Zoning District to the Two-Family Residential (R-2) Zoning District; and

b) Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program; and

c) Ordinance rezoning the property

Applicant:	Cort Munselle
Property Owner:	Paul Rink
Project Location:	531 N. Cloverdale Boulevard (APN 001-021-021)
Zoning Designation:	Planned Development (P-D/15 Rink Mixed Use Project)
General Plan Designation:	Medium Density Residential (MDR)
Project Description:	Tentative Parcel Map, PUD Permit, Zoning Ordinance Amendment and Map Amendment application (ZOA/TM/PUD 023-2015) to amend the zoning designation from the Planned Development (P-D/15 Rink Mixed Use Project) Zoning District to the Two-Family Residential (R-2) Zoning District to allow for a small lot single-family detached four-lot subdivision with an exception to the minimum lot size and lot depth
Environmental Assessment:	A Mitigated Negative Declaration is being recommended for adoption as the appropriate environmental document under the California Environmental Quality Act (CEQA)

Staff Recommendation:
Staff recommends that the Planning Commission consider the application and adopt the following:

A Resolution recommending to the City Council the adoption of a Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program (MMRP) for a Tentative Parcel Map, PUD Permit, Zoning Ordinance Amendment and Zoning Map Amendment for the 0.52 acre parcel located at 531 N. Cloverdale Boulevard (APN 001-021-021);

A Resolution recommending approval to the City Council of a Tentative Parcel Map, PUD Permit, Zoning Ordinance Amendment and Zoning Map Amendment for the 0.52 acre parcel located at 531 N. Cloverdale Boulevard (APN 001-021-021);

A Resolution recommending approval to the City Council of an Ordinance rezoning the 0.52 acre parcel located at 531 N. Cloverdale Boulevard (APN 001-021-021) from "P-D/15 Rink Mixed use" to "R-2 – Two Family Residential "and deleting the Planned Development "P-D/15 Rink Mixed Use Project" Zoning District from Section 18.08.020 P. P-D/15 Rink Mixed Use of the Zoning Ordinance.

OTHER BUSINESS: None

PLANNER'S REPORT/COMMUNICATIONS: The Planner's Report is a verbal report for informational purposes only.

PLANNING COMMISSION DIRECTION TO STAFF:

ADJOURNMENT: Adjourn to the next meeting Tuesday, September 6, 2016, at 6:30 p.m., or alternate date as requested, 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 707/894-1701.

State of California County of Sonoma City of Cloverdale

CERTIFICATION
I, Linda Moore, 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 28th day of July, 2016, at or before 5:00 p.m.

Linda Moore

Linda Moore, Deputy City Clerk

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DRAFT MINUTES
MEETING OF THE PLANNING COMMISSION

TUESDAY, JUNE 7, 2016

PUBLIC SESSION: 6:30 p.m.
CLOVERDALE PERFORMING ARTS CENTER, 209 N. CLOVERDALE BLVD., CLOVERDALE, CA 95425

OPENING:

- Call to Order: Chair Shanahan called the meeting to order at 6:30 p.m.
- Pledge Of Allegiance
- Oath of Office: City Manager Cayler performed the swearing in of Commissioner Bob Bialon and Alternate Commissioner Jason Turner
- Roll Call: Present- Commissioner Halliday, Commissioner Bialon, Chair Shanahan, Vice Chair Domke, Commissioner Enge, Alternate Commissioner Bovee, Alternate Commissioner Turner
- Agenda Review (changes/deletions): None
- Declaration of Conflicts of Interest: Alternate Commissioner Bovee recused himself as an alternate Commissioner but requested to take part in the meeting as a citizen.

PUBLIC COMMENT PERIOD: None

CONSENT CALENDAR:

1. Minutes Review: June 3 , 2016

Action: Motion was made by Commissioner Halliday and seconded by Commissioner Bialon to approve the Consent Calendar. The motion passed by voice vote: 5- Ayes (Halliday, Enge, Bialon, Domke, and Shanahan); 0-noes

NON-PUBLIC HEARING ITEMS:

2. Request to consider the Schellinger Brothers' application and by Resolution approve the requested Major Design Review (DR 041-2015), subject to the recommended conditions of approval

Applicant:	Schellinger Brothers
Property Owner:	Jack and Charlotte Gale
Project Location:	699 S. Cloverdale Boulevard, Cloverdale (APN 116-180-004)
Zoning Designation:	Multi-Family Residential (R-3)
General Plan Designation:	High Density Residential (HDR)
Project Description:	Major Design Review for a 21-unit multi-family housing project known as The Boulevard Apartments and the retention of an existing single-family residence
Environmental Assessment:	Categorically Exempt under Section 15332 of the CEQA Guidelines – In-Fill Development Projects

Associate Planner Rafael Miranda, presented this item, providing the specifics of the project. He recommended that the Planning Commission consider the application and by Resolution No. 009-2016, approve the requested Major Design Review (DR 041-2015), subject to the recommended conditions of approval.

Jon Worden, architect for project discussed the project, including the orientation of units, the placement of windows, and the removal of trees. Discussion ensued regarding which trees would be removed. Commissioner Halliday requested to look deeply at the trees slated to be removed prior to the commencement of construction. Mr. Worden stated that the developers could work with Commissioner Halliday individually to look at each tree recommended for removal. Commissioner Enge indicated that she would also like to participate in this review process.

PUBLIC COMMENT PERIOD:

LaReva Myles, Cloverdale, asked if the plan is for the development of apartments or condominiums. City Planner Miranda responded that the plan is to include apartments. Ms. Myles also asked about the expected occupancy rate per unit and the proposed rental amount. Assistant City Manager/ Community Development Director, David Kelley, responded that the applicant has not supplied that level of detail.

Shawn Bovee, Cloverdale, stated that his residence is very close to the proposed buildings and driveway and requested the proposed fence be extended from six feet to eight feet tall and be erected prior to the construction. The Commission discussed this request and the specific language to use to amend the condition in the resolution.

Mr. Kelley distributed a Major Design Review Matrix (attached), which was followed by a discussion on each element of the design review. The Commissioners made suggestions for recommended changes.

Action: Motion was made by Commissioner Enge and seconded by Vice Chair Domke to approve Resolution 009-2016, with amendments as discussed for fencing, trees, and deletion of Condition of Approval # 86 regarding CC&Rs. The motion passed by roll call vote: 5- Ayes (Halliday, Enge, Bialon, Domke, and Shanahan); 0- noes

PUBLIC HEARING ITEMS: None

OTHER BUSINESS:

3. Presentation by Thompson Development Inc. -Vista Oaks Planned Development Project

Assistant City Manager/ Community Development Director, David Kelley, discussed the Vista Oaks Planned Development Project and introduced Casey Clement, with Thomson Development Group, to present an overview of the project. Ms. Clement provided a PowerPoint presentation detailing the Vista Oaks Planned Development Project. She invited Elissa Morrash, as a Cloverdale real estate representative, to speak to the real estate needs of Cloverdale. Ms. Morrash came to the podium and expressed support for the project. She stated that she is in agreement with the modification to develop smaller homes with lower price points. Ms. Clement introduced Paul Gilger, Architect with Thomson Development Inc., to discuss the architectural concepts for the project. Mr. Kelley thanked Casey Clement and the project team for their informational presentation, noting that the idea was to present a preliminary overview to allow Commissioners the opportunity to provide feedback prior to the formal submittal of an application. The Commission discussed the planned project and provided input. Chair Shanahan voiced concern about possible landslides.

PUBLIC COMMENT PERIOD:

Marshall Kelly, Cloverdale, commented that at the last neighborhood meeting, Bob Jordan who is a former Planning Commissioner, indicated that two geological companies did competing analyses regarding the landslide issue and reported that there should be no landslide problems after the completion of the site work. He also stated that residents of Vista View will not be able to drive through the project because it will be closed off to all traffic except for emergency vehicles.

Ms. Clement responded stating that the landslide issue is an existing feature and is one of the mitigation measures that could be a benefit to the public. She reported that there has been extensive planning regarding how to repair the landslides, which will involve a lot of earth work.

LaReva Myles, Cloverdale, asked if the project is going to be a gated community and fenced. Mr. Kelley responded that it is his understanding that this will be an open development with the only restricted access being from Vista View Drive for the purpose of restricting drive through traffic.

4. Possible cancellation and rescheduling of the July Cloverdale Planning Commission Meeting

a. Consider cancellation of the regularly scheduled Planning Commission Meeting on July 5th.
b. Consider rescheduling the regular July Meeting of the Planning Commission to July 19th.

Mr. Kelley asked for direction regarding the possible cancellation or rescheduling of the Planning Commission meeting scheduled for July 5th due to the holiday the day prior to the regular meeting date. Discussion ensued regarding possible upcoming agenda items.

Action: Motion was made by Commissioner Enge and seconded by Vice Chair Domke to cancel the July 5, 2016, Planning Commission meeting. The motion passed by voice vote: 5- Ayes (Halliday, Enge, Bialon, Domke, and Shanahan); 0- noes

PLANNER'S REPORT/COMMUNICATIONS: Mr. Kelley reported that, regarding the inclusionary housing ordinance, Staff is working on updating the applicable income limits for the Commission's consideration. He also stated that all Commissioners were copied on a development status report developed to supply an overview on current planning projects with the City.

PLANNING COMMISSION DIRECTION TO STAFF: Chair Shanahan asked for an update on a tree ordinance.

ADJOURNMENT: Chair Shanahan adjourned the meeting at 9:19 p.m. to the next Planning Commission meeting to be held on Tuesday, August 2, 2016, at 6:30 p.m., or alternate date as requested, at the Cloverdale Performing Arts Center, 209 N. Cloverdale Blvd., Cloverdale, CA 95425.

Major Design Review Matrix – Boulevard Apartments (699 South Cloverdale Blvd.)

Multi Family Site Planning	
Layout / Building Orientation	
Parking Area	
Lighting	
Landscaping	
Common/ Open Space Area	
Fencing	
Multi Family Building Design	
Building Form (massing & articulation)	
Window Placement	
Roof Lines	
Materials, Colors & Architectural detail	
Garages (design and screening)	
Building lighting	
Mechanical equipment	

AGENDA ITEM No. 2

City of Cloverdale

Planning Commission

Staff Report

Meeting Date:	August 2, 2016
Applicant:	Cort Munselle
Property Owner:	Paul Rink
Project Location:	531 N. Cloverdale Boulevard (APN 001-021-021)
Zoning Designation:	Planned Development (P-D/15 Rink Mixed Use Project)
General Plan Designation:	Medium Density Residential (MDR)
Project Description:	Tentative Parcel Map, PUD Permit, Zoning Ordinance Amendment and Map Amendment application (ZOA/TM/PUD 023-2015) to amend the zoning designation from the Planned Development (P-D/15 Rink Mixed Use Project) Zoning District to the Two-Family Residential (R-2) Zoning District to allow for a small lot single-family detached four-lot subdivision with an exception to the minimum lot size and lot depth
Environmental Assessment:	A Mitigated Negative Declaration is being recommended for adoption as the appropriate environmental document under the California Environmental Quality Act (CEQA)

A. Staff Recommendation

That the Planning Commission consider the application and adopt the following:

A Resolution recommending to the City Council the adoption of a Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program (MMRP) for a Tentative Parcel Map, PUD Permit, Zoning Ordinance Amendment and Zoning Map Amendment for the 0.52 acre parcel located at 531 N. Cloverdale Boulevard (APN 001-021-021);

A Resolution recommending approval to the City Council of a Tentative Parcel Map, PUD Permit, Zoning Ordinance Amendment and Zoning Map Amendment for the 0.52 acre parcel located at 531 N. Cloverdale Boulevard (APN 001-021-021);

A Resolution recommending approval to the City Council of an Ordinance rezoning the 0.52 acre parcel located at 531 N. Cloverdale Boulevard (APN 001-021-021) from "P-D/15 Rink Mixed use" to "R-2 – Two Family Residential "and deleting the Planned Development "P-D/15 Rink Mixed Use Project" Zoning District from Section 18.08.020 P. P-D/15 Rink Mixed Use of the Zoning Ordinance.

B. Background

Existing Conditions

The project site is located on the west side of N. Cloverdale Boulevard, one property to the south of the intersection of Champlain Avenue and N. Cloverdale Boulevard. The 0.52 acre property is currently vacant and undeveloped.

Adjacent uses are as follows:

North: Commercial/Residential – Goodwill/single-family residence
South: Residential – single-family residence
East: Residential – single and multi-family residences
West: Public – Cloverdale High School

Project History

On July 2, 2003 the Planning Commission reviewed a request for approval of a Conditional Use Permit and Design Review application to construct an office and apartment mixed use project, with three office spaces totaling 1,166 square-feet and eight apartment units totaling 8,055 square-feet. During the review of the project, privacy concerns were raised by the adjacent neighbor to the south at 521 N. Cloverdale Boulevard and conditions were included requiring that fast growing trees of at least 15-gallon container size be installed along the south property line, and that some second story balconies be removed and replaced with windows. With these conditions, the Commission adopted Resolution No. 22-03 approving the Conditional Use Permit and Design Review application and adopting a Mitigated Negative Declaration (MND) for the project. Mitigation measures included in the MND were related to protection and preservation of trees as well as any archeological artifacts that could be potentially unearthed during the course of construction. However, the Design Review and Conditional Use Permit entitlements expired in 2005.

Subsequently, an application was submitted for a different mixed use project and on March 7, 2007 the Planning Commission adopted Resolution No. 9-07 recommending to the City Council approval of the application for Rezone to Planned Development (P-D), Tentative Subdivision Map, Preliminary and Precise Development Plans, Conditional Use Permit and Design Review. At the time, the project proposed to subdivide the property into eight lots for the construction of four townhomes, three live/work units that featured first floor office space and common space amenities on the eighth lot. On June 13, 2007 the City Council adopted Resolution No. 42-2007 approving the project, and subsequently on September 12, 2007, the Council adopted City Ordinance No. 652-2007 amending the Zoning Ordinance and Map to rezone the property to P-D/15 (Rink Mixed Use Project). At this time, the Planned Development "P-D/15 Rink Mixed Use" Zoning District was added to Section 18.08.020 P. of the Zoning Ordinance.

Although the Design Review and Conditional Use Permit entitlements subsequently expired several years ago, the Tentative Map remained active until recently expiring on June 13, 2016. The map remained active until recently because of series of time extensions the State passed for Tentative Maps from 2008 through 2013. The State passed four of these automatic extensions, all of which granted an additional 24-months to the original expiration date except for the first which granted an additional 12-months.

C. Project Description

The property owner is requesting approval of a Tentative Parcel Map, PUD Permit, Zoning Ordinance Amendment and Map Amendment application. If approved, the project would rezone the property from the Planned Development (P-D/15 Rink Mixed Use Project) Zoning District to the Two-Family Residential (R-2) Zoning District. Upon rezoning of the subject property, Section 18.08.020 P. P-D/15 Rink Mixed use of the Zoning Ordinance will be permanently deleted from the Zoning Ordinance. Approval of the project would also allow for an existing 0.52 acre property to be subdivided into four new lots of approximately 5,613 square-feet each. At this time, the property owners are not proposing to construct homes on the lots and are only requesting approval of the Small Lot Single-Family Detached subdivision pursuant to Section 18.04.060 (PUD Permit Provisions for Residential Zoning Districts) and Table 18.04.040-A of the Zoning Ordinance.

Although the designs of the homes have not yet been chosen, the homes would be subject to Major Design Review by the Planning Commission prior to Building Permit issuance, as required by the conditions of approval.

D. Analysis

General Plan

The site is designated Medium Density Residential (MDR) on the City's General Plan Land Use Map. This designation provides for a variety of development types such as single-family attached or detached units, renter/owner opportunities such as duplexes and triplexes, or low density rental units. The following are some of the goals and policies of the City's adopted General Plan applicable to new development:

- Goal LU 6 requires new development to be coordinated with the provision of infrastructure and public services.
- Goal LU 7 encourages jobs and housing nexus, providing housing for workers employed in Cloverdale, in order to reduce commuting, to support local businesses, schools, and activities by providing a base of residents who both live and work in Cloverdale.
- Policy LU 1-3 encourages jobs/housing balance, (defined as a 1:1 jobs to housing ratio) by encouraging new business in the City, by encouraging housing production for local employees, and by targeting a portion of City housing funds to provide housing for essential employees who live and work in the City.
- Policy NE 1-1 requires all new development to be constructed to meet the interior noise levels shown in Exhibit 4.2, which is 45 dBA CNEL or less.
- Policy CDO 6-3 seeks to maintain large or otherwise significant trees in residential, non-residential, and open space areas by revising development plans that would remove significant trees so that those trees are saved.

The proposed project would provide an opportunity for housing for workers employed in Cloverdale to be constructed in a manner that would maintain the properties large and significant Oak trees. Conditions of approval would require plans for any home to be constructed on Lots 1 and 2 to reduce the interior noise levels to 45 dBA CNEL by utilizing noise reducing windows for all windows facing Cloverdale Boulevard. The proposed lots could be adequately served by existing services and utilities.

Based upon the information contained in the application materials, as proposed, staff concludes that the project would be consistent with the goals and policies of the General Plan.

Zoning / Zoning Ordinance Amendment

The site is zoned Planned Development (P-D/15 Rink Mixed Use Project) on the City's Zoning Map. As previously discussed in greater detail in the Project History section of this staff report, the P-D/15 district was established for the property in 2007 through the adoption of City Ordinance No. 652-2007. Due to the fact that existing P-D Zoning District only allows for development of the mixed use project approved in 2007, a Zoning Ordinance Amendment is necessary to allow for construction of four homes on the project site.

Accordingly, the applicants are requesting approval of a Zoning Ordinance Amendment to eliminate the P-D/15 Zoning District from the Zoning Ordinance and Zoning Map and rezone the property to the Two-Family Residential (R-2) Zoning District. Properties to the south and across the street to the east are currently zoned R-2. The attached Zoning Ordinance excerpts show that the P-D/15 Rink Mixed Use district will be eliminated from Chapter 18.08 (Special Zoning Districts) of the Zoning Ordinance (see **Attachment 6**). The proposed amendment would be consistent with the density range provided by the

property's current MDR General Plan Land Use Designation, which allows for a maximum of 8 dwelling units per acre.

The intent of the R-2 district is to allow for a variety of development types such as single-family attached or detached units and small lot single-family residential uses. Zoning adjacent to the site is as follows:

North:	Service Commercial (S-C)/Single-Family Residential (R-1) – Goodwill/single-family residence
South:	Two-Family Residential (R-2) – single-family residence
East:	Two-Family Residential (R-2) – single and multi-family residences
West:	Public Institutional (P-I) – Cloverdale High School

The proposed project to subdivide the existing 0.52 acre property into four lots with an exception to the minimum lot size (6,000 square feet) and lot depth (100 feet) is considered a Small Lot Single-Family Detached use under the City's adopted Zoning Ordinance, and is allowed in the R-2 Zoning District subject to approval of a PUD Permit and Tentative Parcel Map.

PUD Permit

The purpose of a PUD Permit is to allow freedom of design in order to obtain development which would be an asset to the City because it would result in a use of land and a physical environment which equals or surpasses the quality of development that would be required by regulations otherwise applicable to the Zoning District in which a property is located. Section 18.04.060 (PUD Permit Provisions for Residential Zoning Districts) stipulates that any project approval is required to meet all standards of the underlying residential Zoning District and all requirements of Chapter 18.04 (Residential Zoning Districts) of the Zoning Ordinance including floor area ratios, rear yard setbacks and parking. The exception is that minimum lot size, minimum lot width, minimum lot depth and minimum front yard setbacks may be reduced.

In accordance with Section 18.03.130 of the Zoning Ordinance, the Planning Commission is authorized to approve PUD Permits if findings can be made affirming that the project would result in a use of land which equals or surpasses the quality of development that would be achieved through implementation of the standard regulations otherwise applicable to the R-2 Zoning District. With the project providing an opportunity for four detached single-family residences to be constructed on what would be considered small lots (less than 6,000 square feet), the resulting product type would be more affordable to first time home buyers or people looking to downsize than if the property was split into three or two larger lots that would allow for the creation of larger homes. The City is currently experiencing a need for more housing that falls within a price range that would be affordable to families with children, first time home buyers, retirees and people who currently live in Cloverdale.

Furthermore, although the minimum lot size and lot depth have been reduced, the proposed Tentative Parcel Map provides building envelopes showing where a home could be constructed on the proposed lots outside of the required setbacks and still provide usable yard space on all lots. Finally, two separate public open space areas of 602 square feet each have been located on either side of the hammerhead driveway.

As such, the resulting development would be an asset to the City because it would provide an opportunity for the creation of a more affordable housing type than what would be developed through strict interpretation of the R-2 Zoning District development standards.

Major Design Review

Section 18.03.130.C of the Zoning Ordinance states that PUD Permits for new construction shall be subject to the Design Review procedures outlined in Section 18.03.150. Accordingly, Section 18.03.150 requires Major Design Review approval by the Planning Commission for residential projects (two or more units per site) which involve the development of vacant land with site and building improvements.

However, as the applicants are not proposing new construction at this time, Major Design Review would be required as a condition of approval. Plans for homes to be constructed on the lots would be required to be submitted for review and approval by the Planning Commission to ensure conformance with all applicable Zoning Ordinance standards including parking, setbacks, floor area ratio, Residential Design Standards and Residential Design Guidelines.

Tentative Parcel Map

Chapter 17 (Subdivisions) of the Cloverdale Municipal Code is the City's Subdivision Ordinance and outlines the process by which applications for major and minor subdivision are reviewed and approved. A minor subdivision or Tentative Parcel Map is a subdivision of land resulting in four (4) or fewer lots, and a major subdivision or Tentative Map is a subdivision resulting in five (5) or more lots. The applicant's proposal to subdivide the existing 0.52 acre property into four lots is a minor subdivision, and Chapter 17.48 (Minor Subdivision Procedure) outlines the review and approval process for Tentative Parcel Maps.

The authority to approve or disapprove a Tentative Parcel Map is granted to the Planning Commission by Section 17.48.080. An approval of a tentative map is valid for two (2) years from the date of approval, unless a time extension is applied for prior to the expiration date and subsequently approved.

Among the findings listed in Section 17.48.140 that must be made in order for the Planning Commission to approve a Tentative Parcel Map is a finding that the proposed map is consistent with the General Plan and any applicable Specific Plan. As discussed in greater detail in the General Plan section of this staff report, as proposed, staff concludes that the project would be consistent with the goals and policies of the General Plan, and there is no applicable Specific Plan.

Although a specific finding that the map be consistent with all applicable standards of the Zoning Ordinance is not required by Section 17.48.140, staff provides the table below to highlight how the project would be consistent with the Residential Site Development Standards of the R-2 Zoning District (Table 18.04.050-A), as summarized below:

Table 18.04.050-A
Residential Site Development Standards

	R-2 District Standard	**Proposed**	**Compliance?**
Density (maximum units per acre)	8.0	4	Yes
Lot Area (minimum)	6,000 sf	5,613 sf	Yes*
Lot Width (minimum)	60'	62'	Yes
Lot Depth (minimum)	100'	90'	Yes*
Front Setback	20'	20'	Yes**

Side Setback	5' for 1st floor of a 2 story residence; 10' for 2nd floor of a 2 story residence	5' 10'	Yes** Yes**
Rear Setback	20'	20'	Yes**
Distance Between Buildings	10'	10'	Yes**
Public Open Space per Unit	100 sf	301 sf (1,204 sf total)	Yes
Private Open Space per Unit	60 sf	Lots 1 & 2 = 2,008 sf Lots 3 & 4= 2,308 sf	Yes

*Section 18.04.060 allows for an exception to some minimum development standards, including minimum lot size and lot width, through approval of a PUD Permit.

** Conditions of approval require plans for the homes to be constructed on the lots be submitted for review and approval by the Planning Commission prior to issuance of a Building Permit for any structure to ensure conformance with all applicable Zoning Ordinance standards.

The Zoning Ordinance defines a building setback as a line designating the distance which a building must be set back from an existing or proposed property line, an existing or proposed sidewalk, public utility easement line, or an adopted street plan line, whichever distance is greater. Meaning that although the hammerhead driveway configuration would consume portions of the front yards of Lots 3 and 4 and portions of the rear yards of Lots 1 and 2, homes constructed within the proposed building envelopes would conform to all applicable setbacks as defined by the Zoning Ordinance.

Growth Management

The Residential Growth Management Section 18.02.100 of the Zoning Ordinance was adopted to ensure that growth within the City is consistent with goals and policies of the General Plan. A policy of the General Plan is to allow a population of no more than 12,000 and 4,700 households by the year 2025 to assure growth does not exceed the City's planned infrastructure capacity.

The growth management program allows for the issuance of building permits to construct up to 75 units per year, but also provides flexibility in the application of the policy so that growth does not exceed 375 units in any five year period.

In the five year period prior to 2015, the City had not issued any Building Permits for new dwelling units. The table below from Section 18.02.100.B lists all of the residential projects that the City has approved from January 2015 to the present and identifies the annual allocation in any calendar year and the method for arriving at the annual allocation.

Year	A Current Calendar Year Allocation	B Building Permits Issued in the Calendar Year	C A – B + 75 = Next Years' Allocation	D 5 year Moving Average
2015	75	32	118	32
2016	118	1		
2017				
2018				
2019				

A. Annual allocation is the number of Building Permits that can be issued in the calendar year.
B. Building Permits issued in the calendar year (entered at the end of the calendar year).
C. Annual allocation less permits issued plus 75 units for the next year equals the next years' allocation.
D. Moving average of past 5 years' permits, with 2015 being year one of the moving average. Five year moving average may not exceed 375 units.

As indicated in the table above, in 2015 Building Permits were issued for the 32 apartment units currently under construction at 100 Healdsburg Avenue known as Cloverdale Family Apartments, and so far in 2016 the City has issued only one building permit to construct one single-family dwelling. The table also shows that because not all of the 75 allocations were used in 2015, the allocation for 2016 is for 118 units. In conclusion, a sufficient amount of allocations currently exist that would allow for the construction of four single-family homes on the proposed four lots if Building Permits were issued in 2016.

Inclusionary Housing

The purpose of the City's Inclusionary Housing and Density Bonuses regulations listed in Chapter 18.13 is to create affordable housing units within the City through the requirement of In-lieu Fees or the actual construction of individual units within residential developments. The actual number of affordable housing units required to be constructed by these regulations is determined on a project by project basis because the requirement is that 15% of the units being constructed be affordable units. However, Chapter 18.13 is only applicable to housing developments comprising five (5) or more new dwelling units. The project involves the proposed subdivision of four new lots to construct four single-family dwelling units. As such, the City's Inclusionary Housing Ordinance is not applicable to the project because the project does not propose five or more new dwelling units.

Public Utilities and Infrastructure

Water/Sewer

The City's water and sewer mains exist within the N. Cloverdale Boulevard right-of-way. Conditions of approval require that improvement plans be submitted showing how development on the proposed lots would construct all necessary and required on-site and off-site improvements including the connection to existing City sewer and water.

Storm Water Drainage

In addition to the on-site storm water management requirements that each lot would be obligated to abide by whenever they are developed, minor grading and trenching would be required to convey excess storm water to the public right-of-way. Private storm drain easements are indicated on the

proposed Tentative Parcel Map and would be required for the conveyance of water across properties to the public right-of-way.

Roadways / Right-of-Ways
The existing width and alignment of N. Cloverdale Boulevard is sufficient for the proposed project and surrounding neighborhood and the City does not have any plans that call for further widening of the street to provide for more public right-of-way.

Underground Utilities
Chapter 12.12 (Underground Utility Districts) provides a process by which the City Council may, from time to time call a public hearing to ascertain whether the public necessity, health, safety or welfare requires the removal of poles, overhead wires and associated overhead structures from designated areas within the City.

Upon review of existing conditions at the project site and within the surrounding area, staff has determined that an underground utility district would not be required for the proposed project. This determination is based on the fact that the property is undeveloped with a frontage of less than 125 feet in length and currently the only overhead utilities are located along the N. Cloverdale Boulevard property frontage within the public right-of-way.

In this particular instance, requiring these utilities to be brought underground would not provide a significant public benefit to the City. On the basis of this information, staff is not proposing that an underground utility district be created around the project site but that a condition of approval be included requiring that all new utility services being brought to the project site be installed underground.

Trees
The project site is currently planted with a few bushes and fruit trees scattered throughout, including one 24" diameter walnut tree on the south side, one 24" diameter oak tree in the north east corner and one 6' diameter oak tree in the south west corner of the property. The proposed parcel map shows that all three trees would be located outside of building envelopes as well as the location of the proposed driveway. Although this project does not propose construction of any homes at this time, a condition of approval has been included requiring that upon submittal of an application for Design Review for construction of homes on the proposed lots, an arborist report be submitted that addresses the potential impacts of development and provides site specific tree protection measures.

Public Notice
The Notice of Public Hearing was published in the Cloverdale Reveille and properly posted on July 21, 2016. Notice of the public hearing was also mailed to property owners within 300' of the proposed project on July 21, 2016.

Environmental Review
The project involves the subdivision of an existing 0.52 acre property into four new lots with exceptions to the minimum lot size and lot depth requirements of the Zoning Ordinance. Article 19: Categorical Exemptions of the California Environmental Quality Act (CEQA) Guidelines includes a list of classes of projects which have been determined not to have a significant effect on the environment and are therefore exempt from the provisions of CEQA. Based upon the information contained in the application materials, as proposed, the project does not qualify for a Categorical Exemption under Class 15: Minor Land Divisions as the project requires exceptions to the minimum lot size and lot depth requirements.

In accordance with CEQA Guidelines section 15070, staff prepared an Initial Study which evaluated the potential impacts of the project on the environment and surrounding properties. In light of the whole record, there is no substantial evidence that with certain mitigation measures incorporated into the project, it may have a significant effect on the environment.

A Notice of Intent to adopt a Mitigated Negative Declaration for the project was posted with the Sonoma County Clerk for 30 days beginning on February 23, 2016 and concluded on March 23, 2016, and no public comments were received. A resolution (Attachment 3) is attached for the Commission's consideration recommending to the City Council the adoption of a Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program.

Should the Commission adopt the Resolution recommending approval of the Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program to the City Council and the City Council subsequently approves the project, a Notice of Determination would then be required to be posted with the Sonoma County Clerk within five (5) days of approval.

E. Staff Recommendation

Staff recommends the Planning Commission recommend to the City Council approval of the Tentative Parcel Map and PUD Permit Zoning Ordinance Amendment and Map Amendment, adoption of a Mitigated Negative Declaration and revised Zoning Ordinance to delete the Planned Development (P-D/15 Rink Mixed Use Project) Zoning District and rezone the parcel to the Two-Family Residential (R-2) Zoning District to allow for a small lot single-family detached four-lot subdivision with an exception to the minimum lot size and lot depth at 531 N. Cloverdale Boulevard, subject to the recommended conditions of approval.

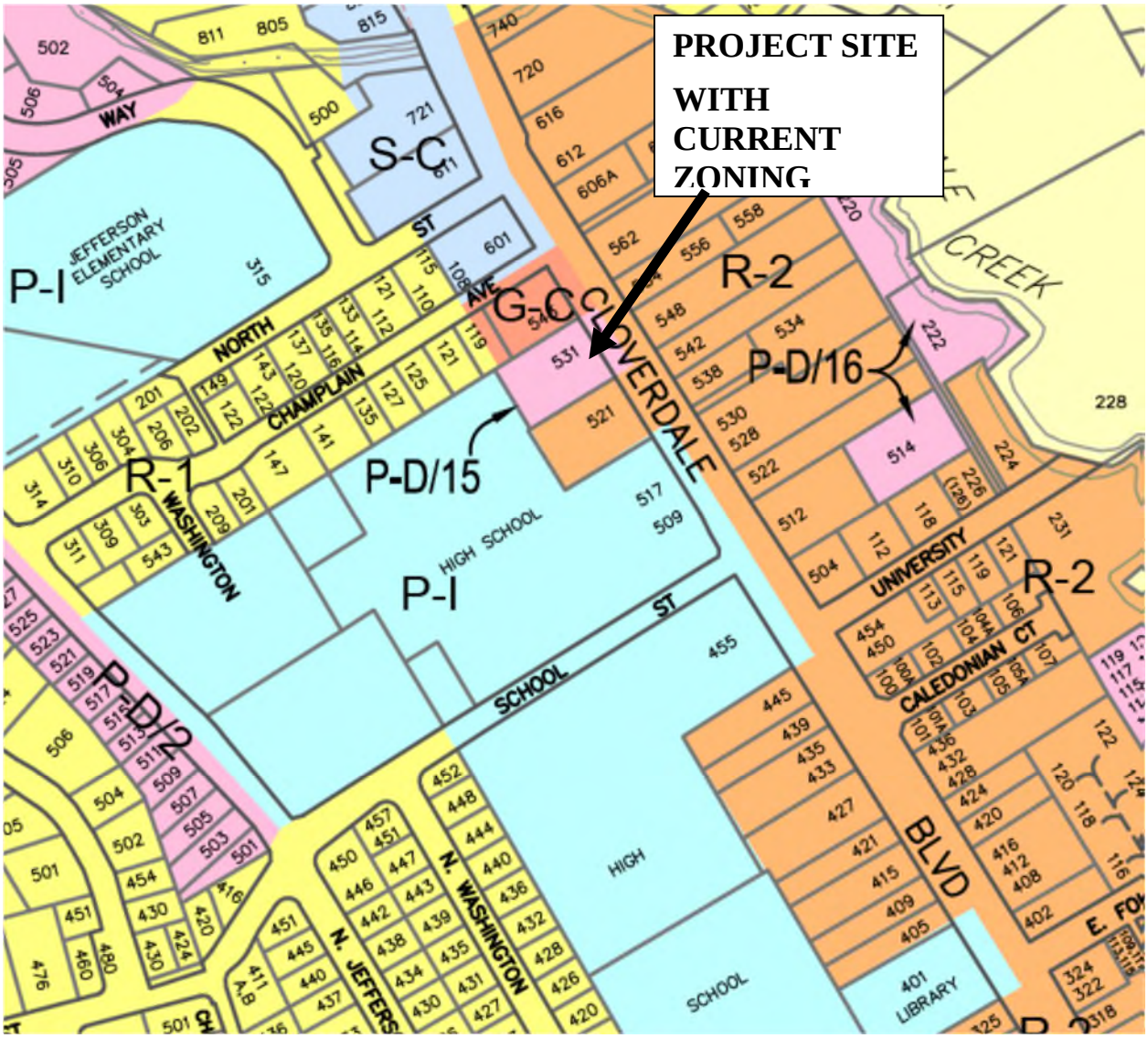
Attachments

1. Location Map/City Zoning Map
2. Draft Resolution No. 010-2016 - A Resolution recommending approval to the City Council of a Tentative Parcel Map, PUD Permit, Zoning Ordinance Amendment and Zoning Map Amendment for the 0.52 acre parcel located at 531 N. Cloverdale Boulevard (APN 001-021-021)
3. Draft Resolution No. 011-2016 - A Resolution recommending to the City Council the adoption of a Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program (MMRP) for a Tentative Parcel Map, PUD Permit, Zoning Ordinance Amendment and Zoning Map Amendment for the 0.52 acre parcel located at 531 N. Cloverdale Boulevard (APN 001-021-021)
4. Draft Resolution No. 012-2016 - A Resolution recommending approval to the City Council of an Ordinance rezoning the 0.52 acre parcel located at 531 N. Cloverdale Boulevard (APN 001-021-021) from "P-D/15 Rink Mixed use" to "R-2 – Two Family Residential "and deleting revised Zoning Ordinance to eliminate the Planned Development ("P-D/15 Rink Mixed Use Project") Zoning District from Section 18.08.020 P. P-D/15 Rink Mixed use of the Zoning Ordinance.
5. Tentative Parcel Map (date stamped June 2, 2016)
6. Zoning Ordinance Excerpts
7. Proposed Zoning Map Revision
8. Soils Report date stamped received October 20, 2015
9. CC & R's date stamped received May 4, 2016

X:\Community Development\Applications\2015\ZOA TM PUD 023-2015 Rink Subdivision - 531 N. Cloverdale Blvd\Rink parcel map PC SR - ZOA TM PUD.doc

ATTACHMENT 1

Location Map/City Zoning Map



ATTACHMENT 2

CITY OF CLOVERDALE
PLANNING COMMISSION
RESOLUTION NO. 010-2016

A RESOLUTION OF THE CITY OF CLOVERDALE PLANNING COMMISSION RECOMMENDING APPROVAL OF A TENTATIVE PARCEL MAP, PUD PERMIT AND ZONING ORDINANCE AND MAP AMENDMENT FOR THE 0.52 ACRE PARCEL LOCATED AT 531 N. CLOVERDALE BOULEVARD (APN 001-021-021)

WHEREAS, an application for a Tentative Parcel Map, PUD Permit, Zoning Ordinance and Map Amendment to rezone the 0.52 acres parcel located at 531 N. Cloverdale Boulevard from the Planned Development (P-D/15) Zoning District to the Two-Family Residential (R-2) Zoning District to allow for a small lot single-family detached four-lot subdivision with an exception to the minimum lot size and lot depth requirements was submitted by the applicant; and

WHEREAS, the site is currently designated Medium Density Residential (MDR) on the City's adopted General Plan Land Use Map and the proposal is consistent with the Medium Density Residential (MDR) land use designation of the General Plan which allows for a variety of development types including attached or detached single-family residential uses; and

WHEREAS, the project would provide a single-family residential subdivision within the density range allowed by the Medium Density Residential General Plan Land Use Designation of a maximum of eight dwelling units per acre and therefore has been determined to be consistent with the goals, policies and implementation measures of the General Plan; and

WHEREAS, the City Council adopted Ordinance No. 652-2007 on September 12, 2007, which changed the zoning of the project site to Planned Unit Development District (P-D/15) in accordance with a previously approved Tentative Map to subdivide the property into eight lots to allow a mixed use project, for which all entitlements have since expired; and

WHEREAS, the proposal to delete the P-D/15 Zoning District from the Zoning Text and Map and rezone the subject property to the Two-Family Residential (R-2) Zoning District is consistent with the applicant's request to allow for a small lot single-family detached four-lot subdivision with an exception to the minimum lot size and lot depth standards, which is an allowed use in the R-2 Zoning District, subject to PUD Permit approval; and

WHEREAS, Section 18.03.130 of the Zoning Ordinance authorizes the Planning Commission to approve PUD Permits on small parcels which do not meet the minimum acreage (minimum two acres) provisions for a Planned Unit Development District in

accordance with the PUD Permit Provisions for Residential Zoning Districts set forth in Zoning Ordinance Section 18.04.060; and

WHEREAS, Chapter 17.48.080 of the Cloverdale Municipal Code authorizes the Planning Commission to approve Tentative Parcel Maps; and

WHEREAS, Section 18.03.080 of the Cloverdale Zoning Ordinance authorizes the City Council to approve a Zoning Ordinance and Map Amendment after receiving recommendation from the Planning Commission; and

WHEREAS, the Planning Commission considered the request and a related staff report on August 2, 2016, for the purpose of reviewing the proposed PUD Permit, Tentative Subdivision Map, Zoning Ordinance and Map Amendment application and considered all written and verbal communication, including the staff report; and

WHEREAS, the applicant and members of the public were present to speak on the application; and

WHEREAS, the Planning Commission has determined that the findings for Tentative Parcel Map approval required by Section 17.48.140 of the Zoning Ordinance have been met. Based on the application information and the information contained in the staff report, the following findings have been made:

1. That the proposed map is consistent with applicable General and Specific Plans as specified in Section 65451 of the Government Code.

   The project provides a limited number of small lots within a conventional single-family area and contributes to the variety of housing within the City in accordance with General Plan Implementation LU 1-1.c. Additionally, although the project creates smaller lots than would normally be allowed, usable rear yards generally consistent with a private rear yard that could be expected in a standard single-family residential subdivision are provided for in accordance with General Plan Implementation LU 1-6.d. Therefore, the project is determined to be consistent with the goals, policies and implementation measures of the General Plan. There is no applicable specific plan.

2. That the design or improvement of the proposed subdivision is consistent with applicable General and Specific Plans.

   The project is consistent with applicable General Plan policies and will provide the City with a traditional single-family residential subdivision within the density range allowed by the Medium Density Residential (MDR) General Plan Land Use Designation of a maximum of eight dwelling units per acre. Therefore, the improvements and design are consistent with the General Plan. There is no applicable specific plan.

3. That the site is physically suitable for the type of development.

   The project site is relatively flat with direct access onto North Cloverdale Boulevard, and is large enough to support the four single-family residential lots of

approximately 5,613 square-feet each. The project site does not support stands of trees, waterways, wetlands or wildlife habitat and all existing trees are proposed to remain except for some bushes and a few non-native fruit trees. Together with the fact that the surrounding properties are developed with a mix of commercial, public and single-family residential uses, the project site is physically suitable for this type of development.

4. That the site is physically suitable for the proposed density of development.

   The 0.52 acre project site is large enough to support four single-family residential lots, which is consistent with the density range allowed by the MDR land use designation. The four lots are approximately 5,613 square-feet each in size and all would have useable front, side rear yards.

5. That the design of the subdivision or the proposed improvements are not likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat.

   The project site does not support a significant amount of vegetation and is devoid of any stands of trees, waterways, wetlands or wildlife habitat. Existing trees would remain including a large oak tree at the southwest corner of the site, and trees to be removed consist of a few non-native fruit trees.

   The City is under a regional National Pollutant Discharge Elimination System (NPDES) permit which requires that storm water runoff from newly created impervious surfaces be collected and allowed to infiltrate into the soil on-property, and not to cause an increase in the amount of storm water leaving the site.

   Therefore, the proposed improvements are not likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat.

6. That the design of the subdivision or type of improvements are not likely to cause serious public health problems.

   The project would not exceed the wastewater treatment requirement of the Sonoma County Regional Water Quality Control Board. The wastewater treatment plant is operating adequately and has the capacity to properly handle wastewater from the proposed development. The developer is responsible for Storm Drainage, Water Capacity and Wastewater Capacity Development Impact fees to assure that the city has sufficient water, wastewater and storm drain facilities for the project. In addition, the standard conditions of approval limit storm water impacts off site. Finally, side and rear yard setbacks would provide a buffer between the eventual homes to be constructed on the lots and the existing adjacent uses, and the design of the single-family residential subdivision is not likely to cause serious public health problems.

7. That the design of the subdivision or the type of improvements will not conflict with easements, acquired by the public at large, for access through or use of

property within the proposed subdivision. In this connection, the governing body may approve a map if it finds that alternate easements, for access or for use, will be provided, and that these will be substantially equivalent to ones previously acquired by the public. This subsection shall apply only to easements of record or to easements established by judgement of a court of competent jurisdiction, and no authority is hereby granted to a legislative body to determine that the public at large has acquired easements for access through or sue of property within the proposed subdivision.

The design of the subdivision would not conflict with easements because the submitted title report did not reveal that any easements exist on or through the property.

WHEREAS, the Planning Commission has determined that the findings for PUD Permit approval required by Section 18.03.130 of the Zoning Ordinance have been met. Based on the application information and the information contained in the staff report, the following findings have been made:

1. The proposed use is permitted within the subject Zoning District pursuant to the provisions of Section 18.03.130 and is in conformance with the goals, objectives and densities of the Cloverdale General Plan.

   According to Table 18.04.040-A of the Zoning Ordinance, Small Lot Single Family Detached units are an allowed use in the R-2 Zoning District, subject to approval of a PUD Permit. The Planning Commission is authorized to approve a PUD Permit for projects that meet all requirements of the underlying residential zoning district with the exception that minimum building site, minimum lot width and minimum front yard setbacks may be reduced, according to Section 18.04.060. Furthermore, in accordance with Section 18.03.150.C, a condition of approval has been added requiring that prior to submittal for a building permit to construct a house on any of the proposed lots, a Design Review Permit application shall be submitted for review and approval by the Planning Commission to ensure the objectives of the General Plan and substantial compliance with the Residential Design Guidelines for the City.

   The project is consistent with applicable General Plan policies and will provide the City with a traditional single-family residential subdivision within the density range allowed by the MDR General Plan Land Use Designation of a maximum of eight dwelling units per acre, and therefore is determined to be consistent with the goals, policies and implementation measures of the General Plan. There is no applicable specific plan.

2. The proposed project results in a use of land and a physical environment which equals or surpasses the quality of development that would be allowed under the regulations otherwise applicable to the Zoning District in which the project is located.

With the project providing an opportunity for four detached single-family residences to be constructed on what would be considered small lots (less than 6,000 square feet), the resulting product type would be more affordable to first time home buyers or people looking to downsize than if the property was split into two or three larger lots that would allow for the creation of larger homes that would command a higher purchase price. The City is currently experiencing a need for more housing that falls within a price range that would be considered affordable to families with children, first time home buyers, retirees and people who currently live in Cloverdale.

Although the minimum lot size and lot depth have been reduced, the proposed Tentative Parcel Map provides building envelopes showing where a home could be constructed on the proposed lots outside of the required setbacks and still provide usable front, side and rear yards on all lots. Finally, two separate public open space areas of 602 square feet each have been located on either side of the hammerhead driveway.

As such, the resulting development would be an asset to the City because it would provide an opportunity for the creation of a more affordable housing type than what would be developed through strict interpretation of the R-2 Zoning District development standards.

3. The site is suitable for the type and intensity of use or development that is proposed.

   The project will subdivide an approximately 0.52 acre property into four single-family residential lots. The proposed density of eight dwelling units per acre falls within the allowable density range of the MDR General Plan Land Use Designation. A minimal amount of grading would be required as the project site is relatively flat and direct access onto North Cloverdale Boulevard would be provided to each lot. The site is large enough to support four single-family residential lots of approximately 5,613 square-feet each in size. The project site does not support stands of trees, waterways, wetlands or wildlife habitat and is entirely surrounded by urban uses.

4. There are adequate provisions for water, sanitation and public utilities and services to ensure public health and safety.

   The project will not exceed the wastewater treatment requirement of the Sonoma County Regional Water Quality Control Board and According to the 2014 Infrastructure Audit, the city has adequate water, wastewater, stormwater facilities, and water supply for the project. In addition, the standard conditions of approval limit stormwater impacts off site. The developer is responsible for Storm Drainage, Water Capacity and Wastewater Capacity Development Impact fees to assure that the city has sufficient water, wastewater and storm drain facilities for the project. Current water supplies have been evaluated to supply a population of up to 12,000 citizens.

The proposed development would not adversely impact the level of service provided by the Fire District, Police Department, or School District. The developer would pay development impact fees that support these Departments and Districts City Wide. Maintenance of local roads and other public facilities would be provided by the City of Cloverdale and would be funded by increased property taxes and fees paid by future residents. Library service to the project area would continue to be provided by the Sonoma County Library system.

5. The proposed use will not be detrimental to the public health, safety, or welfare or materially injurious to properties and improvements in the vicinity.

   Conditions of approval require that prior to construction the homes go through the Design Review process by the Planning Commission to ensure compatibility with the existing neighboring uses. The Building Permit process would also help to ensure that the development would not be detrimental to the public health, safety, or welfare or materially injurious to properties and improvements in the vicinity as the homes would be required to be constructed in compliance with the latest adopted CA Building and Fire codes.

WHEREAS, the Planning Commission has determined that the findings for Zoning Ordinance and Map Amendment approval required by Zoning Ordinance Section 18.03.080 have been met. Based on the application information and the information contained in the staff report, the following findings have been made:

1. The proposed amendment is consistent with the adopted General Plan.

   The project will remove the P-D/15 Zoning District and replace it with the Two-Family Residential (R-2) Zoning District. The R-2 Zoning District is most compatible with the Medium Density Residential (MDR) General Plan Land Use Designation as the density range for the MDR designation provides for a maximum of eight dwelling units per acre, an increase from the Low Density Residential (LDR) General Plan Land Use Designation which allows for a maximum of four dwelling units per acre.

   The project would subdivide an approximately 0.52 acre property into four single-family residential lots. The proposed density of 8 dwelling units per acre falls within the allowable density range of the Medium Density Residential (MDR) General Plan Land Use Designation. The project provides a limited number of small lots within a conventional single-family area and contributes to the variety of housing within the City in accordance with General Plan Implementation LU 1-1.c. Additionally, although the project creates smaller lots than would normally be allowed, usable rear yards generally consistent with a private rear yard that could be expected in a standard single-family residential subdivision are provided for in accordance with General Plan Implementation LU 1-6.d. Therefore, the amendment is determined to be consistent with the goals, policies and implementation measures of the General Plan.

2. The proposed amendment is internally consistent with other applicable provisions of this Zoning Ordinance.

   The amendment would delete the P-D/15 Zoning District from the Zoning Ordinance Text and Zoning Map. This amendment is internally consistent with all applicable provisions of the Zoning Ordinance as the P-D/15 Zoning District was created for a specific mixed use development project for which all land use entitlements have since expired. The previous project included a Tentative Map to subdivide the property into eight lots to allow for seven dwelling units, three of which were live/work units featuring ground floor office space. Amending the P-D/15 Zoning District to the R-2 Zoning District is internally consistent with the project as the proposed use is an allowed use in the R-2 Zoning District.

3. The proposed amendment will not be detrimental to the public health, safety, or welfare or to the use of land in any adjacent zone.

   Conditions of approval require that prior to construction the homes go through the Design Review process by the Planning Commission to ensure compatibility with the existing neighboring uses. The Building Permit process would also help to ensure that the development would not be detrimental to the public health, safety, or welfare or materially injurious to properties and improvements in the vicinity as the homes would be required to be constructed in compliance with the latest adopted CA Building and Fire codes.

4. The site is suitable (including absence of physical constraints, access, compatibility with adjoining land uses, and provision of utilities) for the requested zoning district and anticipated land use/developments.

   The project would subdivide an approximately 0.52 acre property into four single-family residential lots. The proposed density of eight dwelling units per acre falls within the allowable density range of the MDR General Plan Land Use Designation. A minimal amount of grading would be required as the project site is relatively flat and direct access onto North Cloverdale Boulevard will be provided to each lot. The site is large enough to support four new lots of approximately 5,613 square-feet each. The project site does not support stands of trees, waterways, wetlands or wildlife habitat and is entirely surrounded by urban uses. City services and utilities will be provided to the project site including sewer and water, and a fire hydrant will be relocated slightly to the south in order to make room for the shared driveway.

NOW, THEREFORE BE IT RESOLVED the above recitals are true and correct and incorporated herein by reference; and

NOW, THEREFORE BE IT FURTHER RESOLVED that based on the above findings, the Planning Commission of the City of Cloverdale does hereby recommend that the City Council approve a Tentative Parcel Map, PUD Permit, Zoning Ordinance and Map Amendment (ZOA/TM/PUD 023-2015) and adopt a Mitigated Negative Declaration for the project to rezone the property located at 531 N. Cloverdale Blvd from the P-D/15

Zoning District to the Two-Family Residential (R-2) Zoning District to allow for a small lot single-family detached four lot subdivision with an exception to the minimum lot size and lot depth requirements at 531 N. Cloverdale Boulevard, subject to the conditions listed below:

CONDITIONS OF APPROVAL
RINK TENTATIVE PARCEL MAP, ZONING ORDINANCE AMENDMENT AND PUD PERMIT
531 N. CLOVERDALE BOULEVARD

Planning:

1. Zoning Ordinance and Map Amendment, PUD Permit and Tentative Parcel Map (ZOA/TM/PUD 023-2015) approval is granted to rezone the property located at 531 N. Cloverdale Blvd from the P-D/15 Zoning District to the Two-Family Residential (R-2) Zoning District to allow for a small lot single-family detached four lot subdivision with an exception to the minimum lot size and lot depth requirements at 531 N. Cloverdale Boulevard, Cloverdale, CA as summarized above and shown in the application materials submitted October 20, 2015, May 4, 2016 and June 2, 2016, to the Community Development Department. The applicant shall adhere to the Tentative Parcel Map, PUD Permit and Zoning Ordinance and Map Amendment (ZOA/TM/PUD 023-2015) application materials and the conditions of approval. Minor modifications to the approved plans and/or Conditions of Approval require Community Development Department approval. More significant modifications to the approved plans and/or Conditions of Approval require Planning Commission or City Council approval.
2. This approval is subject to appeal within 10 consecutive days from the date of approval.
3. The applicant shall print all of these Conditions of Approval on the building plan set prior to issuance of the Building Permit.
4. All conditions of this Tentative Parcel Map, PUD Permit and Zoning Ordinance and Map Amendment (ZOA/TM/PUD 023-2015) are necessary to protect the general health, safety and welfare, and to minimize or eliminate adverse environmental effects of the project. If any condition of this permit is held to be invalid by a court, then the entire permit shall be invalid. The Planning Commission specifically declares that it would not have issued this permit unless all of the conditions herein are held as valid.
5. This Tentative Parcel Map and PUD Permit (TM/PUD 023-2015) shall expire, and become null and void, two years from the date of approval unless exercised through the issuance of a building permit, or a written request for an extension of time is submitted to the Community Development Department prior to the expiration date and an extension is granted by the Planning Commission.

6. The approval of this permit shall be subject to the latest adopted Ordinances, Resolutions, Policies and fees of the City of Cloverdale. Applicant shall be responsible for any and all costs associated with any required special inspections necessary for the project.

7. The Developer shall pay all applicable development impact fees for Public Facilities, Parks & Recreation Facilities, Quimby Act (or Non-Quimby Act) Parkland Acquisition, Administration, Streets and Thoroughfares, Storm Drainage, Fire Facilities and Heath Care Public Facilities, upon the earlier of the date of final inspection or issuance of the certificate of occupancy for each lot, new development, or addition. Developer shall be charged and shall pay all applicable development impact fees for Water Capacity and Wastewater Capacity at the time an application for utility service is received. The developer shall pay all applicable school impact fees for each lot to the Cloverdale Unified School District per the school district policies and/or code.

Landscaping

8. The applicant or landowner shall maintain all landscaping, buildings, lighting, and grounds of the property in good condition and in conformity with the conditions of approval, at all times. Once a deterioration of the quality of such items is noted and documented by the City, the permit may be brought before the Planning Commission for enforcement action.

9. Landscaping and irrigation shall meet the requirements of the State of California's Model Water Efficient Landscape Ordinance (per Governor's Executive Order B-29-15) and shall be installed prior to issuance of Certificate of Occupancy.

Design

10. Prior to issuance of a Building Permit for any residence, a Design Review application shall be submitted to the Planning Department for review and approval of the construction drawings by the Planning Commission to ensure compatibility with the surrounding uses, compliance with the Residential Design Standards of Zoning Ordinance Section 18.10.050 and Table 18.10.030-B, as well as substantial conformance with the adopted Residential Design Guidelines.

11. Construction drawings for a home to be constructed on Lots 1 and 2 shall provide evidence in the form of an acoustical report prepared by a qualified acoustical engineer demonstrating that the proposed building construction will meet interior noise levels of 45 dBA CNEL required by General Plan Policy NE 1-1.

Lighting

12. When homes are constructed on the lots, all outdoor lighting fixtures shall comply with the requirements of Zoning Ordinance Section 18.09.050 and shall be installed prior to issuance of Certificate of Occupancy. All building mounted and site lighting shall be designed, located, installed, aimed downward or toward structures, shielded and maintained in order to prevent glare, light trespass and light pollution.

Construction

13. If prehistoric archaeological remains such as bone, shell, worked stone objects, or human graves are unearthed during project related activities, work in the immediate vicinity of the finds shall halt until a qualified prehistoric archaeologist has evaluated the situation and made recommendations for mitigation to the resource. If human remains are encountered the Sonoma County Coroner must be notified immediately.
14. In the event that construction activities unearth materials classified as having archaeological significance, such work shall be halted and the materials assessed for their archaeological value by a qualified archaeologist. If these materials are indeed classified as being archaeologically or historically sensitive, a mitigation program shall be developed for Planning Commission review and approval by the applicant, which is designed to protect and conserve these resources.
15. If historic-period materials such as stone or adobe foundations or walls, structural remains with square nails, backfilled privies or wells, or refuse deposits are encountered, work in the immediate vicinity of the finds shall halt until a qualified historical archaeologist has evaluated the situation and made recommendations for treatment of the resource.
16. If archaeological remains or resources are unearthed during construction or at any time in the future, all construction activity and work shall stop immediately and notify Vickey Macias of the Cloverdale Rancheria of Pomo Indians of California by email at vpeppernut@cloverdalerancheria.com or by phone at (707) 894-9860 and currently located at 555 South Cloverdale Boulevard, Cloverdale, California.

Trees

17. Upon submittal of an application for Design Review for construction of any home on the proposed lots, an arborist report shall be submitted that addresses the potential impacts of development and provides site specific tree protection measures.
18. Prior to initiating any construction activity on the project site, including demolition or grading, temporary protective fencing shall be installed at each site tree identified on the parcel map to remain.
19. Protective Fencing shall be located at the Tree Protection Zone (TPZ) illustrated on the Improvement Plans.
20. Fencing shall serve as a barrier to prevent encroachment of any type by construction activities, equipment, materials storage, or personnel.
21. The Tree Protection Zone (TPZ) shall be identified on the Improvement Plans and represents the area around each tree, or group of trees, which must be protected at all times with tree protection fencing.
22. No encroachment into the TPZ is allowed at any time without approval from the project arborist.
23. Contractors and subcontractors shall direct all equipment and personnel to remain outside the fenced area of the TPZ at all times until project is complete, and shall

instruct personnel and sub-contractors as to the purpose and importance of fencing and preservation.

24. No grading shall occur within the protective barriers without prior approval by the Director.
25. No attachments or wires other than those of a protective or non-damaging nature shall be attached to a protected tree.
26. Excavation or landscape preparation within the protective barriers shall be limited to the use of hand tools and small hand held power tools and shall not be of a depth that could cause root damage.
27. No equipment, solvents, paint, asphalt, or debris of any kind shall be placed, stored, or allowed within the protective barrier
28. Where pruning for clearance is required on any trees to remain, it should be done by trained, qualified tree workers according to ISA & ANSI A300 Pruning Guidelines, prior to construction. Pruning shall be the minimum necessary for hazard reduction, (i.e. the removal of deadwood 2" and larger, etc.) and for clearance.
29. If any roots larger than 1" on trees to be preserved are encountered during construction activities which cannot be retained, they shall be cut cleanly across the face of the root with a sharp saw, past any damaged portions.

Mitigation Monitoring and Reporting Program

30. All mitigation measures and requirements as listed in the Mitigation Monitoring and Reporting Program for the Rink Parcel Map are hereby incorporated as Conditions of Approval for this project.

Public Works/Engineering:

General Conditions:

31. Developer shall design and construct all improvements and facilities shown on any approved tentative map, site plan, or other documents submitted for permit approval, in accordance with the Cloverdale Municipal Code (CMC), the City of Cloverdale Design and Construction Standards. Approval of a tentative map depicting improvements that do not conform to the CMC or City standards does not constitute approval of an exception to the CMC or City standards unless explicitly stated herein or in another City resolution.
32. The developer shall be responsible for all City plan check, map check and inspection costs. The developer shall deposit funds with the City upon the initiation of plan or map check services. Additional funds may be required based upon actual plan check and inspection costs.
33. If any of the improvements which the applicant is required to construct or install is to be constructed or installed upon land in which the applicant does not have title or interest sufficient for such purposes, the applicant shall do all of the following at least

60 days prior to the filing of the final or parcel map for approval pursuant to Government Code Section 66457:

a. Notify the City of Cloverdale (hereafter "City") in writing that the applicant wishes the City to acquire an interest in the land which is sufficient for such purposes as provided in Government Code Section 66462.5;

b. Supply the City with (i) a legal description of the interest to be acquired, (ii) a map or diagram of the interest to be acquired sufficient to satisfy the requirements of subdivision (e) of Section 1250.310 of the Code of Civil Procedure, (iii) a current appraisal report prepared by an appraiser approved by the City which expresses an opinion as to the current fair market value of the interest to be acquired, and (iv) a current Litigation Guarantee Report;

c. Enter into an agreement with the City, guaranteed by such cash deposits or other security as the City may require, pursuant to which the applicant will pay all of the City's cost (including, without limitation, attorney's fees and overhead expenses) of acquiring such an interest in the land.

34. The applicant shall place an empty utility box and conduits along the entirety of the property's street frontage to the satisfaction of the City Engineer to facilitate the future undergrounding of existing overhead utilities.

35. Unless otherwise explicitly permitted, all existing wells, septic tanks and/or underground fuel storage tanks shall be abandoned under permit and inspection of Sonoma County Department of Health Services or other designated agency. If there are none, the project engineer shall provide a letter describing the scope of the search done to make this determination.

<u>Improvement Plan and Construction Conditions:</u>

36. Improvement plans shall be prepared and submitted by a California Registered Civil Engineer for the construction of all necessary and required on-site and off-site improvements including grading, water, sanitary sewer, storm drain facilities, roadway improvements, curbs, gutters, sidewalks, parkway strips and streetlights. All design and construction shall conform to the City of Cloverdale Design and Construction Standards, as applicable.

37. The applicant shall post sufficient surety guaranteeing the construction of any public improvements.

38. The applicant shall submit to the City of Cloverdale for review and approval, a grading plan prepared by a Registered Civil Engineer; shall obtain a Grading Permit; and shall post sufficient surety guaranteeing completion.

39. A detailed Soils Investigation/Geotechnical Report shall be prepared and submitted for review. The report shall address, at a minimum, potential for liquefaction, expansive soils and seismic risk. The improvement plans shall incorporate all design and construction criteria recommended in the Geotechnical Report.

40. All private water mains, sewer mains and storm drains shall be clearly labeled "Private" on the improvement plans.

41. Improvement plans shall include a storm water pollution prevention plan. Erosion control measures shall include hydroseeding of all graded slopes within 60 days of completion of grading.

42. Roadway Improvements:

    a. Where new improvements abut existing paving or concrete, the existing surface shall be saw-cut and reconstructed to provide adequate conforms. The limits of such reconstruction shall be as determined by the City Engineer or Public Works Director.

    b. Sidewalk warps shall be provided as necessary to allow a clear four-foot wide walkway at all locations, including areas where mailboxes, streetlights, and fire hydrants obstruct sidewalks.

    c. All broken or sunken curb, gutter and sidewalk along the project frontage shall be repaired as part of the improvements for this project. All existing nonconforming pedestrian facilities shall be brought up to current accessibility standards.

    d. It shall be the responsibility of parcel owner(s) to ensure that existing sidewalks along the contiguous property frontage and new driveway approaches comply with current accessibility (ADA) requirements and applicable City Standards. This may require reconstruction of all or part of the existing sidewalk fronting the parcels. Ongoing maintenance and responsibility shall apply to parcel owners as defined in the project's CC&Rs.

43. Water and Sanitary Sewer Improvements:

    a. Sewer grades must be designed such that ultimate finished floors are a minimum of 12" above the upstream manhole or clean-out rim elevation. Inadequate elevation differentials or grade on private laterals, as determined by the City, must be mitigated by either raising finished floor elevation(s) or installing privately owned and operated sewer lift station(s) with grinder/ejector pump(s) on site.

    b. Installation and maintenance of Water and Sewer service laterals shall be the responsibility of the individual parcel owners. Parcel owners shall retain ownership of Water and Sewer service laterals.

    c. Private sewer mains shall be installed by the developer in accordance with City Standards and ongoing maintenance and responsibility thereof shall apply to parcel owners as defined in the project's CC&Rs.

    d. Impact fees for new Water and Sewer service shall apply.

44. Drainage Improvements:

a. All project related flooding impacts shall be mitigated by the project developer. Drainage improvements shall be designed in accordance with the Sonoma County Water Agency Design Criteria and any applicable adopted City drainage plans.

b. The applicant shall submit for review and approval, drainage plans and hydraulic calculations prepared by a Registered Civil Engineer. The drainage plans and calculations shall indicate the following conditions before and after development:

   Quantities of water, water flow rates, major water courses, drainage areas and patterns, diversions, collection systems, flood hazard areas, sumps and drainage courses. Hydrology shall be per current Sonoma County Water Agency Standards. Storm drain flows post-development shall be limited to pre-development flows form the 10 and 100-year frequency storm. Any facilities needed to accommodate this (i.e. oversized pipes, detention basins, etc.) shall be installed within the development and be privately owned and maintained.

c. The applicant shall demonstrate for each building pad to the satisfaction of the City of Cloverdale as follows:

   I. Adequate protection from 100-year frequency storm; and

   II. Feasible access during a 10-year frequency storm.

d. The capacity and condition of proposed drainage facilities shall be analyzed and drainage improvements shall be constructed as necessary. This includes gutters and drainage inlets and swales. Site grading and drainage improvements shall be shown on the improvement plans.

e. All new drainage inlets shall be permanently marked “No Dumping-Flows to River”

f. A copy of the applicable FIRM map and hydrology and hydraulic calculations shall be submitted with the improvement plans per current City and Sonoma County Water Agency Standards.

g. Applicant shall design the project to include storm water post construction low-impact development best management practices (BMPs), CMC Section 16-10 et. seq. Refer to the City of Santa Rosa Low-Impact Development Manual and calculator for details. Both references are available online at: http://srcity.org/departments/utilities/stormwatercreeks/swpermit/Pages/swLIDtechManual.aspx

h. The applicant shall submit to the City of Cloverdale for review and approval, evidence of provisions for ongoing maintenance of bio-retention facilities and planting areas.

45. Parcel Map Conditions:

a. A parcel map, as defined in the State Subdivision Map Act, shall be prepared by a licensed surveyor or civil engineer, showing all parcels, rights-of-way, and easement(s) shall be filed with the City Engineers Office. The parcel map shall be in substantial conformance with the approved Tentative Map and all applicable conditions of approval. The parcel map is not valid until it has been approved and recorded.

b. The developer shall secure all necessary rights-of-way and easements for both onsite and offsite improvements. Rights-of-way and easements shall be dedicated on the map or provided by separate instrument. The developer shall prepare all necessary legal descriptions and deeds.

c. Pursuant to City Code Section 17.36.040, prior to parcel map submittal, detailed CC&Rs shall be submitted for City approval. The parcel map shall include reference to the CC&R document(s) with recording information.

d. The parcel map shall not be approved prior to approval of the improvement plans.

e. Prior to approval of the parcel map, the developer shall either complete required improvements in accordance with the approved improvement plans, or enter into an Improvement Agreement in accordance with Cloverdale Municipal Code Sections 17.44.230 and 17.44.240. A certificate of occupancy shall not be issued for any structure until required improvements are completed to the satisfaction of the City Engineer.

46. Construction Conditions:

a. No grading or other construction shall be performed until the improvement plans have been approved and signed by the City Engineer. Encroachment Permits and Building Permits will not be issued prior to the approval of the improvement plans. An Encroachment Permit is required for any work within the City's rights of way.

b. The developer shall keep adjoining public streets free and clean of project dirt, mud, materials, and debris during the construction period, as is found necessary by the City Engineer.

c. Before or any construction activity that would result in a land disturbance of one acre or larger, the developer shall provide evidence that a Notice of Intent has been submitted and received by the North Coast Regional Water Quality Control Board for a General Construction Activity Storm Water Permit. A copy of the project Storm Water Pollution Protection Plan shall be submitted to the City.

d. If any hazardous waste is encountered during the construction of this project, all work shall be immediately stopped and the Sonoma County Environmental Health Department, the Fire Department, the Police

Department, and the City Inspector shall be notified immediately. Work shall not proceed until clearance has been issued by all of these agencies.

e. Prior to final preparation of the subgrade and placement of base materials, all underground utilities shall be installed and service connections stubbed out behind the sidewalk. Public utilities, Cable TV, sanitary sewers, and water lines, shall be installed in a manner which will not disturb the street pavement, curb, gutter and sidewalk, when future service connections or extensions are made.

f. Where soil or geologic conditions encountered in grading operations are different from that anticipated in the soil and/or geologic investigation report, or where such conditions warrant changes to the recommendations contained in the original soil investigation, a revised soil or geologic report shall be submitted for approval by the City Engineer. It shall be accompanied by an engineering and geological opinion as to the safety of the site from hazards of land slippage, erosion, settlement, and seismic activity. Additionally, if field conditions warrant installation of any subdrains, the location, size and construction details must be provided to the City for review and approval prior to construction.

g. All streets, curbs, gutters, sidewalks or other public facilities damaged in the course of construction associated with this development shall be the responsibility of the Developer and shall be repaired to the satisfaction of the City at the Developer's expense.

h. The applicant shall submit a proposed haul route for all trucking associated with this project to the City Engineer for review and approval prior to commencement of construction.

i. All noise mitigation measures recommended in the Illingworth and Rodkin Inc. Noise Study dated January 15, 2003 shall be adhered to.

j. Dust control must be maintained to the City's satisfaction. Appropriate provisions shall be noted on the project plans and incorporated into the project CC&Rs to address any ongoing nuisance that may be caused by the access drive surfacing.

k. Work hours are limited to Monday through Friday from 7:00 a.m. to dark, but in no case shall work continue later than 7:00 p.m. Work hours on Saturdays shall be from 9:00 a.m. to 5:00 p.m. No work shall occur on Sundays or Holidays. Contractors shall schedule inspections 48 hours in advance by calling the Building Department at (707) 894-1725.

47. Subdivision Final and/or Release of Securities Conditions:

a. Prior to release of securities, all improvements shown on the Improvement Plans shall be completed and accepted by the City.

b. All punch-list work shall be completed and any outstanding inspection fees or other charges shall be paid prior to acceptance of the public improvements.

c. Developer shall provide sufficient surety guaranteeing the public improvements for a period of one year.

d. A complete set of As-Built or Record improvement plans showing all substantial changes from the original plans shall be certified by the Civil Engineer of record and submitted to the City Engineer prior to acceptance of the public improvements.

e. Prior to acceptance of the work, the developer shall provide a written statement signed by his or her engineer certifying that they observed the work during construction and that site grading and all private site improvements have been completed in accordance with the improvement plans approved by the City Engineer.

f. Prior to acceptance of the work, the developer shall provide a written statement signed by his or her geotechnical engineer certifying that they observed the work and reviewed testing results, and that all of work was performed in accordance with the recommendations included in the Soils Investigation/Geotechnical Report or other recommendations necessitated by field conditions.

Building:

48. All new construction and/or building modifications shall meet the applicable building and fire safety codes in effect at the time of ***building permit application.*** The 2013 edition of California Title 24, as adopted and amended by the City of Cloverdale, is currently in effect through December 31, 2016. Please be advised that the 2016 edition will become effective starting January 1, 2017.

49. The applicant shall submit construction documents for plan review as part of the required building permit application process. A Building Permit shall be obtained prior to construction and all work shall be inspected and approved prior to issuance of Certificate of Occupancy. The applicant shall include all conditions of approval on the building plans that are submitted to the Building Department.

50. The City of Cloverdale has adopted CALGreen Tier 1 compliance which requires exceeding the minimum energy Code compliance margin by 15 percent. One or more elective measures must be chosen from each Division of the CALGreen Code for Tier 1 compliance (such as electrical vehicle charging station(s) per Division 5.1). The applicant shall identify the Tier 1 compliance methodology on the plans and on checklists acceptable to the Building Department.

51. A design level soils report prepared by a California licensed Geotechnical Engineer is required per CBC 1803. The Geotechnical Engineer of Record shall provide a letter of review stating that the project construction documents are in conformance with the

report recommendations. The Geotechnical Engineer of Record shall also provide construction observation for conformance to the report recommendations.

Fire:

52. All structures will require full NFPA 13D fire sprinkler systems, residential fire and carbon monoxide systems.
53. The existing fire hydrant on North Cloverdale Boulevard shall be replaced with a City standard fire hydrant (TBD) to the satisfaction of the Cloverdale Fire Protection District.
54. Fire impact fees shall be paid directly to the City of Cloverdale. All fire code compliance plan check and permit fees will be paid directly to the Cloverdale Fire Protection District.

* * * * * * * * * * * * *

Resolution No. 010-2016 was duly adopted on this the 2nd day of August 2016, by the following roll call vote: (-ayes, -noes)

AYES:
NOES:
ABSTAIN:
ABSENT:

Approved: Attested:

_____ _____

Mike Shanahan, Chair Linda Moore, Deputy City Clerk

Attachment: Mitigation Monitoring and Reporting Program spreadsheet

X:\Community Development\Applications\2015\ZOA TM PUD 023-2015 Rink Subdivision - 531 N. Cloverdale Blvd\Rink parcel map PC Reso.docx

Mitigation Measure	Mitigation	Responsible Party for Monitoring/Enforcement	Timeframe	Monitoring Actions / Verification of Compliance
Aesthetics				
A1	An arborist shall prepare a plan that would reduce the impact of development to a less than significant level by requiring incorporation and implementation of specific tree protection measures into development plans. Staff may require changes in response to the arborist recommendations prior to issuance of the grading permit.	Planning	Prior to issuance of a grading permit	
A2	No grading shall occur under the 6-foot diameter oak tree. The final grading plan shall be design so that drainage does not flow into the dripline of the oak tree and that water is directed away from the dripline of the oak tree.	Planning	Prior to issuance of a grading permit	
A3	Prior to any grading, an arborist shall develop a tree protection plan for the two oak trees for review and approval by the Community Development Department. The grading plan shall have a note that no grading shall occur until the tree protection plan is approved and in place.	Planning	Prior to issuance of a grading permit	

Mitigation Measure	Mitigation	Responsible Party for Monitoring/Enforcement	Timeframe	Monitoring Actions / Verification of Compliance
A4	An arborist shall be present for any grading within the dripline of the 24" oak tree. An arborist shall supervise all limb and/or root pruning for either of the two oak trees.	Planning	On-going / during construction and grading activities	
A5	The developer shall adhere to the following tree protection measures during the construction of this project: 1. All trees to be saved shall be enclosed by a construction barrier placed around the protected zone of the tree, such as chain link fence or other means acceptable to the Community Development Director, prior to the issuance of any grading or building permit and prior to commencement of work. Fences are to remain intact until construction is complete.	Planning	Prior to commencement of grading and construction activities / On-going	

Mitigation Measure	Mitigation	Responsible Party for Monitoring/Enforcement	Timeframe	Monitoring Actions / Verification of Compliance
	2. Any excavation, cutting, filling, paving or compaction of the existing ground surface within the protected zone shall be minimized. No adverse significant change in existing ground level shall occur within the dripline of the protected tree. 3. Construction equipment shall not be stored within the protected zone. No oil, gas, chemicals or other substances that may be harmful to trees shall not be stored or dumped within the protected zone, or any other location on the site from which such substances might enter the protected zone.			

Mitigation Measure	Mitigation	Responsible Party for Monitoring/Enforcement	Timeframe	Monitoring Actions / Verification of Compliance
	4. Trenching within the protected zone of protected trees shall be avoided to the greatest extent possible. Underground trenching for utilities shall avoid major support and feeder roots of protected trees to the greatest extent possible. If avoidance is impractical, tunnels shall be made below the roots. Trenches shall be consolidated to service, as may units as possible. 5. The 6-foot valley oak and 24 inch live oak shall be preserved and removal is not anticipated. In the event that the24 inch live oak tree is removed or killed			

Mitigation Measure	Mitigation	Responsible Party for Monitoring/Enforcement	Timeframe	Monitoring Actions / Verification of Compliance
	because of circumstances unforeseen at time of approval, it shall be replaced with three boxed live oak trees, minimum 36-inch box tree.			

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ATTACHMENT 3

CITY OF CLOVERDALE
PLANNING COMMISSION
RESOLUTION NO. 011-2016

A RESOLUTION OF THE CITY OF CLOVERDALE PLANNING COMMISSION RECOMMENDING TO THE CITY COUNCIL THE ADOPTION OF A MITIGATED NEGATIVE DECLARATION AND MITIGATION MONITORING AND REPORTING PROGRAM (MMRP) FOR A TENTATIVE PARCEL MAP, PUD PERMIT, ZONING ORDINANCE AMENDMENT AND MAP AMENDMENT FOR THE 0.52 ACRE PARCEL LOCATED AT 531 N. CLOVERDALE BOULEVARD (APN 001-021-021)

WHEREAS, an application for a Tentative Parcel Map, PUD Permit, Zoning Ordinance Amendment and Map Amendment to rezone the 0.52 acres parcel located at 531 N. Cloverdale Boulevard from the Planned Development (P-D/15) Zoning District to the Two-Family Residential (R-2) Zoning District to allow for a small lot single-family detached four-lot subdivision with an exception to the minimum lot size and lot depth requirements was submitted by the applicant; and

WHEREAS, the site is currently designated Medium Density Residential (MDR) on the City's General Plan Land Use Map and the proposal is consistent with the Medium Density Residential (MDR) land use designation of the General Plan which allows for a variety of development types including attached or detached single-family residential uses; and

WHEREAS, the Project would provide a single-family residential subdivision with an approximate density of 8 dwelling units per acre within the density range allowed by the Medium Density Residential General Plan Land Use Designation, which is a maximum of eight dwelling units per acre and therefore has been determined to be consistent with the goals, policies and implementation measures of the General Plan; and

WHEREAS, the California Environmental Quality Act (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 prepared an Initial Study for the Project dated February 2016, to determine whether additional environmental review is required. Pursuant to CEQA Guidelines Section 15064 the City determined that with the incorporation of mitigation measures any impacts to the environment would be reduced to a less than significant level and posted a Notice of Intent to adopt a Mitigated Negative Declaration for the Project with the Sonoma County Clerk and was open for public comment from February 23, 2016 through March 14, 2016 during which no public comments were received; and

WHEREAS, on August 2, 2016, the Planning Commission held a properly noticed public hearing on the Project, at which time all interested parties had the opportunity to be heard; and

WHEREAS, a Staff Report dated August 2, 2016, and incorporated herein by reference described and analyzed the Project and related Initial Study and Mitigated Negative Declaration for the Planning Commission and recommended adoption of the Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program (MMRP) and approval of the Project; and

WHEREAS, the Planning Commission considered the Initial Study, Mitigated Negative Declaration and MMRP and all above-referenced reports, recommendations, and testimony before making a recommendation on the Project.

NOW, THEREFORE BE IT RESOLVED that the foregoing recitals are true and correct and made a part of this resolution.

BE IT FURTHER RESOLVED that the Planning Commission 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 Planning Commission. 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 Initial Study 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. An Initial Study was prepared for the Rink Tentative Parcel Map project and proper notice was provided in accordance with the California Environmental Quality Act (CEQA) Guidelines and local guidelines.
2. Based upon the Initial Study, potential impacts resulting from the project have been identified. Mitigation measures have been proposed and agreed to by the applicant as a condition of approval that will reduce potential impacts to less than significant. In addition, there is no substantial evidence that supports a fair argument that the project, as conditioned and mitigated, would have a significant effect on the environment.
3. That the project does not have the potential to have a significant adverse impact on wildlife resources as defined in the State Fish and Wildlife Code, either individually or cumulatively.
4. That the project is not located on a site listed on any Hazardous Waste Site List compiled by the State pursuant to Section 65962.5 of the California Government Code.
5. That the deciding body reviewed the Initial Study and considered public comments before making a recommendation of the project.
6. That a Mitigation Monitoring Program has been prepared to ensure compliance with the adopted mitigation measures.
7. That the record of proceedings of the decision on the project are available for public review at the City of Cloverdale Community Development Department, 124 North Cloverdale Boulevard, Cloverdale, CA.

BE IT FURTHER RESOLVED that the Planning Commission of the City of Cloverdale recommends that the City Council adopt the Initial Study and Mitigated Negative Declaration attached as Exhibit A (and incorporated herein by reference) together with the Mitigation Measures set forth in the Mitigation Monitoring Reporting Program (MMRP) attached thereto, pursuant to Article 6 of the CEQA Guidelines for the Rink Parcel Map Project.

* * * * * * * * * * * * * *

Resolution No. 010-2016 was duly adopted on this the 2nd day of August 2016, by the following roll call vote: (-ayes, -noes)

AYES:
NOES:
ABSTAIN:
ABSENT:

Approved: Attested:

_____ _____

Mike Shanahan, Chair Linda Moore, Deputy City Clerk

Exhibits

A. Initial Study and Mitigated Negative Declaration

X:\Community Development\Applications\2015\ZOA TM PUD 023-2015 Rink Subdivision - 531 N. Cloverdale Blvd\Rink Parcel Map PC Reso for MND - CEQA.docx

1. **Project title**:	Rink Minor Subdivision
2. Lead agency name and address:	City of Cloverdale 124 N. Cloverdale Boulevard Cloverdale, CA 95425
3. Contact person and phone number:	Rafael Miranda, Associate Planner
4. **Project location**:	531 North Cloverdale Boulevard (west side approximately 100 feet south of Champlain Avenue) APN 001-021-021
5. **Project sponsors name and address**:	Munselle Civil Engineering 513 Center Street Healdsburg, CA 95448
6. **General Plan designation:**	Medium Density Residential
7. **Zoning**:	P-D/15 (Planned Development)
8. Description of project:	Subdivision of a 0.52 acre lot (22,650 square feet) into four residential lots ranging in size from approximately 4,300 square feet to 6,900 square feet. One new 12-foot wide driveway would provide direct access to Lot 1 from North Cloverdale Boulevard. Lots 2 through 4 would be accessed from a new 20-foot wide shared driveway off of North Cloverdale Boulevard. The lots would be graded at the time of construction, and an existing fire hydrant would be relocated to make room for the shared driveway. A six-foot diameter oak tree would be preserved in the south west corner of Lot 4, where a public open space easement would provide all lots with access to a shared open space area.
9. Surrounding land uses and setting:	The project is located on the west side of North Cloverdale Boulevard. The property to the north at 543 North Cloverdale Boulevard contains a commercial building and is zoned Service Commercial (S-C), while the other property to the north at 119 Champlain Avenue contains a single-family residence and is zoned Single-Family Residential (R-1). The properties to the south and east are zoned Two-Family Residential (R-2) and

developed with residential uses. The property to the west is part of Cloverdale High School and is zoned Public Institutional (P-I).

10. Other public agencies whose approval is required:

The City of Cloverdale is the only agency involved in permit issues including, but not limited to, encroachment permits, the Building Department for building permits and the Planning Department for Design Review.

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.

X	Aesthetics	-	Agricultural Resources	-	Air Quality
X	Biological Resources	-	Cultural Resources	-	Geology/Soils
-	Greenhouse Gas Emissions	-	Hazards and Hazardous Materials	-	Hydrology/Water Quality
-	Land Use/ Planning	-	Mineral Resources	-	Noise
-	Population/Housing	-	Public Services	-	Recreation
-	Transportation/ Circulation	-	Utilities/Service Systems	-	Mandatory Findings of Significance

Determination (to be completed by Lead Agency):

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.

_X_ 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 the mitigation measures described on an attached sheet have been added to the project. A **Mitigated Negative Declaration** will be prepared.

___ I find that although the proposed project **may** have a significant effect 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 measures based on earlier analysis as described on the attached sheets, if the effect is a "potentially significant impact" or "potentially significant unless mitigated." An **Environmental Impact Report** is required, but must only analyze the effects that remain to be addressed.

___ 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 all potentially significant effects (a) have been analyzed adequately in an earlier EIR pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR, including revisions or mitigation measures that are imposed on the proposed project.

Signature: _____ Date: _____

Printed Name: _____ For: _____

Evaluation of Environmental Impacts

1) A brief explanation is required for all answers except "no impact" answers that are adequately supported by the information sources a lead agency cites in the parenthesis following each question. A "no impact" answer is adequately supported if the referenced information sources show that the impact simply does not apply to projects like the one involved (e.g. the project falls outside a fault rupture zone). A "no impact" answer should be explained where it is based on project-specific factors as well as general factors (e.g. the project will not expose sensitive receptors to pollutants, based on a project-specific screening analysis).

2) All answers must take account of the whole action, including off-site as well as on-site, cumulative as well as project-level, indirect as well as direct, and construction as well as operational impacts.

3) "Potentially Significant Impact" is appropriate if there is substantial evidence that an effect is significant. If there are one or more "potentially significant impact" entries when the determination is made, an EIR is required.

4) "Negative Declaration: Less-Than-Significant Unless Mitigation Incorporated" implies elsewhere the incorporation of mitigation measures has reduced an effect from "potentially significant effect" to a "less than significant impact." The lead agency must describe the mitigation measures and briefly explain how they reduce the effect to a less than significant level.

5) Earlier analyses may be used where, pursuant to the tiering, program EIR, or other CEQA process, an effect has been adequately analyzed in an earlier EIR or negative declaration Section 15063(c)(3)(D). In this case, a brief discussion should identify the following:

   a. Earlier Analysis Used. Identify and state where they are available for review.
   b. Impacts Adequately Addressed. Identify which effects from the above checklist were within the scope of and adequately analyzed in an earlier document pursuant to applicable legal standards, and state whether such effects were addressed by mitigation measures based on the earlier analysis.
   c. Mitigation Measures. For effects that are “Less-Than-Significant with Mitigation Measures Incorporated,” describe the mitigation measures which were incorporated or refined from the earlier document and the extent to which they address site-specific conditions for the project.

6) Lead Agencies are encouraged to incorporate into the checklist references to information sources for potential impacts (e.g., general plans, zoning ordinances). Reference to a previously prepared or outside document should, where appropriate, include a reference to the page or pages where the statement is substantiated.

7) Supporting Information Sources: A source list should be attached, and other sources used or individuals contacted should be cited in the discussion.

8) This is a suggested form, and lead agencies are free to use different formats; however, lead agencies should normally address the questions from this checklist that are relevant to a project's environmental effects in whatever format is selected.

9) The explanation of each agency should identify: (a) the significance criteria or threshold, if any, used to evaluate each question; and (b) the mitigation measure identified, if any, to reduce the impact to a less than significant level.

10) In 2003, the Cloverdale City Council adopted an Initial Study and Mitigated Negative Declaration for a different project that was previously planned for this property. The previous application was for a Conditional Use Permit and Design Review to construct a mixed use project featuring 10 apartment units totaling 8,055 square-feet and 1,166 square-feet of office space. The Initial Study included mitigation measures related to tree protection, as well as the protection and preservation of any prehistoric or archeological remains that could be uncovered during the course of construction.

V. ENVIRONMENTAL CHECKLIST

The following Environmental Checklist form is used to describe the impacts of the proposed project, as detailed in the Project Description. Potential environmental impacts are described as follows:

Potentially Significant Impact: An environmental impact that could be significant and for which no feasible mitigation is known. If any potentially significant impacts are identified in this Checklist, an Environmental Impact report (EIR) must be prepared.

Potentially Significant Unless Mitigated: An environmental impact that requires the incorporation of mitigation measures to reduce that impact to a less-than-significant level.

Less-Than-Significant-Impact: An environmental impact may occur, however, the impact would not be considered significant based on CEQA environmental standards.

No Impact: No environmental impacts are proposed.

1. Aesthetics

Environmental Setting

The project site is currently vacant and undeveloped. No public parks, playgrounds or scenic overlooks exist on the site and the site is not located along a scenic highway. Similarly, no natural features such as stands of trees, rock outcroppings, bodies of water or similar features, are present on the site.

Surrounding uses include residential and commercial to the north, residential uses to the east and south, and public institutional (Cloverdale High School) to the west.

Project Impacts

Issue	Potentially Significant Impact	Potentially Significant Unless Mitigated	Less Than Significant Impact	No Impact
Would the Proposal:				
a. Have a substantial adverse effect on a scenic vista?				X
b. Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?		X		
c. Substantially degrade the existing visual character or quality of the site and its surroundings?				X
d. Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?			X	

Discussion

a) The project site is located on the valley floor and does not contain scenic views or dynamic vistas. The eventual homes to be constructed on the lots would be limited to the maximum building height allowed by the Zoning Ordinance for the R-2 Zoning District,

which is 35 feet or two-stories, whichever is less. Furthermore, residential structures located to the south and across the street to the east are located far enough away that any views which currently exist of the surrounding hillsides would not be significantly impacted by the eventual construction of single-family residential homes on the proposed lots.

b) Potentially Significant Unless Mitigated - Although the project proposes to retain a significant 6-foot diameter oak tree or a 24" oak tree the property, significant impacts to the trees remain a possibility due to their proximity to the proposed building envelope on Lots 1 and 4. As a result, the trees should be protected during construction. Standard conditions of approval could accomplish most of these recommendations, however additional mitigation is required to design a tree protection plan and mitigation monitoring program. The overall impact to the trees, and the existing site aesthetics, would be reduced to a less-than-significant level by adherence to the following measures to be added to the conditions of approval:

Mitigation Measure Aesthetics-1: An arborist shall prepare a plan that would reduce the impact of development to a less than significant level by requiring incorporation and implementation of specific tree protection measures into development plans. Staff may require changes in response to the arborist recommendations prior to issuance of the grading permit.
Mitigation Measure Aesthetics-2: No grading shall occur under the 6-foot diameter oak tree. The final grading plan shall be design so that drainage does not flow into the dripline of the oak tree and that water is directed away from the dripline of the oak tree.
Mitigation Measure Aesthetics-3: Prior to any grading, an arborist shall develop a tree protection plan for the two oak trees for review and approval by the Community Development Department. The grading plan shall have a note that no grading shall occur until the tree protection plan is approved and in place.
Mitigation Measure Aesthetics-4: An arborist shall be present for any grading within the dripline of the 24" oak tree. An arborist shall supervise all limb and/or root pruning for either of the two oak trees.
Mitigation Measure Aesthetics-5: Include the following standard tree protection conditions of approval:

1. The developer shall adhere to the following tree protection measures during the construction of this project:
2. All trees to be saved shall be enclosed by a construction barrier placed around the protected zone of the tree, such as chain link fence or other means acceptable to the Community Development Director, prior to the issuance of any grading or building permit and prior to commencement of work. Fences are to remain intact until construction is complete.
3. Any excavation, cutting, filling, paving or compaction of the existing ground surface within the protected zone shall be minimized. No adverse significant change in existing ground level shall occur within the dripline of the protected tree.
4. Construction equipment shall not be stored within the protected zone. No oil, gas, chemicals or other substances that may be harmful to trees shall not be stored or

dumped within the protected zone, or any other location on the site from which such substances might enter the protected zone.

5. Trenching within the protected zone of protected trees shall be avoided to the greatest extent possible. Underground trenching for utilities shall avoid major support and feeder roots of protected trees to the greatest extent possible. If avoidance is impractical, tunnels shall be made below the roots. Trenches shall be consolidated to service, as may units as possible.
6. The 6-foot valley oak and 24 inch live oak shall be preserved and removal is not anticipated. In the event that the24 inch live oak tree is removed or killed because of circumstances unforeseen at time of approval, it shall be replaced with three boxed live oak trees, minimum 36-inch box tree.

c-d) The project site is located on the valley floor and does not contain scenic views or dynamic vistas. The two mature oak trees would be protected through construction of the homes to be eventually constructed on the proposed lots, helping to preserve some of the existing visual character of the project site. The eventual homes to be constructed on the lots would be limited to the maximum building height allowed by the Zoning Ordinance for the R-2 Zoning District, which is 35 feet or two-stories, whichever is less. Finally, impacts related to lighting and glare would be reduced to a less-than-significant level by adherence to the requirements of Section 18.09.050 (Outdoor Lighting) of the Zoning Ordinance, as these requirements would be included along with the standard conditions of approval. These regulations seek to prevent glare and light pollution by requiring all exterior lighting and lighting fixtures to be designed, located, installed, aimed and maintained downward or toward structures.

2. Agricultural and Forestry Resources

Environmental Setting

No portion of the project site is used for or zoned for agricultural production. No timber resources exist on the site. No Williamson Act contract or Timber Preserve contract exists on the site

Project Impacts:

Issue	Potentially Significant Impact	Potentially Significant Unless Mitigated	Less Than Significant Impact	No Impact
Would the proposal:				
a. Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland mapping and				X

Monitoring Program of the California Resources Agency, to non-agricultural use?				
b. Conflict with existing zoning for agricultural use, or a Williamson Act contract?				X
c. Conflict with existing zoning for, or cause rezoning of forest land (as defined by PRC Sec. 12220(g), timberland (as defined in PRC Sec. 4526), or timberland zoned Timberland Production (as defined in PRC Sec. 51104 (g)?				X
d. Result in the loss of forest land or conversion of forest land to non-forest use?				X
e. Involve other changes in the existing environment which, due to their location or nature, could result in conversion of farmland to a non-agricultural use or conversion of forest land to a non-forest use?				X

Discussion

a-e) There would be no impact to agricultural or forestry resources since the site is surrounded by urban uses and aside from a few fruit trees and shrubs only four trees exist on the property (two oak trees and two walnut trees). The site is zoned Two-Family Residential (R-2) wherein small lot detached single-family residences are allowed with approval of a PUD Permit, which the applicants have applied for as well. The site does not contain land that is part of a Williamson Act contract. Furthermore, the project would not convert Prime Farmland, Unique Farmland or Farmland of Statewide Importance, as the site is not listed on any maps prepared pursuant to the Farmland Mapping and Monitoring Program.

3. Air Quality

Environmental Setting

The City of Cloverdale is located at the northern end of Sonoma County, and lies within the Northern Sonoma County Air Pollution Control Districts (NSCAPCD) jurisdiction. The NSCAPCD develops rules and regulations, and establishes permitting requirements, inspects emissions sources, and enforces such measures through educational programs or fines when necessary.

Project Impacts

Issue	Potentially Significant Impact	Potentially Significant Unless Mitigated	Less Than Significant Impact	No Impact
Would the Proposal:				
a. Conflict with or obstruct implementation of the applicable air quality plan?				X
b. Violate any air quality standard or contribute substantially to an existing or projected air quality violation?				X
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)?				X
d. Expose sensitive receptors to substantial pollutant concentrations?				X
e. Create objectionable odors affecting a substantial number of people?				X

Discussion

a-e) Air pollution concerns for the City of Cloverdale were addressed in the Environmental Impact Report (EIR) for the last General Plan update completed in 2009. According to the EIR, due to the temporary nature of construction related impacts and required compliance with NSCAPCD rules and regulations, these impacts would not result in excess exposure of pollutant levels to sensitive receptors and are considered to be less than significant.

The NSCAPCP is currently in attainment for all criteria pollutants and any increase in criteria emissions is already accommodated for by the air district. As a result, the area would remain in attainment for criteria pollutants and any impacts from increased emissions from the City of Cloverdale are considered less than significant.

4. Biological Resources

Environmental Setting

The project site is undeveloped and vacant with minimal natural features except for a number of trees. The site is surrounded by urban uses and aside from fruit trees and shrubs only four trees exist on the property (two oak trees and two walnut trees). The oak trees measure 24" and 6 feet in diameter. No wetlands or special-status species currently exist on the site, nor is the project site located within a Habitat Conservation Plan area.

Impacts and Mitigation Measures from Previous CEQA documents.

The 2003 IS/MND contained the following impacts and mitigation measures related to biological resources; The current project would also be required to comply with the following:

- **Mitigation Measure Biology-1:** An arborist shall prepare a plan that would reduce the impact of development to a less than significant level by requiring incorporation and implementation of specific tree protection measures into development plans. Staff may require changes in response to the arborist recommendations prior to issuance of the grading permit.
- **Mitigation Measure Biology-2:** No grading shall occur under the 6-foot diameter oak tree. The final grading plan shall be design so that drainage does not flow into the dripline of the oak tree and that water is directed away from the dripline of the oak tree.
- **Mitigation Measure Biology-3:** Prior to any grading, an arborist shall develop a tree protection plan for the two oak trees for review and approval by the Community Development Department. The grading plan shall have a note that no grading shall occur until the tree protection plan is approved and in place.
- **Mitigation Measure Biology-4:** An arborist shall be present for any grading within the dripline of the 24" oak tree. An arborist shall supervise all limb and/or root pruning for either of the two oak trees.
- **Mitigation Measure Biology-5:** Include the following standard tree protection conditions of approval:
    1. The developer shall adhere to the following tree protection measures during the construction of this project:

2. All trees to be saved shall be enclosed by a construction barrier placed around the protected zone of the tree, such as chain link fence or other means acceptable to the Community Development Director, prior to the issuance of any grading or building permit and prior to commencement of work. Fences are to remain intact until construction is complete.
3. Any excavation, cutting, filling, paving or compaction of the existing ground surface within the protected zone shall be minimized. No adverse significant change in existing ground level shall occur within the dripline of the protected tree.
4. Construction equipment shall not be stored within the protected zone. No oil, gas, chemicals or other substances that may be harmful to trees shall not be stored or dumped within the protected zone, or any other location on the site from which such substances might enter the protected zone.
5. Trenching within the protected zone of protected trees shall be avoided to the greatest extent possible. Underground trenching for utilities shall avoid major support and feeder roots of protected trees to the greatest extent possible. If avoidance is impractical, tunnels shall be made below the roots. Trenches shall be consolidated to service, as may units as possible.
6. The 6-foot valley oak and 24 inch live oak shall be preserved and removal is not anticipated. In the event that the24 inch live oak tree is removed or killed because of circumstances unforeseen at time of approval, it shall be replaced with three boxed live oak trees, minimum 36-inch box tree.

Project Impacts

Issue	Potentially Significant Impact	Potentially Significant Unless Mitigated	Less Than Significant Impact	No Impact
Would the proposal result:				
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?				X

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?				X
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?				X
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 native wildlife nursery sites?				X
e. Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?		X		
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?				X

Discussion

a-f) The City of Cloverdale does not currently have a Tree Preservation Ordinance, although the General Plan encourages the preservation of mature trees. The mitigation measures referenced above related to tree impacts and preservation from the 2003 IS/MND are included as conditions of approval and would be required to be incorporated into any development plans for the site, reducing impacts to a less-than-significant level. Tree protection measures and mitigations are also included in the Aesthetics section of this Initial Study that would be added to the conditions of approval for this project to ensure that the two mature oak trees on the project site would be protected.

5. Cultural Resources

Environmental Setting

The project site contains no above ground historic resources, as it is vacant and undeveloped.

Project Impacts

Issue	Potentially Significant Impact	Potentially Significant Unless Mitigated	Less Than Significant Impact	No Impact
Would the proposal result: *in*: *impacts to:*				
a. Cause a substantial adverse change in the significance of a historical resource as defined in Sec. 15064.5?			X	
b. Cause a substantial adverse change in the significance of an archaeological resource pursuant to Sec. 15064.5?			X	
c. Directly or indirectly destroy a unique paleontolgical resource or				X

	site or unique geologic feature?			
d.	Disturb any human remains, including those interred outside of formal cemeteries?		X	

Discussion

a-d) Based on existing site conditions, no disturbance of any cultural, historic, archeological or Native American resource has been or would be impacted should the project be approved and implemented. The site has not been identified on any cultural resources surveys. Standard conditions of approval include conditions and procedures to be followed if prehistoric or archaeological resources are discovered that would reduce any potential impacts to these resources to a less-than-significant level. If prehistoric archaeological remains such as bone, shell, worked stone objects, or human graves are unearthed during project related activities, work in the immediate vicinity of the finds would be stopped until a qualified prehistoric archaeologist evaluated the situation and made recommendations for mitigation to the resource. If human remains are encountered the Sonoma County Coroner would be notified immediately.

6. Geology and Soils

Environmental Setting

This section of the Initial Study is based on an analysis of local geologic conditions conducted by the firm of PJC & Associates Inc dated October 7, 2015, which is incorporated by reference into this Initial Study. The PJC report is available for review at the Cloverdale Planning Department during normal business hours.

The project site is relatively flat with no steeply sloping areas located on or adjacent to the site. The site is blanketed by a layer of porous and organic rich clayey sand topsoil near the surface. Boreholes encountered this weak and compressible topsoil to depths of approximately three feet below the existing ground surface.

The PJC report notes that the project site is located in a region that contains numerous active earthquake faults. The nearest known active faults are the Maacama South and the Maacama Central Faults located approximately 2.7 and 2.9 miles from the site, respectively. The project site is not located in an Earthquake Fault Zone.

The presence of groundwater was not encountered during their filed exploration, and the report states that groundwater should not be a significant consideration during construction of the project.

Project Impacts

Issue	Potentially Significant Impact	Potentially Significant Unless Mitigated	Less Than Significant Impact	No Impact
Would the proposal:				
a. Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:			X	
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.				X
ii) Strong seismic ground shaking?			X	
iii) Seismic-related ground failure, including liquefaction?				X
iv) Landslides?				X
b. Result in substantial soil erosion or the loss of topsoil?			X	
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?			X	

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?			X	
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 waste water?				X

Discussion

a-d) A Geotechnical Investigation was prepared for this site by PJC & Associates Inc, dated October 7, 2015. The report states that the soils are satisfactory to support the proposed project, but the soils are weak and would need compaction and proper foundations constructed to respond to soils conditions. The report concludes that the project site is not located within an Alquist-Priolo Earthquake Fault Zone or State of California Earthquake Fault Studies Zone, and there are no active faults on the site.

There is a potential for strong seismic shaking, and buildings would be designed in accordance with the California Building Code standard adopted for the City, and as required by standard conditions of approval. Additionally, the standard conditions of approval require that the project be developed in accordance with the Geotechnical Investigation prepared for this site by PJC & Associates Inc, dated October 7, 2015. Therefore, this impact would be reduced to a less than significant level.

e) The project would not be utilizing alternative means of disposing of wastewater. The development would be required to connect to existing City services.

7. Greenhouse Gas Emissions

Environmental Setting

Since certification of the General Plan EIR in 2009, the issue of contribution of greenhouse gasses to climate change has become a more prominent issue of concern. On March 18, 2010, amendments to the State CEQA Guidelines took effect which set forth requirements for the analysis of greenhouse gasses. The topic of the project's contribution to greenhouse gas emissions and climate change was not analyzed in the 2009 General Plan EIR. Since the 2009 General Plan was certified, the determination of whether greenhouse gasses and climate change

needs to be analyzed for this proposed project is governed by the law on supplemental or subsequent EIRs (Public Resources Code section 21166 and Guidelines, Sections 15162 and 15163). Greenhouse gas and climate change is not required to be analyzed under those standards unless it constitutes "new information of substantial importance, which was not known and could not have been known at the time the previous EIR was certified as complete" (CEQA Guidelines Sec. 15162 (a) (3).) Greenhouse gas and climate change impacts is not new information that was not known or could not have been known at the time the General Plan EIR was adopted. The issue of climate change and greenhouse gasses was widely known prior to the certification of these EIRs. The United Nations Framework Convention on Climate Change was established in 1992. The regulation of greenhouse gas emissions to reduce climate change impacts was extensively debated and analyzed throughout the early 1990s. The studies and analyses of this issue resulted in the adoption of the Kyoto Protocol in 1997. In the early and mid 2000s, GHGs and climate change were extensively discussed and analyzed in California. In 2000, SB 1771 established the California Climate Action Registry for the recordation of greenhouse gas emissions to provide information about potential environmental impacts. In 2005, the Governor issued Executive Order # S-03-05 establishing greenhouse gas emission reduction targets in California. AB 32 was adopted in 2006. Therefore, the impact of greenhouse gases on climate change was known at the time of the certification of the General Plan EIR in 2009. Under CEQA standards, it is not new information that requires analysis in a supplemental EIR or negative declaration. No supplemental environmental analysis of the project's impacts on this issue is required under CEQA.

Project Impacts:

Issue	Potentially Significant Impact	Potentially Significant Unless Mitigated	Less Than Significant Impact	No Impact
Would the proposal:				
a. Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?				X
b. Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?				X

Discussion:

a-b) As discussed above, no additional environmental analysis is required.

8. Hazards

Environmental Setting

The site does not contain contaminated soils, and no public or private airports or airstrips exist within or near the project site.

Project Impacts

Issue	Potentially Significant Impact	Potentially Significant Unless Mitigated	Less Than Significant Impact	No Impact
Would the proposal:				
a. Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?				X
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?				X
c. Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?				X
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,				X

would it create a significant hazard to the public or the environment?				
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?				X
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?				X
g. Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?				X
h. Expose people or structures to a significant risk of loss, injury or death involving wildland fire, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?				X

Discussion

a-d) No hazards have been identified on this site in studies from surrounding properties or from the geotechnical investigation performed for this project.

e-h) This project site is not near an airstrip nor would the development of the site impair implementation of emergency response plans. The site is located on the valley floor and is not located in a Wildland Urban Interface (WUI) area.

9. Hydrology and Water Quality

Environmental Setting

No creeks, wetlands or other bodies of water exist on the site. The project is not located within a 100-year flood hazard area as documented on the Federal Emergency Management Agency (FEMA) Flood Insurance Rate Map Community Panel No. 06097C0117E.

Project Impacts

Issue	Potentially Significant Impact	Potentially Significant Unless Mitigated	Less Than Significant Impact	No Impact
Would the proposal:				
a. Violate any water quality standards or waste discharge requirements?				X
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?				X
c. Substantially alter the existing drainage pattern of the site or 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?				X
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?				X
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?				X
f. Otherwise substantially degrade water quality?				X
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?				X
h. Place within a 100-year flood hazard area structures which would impede or redirect flood flows?				X
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?				X
j. Inundation by seiche, tsunami, or mudflow?				X

Discussion

a) A primary concern of storm water runoff is the pollution associated with the construction and development at the site. Sediment from grading and excavation activities, oil and grease from equipment and vehicles, fertilizers and herbicides are all considered non-point source (NSP) pollutants. An Erosion Control Plan for project is required to be submitted showing that it would not increase the flow or intensity of flow of rainwater runoff from the existing conditions. Low Impact Development (LID) measures are to be added to offset the impact of new impervious surfaces as required by NPDES No. CA0025054 and Cloverdale Municipal Code Section 16.10.160, which invoke the Santa Rosa LID Manual as adopted by the City of Cloverdale. The plan would be required to be submitted and approved by the Engineering Department prior to issuance of grading permits. Standard conditions of approval would address these impacts and they would be reduced to a less than significant level.

b) The project would utilize City water service. The project is not expected to significantly impact the water supply, evaluated annually for the Infrastructure Audit and deemed by the Engineering Department to be sufficient for the proposed development. Current water supplies have been evaluated to supply a population of up to 12,000 citizens. The current population of Cloverdale is approximately 8,738 citizens.

c) No watercourse is present on the project site.

d-f) An Erosion Control Plan for project would be required showing that it would not increase the flow or intensity of flow of storm water runoff from the existing conditions. Low Impact Development (LID) measures are to be added to offset the impact of new impervious surfaces as required by NPDES No. CA0025054 and Cloverdale Municipal Code Section 16.10.160, which invoke the Santa Rosa LID Manual as adopted by the City of Cloverdale. The plan would be required to be submitted and approved by the Engineering Department prior to issuance of grading permits. Standard conditions of approval would address these impacts. Additionally, the standard conditions require payment of development impact fees, targeted for construction of Citywide public infrastructure projects that address the cumulative impacts of development.

g-j) The project site lies outside of a 100-year flood hazard area, as noted in the Environmental Setting section, so no impact would result with respect to this topic. Also, the site is located a sufficient distance from San Francisco Bay and the Pacific Ocean to minimize any significant impact related to tsunami action.

10. Land Use

Environmental Setting

The project site is currently vacant and undeveloped, and zoned for residential land uses including detached single-family residences. Surrounding uses include residential and commercial to the north, residential uses to the east and south, and public institutional

(Cloverdale High School) to the west.

Project Impacts:

Issue	Potentially Significant Impact	Potentially Significant Unless Mitigated	Less Than Significant Impact	No Impact
Would the proposal:				
a. Physically divide an established community?				X
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?				X
c. Conflict with any applicable habitat conservation plan or natural community conservation plan?				X

Discussion

a-c) If approved, the project would not divide an established community as the project site is currently vacant and located entirely within the Cloverdale City limits. The project is a 0.52 acre infill site in a developed area that conforms to the Zoning Ordinance and the General Plan.

11. Mineral Resources

Environmental Setting

No significant mineral resources exist in the project area based on the Land Use Diagram of the Cloverdale General Plan.

Project Impacts

Issue	Potentially Significant Impact	Potentially Significant Unless Mitigated	Less Than Significant Impact	No Impact
Would the proposal:				
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?				X
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?				X

Discussion

a-b) The General Plan notes no deposits of minerals on or adjacent to the project site and no impacts would result.

12. Noise

Environmental Setting

The project site is not located in close proximity to a fixed noise-producing source, such as the Highway 101 freeway or the Cloverdale airport. The railroad and Highway 101 freeway are located approximately a half mile to the east of the site, separated by a hillside and ridgeline. Standard conditions of approval require that noise levels on the project site not exceed standards established in the General Plan.

Project Impacts and Mitigation Measures

Issue	Potentially Significant Impact	Potentially Significant Unless Mitigated	Less Than Significant Impact	No Impact
Would the proposal:				
a. Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or			X	

noise ordinance, or applicable standards of other agencies?				
b. Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?			X	
c. A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?				X
d. A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?			X	
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?				X
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?				X

Discussion

a-c and e-f) The project involves the addition of residential uses to the area. The primary noise source for the residential portion of the project would be noise associated with vehicles along Cloverdale Boulevard. The General Plan noise analysis identifies that a small portion of the project site is above the exterior residential thresholds 60 dBA CNEL established within the General Plan Noise Element. However, conditions of approval would require construction assembly on Lots 1 and 2 to reduce the interior noise levels to 45 dBA CNEL. Acceptable interior noise levels are defined as 45 dBA CNEL or less. Therefore, this impact would be reduced to a less than significant level.

Conditions of approval are not required to reduce the exterior noise level as the approximate exterior noise level for properties along Cloverdale Boulevard north of Third Street is 61 dBA at 100 feet from the Cloverdale Boulevard. As the project does not propose any backyards facing Cloverdale Boulevard, the eventual homes and fences to be constructed on the lots would provide a buffer between the noise source (Cloverdale Boulevard) and the active outdoor recreation areas of the development where the City's noise standards apply.

The Project would not generate ground borne vibrations nor ground borne noise levels because normal construction would be used that would not involve pile driving or similar activity. There would be no impacts with regard to aircraft noise on the project site since no public or private airports or airstrips exist near the site.

d) Noise levels would be expected to increase during the later phases of development involving construction. The transport of workers, construction equipment, and materials to the project site would incrementally increase noise levels for the surrounding residential dwellings adjacent to the project. Grading and excavation generates the highest noise levels with earthmoving equipment. Noise levels would be expected to increase to up to 88dba at 50 feet during earth moving activities. A condition of approval has been included that would limit noise-producing activities resulting from construction activity to 7 a.m. to 7 p.m. Monday through Saturday, and from 9 a.m. to 5 p.m. on Sundays and holidays, unless a waiver is granted by the Community Development Director and adjacent neighbors have provided their written approval to the City. Therefore, this impact would be reduced to a less than significant level.

13. Population and Housing

Environmental Setting

The project site is currently vacant and undeveloped. Surrounding uses include single-family residential and commercial to the north, single-family residential uses to the east and south, and public institutional (Cloverdale High School) to the west.

Project Impacts

Issue	Potentially Significant Impact	Potentially Significant Unless Mitigated	Less Than Significant Impact	No Impact
Would the proposal:				
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)?				X
b. Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?				X
c. Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?				X

Discussion

a) The proposed project would have less than significant impacts on the population growth within the City of Cloverdale as the project ultimately proposes developing 4 single-family residences. Based on ABAG standards (3.21 persons per household) this is an increase of less than 13 residents. Infrastructure is adequate to handle this growth.

b-c) The proposed project would take place on vacant, underutilized land within the City core. No residential units would be displaced, necessitating reconstruction elsewhere.

14. Public Services

Environmental Setting

Essential public services to the project area are provided as follows:

- *Fire Protection.* Fire protection services are provided by the Cloverdale Fire Protection District, which is headquartered at 451 S. Cloverdale Boulevard. A fire station is also located at the district headquarters.

- *Police Protection*. Police and security protection is provided by the Cloverdale Police Department, headquartered at the 112 Broad Street.

- *Schools*. Public educational services for residents of the project site are provided by the Cloverdale Unified School District. The District provides K-12 educational services for residents of Cloverdale and the surrounding unincorporated area.

  Local schools serving the project site include Jefferson Elementary School, Washington Middle School and Cloverdale High School.

- *Library Service*. Sonoma County Library provides library service to Cloverdale as well as the greater Sonoma County. Numerous branch libraries are located in both incorporated cities and unincorporated communities throughout the County. The library administrative headquarters is located in Santa Rosa. The branch library closest to the project site is located at 401 N. Cloverdale Boulevard in Cloverdale.

- *Maintenance*. Maintenance of local streets, roads and other governmental facilities are the responsibility of the City of Cloverdale.

Project Impacts

Issue	Potentially Significant Impact	Potentially Significant Unless Mitigated	Less Than Significant Impact	No Impact
Would the proposal:				
a. 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,				X

in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:				
Fire protection?				X
Police protection?				X
Schools?				X
Parks?				X
Other public facilities?				X

Discussion

a) Details of the proposed development were provided to the Police Department as well as the Fire District and it was determined that the development would not adversely impact the level of service provided by the Fire District, Police Department, or School District. No new or expanded facilities would be required to serve the proposed project. The developer would pay development impact fees that support these Departments and Districts City Wide. Maintenance of local roads and other public facilities would be provided by the City of Cloverdale and would be funded by increased property taxes and fees paid by future residents. Library service to the project area would continue to be provided by the Sonoma County Library system.

For impacts to parks, refer to item 15, below.

15. Recreation

Environmental Setting

The project site is vacant and undeveloped. No parks, playgrounds or similar uses are present on the site.

The closest public parks are south of the site on West Second Street and West First Street. City Park is located at 450 W. Second and the City pool is located at 205 West First Street.

Project Impacts

Issue	Potentially Significant Impact	Potentially Significant Unless Mitigated	Less Than Significant Impact	No Impact
Would the proposal:				

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?				X
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?				X

Discussion

a-b) The proposed project would not significantly impact the existing recreational facilities located within the City of Cloverdale, such that the facilities would be substantially degraded. The project is also subject to Public Facilities Development, as well as Parks and Recreation Facilities development impact fees, which are used for City wide projects relating to community needs.

16. Traffic and Transportation

Environmental Setting

Cloverdale Boulevard is the main arterial through the City, extending in a north-south direction, and provides direct access to the project site. In this section, the roadway has two travel lanes; one northbound and one southbound).

Project Impacts

Issue	Potentially Significant Impact	Potentially Significant Unless Mitigated	Less Than Significant Impact	No Impact
Would the proposal:				
a. Cause an increase in traffic which is substantial in relation to				

the existing traffic load and capacity of the street system (i.e., result in a substantial increase in either the number of vehicle trips, the volume to capacity ratio on roads, or congestion at intersections)?			X	
b. Exceed, either individually or cumulatively, a level of service standard established by the county congestion management agency for designated roads or highways?			X	
c. Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?				X
d. Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?				X
e. Result in inadequate emergency access?				X
f) Conflict with adopted policies, plans, or programs supporting alternative transportation (e.g., bus turnouts, bicycle racks)?				X

Discussion

a-f) The General Plan Update Environmental Impact Report from 2008 anticipated the resulting traffic volumes expected to be generated by the complete residential build out of the General Plan. A Level of Service (LOS) B for the intersection at Cloverdale Boulevard and Third Street would result at complete build-out of the General Plan. This intersection is the closest intersection to the project site that was included in the study at the time. A Level of Service B, which is associated with a delay of approximately 10 to 15 seconds and drivers may have to wait for one or two vehicles to clear the intersection before proceeding, is considered an acceptable LOS for a four-way stop controlled intersection.

Furthermore, the Streets and Thoroughfare Development Impact Fee would be collected before the project is developed, which provide for cumulative improvements of the roadway system to meet traffic needs at ultimate General Plan build-out. No new streets are proposed, and the proposed driveway locations and design have been reviewed by the Fire District and Public Works Department to ensure adequate emergency vehicle access is provided to the project. Therefore, these impacts would be reduced to a less than significant level.

17. Utilities and Service Systems

Environmental Setting

The Project area is served by the following service providers:

- *Water supply*. City of Cloverdale.
- *Sewage collection.* City of Cloverdale.
- *Sewage treatment and disposal*. City of Cloverdale Wastewater Treatment Plant
- *Storm drainage*. The City of Cloverdale maintains a local stormwater drainage system with ultimate drainage into the Russian River.
- *Solid waste service*. Redwood Empire Disposal provides residential and non-residential solid waste hauling and recycling services to dwellings and businesses.

Project Impacts

Issue	Potentially Significant Impact	Potentially Significant Unless Mitigated	Less Than Significant Impact	No Impact
Would the project				
a) Exceed wastewater treatment requirements of the				X

applicable Regional Water Quality Control Board				
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?				X
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?			X	
d) Have sufficient water supplies available to serve the project from existing water entitlements and resources, or are new or expanded entitlements needed?			X	
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 providers existing commitments?			X	
f) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?			X	
g) Comply with federal, state and local statutes and regulations related to solid waste?			X	

Discussion

a) The project would not exceed the wastewater treatment requirement of the Sonoma County Regional Water Quality Control Board, as the waste water treatment plant is operating at an acceptable level and has adequate capacity to properly treat wastewater from the proposed development.

b,d,e) According to the 2014 Infrastructure Audit, the city has adequate water, wastewater, stormwater facilities, and water supply for the project. In addition, the standard conditions of approval limit stormwater impacts off site. The developer is responsible for Storm Drainage, Water Capacity and Wastewater Capacity Development Impact fees to assure that the city has sufficient water, wastewater and storm drain facilities for the project. Therefore, these impacts would be reduced to a less than significant level.

c) Refer to the Hydrology section of this Initial Study for a discussion of drainage facilities.

f, g) Construction of future development within the project area would result in a slight increase in the amount of solid waste generated by the project that would be accommodated in local and regional landfill facilities. The proposed project would have no impact with regard to federal, state or local statutes or laws governing solid waste. Therefore, this impact would be reduced to a less than significant level.

18. Mandatory Findings of Significance

Issue	Potentially Significant Impact	Potentially Significant Unless Mitigated	Less Than Significant Impact	No Impact
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 of 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?				X
b) Does the project have the potential to achieve short-term, to the disadvantage of long-term, environmental goals?				X
c) Does the project have impacts that are individually limited, but cumulatively considerable?				X
d) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?				X

Discussion

a-b) The project does not 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. The project is located on property not involving a creek, stream or other waterway, nor is the area identified as having populations of wildlife.

c) Cumulative impacts have been reviewed in the annual infrastructure audit. There are sufficient public facilities to serve the proposed future development.

d) The project would not have direct nor indirect environmental effects on human beings. Noise and other impacts from the development would be minimal and within the thresholds set forth in the General Plan.

Initial Study Preparers

Rafael Miranda, Associate Planner, project manager and author

References

CEQA Guidelines, American Council of Engineering Companies, 2016

Cortese List, California Environmental Protection Agency (http://www.calepa.ca.gov/SiteCleanup/CorteseList/)

City of Cloverdale General Plan Update Draft Environmental Impact Report, PMC, October 2008

California Department of Water Resources (http://wdl.water.ca.gov)

Attachments

Zoning / Vicinity Map

Site Plan / Parcel Map

Mitigation Measure	Mitigation	Responsible Party for Monitoring/Enforcement	Timeframe	Monitoring Actions / Verification of Compliance
Aesthetics				
A1	An arborist shall prepare a plan that would reduce the impact of development to a less than significant level by requiring incorporation and implementation of specific tree protection measures into development plans. Staff may require changes in response to the arborist recommendations prior to issuance of the grading permit.	Planning	Prior to issuance of a grading permit	
A2	No grading shall occur under the 6-foot diameter oak tree. The final grading plan shall be design so that drainage does not flow into the dripline of the oak tree and that water is directed away from the dripline of the oak tree.	Planning	Prior to issuance of a grading permit	
A3	Prior to any grading, an arborist shall develop a tree protection plan for the two oak trees for review and approval by the Community Development Department. The grading plan shall have a note that no grading shall occur until the tree protection plan is approved and in place.	Planning	Prior to issuance of a grading permit	

Mitigation Measure	Mitigation	Responsible Party for Monitoring/Enforcement	Timeframe	Monitoring Actions / Verification of Compliance
A4	An arborist shall be present for any grading within the dripline of the 24" oak tree. An arborist shall supervise all limb and/or root pruning for either of the two oak trees.	Planning	On-going / during construction and grading activities	
A5	The developer shall adhere to the following tree protection measures during the construction of this project: 1. All trees to be saved shall be enclosed by a construction barrier placed around the protected zone of the tree, such as chain link fence or other means acceptable to the Community Development Director, prior to the issuance of any grading or building permit and prior to commencement of work. Fences are to remain intact until construction is complete.	Planning	Prior to commencement of grading and construction activities / On-going	

Mitigation Measure	Mitigation	Responsible Party for Monitoring/Enforcement	Timeframe	Monitoring Actions / Verification of Compliance
	2. Any excavation, cutting, filling, paving or compaction of the existing ground surface within the protected zone shall be minimized. No adverse significant change in existing ground level shall occur within the dripline of the protected tree. 3. Construction equipment shall not be stored within the protected zone. No oil, gas, chemicals or other substances that may be harmful to trees shall not be stored or dumped within the protected zone, or any other location on the site from which such substances might enter the protected zone.			

Mitigation Measure	Mitigation	Responsible Party for Monitoring/Enforcement	Timeframe	Monitoring Actions / Verification of Compliance
	4. Trenching within the protected zone of protected trees shall be avoided to the greatest extent possible. Underground trenching for utilities shall avoid major support and feeder roots of protected trees to the greatest extent possible. If avoidance is impractical, tunnels shall be made below the roots. Trenches shall be consolidated to service, as may units as possible. 5. The 6-foot valley oak and 24 inch live oak shall be preserved and removal is not anticipated. In the event that the24 inch live oak tree is removed or killed			

Mitigation Measure	Mitigation	Responsible Party for Monitoring/Enforcement	Timeframe	Monitoring Actions / Verification of Compliance
	because of circumstances unforeseen at time of approval, it shall be replaced with three boxed live oak trees, minimum 36-inch box tree.			

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ATTACHMENT 4

CITY OF CLOVERDALE
PLANNING COMMISSION
RESOLUTION NO. 012-2016

A RESOLUTION OF THE CITY OF CLOVERDALE PLANNING COMMISSION RECOMMENDING TO THE CITY COUNCIL THE ADOPTION OF AN ORDINANCE REZONING THE 0.52-ACRE PARCEL LOCATED AT 531 N. CLOVERDALE BOULEVARD FROM "P-D/15-RINK MIXED USE" TO "R-2 – TWO-FAMILY RESIDENTIAL" AND DELETING THE "P-D/15-RINK MIXED USE" ZONING DESIGNATION FROM SECTION 18.08.020 OF THE ZONING ORDINANCE FOR THE 0.52 ACRE PROPERTY LOCATED AT 531 N. CLOVERDALE BOULEVARD (APN 001-021-021)

WHEREAS, the Applicant, Paul Rink, proposes a Zoning Ordinance and Map Amendment to rezone the 0.52-acre site from "P-D/15-Rink Mixed Use" to "R-2 – Two-Family Residential" and delete the "P-D/15-Rink Mixed Use" from Section 18.08.020 of the Zoning Ordinance for the Rink Parcel Map project ("Project") located at 531 N. Cloverdale Boulevard; and

WHEREAS, the site is currently designated Medium Density Residential (MDR) on the City's adopted General Plan Land Use Map and the proposal to rezone the property to the R-2 Two-Family Residential Zoning District is consistent with the Medium Density Residential (MDR) land use designation of the General Plan which allows for a variety of development types including attached or detached single-family residential uses at a maximum density of 8 dwelling units per acre; and

WHEREAS, the California Environmental Quality Act (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 prepared an Initial Study for the Project dated February 2016, to determine whether additional environmental review is required. Pursuant to CEQA Guidelines Section 15064 the City determined that with the incorporation of mitigation measures any impacts to the environment would be reduced to a less than significant level and posted a Notice of Intent to adopt a Mitigated Negative Declaration for the Project with the Sonoma County Clerk and was open for public comment from February 23, 2016 through March 14, 2016 during which no public comments were received; and

WHEREAS, on August 2, 2016, the Planning Commission held a properly noticed public hearing on the Project, at which time all interested parties had the opportunity to be heard; and

WHEREAS, a Staff Report dated August 2, 2016, and incorporated herein by reference, described and analyzed the Project including the proposed rezoning; and

WHEREAS, the Planning Commission considered the Initial Study and Mitigated Negative Declaration with the mitigation measures and all above-referenced reports, recommendations, and testimony before making a recommendation on the Project.

WHEREAS, on August 2, 2016, the Planning Commission adopted Resolution No. 011-2016, recommending that the City Council adopt the Mitigated Negative Declaration for the Project and Resolution 010-2016, recommending the City Council approve a Zoning Ordinance and Map Amendment for the Rink Parcel Map Project, which resolutions are incorporated herein and available for review at City Hall during normal business hours; and

NOW, THEREFORE BE IT RESOLVED that the Planning Commission recommends that the City Council adopt the Ordinance attached as Exhibit 1 and incorporated herein by reference, which rezones the 0.52-acre property located at 531 N. Cloverdale Boulevard (APN 001-021-021) from P-D/15 Rink Mixed Use to R-2 Two-Family Residential.

BE IT FURTHER RESOLVED that the Planning Commission recommends the City Council adopt a Resolution approving the Zoning Ordinance Amendment and Map Amendment for the Rink Parcel Map project. The Planning Commission recommendation is based on the Staff Report analysis and recommendation and on the findings set forth in the Draft Ordinance.

* * * * * * * * * * * * * *

Resolution No. 012-2016 was duly adopted on this the 2nd day of August 2016, by the following roll call vote: (-ayes, -noes)

AYES:
NOES:
ABSTAIN:
ABSENT:

Approved:

_____
Mike Shanahan, Chair

Attested:

_____
Linda Moore, Deputy City Clerk

Exhibits

1. Draft Ordinance

X:\Community Development\Applications\2015\ZOA TM PUD 023-2015 Rink Subdivision - 531 N. Cloverdale Blvd\Rink parcel map PC Reso for Ordinance to Rezone.docx

DRAFT

CITY OF CLOVERDALE

ORDINANCE NO. _____-2016

AN ORDINANCE OF THE CITY OF CLOVERDALE AMENDING THE ADOPTED ZONING MAP AND ZONING ORDINANCE, TITLE 18 OF THE CLOVERDALE MUNICIPAL CODE, TO REZONE A 0.52-ACRE PROPERTY FROM "P-D/15 RINK MIXED USE" TO "R-2 TWO-FAMILY RESIDENTIAL" AND ELIMINATE "P-D/15 RINK MIXED USE" FROM SECTION 18.08.020 OF THE ZONING ORDINANCE FOR THE RINK PARCEL MAP PROJECT LOCATED AT 531 N. CLOVERDALE BOULEVARD (APN 001-021-021)

THE CITY COUNCIL OF THE CITY OF CLOVERDALE HEREBY ORDAINS AS FOLLOWS:

SECTION 1. RECITALS

A. The Rink Parcel Map project ("Project"), is located at 531 N. Cloverdale Boulevard.

B. The property owner is requesting an amendment to the Zoning Ordinance and Map to rezone the 0.52-acre site from "P-D/15 Rink Mixed Use" to "R-2 Two-Family Residential". The Zoning Ordinance amendment designating the 0.52-acre site as R-2 would allow detached single-family residential uses to be developed on the 0.52-acre site.

C. The California Environmental Quality Act ("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. To comply with CEQA, the City prepared an Initial Study for the Project dated February 2016, to determine whether additional environmental review is required. Pursuant to CEQA Guidelines Section 15064 the City determined that with the incorporation of mitigation measures any impacts to the environment would be reduced to a less than significant level and posted a Notice of Intent to adopt a Mitigated Negative Declaration for the Project with the Sonoma County Clerk and was open for public comment from February 23, 2016 through March 14, 2016 during which no public comments were received

D. The City Council makes the following findings listed in Section 18.030.080.E related to (1) rezoning the parcel of land located at 531 N. Cloverdale Boulevard and described as County Assessor's Parcel Number (APN) 001-021-021 to the R-2 Zoning District; (2) the amendment to Section 18.08.020 of the Zoning Ordinance to eliminate the "P-D/15 Rink Mixed Use":

1. The proposed amendment is consistent with the adopted General Plan.

   The project will remove the P-D/15 Zoning District and replace it with the Two-Family Residential (R-2) Zoning District. The R-2 Zoning District is most compatible

with the Medium Density Residential (MDR) General Plan Land Use Designation as the density range for the MDR designation provides for a maximum of eight dwelling units per acre, an increase from the Low Density Residential (LDR) General Plan Land Use Designation which allows for a maximum of four dwelling units per acre.

The project would subdivide an approximately 0.52 acre property into four single-family residential lots. The proposed density of 8 dwelling units per acre falls within the allowable density range of the Medium Density Residential (MDR) General Plan Land Use Designation. The project provides a limited number of small lots within a conventional single-family area and contributes to the variety of housing within the City in accordance with General Plan Implementation LU 1-1.c. Additionally, although the project creates smaller lots than would normally be allowed, usable rear yards generally consistent with a private rear yard that could be expected in a standard single-family residential subdivision are provided for in accordance with General Plan Implementation LU 1-6.d. Therefore, the amendment is determined to be consistent with the goals, policies and implementation measures of the General Plan.

2. The proposed amendment is internally consistent with other applicable provisions of the Zoning Ordinance.

   The amendment would remove the P-D/15 Zoning District from the Zoning Ordinance Text and Zoning Map. This amendment is internally consistent with all applicable provisions of the Zoning Ordinance as the P-D/15 Zoning District was created for a specific mixed use development project for which all land use entitlements have since expired. The previous project included a Tentative Map to subdivide the property into eight lots to allow for seven dwelling units, three of which were live/work units featuring ground floor office space. Removing the P-D/15 Zoning District and replacing it with the R-2 Zoning District is internally consistent with the project as the proposed use is an allowed use in the R-2 Zoning District.

3. The proposed amendment will not be detrimental to the public health, safety, or welfare or to the use of land in any adjacent zone.

   Conditions of approval require that prior to construction the homes go through the Design Review process by the Planning Commission to ensure compatibility with the existing neighboring uses. The Building Permit process would also help to ensure that the development would not be detrimental to the public health, safety, or welfare or materially injurious to properties and improvements in the vicinity as the homes would be required to be constructed in compliance with the latest adopted CA Building and Fire codes

4. The site is suitable (including absence of physical constraints, access, compatibility with adjoining land uses, and provision of utilities) for the requested Zoning District and anticipated land uses/developments.

   The project would subdivide an approximately 0.52 acre property into four single-family residential lots. The proposed density of eight dwelling units per acre falls within the allowable density range of the MDR General Plan Land Use Designation. A minimal amount of grading would be required as the project site is relatively flat and direct access onto North Cloverdale Boulevard will be provided to each lot. The site is large enough to support four new lots of approximately 5,613 square-feet each. The project site does not support stands of trees, waterways, wetlands or wildlife habitat and is entirely surrounded by urban uses. City services and utilities will be provided to the project site including sewer and water, and a fire hydrant will be relocated slightly to the south in order to make room for the shared driveway.

E. On _____, 2016, the City Council held a properly noticed public hearing regarding this Zoning Ordinance Amendment and considered all comments received in writing and all testimony received at the public hearing.

SECTION 2. PURPOSE AND INTENT

The purpose and intent of these changes is to amend the Zoning Ordinance and Map to rezone the 0.52-acre site located at 531 N. Cloverdale Boulevard from "P-D/15 Rink Mixed Use" to "R-2 Two-Family Residential" as shown on Exhibit 1.

SECTION 3. FINDINGS

The above recitals are hereby declared to be true and correct and hereby incorporated herein as the required Findings of the City Council of the City of Cloverdale.

SECTION 4. AMENDMENTS TO TITLE 18 OF THE CLOVERDALE MUNICIPAL CODE

Section 18.08.020.P P-D/15 Rink Mixed Use, is eliminated as set forth in Exhibit A.

SECTION 5. RECLASSIFIED PROPERTIES

Title 18, "Zoning," of the City of Cloverdale Municipal Code is hereby amended by amending the "Zoning Map of the City of Cloverdale" so as to reclassify the 0.52 acre site located at 531 N. Cloverdale Boulevard to the Two-Family Residential (R-2) Zoning District, as shown in Exhibit 1.

SECTION 6. 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 7. 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 August 2, 2016, by the following vote:

PASSED, APPROVED AND ADOPTED this ___ day of _____, 2016 by the following vote: (Ayes- ; Noes- ; Absent-)

AYES:

NOES:

ABSENT:

ABSTAIN:

Approved	Attested
_____	_____
Mary Ann Brigham, Mayor	Linda Moore, Deputy City Clerk

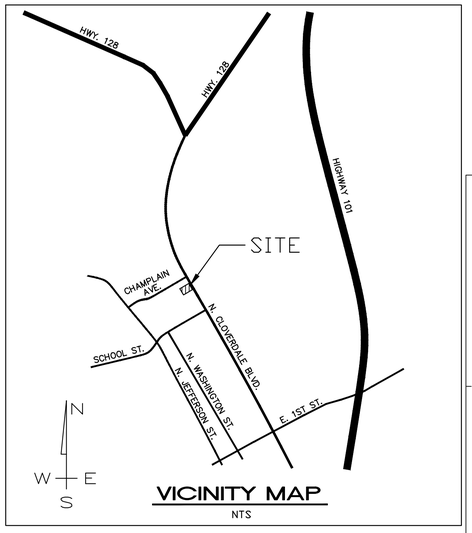
Attached: Exhibit 1- Amended Zoning Text and Map

RINK PARCEL MAP
TENTATIVE SUBDIVISION MAP

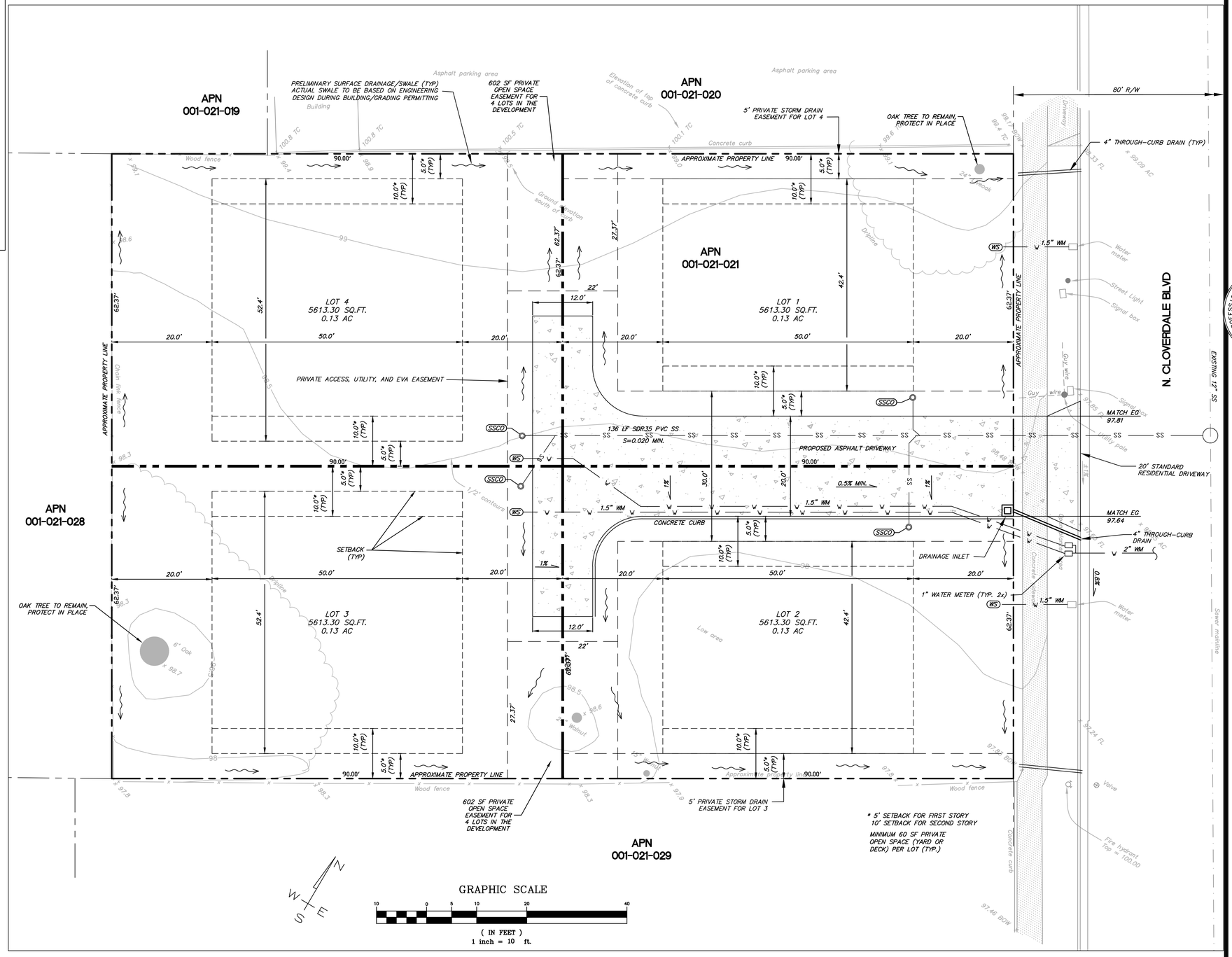
LANDS OF PAUL A. RINK
APN 001-021-021

PROPOSED LOTS

LOT 1	0.13 ACRES
LOT 2	0.13 ACRES
LOT 3	0.13 ACRES
LOT 4	0.13 ACRES



VICINITY MAP
NTS



SURVEY NOTES

FIELD SURVEY WORK DONE ON OCTOBER 16, 2002.

HORIZONTAL DATUM IS PER FOUND PIPE AT THE SOUTH CORNER AND CLOVERDALE BLVD. (THIS IS PRELIMINARY BASIS, TO BE REVISED).

VERTICAL DATUM IS ASSUMED. TOP OF FIRE HYDRANT AS SHOWN, ELEVATION = 100.00.

LEGEND

- SURFACE DRAINAGE/SWALE (TYP)
- (SSCO) SANITARY SEWER CLEANOUT
- (WS) WATER SERVICE

PROJECT INFORMATION

PROJECT ADDRESS:	531 N. CLOVERDALE BOULEVARD CLOVERDALE, CA 95425
ASSESSOR PARCEL NO:	001-021-021
PROJECT OWNER:	RINK LIVING TRUST PO BOX 835 CLOVERDALE, CA 95425 (707) 696-2594
ENGINEER:	CORT MUNSELLE, P.E. #69941 MUNSELLE CIVIL ENGINEERING, INC 513 CENTER STREET HEALDSBURG, CA 95448
SURVEYOR:	
WATER SUPPLY:	CITY OF CLOVERDALE
SEWER SUPPLY:	CITY OF CLOVERDALE
NUMBER OF PARCELS:	4 PARCELS
PRESENT USE:	EMPTY PARCEL
PROPOSED USE:	4 RESIDENTIAL LOTS
PROPOSED IMPROVEMENTS:	PRIVATE DWY, UTILITIES
ZONING INFORMATION:	EXISTING: P-D/15, PROPOSED: R-2
FLOOD ZONE PER FEMA MAPPING:	NONE

P:\MCE JOBS\2014\10-14 RINK SUBDIVISION\DWG\10-14 TM-ALT2.DWG 5/26/2016 12:53 PM

REVISION	DESCRIPTION	BY	DATE

MUNSELLE CIVIL ENGINEERING
CIVIL ENGINEERING • LAND PLANNING
513 CENTER STREET
HEALDSBURG, CA 95448
(707) 395-0968
MUNSELLE
CIVIL ENGINEERING • LAND PLANNING

REGISTERED PROFESSIONAL ENGINEER
CORT L. MUNSELLE
No. 69941
Exp. 9-30-16
CIVIL
STATE OF CALIFORNIA

	DATE
CORT L. MUNSELLE RCE 69941	

TENTATIVE SUBDIVISION MAP-ALT 2
LANDS OF PAUL A. RINK
APN 001-021-021
531 N. CLOVERDALE BOULEVARD
CLOVERDALE, CA

MAY 26, 2016

JOB NO.
10-14

SHEET NO.
1
OF 1

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Chapter 18.08

SPECIAL ZONING DISTRICTS

Section 18.08.010 Planned Unit Development (PD) Zoning District

A. Purpose and Intent

The purpose of the PD Zoning District is to provide flexibility in land use development standards for well-planned developments that conform to the General Plan land use provisions and achieve one or more of the following purposes.

1. Permit the clustering of single-family or multifamily dwellings in order to preserve unique features on a property or provide for public parks and/or buildings.
2. Allow master planning of sites with multiple property owners in order to provide predictable land use expectations for individual owners.
3. Allow master planning of large sites over two acres so that the property can be developed in phases, providing predictable land use expectations for each phase of the development.
4. Allow City-initiated PD zoning to achieve goals such as historic preservation, neighborhood conservation, or phasing of development.

B. Establishment of District

A PD Zoning District may be combined with any district shown in the Residential, Commercial or Industrial Zoning Districts in accordance with the provisions of this Section and Section 18.03. Each PD Zoning District shall be numbered. The Zoning Map shall identify the underlying Zoning District and the PD Zoning District number (e.g. R-1-PD/1). A PD Zoning District may include more than one underlying Zoning District. The application for a PD Zoning District shall include Development Standards for the Planned Unit Development. The standards shall include, but not be limited to, information regarding allowable uses, parking, setbacks, building heights, lot coverage, grading, landscaping, and other issues appropriate to the Zoning District.

A PD Zoning District may be established as an amendment to this Title in accordance with Chapter 18.03 upon application of the property owner or owners or upon recommendation of a majority of the Planning Commission and/or action of the City Council on parcels of land which are suitable for, and of sufficient acreage (minimum two acres) to contain a Planned Unit Development.

C. Permitted Uses

All provisions of the underlying Zoning District shall apply unless specifically modified by a Preliminary and/or Precise Development Plan. The following modifications to underlying Zoning District provisions may be allowed.

1. Clustering of single-family or multifamily dwellings in Residential Zoning Districts in order to preserve unique features on a property or provide for public parks and/or buildings. Development shall not exceed General Plan densities; however, clustering may be used to achieve the allowable General Plan density

for the entire site including the land area of features preserved. Undevelopable lands shall not count toward allowable densities.

2. Master planning of a site or area with multiple property owners in order to provide predictable land use expectations for individual owners. Land uses shall be consistent with underlying General Plan land uses; however, residential densities may be distributed throughout the master planned area as if it were a single property.

3. City-initiated PD zoning to achieve goals such as historic preservation, neighborhood conservation, or phasing of development or to:

   a. Enhance and preserve unique features on a property, such as historical significance, unusual topographic or physiographic characteristics.

   b. Allow provision for or development of parks, public buildings, and public amenities.

D. Variation from Zoning District Regulations

The regulations and requirements of the Zoning District with which the PD Zoning District is combined shall apply, except as may be modified or changed by the approved development plan or policy statement. In a PD Zoning District, the Precise Development Plan approved and adopted by the City Council may allow variation from the strict application of Zoning District regulations with respect to fences, walls and hedges; screening and landscaping; front and side yards; distances between structures (building separations may be reduced to zero feet (0') provided that firewalls are provided per UBC standards); heights; internal street rights-of-way, pavement widths and sidewalks; lot coverage, lot size, and the determination of usable open space. Where variation from lot size is proposed, no more than 25% of lots in any development may be less than 4,000 square feet and no lots may be less than 3,000 square feet. All such variations from Zoning District regulations shall be noted in the approved development plan. Variations from the following regulations shall not be allowed: residential floor area ratio and residential rear yard setbacks.

E. Residential Densities

Residential densities in a PD Zoning District shall not exceed the residential densities permitted by the General Plan, including undevelopable lands as defined.

Section 18.08.020 Individual PD Zoning District Development Standards

The following PD Zoning Districts have been established by appropriate action of the City Council, subject to the following deviations from base Zoning District standards. If a Preliminary Development Plan or Precise Development Plan has expired per chapter 18.03, a new Precise and/or Preliminary Development Plan must be filed and approved prior to any use of the property within the PD Zoning District.

A. P-D/1 Jefferson Springs

All provisions of the R-1 Single Family Residential Zoning District shall apply. All structures built in conformity with the adopting site plan shall be legal conforming structures.

B. P-D/2 Jefferson Villas

All provisions of the R-1 Single Family Residential Zoning District shall apply. All structures built in conformity with the adopting site plan shall be legal conforming structures.

C. P-D/3 Solar Park

All provisions of the R-3 Multi-Family Residential Zoning District as it exists or may be modified shall apply. All structures built in conformity with the adopting site plan shall be legal conforming structures.

D. P-D/4 Kings Valley

All provisions of the R-3 Multi-Family Residential Zoning District as it exists or may be modified shall apply. All structures built in conformity with the adopting site plan shall be legal conforming structures.

E. P-D/5 Bandiera Winery

1. Permitted Uses

- Winery with total annual production of 50,000 cases.
- Addition to existing winery building to be used exclusively for small wood aging.
- A small retail sales area.
- Crushing, fermenting, aging, bottling and shipping of all wine produced as bottled case goods.

2. Operating Provisions

- No tasting or tours.
- Storage and/or fermenting tanks shall not be visible outside of buildings.
- Maximum of five full-time employees.
- All company owned equipment shall be parked off street in the crushing-fermenting area.
- Operating hours during the crushing season shall not exceed a 10 to 12 hour work day. All other work days shall be standard 8 hour days.

F. P-D/6 Clover Springs

All provisions of the R-1 Single Family Residential Zoning District shall apply with the following exceptions:

1. The following are the only permitted uses, provided that uses shall also comply with the permitting requirements set forth in Chapter 18.03 entitled Land Use Permits and Approvals.

- Single family dwellings
- Accessory buildings
- Home Occupations
- Accessory uses per the R-1 Zoning District
- Open space/Passive parks
- Private recreation facilities
- Guest quarters/in-law residence

2. Residential Siting and Planning Design Guidelines

a. Encroachments into Required Yards – Architectural features such as roof eaves, fireplaces, box-outs, built-in shelves, bay windows and similar features are permitted to extend up to two feet six inches (2′ 6″) into the minimum front, rear and side yard setbacks.

b. Ground-Level Air Conditioning Unit Screening and Locations – Ground air conditioning units are to be within a fenced yard, or otherwise screened with walls, fencing or landscaping. Air conditioning units that are located within a solid fenced side or rear yard are not required to be screened. Ground level air conditioning units and their enclosures are permitted within the side or rear yard setback, provided enclosures do not exceed five feet (5′) in height and are located at least two feet (2′) from the side property line and five feet (5′) from the rear property line.

c. Fencing Standards

Side and rear yard, interior lots: Side and rear yard fencing may be constructed up to six feet (6′) in height, as measured from the high side of the fence. The fencing in the side and rear yard shall conform to the privacy fence standard.

Side yard on corner lots: Fencing is permitted in the side yard abutting a street with a minimum setback of eight feet (8′) from the back of the property line.

Front yard: Courtyard walls are permitted in the front yard, up to ten feet (10′) from the back of the walk. Courtyard walls encroaching into the required front yard setback may not exceed three feet (3′) in height.

Open Space lots: Open fencing will be utilized along lot edges common to open spaces, as well as to define community areas. Provided regulations contained within the project CC&Rs are complied with, homeowners have the following options for open fencing:

- Two foot (2′) knee-high wall (a short masonry wall)
- Two foot (2′) knee-high wall with four foot (4′) wrought-iron style fence on top.
- Six foot (6′) wrought iron style fence may be utilized in the side yard areas of open space lots, along interior property lines. Wrought-iron style fencing is to be of a consistent design throughout the project.
- A three and one-half foot (3′6″′) split rail fence will be constructed as part of the landscaping along Porterfield Creek.

Fencing adjacent to streets: There are a number of areas within the project that back up to streets that require fencing, the following fencing standards have been established for these areas:

- Six foot (6′) wooden barrier fence will be constructed adjacent to Cloverdale Boulevard.
- Six foot (6′) perimeter wood fence will be constructed along the Foothills Boulevard landscape corridor and the lots that back up to the existing Hot Springs Road.

All solid wood fences will be painted/stained to be consistent with the criteria established within the CC&Rs for the project.

d. Trash Receptacle Storage – trash receptacle storage is restricted to the garage within a non-fenced yard, or within a screened area located behind the leading edge of the house.

3. Residential Housing Siting Criteria

Setbacks	Estate	Premier	Classic
Front Yard, Living Space	15′	15′	15′
Front Yard, Garage Door (3, 7)	18′	18′	18′
Side Yard, Interior (6)	5′	5′	5′
Side Yard, Adjacent to Street (8)	12.5′	12.5′	12.5′
Rear Yard (3, 4, 6)	15′	15′	15′
Building Coverage (5)	50%	50%	50%

Height Limit

Maximum Building Height 35′

Attached Shade Structures

All shade structures shall conform to a minimum twelve foot (12′) rear yard setback and a five foot (5′) side yard setback. The three foot (3′) encroachment into the standard fifteen (15′) setback shall not be enclosed by more than 20% of its perimeter and shall not exceed 50% of the required usable rear yard area.

The number of lots within Phase I which would be allowed to utilize this provision for a reduction in the rear yard setback shall be in accordance with the parcels detailed in the August 19, 1997 letter submitted by the Del Webb California Corporation to the City, and in no case, shall the number of lots exceed 40% of the total lot count of Phase I. The number of lots within Phase II which would be allowed to utilize this provision shall not exceed 40% of the total lot count of Phase I. The number of lots within Phase II which would be allowed to utilize this provision shall not exceed 40% of the total lot count unless otherwise approved by the City through the adoption of the Precise Development Plan for Phase II.

Accessory Structures

Permitted outside of the required front yard; 5 foot (5′) setback required from a side or rear property line for detached structures; may be further regulated by the project CC&Rs.

Off-Street Parking

Two spaces per dwelling unit

Footnotes (Siting Criteria)

i. Lot width is measured eighteen feet (18′) from the back of the front property line. Cul-de-sac, elbow lots and lots on curved streets may have a width less than specified provided they meet lot area and building setback requirements.

ii. Required lot depth may be reduced up to ten feet (10′) in some cases, provided the lots otherwise meet lot area and building setback requirements. Some

examples of such cases are lots on cul-de-sacs or elbows and constrained by trees or natural features.

iii. Driveway length is measured from property line to face of garage door. Architectural projections of up to two feet (2′) will be allowed to project into the front and side yard setbacks.

iv. The rear yard setback is exclusive of roof overhangs and architectural projections.

v. Roof overhangs, patios, covered porches, shade structures, driveways, walkways and the like are exempted from the building coverage calculation.

vi. Air conditioning units can encroach up to three feet (3′) into the side and rear yard setbacks.

vii. The front yard setback will be staggered a minimum of two feet (2′) on every third unit. This requirement will not apply where the street centerline radius is 1,000 feet or less, on the bulb area of cul-de-sac lots or on elbow lots.

viii. The measurement for minimum sideyard setbacks for corner lots will be taken from the back of the sidewalk. All corner lots will have a minimum corner sideyard setback of twelve and a half feet (12′6″) with the exception of lots 74, 114, 159 and 160 which will have a minimum fifteen foot (15′) setback from the back of the sidewalk. These lots differ in setback due to their location adjacent to a collector or arterial street.

4. Recreation Facility Siting Criteria

Setbacks

Building Setback from Street Right-of-Way	30′
Building Setback from Adjacent Residential Property Line	30′
Building Setback from Open Space	10′
Outdoor Recreation Facility Setback from Street Right-of-Way	10′
Outdoor Recreation Facility Setback from Residential Lots	10′
Outdoor Recreation Facility Setback from Open Space	10′
Parking Lot Setback from Residential Property Line	25′
Parking Lot Setback from Street Right-of-Way	10′
Building, Parking and Outdoor Recreation Facility Setback From the Flowline of Porterfield Creek	60′

Height Limit

Maximum Building Height One-Story (40′)

Parking Requirements

Parking Requirements 1 space/250 sf of building area

G. P-D/7 Rancho de Amigos – Residential Portions

All provisions of the R-1 Single Family Residential Zoning District shall apply to the single-family lots.

Provisions of the R-3 Multi-Family Residential District shall apply to the townhouse portion of the site. All structures built in conformity with the adopting site plan shall be legal conforming structures within the townhouse development.

H. P-D/7 Rancho de Amigos – Shopping Center/Business Park

For the shopping center portion of the site, all provisions of the General Commercial (G-C) Zoning District shall apply. New development is subject to the Architectural Design Guidelines and Sign Program on file in the Planning Department. For the business park portion of the site, an assisted living project is compatible with the business park designation.

I. P-D/8 Furber II – The Preliminary Development Plan for this P-D expired and is null and void.

J. P-D/9 Citrus Gardens

All provisions of the R-3 Multi-Family Residential Zoning District as it exists or may be modified shall apply. All structures built in conformity with the adopting site plan shall be legal conforming structures.

K. P-D/10 The Cottages

All provisions of the R-1 Single Family Residential Zoning District shall apply with the following exceptions:

1. Sideyard Setbacks
   a. A minimum separation of twenty feet (20′) between two-story wall to two-story wall of adjoining residential units.
   b. A minimum separation of fifteen feet (15′) between single story wall to two story wall of adjoining residential units.
   c. A minimum separation of ten feet (10′) between single story wall to single story wall of adjoining residential units.
2. Height limitations
   a. All residences placed on Lots 12 – 24 and 42-48 of Area I and Lots 140, 141, 154, 155, 166, 167 and 180 of Area II are single story in height. If the height of any residential unit listed above is desired to be increased beyond single story, the applicant shall submit a visual analysis containing a minimum of two cross-sections for each area that extend across the width of the property. The visual analysis shall depict the height and orientation of the residential unit, location of any retaining walls, roads, building pads, and integration of all proposed landscaping. The visual analysis shall be submitted to the Planning Commission for their review and approval.
3. Open Space
   a. All properties adjoining the northerly property line (Lots 11 – 20) shall maintain a thirty foot (30′) open space buffer area in which no development may occur. "Development" shall include the construction or placement of any permanent structure that would be subject to the issuance of a building permit including, but not limited to decks,

platforms, accessory buildings and swimming pools or the construction of any temporary structure not subject to the Building Code such as, but not limited to, accessory structures, play equipment and saunas.

L. P-D/11 Ioli Ranch

All provisions of the R-3 Multi-Family Residential Zoning District as it exists or may be modified shall apply. All structures built in conformity with the adopting site plan shall be legal conforming structures.

M. P-D/12 Vineyards At Cloverdale

All provisions of the R-1 Single Family Residential Zoning District shall apply. All structures built in conformity with the adopting site plan shall be legal conforming structures.

N. P-D/13 Sunrise Hills

All provisions of the R-1 Single Family Residential Zoning District shall apply. All structures built in conformity with the adopting site plan shall be legal conforming structures.

O. P-D/14 Sunrise Hills II

All provisions of the R-1 Single Family Residential Zoning District shall apply, with the following exceptions:

Setbacks

Front Yard, Living Space	10′
Front Yard, Garage Door	20′
Side Yard, Interior	1-story = 5′; 2-story = 10′
Rear Yard	10′ to rear of house or detached garage

~~**P. P-D/15 Rink Mixed Use**~~

~~Development shall be as shown on adopted site plan as follows:~~

~~1. Setbacks:~~

~~a. Minimum side yard from adjacent properties: 9 feet~~

~~b. Rear setback from adjacent property: 20.58 feet~~

~~c. Front setback from North Cloverdale Boulevard: 18.64 feet~~

~~2. Height limits: Shall comply with requirements of R-2 district.~~

~~3. Parking: 21 off-street space; uncovered spaces to be shared with office uses.~~

Q. P-D/16 Creekside

The following standards adopted with the Precise Development Plan shall apply:

Lot #	Lot Size (sf)	Unit Size (sf)	Lot Coverage	FAR	Front Setback	Right Side Setback	Left Side Setback	Rear Setback
1	3,774	1,858	38%	.49	21′	5′	4′6″	22′
2	3,774	1,858	38%	.49	21′	5′	4′6″	22′
3	3,774	1,858	38%	.49	21′	5′	4′6″	22′
4	3,774	1,858	38%	.49	21′	5′	4′6″	22′
5	3,650	1,858	39.3%	.51	21′	5′	4′6″	18′
6	3,798	1,858	37.8%	.49	21′	5′	5′9″	18′
7	13,000	2,110	11.1%	.16	24′	26′	5′	47′
8	5,563	1,978	25.6%	.36	24′	5′	5′	45′
9	8,445	2,406	17.7%	.28	45′2″	5′	5′	104′
10	36,060	3,713	7.4%	.10	135′9″	83′	5′	150′

Section 18.08.030 Specific Plan (SP) Zoning District

A. Purpose and Intent

It is the purpose of this Section to provide a method for the zoning of lands with adopted Specific Plans for which customized development and use regulations have been approved by the City Council. The creation of a Specific Plan (SP) Zoning District is necessary to provide adequate development flexibility for innovation in residential building types, land use mixes, site design, and development concepts.

B. Applicability

This Section shall apply to the properties designated in the Cloverdale General Plan Land Use Element as requiring preparation of a Specific Plan and to any other project site for which the applicant believes that implementation of a Specific Plan will benefit the project and the City.

All Specific Plan applications shall be accompanied by a zone change application requesting a change from the existing Zoning District to the Specific Plan Zoning District. The Specific Plan Zoning District shall be designated on the Zoning Map by the symbol "SP" followed by a number to designate the Specific Plan (e.g. SP-3.1, SP-3.2, etc.). Each Specific Plan Zoning District shall be a logical geographical unit and may include one or more parcels. Any Specific Plan Zoning District may be broken down into subareas for the purpose of assigning specific development standards and regulations.

A Specific Plan Zoning District shall conform to the policies of the General Plan designation for the area. The minimum size for a Specific Plan Zoning District shall be five (5) acres. Smaller parcels may be combined in an application to meet minimum qualification for land area.

C. Establishment of a Specific Plan Zoning District

A Specific Plan Zoning District shall be established by recommendation of the Planning Commission and approval of an ordinance by the City Council and include the following information:

1. Identification of the geographical area where Zoning District standards and subarea standards shall apply.
2. Description of the intent and character of area development.
3. Identification of environmental mitigation measures and important features to be preserved.
4. Identification of uses permitted and uses requiring Conditional Use Permits.
5. Identification of street and right-of-way standards and easements for provisions of utilities and pathways.
6. Identification of standards for weight and bulk, set-back, parking, lot size, percentage of open space and type of landscaping.

D. Adoption of Specific Plan Zoning District

Adoption of a Specific Plan District shall be as follows:

1. The Planning Director shall determine that the proposal for a Specific Plan Zoning District includes the information required.
2. The Planning Director shall propose acceptance of a completed environmental document prepared pursuant to CEQA or shall otherwise demonstrate compliance with CEQA.
3. The Planning Commission shall hold a public hearing after providing a minimum of 10 days notice published in a newspaper of local circulation and by mailing first class to the owners of property within 300 feet of the Specific Plan area as their names and addresses are shown on the latest adopted County Tax Roll.
4. The Planning Commission shall recommend Zoning District adoption to the City Council through resolution with a minimum affirmative vote of the majority of the total voting membership of the Planning Commission.
5. The City Council shall hold a public hearing in accordance with the notice requirements above.
6. The City Council shall adopt a Specific Plan Zoning District by amendment of this Title. Any changes proposed by the City Council not previously considered by the Planning Commission must be referred to the Planning Commission for consideration and recommendation prior to City Council action.

Section 18.08.040 Individual Specific Plan Zoning District Development Standards

The following SP Zoning Districts have been established by appropriate action of the City Council, subject to the following provisions.

A. SP-1 Alexander Valley Resort Specific Plan

This Section provides regulations and standards for the development of the Alexander Valley Resort Project site and the SP-1 Zoning District.

B. Precise Development Plan Required

1. A Precise Development Plan shall be required prior to any development in each of the six (6) land use designations in this Plan: Resort Hotel/Spa, Golf Course, Resort Residential, Single-Family Residential, Estate Residential, and Entry Commercial. Each Precise Development Plan shall be consistent with the Alexander Valley Resort Specific Plan and the phasing provisions below.

2. A visual "gateway" or entrance theme shall be submitted by the Developer and approved by the City prior to or with the first Precise Development Plan approval. A visual analysis of the rough grading plan for the site, including the grading for the proposed western hill with the serpentine outcropping shall be prepared prior to or with the first Precise Development Plan, together with the proposed "gateway" theme.

3. A Precise Development Plan amendment, as specified in this Section, shall be required for any change to the approved Precise Development Plan, except for minor changes in golf course design and alignment.

4. The project shall meet all requirements of the Cloverdale Inclusionary Housing Ordinance as it exists or is amended.

5. Precise Development Plans for all phases of the development may be submitted and approved simultaneously, provided that no temporary or permanent occupancy permits for the Resort Residential, Single-Family Residential and Estate Residential units shall be issued until: 1) an occupancy permit is issued for the Hotel: and 2) nine holes of the golf course, west of the NWP rail line, are complete.

6. Construction of the first nine (9) holes of the golf course is dependent on the availability of recycled wastewater ("Recycled Water"), transportation of that water to the west side of the NWP tracks, annexation to the City of Cloverdale, and City entitlements. The timing of the construction of the second nine (9) holes contemplated by this Specific Plan ("Regulation Course") is dependent, in part, on the rescission or expiration of the Williamson Act Contract ("Contract") on a portion of the Project property that is included as a part of the second nine (9) holes, the availability of Recycled Water and obtaining permanent railroad crossing rights from the North Coast Railroad Authority ("Crossing Rights").

   If the Developer is unable to achieve rescission of the Contract, obtain sufficient Recycled Water, and/or obtain Crossing Rights in a timely manner, so as to allow for completion of the Regulation Course, the Developer shall amend the Precise Development Plan for the golf course to provide for a nine (9) hole course, including a driving range and clubhouse, on property owned by the Developer that is not subject to the Contract, dependent on Recycled Water, or dependent on Crossing Rights ("9-Hole Course"). Developer shall propose an alternate use for the remaining acreage. Such use may require an amendment to the Alexander Valley Resort Specific Plan.

C. Relationship to the Zoning Ordinance

All provisions of this Title shall apply in the SP-1 Zoning District, except as specifically modified by this Section.

D. Pedestrian/Bicycle Trails

Each Precise Development Plan shall provide for pedestrian/bicycle trails to complete the trails system identified in the Specific Plan.

E. Resort Hotel/Spa

The 100-150 room hotel and a full-service spa facility will function together as a wine country destination resort and as the anchor of the Alexander Valley Resort project. Amenities will include, those normally found in a resort complex, including, but not limited to, a restaurant, conference center and gift shop. The Resort shall be consistent with all aspects of the Cloverdale General Plan Destination Commercial land use designation and applicable goals of the Land Use and Community Design Elements.

The hotel will be sited on a knoll overlooking Resort Residential and Golf Course areas and capitalizing on Alexander Valley/Russian River vistas. The European wine country style architectural theme described in this Specific Plan shall be consistent throughout the Resort. The hotel is assigned a visually prominent location on the Project site and shall be designed to quality resort style standards. The mass of the building(s) shall be broken up by favoring terraced roofs and offsets in wall planes. The maximum height for the hotel shall be 62 feet above ground level, including towers and similarly distinct architectural elements. The spa shall be confined within the hotel complex. Outdoor facilities, consisting of a swimming pool and other recreational activity areas shall be sited and buffered to reduce noise intrusion on the hotel.

Parking areas shall be off-street, landscaped and screened from view. It is anticipated that parking for the Resort complex, the Resort Residential units and the Golf Course facilities will share parking areas, particularly during off-peak hours. For example, the hotel may use golf club parking in the evening when the golf course is not in use.

F. Golf Course

1. The Alexander Valley Golf Club will be a regulation 18-hole golf course, with multiple tee areas providing varying overall lengths up to 6500 yards. A clubhouse, practice facility and maintenance area, natural resource preserves, and pedestrian/bicycle trails are included as a part of the golf course project. The Alexander Valley Golf Club will be open to Golf Club members, guests of the Resort and the general public on a daily fee basis.

2. Clubhouse uses and standards:

    a. Maximum height of the clubhouse building shall be 35 feet.

    b. Allowable uses are golf course management offices, pro shop, men and women's locker rooms, restaurant and banquet facilities and golf cart storage. Any expansion or change after Precise Development Plan approval shall require a Precise Development Plan amendment.

    c. The Precise Development Plan for the golf clubhouse shall provide adequate parking to serve peak demand for banquet activities and shall include

parking that complies with the City of Cloverdale standards. Shared parking may be proposed between golfing and banquet facilities if the uses have different peaking characteristics. Shared parking may only be allowed based on a shared parking analysis, using Urban Land Institute or similar methodologies, and approved by the City's Planning Director.

3. Practice facilities:

   a. The practice facilities, which include a driving range and a putting green, will be sited so as to buffer the hotel and Resort Residential areas from the adjacent industrial uses.

   b. The driving range will be recessed from the hotel site and heavily buffered, on all sides, by landscaping.

   c. Protective netting will be installed to protect adjacent uses from errant golf balls.

4. Maintenance facilities:

   a. Maximum height of maintenance building structures shall be 24 feet.

   b. All activities and equipment storage shall be within enclosed buildings, except for sand, gravel and similar bulk construction materials, which shall be screened from public view with fences, landscaping, buildings or similar features.

5. Natural resource areas shall meet requirements of the Alexander Valley Resort Specific Plan.

6. Accessory structures, including snack shop, restrooms and a maintenance building shall be allowed on the golf course.

7. All Golf Course improvements shall conform to the "gateway" design concept.

G. Resort Residential

1. Resort Residential units shall meet the provisions of the R-CT or R-3 Multi-Family Residential Zoning Districts as they exist or may be modified.

2. The Precise Development Plan for Resort Residential shall conform to Specific Plan policies to mitigate impacts from the adjoining industrial area.

3. An Acoustic Study shall be submitted, and building assemblies shall be designed so that interior noise levels shall not exceed 45dBA inside all living units.

H. Single-Family Residential

1. Single-Family Residential units shall meet the requirements of the R-2 Zoning District, as it exists or may be amended, except that lot sizes may be reduced to 4,000 square feet and the lot width, depth and setback requirements reduced based on the PUD Permit provisions in Chapter 18.03. No more than one dwelling unit may be built on each lot.

2. A visual analysis shall be submitted with the Precise Development Plan application for the Single-Family Residential area. Steps to minimize views of houses from the City shall be detailed.

3. Site and building design shall conform to the gateway design concept.

4. A Precise Development Plan amendment shall be required for any addition to or expansion of housing units after initial construction, including accessory structures.

I. Estate Residential

1. Estate Residential units shall meet the requirements of the R-1 Zoning District, except that setbacks and lot sizes may be modified to save significant trees and oak forest groupings.

2. A visual analysis shall be submitted with the Precise Development Plan application for the Estate Residential area. Steps to minimize views of houses from the City and Alexander Valley shall be detailed.

3. An arborist report shall be provided with Precise Development Plan submittal. The report shall identify significant individual trees and significant groupings of trees (oak forest). Houses and lots shall be sited to preserve trees and forest groupings to the extent possible.

4. A Precise Development Plan amendment shall be required for any addition to or expansion of housing units after initial construction, including accessory structures and removal of significant trees identified in the arborist report.

J. Entry Commercial

1. An entry design theme and visual analysis shall be submitted with the Precise Development Plan application for the Entry Commercial area. Design shall include a visual buffer, such as landscape and berms, between Asti Road and the development on the site.

2. Design shall conform to the "gateway" design concept.

3. Entry Commercial development shall meet the requirements of the G-C Zoning District. Additionally, the following uses shall be permitted by right:

   a. Restaurants: without entertainment
      serving alcoholic beverages
      with indoor and outdoor seating
      with catering

   b. Wine Tasting Facility

   c. Administrative and Executive Offices

   d. Clerical and Professional Offices

   Service stations, drive-through uses and internally illuminated signs shall not be allowed.

4. A Precise Development Plan amendment shall be required for any expansion of buildings after initial construction. A use permit shall be required for any uses that require a use permit in the G-C Zoning District, with the exception of the permitted uses listed in the preceding paragraph.

Chapter 18.08

SPECIAL ZONING DISTRICTS

Section 18.08.010 Planned Unit Development (PD) Zoning District

A. Purpose and Intent

The purpose of the PD Zoning District is to provide flexibility in land use development standards for well-planned developments that conform to the General Plan land use provisions and achieve one or more of the following purposes.

1. Permit the clustering of single-family or multifamily dwellings in order to preserve unique features on a property or provide for public parks and/or buildings.
2. Allow master planning of sites with multiple property owners in order to provide predictable land use expectations for individual owners.
3. Allow master planning of large sites over two acres so that the property can be developed in phases, providing predictable land use expectations for each phase of the development.
4. Allow City-initiated PD zoning to achieve goals such as historic preservation, neighborhood conservation, or phasing of development.

B. Establishment of District

A PD Zoning District may be combined with any district shown in the Residential, Commercial or Industrial Zoning Districts in accordance with the provisions of this Section and Section 18.03. Each PD Zoning District shall be numbered. The Zoning Map shall identify the underlying Zoning District and the PD Zoning District number (e.g. R-1-PD/1). A PD Zoning District may include more than one underlying Zoning District. The application for a PD Zoning District shall include Development Standards for the Planned Unit Development. The standards shall include, but not be limited to, information regarding allowable uses, parking, setbacks, building heights, lot coverage, grading, landscaping, and other issues appropriate to the Zoning District.

A PD Zoning District may be established as an amendment to this Title in accordance with Chapter 18.03 upon application of the property owner or owners or upon recommendation of a majority of the Planning Commission and/or action of the City Council on parcels of land which are suitable for, and of sufficient acreage (minimum two acres) to contain a Planned Unit Development.

C. Permitted Uses

All provisions of the underlying Zoning District shall apply unless specifically modified by a Preliminary and/or Precise Development Plan. The following modifications to underlying Zoning District provisions may be allowed.

1. Clustering of single-family or multifamily dwellings in Residential Zoning Districts in order to preserve unique features on a property or provide for public parks and/or buildings. Development shall not exceed General Plan densities; however, clustering may be used to achieve the allowable General Plan density

for the entire site including the land area of features preserved. Undevelopable lands shall not count toward allowable densities.

2. Master planning of a site or area with multiple property owners in order to provide predictable land use expectations for individual owners. Land uses shall be consistent with underlying General Plan land uses; however, residential densities may be distributed throughout the master planned area as if it were a single property.

3. City-initiated PD zoning to achieve goals such as historic preservation, neighborhood conservation, or phasing of development or to:

   a. Enhance and preserve unique features on a property, such as historical significance, unusual topographic or physiographic characteristics.

   b. Allow provision for or development of parks, public buildings, and public amenities.

D. Variation from Zoning District Regulations

The regulations and requirements of the Zoning District with which the PD Zoning District is combined shall apply, except as may be modified or changed by the approved development plan or policy statement. In a PD Zoning District, the Precise Development Plan approved and adopted by the City Council may allow variation from the strict application of Zoning District regulations with respect to fences, walls and hedges; screening and landscaping; front and side yards; distances between structures (building separations may be reduced to zero feet (0') provided that firewalls are provided per UBC standards); heights; internal street rights-of-way, pavement widths and sidewalks; lot coverage, lot size, and the determination of usable open space. Where variation from lot size is proposed, no more than 25% of lots in any development may be less than 4,000 square feet and no lots may be less than 3,000 square feet. All such variations from Zoning District regulations shall be noted in the approved development plan. Variations from the following regulations shall not be allowed: residential floor area ratio and residential rear yard setbacks.

E. Residential Densities

Residential densities in a PD Zoning District shall not exceed the residential densities permitted by the General Plan, including undevelopable lands as defined.

Section 18.08.020 Individual PD Zoning District Development Standards

The following PD Zoning Districts have been established by appropriate action of the City Council, subject to the following deviations from base Zoning District standards. If a Preliminary Development Plan or Precise Development Plan has expired per chapter 18.03, a new Precise and/or Preliminary Development Plan must be filed and approved prior to any use of the property within the PD Zoning District.

A. P-D/1 Jefferson Springs

All provisions of the R-1 Single Family Residential Zoning District shall apply. All structures built in conformity with the adopting site plan shall be legal conforming structures.

B. P-D/2 Jefferson Villas

All provisions of the R-1 Single Family Residential Zoning District shall apply. All structures built in conformity with the adopting site plan shall be legal conforming structures.

C. P-D/3 Solar Park

All provisions of the R-3 Multi-Family Residential Zoning District as it exists or may be modified shall apply. All structures built in conformity with the adopting site plan shall be legal conforming structures.

D. P-D/4 Kings Valley

All provisions of the R-3 Multi-Family Residential Zoning District as it exists or may be modified shall apply. All structures built in conformity with the adopting site plan shall be legal conforming structures.

E. P-D/5 Bandiera Winery

1. Permitted Uses

- Winery with total annual production of 50,000 cases.
- Addition to existing winery building to be used exclusively for small wood aging.
- A small retail sales area.
- Crushing, fermenting, aging, bottling and shipping of all wine produced as bottled case goods.

2. Operating Provisions

- No tasting or tours.
- Storage and/or fermenting tanks shall not be visible outside of buildings.
- Maximum of five full-time employees.
- All company owned equipment shall be parked off street in the crushing-fermenting area.
- Operating hours during the crushing season shall not exceed a 10 to 12 hour work day. All other work days shall be standard 8 hour days.

F. P-D/6 Clover Springs

All provisions of the R-1 Single Family Residential Zoning District shall apply with the following exceptions:

1. The following are the only permitted uses, provided that uses shall also comply with the permitting requirements set forth in Chapter 18.03 entitled Land Use Permits and Approvals.

- Single family dwellings
- Accessory buildings
- Home Occupations
- Accessory uses per the R-1 Zoning District
- Open space/Passive parks
- Private recreation facilities
- Guest quarters/in-law residence

2. Residential Siting and Planning Design Guidelines

a. Encroachments into Required Yards – Architectural features such as roof eaves, fireplaces, box-outs, built-in shelves, bay windows and similar features are permitted to extend up to two feet six inches (2′ 6″) into the minimum front, rear and side yard setbacks.

b. Ground-Level Air Conditioning Unit Screening and Locations – Ground air conditioning units are to be within a fenced yard, or otherwise screened with walls, fencing or landscaping. Air conditioning units that are located within a solid fenced side or rear yard are not required to be screened. Ground level air conditioning units and their enclosures are permitted within the side or rear yard setback, provided enclosures do not exceed five feet (5′) in height and are located at least two feet (2′) from the side property line and five feet (5′) from the rear property line.

c. Fencing Standards

Side and rear yard, interior lots: Side and rear yard fencing may be constructed up to six feet (6′) in height, as measured from the high side of the fence. The fencing in the side and rear yard shall conform to the privacy fence standard.

Side yard on corner lots: Fencing is permitted in the side yard abutting a street with a minimum setback of eight feet (8′) from the back of the property line.

Front yard: Courtyard walls are permitted in the front yard, up to ten feet (10′) from the back of the walk. Courtyard walls encroaching into the required front yard setback may not exceed three feet (3′) in height.

Open Space lots: Open fencing will be utilized along lot edges common to open spaces, as well as to define community areas. Provided regulations contained within the project CC&Rs are complied with, homeowners have the following options for open fencing:

- Two foot (2′) knee-high wall (a short masonry wall)
- Two foot (2′) knee-high wall with four foot (4′) wrought-iron style fence on top.
- Six foot (6′) wrought iron style fence may be utilized in the side yard areas of open space lots, along interior property lines. Wrought-iron style fencing is to be of a consistent design throughout the project.
- A three and one-half foot (3′6″′) split rail fence will be constructed as part of the landscaping along Porterfield Creek.

Fencing adjacent to streets: There are a number of areas within the project that back up to streets that require fencing, the following fencing standards have been established for these areas:

- Six foot (6′) wooden barrier fence will be constructed adjacent to Cloverdale Boulevard.
- Six foot (6′) perimeter wood fence will be constructed along the Foothills Boulevard landscape corridor and the lots that back up to the existing Hot Springs Road.

All solid wood fences will be painted/stained to be consistent with the criteria established within the CC&Rs for the project.

d. Trash Receptacle Storage – trash receptacle storage is restricted to the garage within a non-fenced yard, or within a screened area located behind the leading edge of the house.

3. Residential Housing Siting Criteria

Setbacks	Estate	Premier	Classic
Front Yard, Living Space	15′	15′	15′
Front Yard, Garage Door (3, 7)	18′	18′	18′
Side Yard, Interior (6)	5′	5′	5′
Side Yard, Adjacent to Street (8)	12.5′	12.5′	12.5′
Rear Yard (3, 4, 6)	15′	15′	15′
Building Coverage (5)	50%	50%	50%

Height Limit

Maximum Building Height 35′

Attached Shade Structures

All shade structures shall conform to a minimum twelve foot (12′) rear yard setback and a five foot (5′) side yard setback. The three foot (3′) encroachment into the standard fifteen (15′) setback shall not be enclosed by more than 20% of its perimeter and shall not exceed 50% of the required usable rear yard area.

The number of lots within Phase I which would be allowed to utilize this provision for a reduction in the rear yard setback shall be in accordance with the parcels detailed in the August 19, 1997 letter submitted by the Del Webb California Corporation to the City, and in no case, shall the number of lots exceed 40% of the total lot count of Phase I. The number of lots within Phase II which would be allowed to utilize this provision shall not exceed 40% of the total lot count of Phase I. The number of lots within Phase II which would be allowed to utilize this provision shall not exceed 40% of the total lot count unless otherwise approved by the City through the adoption of the Precise Development Plan for Phase II.

Accessory Structures

Permitted outside of the required front yard; 5 foot (5′) setback required from a side or rear property line for detached structures; may be further regulated by the project CC&Rs.

Off-Street Parking

Two spaces per dwelling unit

Footnotes (Siting Criteria)

i. Lot width is measured eighteen feet (18′) from the back of the front property line. Cul-de-sac, elbow lots and lots on curved streets may have a width less than specified provided they meet lot area and building setback requirements.

ii. Required lot depth may be reduced up to ten feet (10′) in some cases, provided the lots otherwise meet lot area and building setback requirements. Some

examples of such cases are lots on cul-de-sacs or elbows and constrained by trees or natural features.

iii. Driveway length is measured from property line to face of garage door. Architectural projections of up to two feet (2′) will be allowed to project into the front and side yard setbacks.

iv. The rear yard setback is exclusive of roof overhangs and architectural projections.

v. Roof overhangs, patios, covered porches, shade structures, driveways, walkways and the like are exempted from the building coverage calculation.

vi. Air conditioning units can encroach up to three feet (3′) into the side and rear yard setbacks.

vii. The front yard setback will be staggered a minimum of two feet (2′) on every third unit. This requirement will not apply where the street centerline radius is 1,000 feet or less, on the bulb area of cul-de-sac lots or on elbow lots.

viii. The measurement for minimum sideyard setbacks for corner lots will be taken from the back of the sidewalk. All corner lots will have a minimum corner sideyard setback of twelve and a half feet (12′6″) with the exception of lots 74, 114, 159 and 160 which will have a minimum fifteen foot (15′) setback from the back of the sidewalk. These lots differ in setback due to their location adjacent to a collector or arterial street.

4. Recreation Facility Siting Criteria

Setbacks

Building Setback from Street Right-of-Way	30′
Building Setback from Adjacent Residential Property Line	30′
Building Setback from Open Space	10′
Outdoor Recreation Facility Setback from Street Right-of-Way	10′
Outdoor Recreation Facility Setback from Residential Lots	10′
Outdoor Recreation Facility Setback from Open Space	10′
Parking Lot Setback from Residential Property Line	25′
Parking Lot Setback from Street Right-of-Way	10′
Building, Parking and Outdoor Recreation Facility Setback From the Flowline of Porterfield Creek	60′

Height Limit

Maximum Building Height	One-Story (40′)

Parking Requirements

Parking Requirements	1 space/250 sf of building area

G. P-D/7 Rancho de Amigos – Residential Portions

All provisions of the R-1 Single Family Residential Zoning District shall apply to the single-family lots.

Provisions of the R-3 Multi-Family Residential District shall apply to the townhouse portion of the site. All structures built in conformity with the adopting site plan shall be legal conforming structures within the townhouse development.

H. P-D/7 Rancho de Amigos – Shopping Center/Business Park

For the shopping center portion of the site, all provisions of the General Commercial (G-C) Zoning District shall apply. New development is subject to the Architectural Design Guidelines and Sign Program on file in the Planning Department. For the business park portion of the site, an assisted living project is compatible with the business park designation.

I. P-D/8 Furber II – The Preliminary Development Plan for this P-D expired and is null and void.

J. P-D/9 Citrus Gardens

All provisions of the R-3 Multi-Family Residential Zoning District as it exists or may be modified shall apply. All structures built in conformity with the adopting site plan shall be legal conforming structures.

K. P-D/10 The Cottages

All provisions of the R-1 Single Family Residential Zoning District shall apply with the following exceptions:

1. Sideyard Setbacks

   a. A minimum separation of twenty feet (20′) between two-story wall to two-story wall of adjoining residential units.

   b. A minimum separation of fifteen feet (15′) between single story wall to two story wall of adjoining residential units.

   c. A minimum separation of ten feet (10′) between single story wall to single story wall of adjoining residential units.

2. Height limitations

   a. All residences placed on Lots 12 – 24 and 42-48 of Area I and Lots 140, 141, 154, 155, 166, 167 and 180 of Area II are single story in height. If the height of any residential unit listed above is desired to be increased beyond single story, the applicant shall submit a visual analysis containing a minimum of two cross-sections for each area that extend across the width of the property. The visual analysis shall depict the height and orientation of the residential unit, location of any retaining walls, roads, building pads, and integration of all proposed landscaping. The visual analysis shall be submitted to the Planning Commission for their review and approval.

3. Open Space

   a. All properties adjoining the northerly property line (Lots 11 – 20) shall maintain a thirty foot (30′) open space buffer area in which no development may occur. "Development" shall include the construction or placement of any permanent structure that would be subject to the issuance of a building permit including, but not limited to decks,

platforms, accessory buildings and swimming pools or the construction of any temporary structure not subject to the Building Code such as, but not limited to, accessory structures, play equipment and saunas.

L. P-D/11 Ioli Ranch

All provisions of the R-3 Multi-Family Residential Zoning District as it exists or may be modified shall apply. All structures built in conformity with the adopting site plan shall be legal conforming structures.

M. P-D/12 Vineyards At Cloverdale

All provisions of the R-1 Single Family Residential Zoning District shall apply. All structures built in conformity with the adopting site plan shall be legal conforming structures.

N. P-D/13 Sunrise Hills

All provisions of the R-1 Single Family Residential Zoning District shall apply. All structures built in conformity with the adopting site plan shall be legal conforming structures.

O. P-D/14 Sunrise Hills II

All provisions of the R-1 Single Family Residential Zoning District shall apply, with the following exceptions:

Setbacks

Front Yard, Living Space	10′
Front Yard, Garage Door	20′
Side Yard, Interior	1-story = 5′; 2-story = 10′
Rear Yard	10′ to rear of house or detached garage

P. Reserved

Q. P-D/16 Creekside

The following standards adopted with the Precise Development Plan shall apply:

Lot #	Lot Size (sf)	Unit Size (sf)	Lot Coverage	FAR	Front Setback	Right Side Setback	Left Side Setback	Rear Setback
1	3,774	1,858	38%	.49	21′	5′	4′6″	22′
2	3,774	1,858	38%	.49	21′	5′	4′6″	22′
3	3,774	1,858	38%	.49	21′	5′	4′6″	22′
4	3,774	1,858	38%	.49	21′	5′	4′6″	22′
5	3,650	1,858	39.3%	.51	21′	5′	4′6″	18′
6	3,798	1,858	37.8%	.49	21′	5′	5′9″	18′
7	13,000	2,110	11.1%	.16	24′	26′	5′	47′
8	5,563	1,978	25.6%	.36	24′	5′	5′	45′
9	8,445	2,406	17.7%	.28	45′2″	5′	5′	104′
10	36,060	3,713	7.4%	.10	135′9″	83′	5′	150′

Section 18.08.030 Specific Plan (SP) Zoning District

A. Purpose and Intent

It is the purpose of this Section to provide a method for the zoning of lands with adopted Specific Plans for which customized development and use regulations have been approved by the City Council. The creation of a Specific Plan (SP) Zoning District is necessary to provide adequate development flexibility for innovation in residential building types, land use mixes, site design, and development concepts.

B. Applicability

This Section shall apply to the properties designated in the Cloverdale General Plan Land Use Element as requiring preparation of a Specific Plan and to any other project site for which the applicant believes that implementation of a Specific Plan will benefit the project and the City.

All Specific Plan applications shall be accompanied by a zone change application requesting a change from the existing Zoning District to the Specific Plan Zoning District. The Specific Plan Zoning District shall be designated on the Zoning Map by the symbol "SP" followed by a number to designate the Specific Plan (e.g. SP-3.1, SP-3.2, etc.). Each Specific Plan Zoning District shall be a logical geographical unit and may include one or more parcels. Any Specific Plan Zoning District may be broken down into subareas for the purpose of assigning specific development standards and regulations.

A Specific Plan Zoning District shall conform to the policies of the General Plan designation for the area. The minimum size for a Specific Plan Zoning District shall be five (5) acres. Smaller parcels may be combined in an application to meet minimum qualification for land area.

C. Establishment of a Specific Plan Zoning District

A Specific Plan Zoning District shall be established by recommendation of the Planning Commission and approval of an ordinance by the City Council and include the following information:

1. Identification of the geographical area where Zoning District standards and subarea standards shall apply.
2. Description of the intent and character of area development.
3. Identification of environmental mitigation measures and important features to be preserved.
4. Identification of uses permitted and uses requiring Conditional Use Permits.
5. Identification of street and right-of-way standards and easements for provisions of utilities and pathways.
6. Identification of standards for weight and bulk, set-back, parking, lot size, percentage of open space and type of landscaping.

D. Adoption of Specific Plan Zoning District

Adoption of a Specific Plan District shall be as follows:

1. The Planning Director shall determine that the proposal for a Specific Plan Zoning District includes the information required.
2. The Planning Director shall propose acceptance of a completed environmental document prepared pursuant to CEQA or shall otherwise demonstrate compliance with CEQA.
3. The Planning Commission shall hold a public hearing after providing a minimum of 10 days notice published in a newspaper of local circulation and by mailing first class to the owners of property within 300 feet of the Specific Plan area as their names and addresses are shown on the latest adopted County Tax Roll.
4. The Planning Commission shall recommend Zoning District adoption to the City Council through resolution with a minimum affirmative vote of the majority of the total voting membership of the Planning Commission.
5. The City Council shall hold a public hearing in accordance with the notice requirements above.
6. The City Council shall adopt a Specific Plan Zoning District by amendment of this Title. Any changes proposed by the City Council not previously considered by the Planning Commission must be referred to the Planning Commission for consideration and recommendation prior to City Council action.

Section 18.08.040 Individual Specific Plan Zoning District Development Standards

The following SP Zoning Districts have been established by appropriate action of the City Council, subject to the following provisions.

A. SP-1 Alexander Valley Resort Specific Plan

This Section provides regulations and standards for the development of the Alexander Valley Resort Project site and the SP-1 Zoning District.

B. Precise Development Plan Required

1. A Precise Development Plan shall be required prior to any development in each of the six (6) land use designations in this Plan: Resort Hotel/Spa, Golf Course, Resort Residential, Single-Family Residential, Estate Residential, and Entry Commercial. Each Precise Development Plan shall be consistent with the Alexander Valley Resort Specific Plan and the phasing provisions below.

2. A visual "gateway" or entrance theme shall be submitted by the Developer and approved by the City prior to or with the first Precise Development Plan approval. A visual analysis of the rough grading plan for the site, including the grading for the proposed western hill with the serpentine outcropping shall be prepared prior to or with the first Precise Development Plan, together with the proposed "gateway" theme.

3. A Precise Development Plan amendment, as specified in this Section, shall be required for any change to the approved Precise Development Plan, except for minor changes in golf course design and alignment.

4. The project shall meet all requirements of the Cloverdale Inclusionary Housing Ordinance as it exists or is amended.

5. Precise Development Plans for all phases of the development may be submitted and approved simultaneously, provided that no temporary or permanent occupancy permits for the Resort Residential, Single-Family Residential and Estate Residential units shall be issued until: 1) an occupancy permit is issued for the Hotel: and 2) nine holes of the golf course, west of the NWP rail line, are complete.

6. Construction of the first nine (9) holes of the golf course is dependent on the availability of recycled wastewater ("Recycled Water"), transportation of that water to the west side of the NWP tracks, annexation to the City of Cloverdale, and City entitlements. The timing of the construction of the second nine (9) holes contemplated by this Specific Plan ("Regulation Course") is dependent, in part, on the rescission or expiration of the Williamson Act Contract ("Contract") on a portion of the Project property that is included as a part of the second nine (9) holes, the availability of Recycled Water and obtaining permanent railroad crossing rights from the North Coast Railroad Authority ("Crossing Rights").

   If the Developer is unable to achieve rescission of the Contract, obtain sufficient Recycled Water, and/or obtain Crossing Rights in a timely manner, so as to allow for completion of the Regulation Course, the Developer shall amend the Precise Development Plan for the golf course to provide for a nine (9) hole course, including a driving range and clubhouse, on property owned by the Developer that is not subject to the Contract, dependent on Recycled Water, or dependent on Crossing Rights ("9-Hole Course"). Developer shall propose an alternate use for the remaining acreage. Such use may require an amendment to the Alexander Valley Resort Specific Plan.

C. Relationship to the Zoning Ordinance

All provisions of this Title shall apply in the SP-1 Zoning District, except as specifically modified by this Section.

D. Pedestrian/Bicycle Trails

Each Precise Development Plan shall provide for pedestrian/bicycle trails to complete the trails system identified in the Specific Plan.

E. Resort Hotel/Spa

The 100-150 room hotel and a full-service spa facility will function together as a wine country destination resort and as the anchor of the Alexander Valley Resort project. Amenities will include, those normally found in a resort complex, including, but not limited to, a restaurant, conference center and gift shop. The Resort shall be consistent with all aspects of the Cloverdale General Plan Destination Commercial land use designation and applicable goals of the Land Use and Community Design Elements.

The hotel will be sited on a knoll overlooking Resort Residential and Golf Course areas and capitalizing on Alexander Valley/Russian River vistas. The European wine country style architectural theme described in this Specific Plan shall be consistent throughout the Resort. The hotel is assigned a visually prominent location on the Project site and shall be designed to quality resort style standards. The mass of the building(s) shall be broken up by favoring terraced roofs and offsets in wall planes. The maximum height for the hotel shall be 62 feet above ground level, including towers and similarly distinct architectural elements. The spa shall be confined within the hotel complex. Outdoor facilities, consisting of a swimming pool and other recreational activity areas shall be sited and buffered to reduce noise intrusion on the hotel.

Parking areas shall be off-street, landscaped and screened from view. It is anticipated that parking for the Resort complex, the Resort Residential units and the Golf Course facilities will share parking areas, particularly during off-peak hours. For example, the hotel may use golf club parking in the evening when the golf course is not in use.

F. Golf Course

1. The Alexander Valley Golf Club will be a regulation 18-hole golf course, with multiple tee areas providing varying overall lengths up to 6500 yards. A clubhouse, practice facility and maintenance area, natural resource preserves, and pedestrian/bicycle trails are included as a part of the golf course project. The Alexander Valley Golf Club will be open to Golf Club members, guests of the Resort and the general public on a daily fee basis.

2. Clubhouse uses and standards:

   a. Maximum height of the clubhouse building shall be 35 feet.

   b. Allowable uses are golf course management offices, pro shop, men and women's locker rooms, restaurant and banquet facilities and golf cart storage. Any expansion or change after Precise Development Plan approval shall require a Precise Development Plan amendment.

   c. The Precise Development Plan for the golf clubhouse shall provide adequate parking to serve peak demand for banquet activities and shall include

parking that complies with the City of Cloverdale standards. Shared parking may be proposed between golfing and banquet facilities if the uses have different peaking characteristics. Shared parking may only be allowed based on a shared parking analysis, using Urban Land Institute or similar methodologies, and approved by the City's Planning Director.

3. Practice facilities:

   a. The practice facilities, which include a driving range and a putting green, will be sited so as to buffer the hotel and Resort Residential areas from the adjacent industrial uses.

   b. The driving range will be recessed from the hotel site and heavily buffered, on all sides, by landscaping.

   c. Protective netting will be installed to protect adjacent uses from errant golf balls.

4. Maintenance facilities:

   a. Maximum height of maintenance building structures shall be 24 feet.

   b. All activities and equipment storage shall be within enclosed buildings, except for sand, gravel and similar bulk construction materials, which shall be screened from public view with fences, landscaping, buildings or similar features.

5. Natural resource areas shall meet requirements of the Alexander Valley Resort Specific Plan.

6. Accessory structures, including snack shop, restrooms and a maintenance building shall be allowed on the golf course.

7. All Golf Course improvements shall conform to the "gateway" design concept.

G. Resort Residential

1. Resort Residential units shall meet the provisions of the R-CT or R-3 Multi-Family Residential Zoning Districts as they exist or may be modified.

2. The Precise Development Plan for Resort Residential shall conform to Specific Plan policies to mitigate impacts from the adjoining industrial area.

3. An Acoustic Study shall be submitted, and building assemblies shall be designed so that interior noise levels shall not exceed 45dBA inside all living units.

H. Single-Family Residential

1. Single-Family Residential units shall meet the requirements of the R-2 Zoning District, as it exists or may be amended, except that lot sizes may be reduced to 4,000 square feet and the lot width, depth and setback requirements reduced based on the PUD Permit provisions in Chapter 18.03. No more than one dwelling unit may be built on each lot.

2. A visual analysis shall be submitted with the Precise Development Plan application for the Single-Family Residential area. Steps to minimize views of houses from the City shall be detailed.

3. Site and building design shall conform to the gateway design concept.

4. A Precise Development Plan amendment shall be required for any addition to or expansion of housing units after initial construction, including accessory structures.

I. Estate Residential

1. Estate Residential units shall meet the requirements of the R-1 Zoning District, except that setbacks and lot sizes may be modified to save significant trees and oak forest groupings.

2. A visual analysis shall be submitted with the Precise Development Plan application for the Estate Residential area. Steps to minimize views of houses from the City and Alexander Valley shall be detailed.

3. An arborist report shall be provided with Precise Development Plan submittal. The report shall identify significant individual trees and significant groupings of trees (oak forest). Houses and lots shall be sited to preserve trees and forest groupings to the extent possible.

4. A Precise Development Plan amendment shall be required for any addition to or expansion of housing units after initial construction, including accessory structures and removal of significant trees identified in the arborist report.

J. Entry Commercial

1. An entry design theme and visual analysis shall be submitted with the Precise Development Plan application for the Entry Commercial area. Design shall include a visual buffer, such as landscape and berms, between Asti Road and the development on the site.

2. Design shall conform to the "gateway" design concept.

3. Entry Commercial development shall meet the requirements of the G-C Zoning District. Additionally, the following uses shall be permitted by right:

   a. Restaurants: without entertainment
      serving alcoholic beverages
      with indoor and outdoor seating
      with catering

   b. Wine Tasting Facility

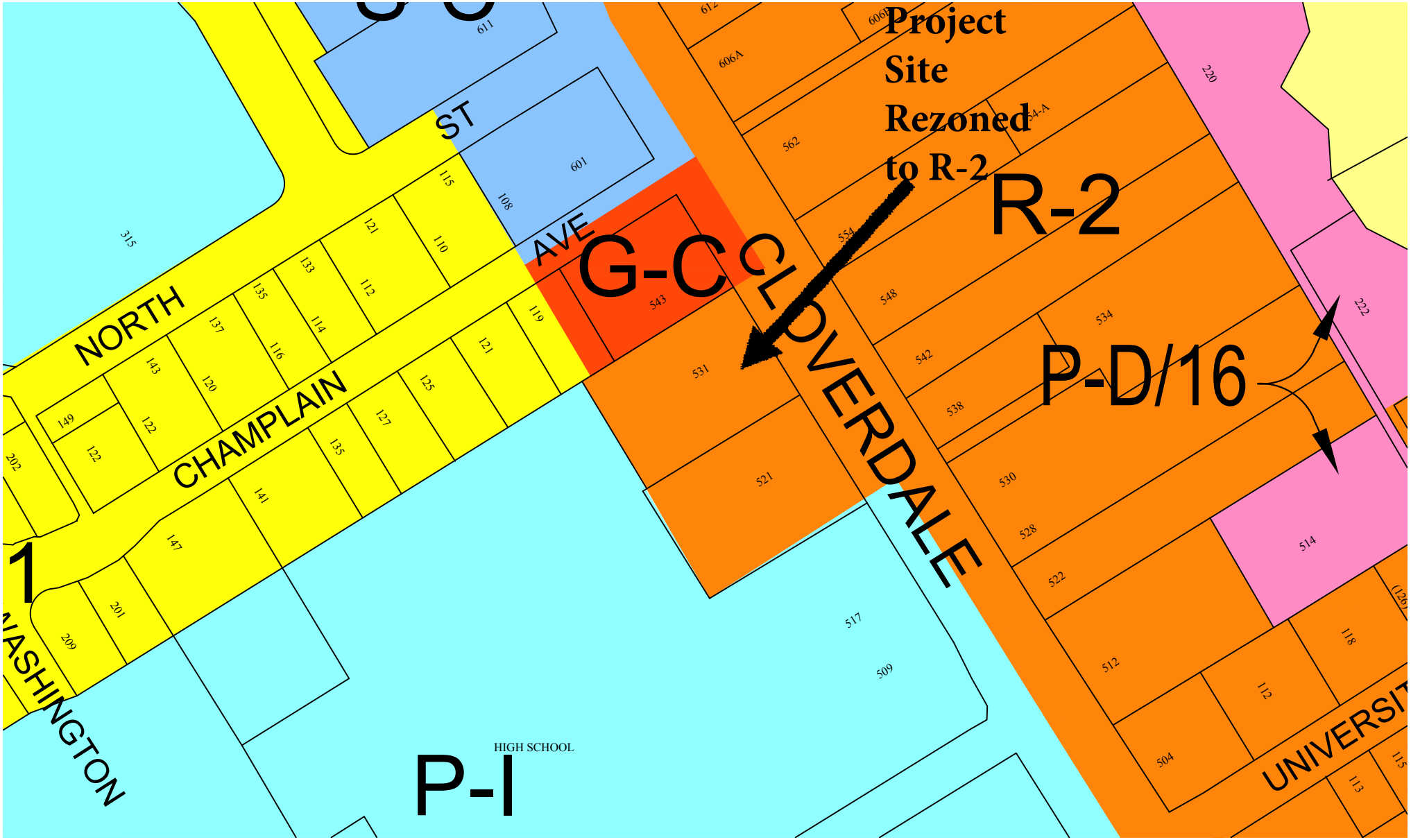
   c. Administrative and Executive Offices

   d. Clerical and Professional Offices

   Service stations, drive-through uses and internally illuminated signs shall not be allowed.

4. A Precise Development Plan amendment shall be required for any expansion of buildings after initial construction. A use permit shall be required for any uses that require a use permit in the G-C Zoning District, with the exception of the permitted uses listed in the preceding paragraph.

Rink Parcel Map - Rezoning of 531 N. Cloverdale Blvd to R-2



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PJC & Associates, Inc.
Consulting Engineers & Geologists

October 7, 2015 Job No. 6709.01

Munselle Civil Engineering
Attention: Cort Munselle
513 Center Street
Healdsburg, CA 95448
Cort@Munsellecivil.com

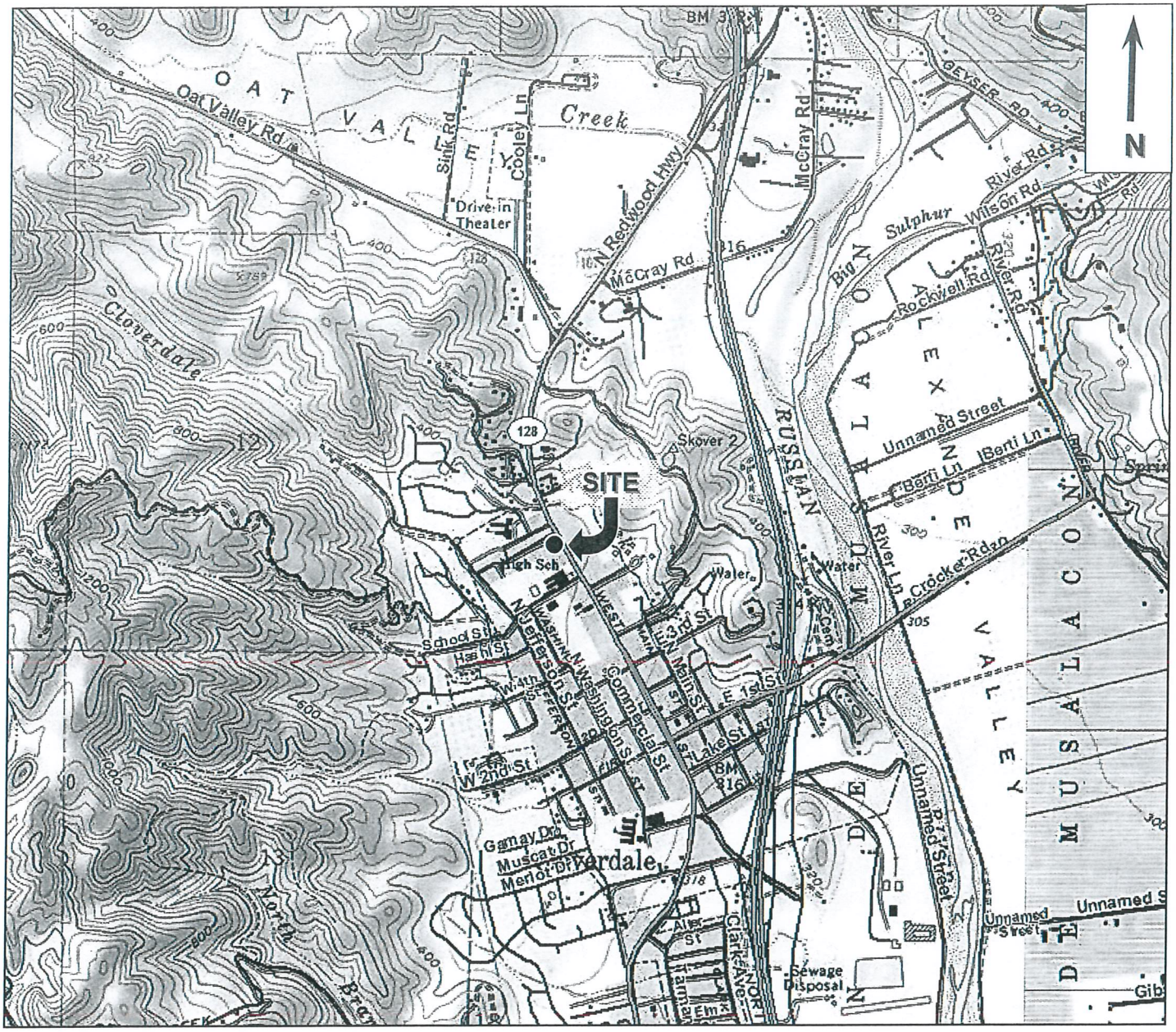
Subject: Geotechnical Investigation
Proposed Minor Subdivision
531 North Cloverdale Boulevard
Cloverdale, California

Dear Cort:

PJC & Associates, Inc. (PJC) is pleased to submit this report which presents the results of our geotechnical investigation for the proposed minor subdivision located at 531 North Cloverdale Boulevard in Cloverdale, California. The approximate location of the site is shown on the Site Location Map, Plate 1. The site corresponds to the latitudinal and longitudinal geographic coordinates of 38.8119° north and 123.0223° west, according to field GPS measurements performed at the site. Our services were completed in accordance with our proposal for geotechnical engineering services, dated August 5, 2015. The purpose of our work was to explore the subsurface conditions at the site and provide geotechnical recommendations and criteria for design and construction of the proposed project. The opinions, recommendations and geotechnical design criteria presented in this report are based on four exploratory boreholes, laboratory testing, geotechnical engineering analyses and our experience with other similar projects in the area. Based on the results of this study, we judge that the project is feasible from a geotechnical engineering standpoint provided the recommendations and criteria presented in this report are incorporated in design and carried out through construction.

1. PROJECT DESCRIPTION

Based on the "Tentative Subdivision Map", prepared by Munselle Civil Engineering, dated May 2014, and our discussions with you, the project will consist of subdividing the parcel into four lots, constructing a new asphalt paved or concrete driveway, and subsequently constructing four residential structures. We anticipate that the residential buildings will consist of one or two-story, wood frame structures with joist supported, raised wood floors and concrete slab on grade floors in the garages. We anticipate that the project will also include installation of new storm drain, water and sewer utilities, as well as, exterior concrete flatwork and vegetative landscaping.



SCALE 1:24,000

REFERENCE: USGS CLOVERDALE, CALIFORNIA 7.5 MINUTE QUADRANGLE, PHOTOREVISED 1975.

PJC & Associates, Inc.
Consulting Engineers & Geologists

SITE LOCATION MAP
PROPOSED MINOR SUBDIVISION
531 NORTH CLOVERDALE BOULEVARD
CLOVERDALE, CALIFORNIA

PLATE 1

Proj. No: 6709.01 Date: 9/15 App'd by: PJC

Structural foundation loading information for the structures was not available at the time of this report. For our analysis, we anticipate that structural foundation loads will be light with dead plus live continuous wall loads less than two kips per lineal foot (plf) and dead plus live isolated column loads less than 50 kips. If these assumed loads vary significantly from the actual loads, we should be consulted to review the actual loading conditions and, if necessary, revise the recommendations of this report

We anticipate that the structures will be constructed near existing grade. Therefore, grading will likely consist of minor cuts and fills of less than two feet to create level building pads, provide level surfaces for new exterior flatwork, prepare subgrade in driveway areas, and to provide adequate gradients for site drainage. Subexcavation and recompaction of building pads and areas subject to heavy traffic loading may be necessary.

2. SCOPE OF SERVICES

The purpose of this study was to provide geotechnical criteria for the design and construction of the proposed project. Specifically, the scope of our services consisted of the following:

a. Drill four exploratory boreholes to depths of between 10 and 15.5 feet below the existing ground surface to observe the soil and groundwater conditions underlying the site. Our civil engineer was on site to observe the drilling of the boreholes, log the materials encountered and to obtain representative samples for visual classification and laboratory testing.

b. Perform laboratory tests on selected samples to assist in the evaluation of the index and engineering properties of the subsurface conditions underlying the site.

c. Review seismological and geologic literature on the site area, discuss site geology and seismicity, and evaluate potential geologic hazards and earthquake effects (i.e., liquefaction, ground rupture, settlement, lurching and lateral spreading, slope stability, expansive soils etc.).

d. Perform engineering analyses to develop geotechnical recommendations for site preparation and earthwork, foundation type(s) and design criteria, lateral earth pressures, settlement, site drainage, pavement design criteria, support of concrete slabs-on-grade and construction considerations.

e. Preparation of this formal report summarizing our work on the project.

3. SITE DESCRIPTION

a. General. The generally rectangular-shaped property comprises approximately 0.52 acres of land and is located on the west side of North Cloverdale Boulevard approximately 250 feet south of the intersection of North Cloverdale Boulevard and Champlain Avenue, in a fully developed residential and commercial area of the City of Cloverdale. At the time of our investigation, the site was vacant except for several large Oak and Walnut trees, and was covered with a low growth of perennial grasses. The site is bounded to the east by North Cloverdale

Boulevard, to the west by Cloverdale High School and to the north and south by existing commercial and residential structures, respectively.

b. Topography and Drainage. The site is located in the Alexander Valley, near its northern edge. The site is generally level to gently sloping towards the south, with visually estimated maximum gradients of less than five percent, and located near an elevation of 360 feet above mean sea level (MSL), according to USGS Asti, California Quadrangle Topographic Map.

No creeks or seasonal drainage courses were observed at or near the site. Site drainage appears to consist of surface infiltration and sheet flow to city maintained storm drains on the adjacent streets. The nearest drainage course is Cloverdale Creek, which is located approximately 750 feet east of the site.

4. GEOLOGIC SETTING

The site is located in the Coast Ranges Geomorphic Province of California. This province is characterized by northwest trending topographic and geologic features, and includes many separate ranges, coalescing mountain masses and several major structural valleys. The province is bounded on the east by the Great Valley and on the west by the Pacific Ocean. It extends north into Oregon and south to the Transverse Ranges in Ventura County.

The structure of the northern Coast Ranges region is extremely complex due to continuous tectonic deformation imposed over a long period of time. The initial tectonic episode in the northern Coast Ranges was a result of plate convergence which is believed to have begun during late Jurassic time. This process involved eastward thrusting of oceanic crust beneath the continental crust (Klamath Mountains and Sierra Nevada) and the scraping off of materials that were accreted to the continent (northern Coast Ranges). East-dipping thrust and reverse faults were believed to be the dominant structures formed.

Right lateral, strike slip deformation was superimposed on the earlier structures beginning in mid-Cenozoic time, and has progressed northward to the vicinity of Cape Mendocino in Southern Humboldt County (Hart, Bryant and Smith, 1983). Thus, the principal structures south of Cape Mendocino are northwest-trending, nearly vertical faults of the San Andreas system.

According to published geologic information, the site has been mapped to be underlain by Quaternary alluvial soil deposits (Qa). This was confirmed by our subsurface exploration. These deposits are characterized to consist of heterogeneous deposits of sands, gravels, silts and clays. These deposits likely extend to a great depth below the site.

5. SEISMICITY AND FAULTING

The site is located within a zone of high seismic activity related to the active faults that transverse through the surrounding region. Future damaging earthquakes could occur on any of these fault systems during the lifetime of the proposed project. In general, the intensity of ground shaking at the site will depend upon the distance to the causative

earthquake epicenter, the magnitude of the shock, the response characteristics of the underlying earth materials, and the quality of construction.

Geologic structures in the region are primarily controlled by northwest trending faults. No known active fault passes through the site. The site is not located in the State of California Earthquake Fault Studies Zone. Based on our research, the three closest known active faults to the site, with the potential to produce the largest accelerations, are the Maacama (Central and South) and the San Andreas (1906). Table 1 outlines the nearest known active faults, their associated maximum credible magnitudes and the estimated maximum site accelerations due to potential earthquakes on those faults.

TABLE 1
CLOSEST KNOWN ACTIVE FAULTS

Fault Name	Distance from Site (Miles)	Maximum Credible Earthquakes (Moment Magnitude)	Estimated Maximum Site Accelerations (g)
Maacama (South)	2.7	6.9	0.484
Maacama (Central)	2.9	7.1	0.527
San Andreas (1906)	21.4	7.9	0.238

Reference: "EQFAULT" Ver. 3.00, software program.

6. SUBSURFACE CONDITIONS

a. Soils. The subsurface conditions at the project site were investigated by drilling four exploratory boreholes (BH-1 through BH-4) in the vicinity of the proposed structures to depths between 10.0 and 15.5 feet below the existing ground surface. The boreholes were drilled to observe the soil and groundwater conditions, perform standard penetration testing (SPT) and to collect samples of the underlying soil deposits for visual examination and laboratory testing. The drilling and sampling procedures, descriptive borehole logs and laboratory procedures are included in Appendices A and B, respectively.

The exploratory boreholes generally encountered heterogeneous alluvial soil deposits consisting of clayey sands that extended to the maximum depths explored. Based on the exploratory boreholes, it appears that the site is blanketed by a layer of porous and organic rich clayey sand topsoil which extends to an approximate depth of three feet below the existing ground surface. The clayey sands varied from dry to moist, loose to very dense in relative density, and were generally fine grained with occasional fine to coarse grained gravels.

b. Groundwater. Groundwater was not encountered during our field exploration on September 9, 2015. It has been our experience that groundwater elevations can fluctuate by several feet throughout the year, primarily due to seasonal rainfall and local pumping. Furthermore, perched groundwater zones could develop within a few feet of the ground surface during periods of prolonged rainfall. Groundwater should not be a significant consideration during construction of the project.

7. SEISMIC CONSIDERATIONS AND GEOLOGIC HAZARDS

The site is located within a region subject to a high level of seismic activity. Therefore, the site could experience strong seismic ground shaking during the lifetime of the proposed project. The following discussion reflects the possible earthquake effects which could result in damage to the proposed structures.

a. Fault Rupture. Rupture of the ground surface is expected to occur along known active fault traces. No evidence of existing faults or previous ground displacement on the site due to fault movement is indicated in the geologic literature or field exploration. Therefore, the risk of ground rupture at the site due to faulting is considered to be low.

b. Ground Shaking. The site has been subjected in the past to strong ground shaking by earthquakes on the active fault systems that traverse the area. It is believed that a large magnitude earthquake with significant ground motion will occur in the region within the next several decades. Therefore, it must be assumed that the site will be subjected to severe ground shaking during the lifetime of the project.

c. Liquefaction/Densification. The USGS Liquefaction Susceptibility Map (2006) for Sonoma County indicates the site to be within an area considered to have a low susceptibility to liquefaction during or immediately following a significant seismic event. Furthermore, the Association of Bay Area Governments (ABAG) Earthquake and Hazards Program Map (2014) indicates that the site is located in an area of low liquefaction potential. Our field exploration did not encounter loose, saturated, granular soil stratums. The site is generally underlain by cohesive soils and granular soils which are sufficiently dense, contain significant quantities of fines, and are generally not considered susceptible to liquefaction or densification. Therefore, we judge that the risk of soil liquefaction or densification at the site is low.

d. Lateral Spreading and Lurching. Lateral spreading is normally induced by vibration of near-horizontal alluvial soil layers adjacent to an exposed face. Lurching is an action, which produces cracks or fissures parallel to streams or banks when the earthquake motion is at right angles to them. There are no exposed faces or a creek embankment adjacent to the site. Therefore, we judge that the potential for lateral spreading and lurching at the site is low.

e. Expansive Soils. Based on laboratory analysis and our experience, the near surface clayey sand soils have low plasticity indices and should be considered to have a low expansion potential.

8. CONCLUSIONS

Based upon results of our investigation, it is our professional opinion that the project is feasible from a geotechnical engineering standpoint provided the recommendations and criteria presented in this report are incorporated in the design and carried out through construction. The primary geotechnical consideration in design and construction of the project is the presence of weak and compressible surface and near surface soils.

The boreholes encountered weak and compressible topsoil extending to depths of approximately three feet below the existing ground surface. Weak and compressible soils may appear hard and strong when dry. However, they could potentially collapse under the load of engineered fill, foundations or concrete slabs-on-grade when their moisture content increases and approaches saturation. The moisture content of these soils can increase as a result of rainfall, or when the natural upward migration of water vapor through the soils is impeded by engineered fill, slabs or foundations. These soils can undergo considerable strength loss and increased compressibility, thus causing irregular and erratic ground settlement under loads. This ground movement manifests in the form of cracked foundations and slabs and distress to architectural features of the structures. Therefore, the weak and compressible native soils should be subexcavated and recompacted to provide adequate support for foundations, slabs-on-grade and new pavements. Provided the weak and compressible soils are properly subexcavated and recompacted, conventional spread footings and conventional concrete slab-on-grade interior floors may be used.

It is our understanding that concrete slabs-on-grade may be used in living areas. We consider concrete slabs in living areas as critical slabs. Settlement and excessive cracking is not acceptable. Therefore, the interior slabs in living areas should be supported entirely on compacted engineered fill of uniform thickness or the slabs should be structurally designed to span areas of non-uniform support. If grading does not remove the soils, non-critical, conventional slabs, such as garage floors, patios and walkways, may be placed on these soils in their existing condition, if some slab settlement and cracking are acceptable to the owner; if this is not acceptable, these slabs should be treated as critical slabs.

The following sections present geotechnical recommendations and criteria for design and construction of the project.

9. SITE GRADING AND EARTHWORK

a. General. Site grading and drainage plans for the project were not available at the time of this report. Based on site topography we anticipate grading for the project will consist of minor cuts and fills of approximately two feet and less to achieve the desired finish grades and provide adequate gradients for site drainage.

Depending on the final design, it will likely be necessary to improve the near surface site soils by overexcavation and recompaction. All weak and compressible native soils and any artificial fill underlying building pads, areas where existing grade will be maintained, or that are scheduled to receive fill should be subexcavated and recompacted.

b. Demolition and Stripping. Any existing structures should be demolished and removed from the site. The site should be stripped of surface vegetation, surface debris, old fills, and surface soils containing organic matter. We anticipate the average depth of stripping will be about 4 to 6 inches; these materials should be removed off site, or stockpiled for later use in landscape areas, if desired. If underground utilities pass through the site, we recommend that these utilities be removed in their entirety or rerouted where they exist outside an imaginary plane sloped two horizontal to one vertical (2H:1V) from the outside bottom edge of the nearest foundation element. Any existing wells, septic systems or leach fields should be abandoned and plugged according to regulations set forth by the Sonoma County Health Department. Voids left from the removal of utilities or other obstructions should be replaced with compacted engineered fill under the observation of the project geotechnical engineer.

c. Excavation/Removal of Weak Soils. Where planned cuts do not remove existing weak and compressible soils beneath building foundations, interior slabs and adjacent exterior concrete walkways or driveways within five feet of the building, and in structural areas where existing grade is to be maintained or fills are to be constructed, the weak and compressible native soils should be subexcavated to an approximate depth of 30 inches below planned subgrade and replaced as properly compacted engineered fill. The actual depth of subexcavation and recompaction could vary depending on the conditions exposed and should be determined by the geotechnical engineer in the field during construction. The lateral extent of the subexcavation should extend at least five feet beyond perimeter foundation edges of structures, and at least three feet beyond pavement edges. If present, any artificial fill should also be removed until firm native soils are exposed. The exposed surface should be prepared and compacted according to the following sections of this report.

The bottom of the subexcavation should be scarified to a minimum depth of eight inches, moisture conditioned to at or within two percent of the optimum moisture content, and compacted to at least 90 percent of the materials relative maximum dry density as determined by ASTM D-1557 test procedures. The subexcavated material should be approved by the geotechnical engineer prior to use as fill. All fill material should be placed and compacted in accordance with the recommendations presented in Table 2.

d. Fill Placement & Compaction. In general the on-site materials may be used as fill. Excavated material to be used for the construction of site fills should not contain organic material or man-made debris, have a low to non-expansive potential, should have no rock or similar irreducible material with a maximum dimension greater than eight inches, and should be approved by the geotechnical engineer before use. Rocks greater than eight inches can be placed in deeper sections of fill, if approved by the geotechnical engineer during grading.

All fill material should be placed and compacted in accordance with the recommendations presented in Table 2. All fills should be placed in lifts no greater than eight inches in loose thickness.

It is recommended that any import fill to be used on site be of a low to non-expansive nature and should meet the following criteria:

Plasticity Index	less than 12
Liquid Limit	less than 35
Percent Soil Passing #200 Sieve	between 15% and 40%
Maximum Aggregate Size	4 inches

TABLE 2
SUMMARY OF COMPACTION RECOMMENDATIONS

Area	Compaction Recommendations*
General Engineered Fill (Native)	In lifts, a maximum of eight inches in loose thickness, compact to at least 90 percent relative compaction at or within two percent of the optimum moisture content.
General Engineered Fill (Low to Non-Expansive Import)	In lifts, a maximum of eight inches in loose thickness, compact to at least 90 percent relative compaction at or within two percent of the optimum moisture content.
Trenches**	Compact to at least 90 percent relative compaction at or within two percent of the optimum moisture content.
Pavement Areas	Compact the top eight inches of the subgrade and the entire aggregate base section to at least 95 percent relative compaction at or within two percent of the optimum moisture content.

* All compaction requirements stated in this report refer to dry density and moisture content relationships obtained through the laboratory standard described by ASTM D 1557-09.
** Depths below finished subgrade elevations.

A representative of PJC should observe all site preparation and fill placement. It is important that during the stripping, grading and scarification processes, a representative of our firm be present to observe whether any undesirable material is encountered in the construction area.

Generally, grading is most economically performed during the summer months when on site soils are usually dry of optimum moisture content. Delays should be anticipated in site grading performed during the rainy season or early spring due to excessive moisture in the on-site soils. Special and relatively expensive construction procedures should be anticipated if grading must be completed during the winter and early spring.

10. FOUNDATIONS: SPREAD FOOTINGS

a. Vertical Loads. Provided the building pads are prepared to the recommendations of this report, the structures may be supported by conventional, minimum depth spread footings. All footings should be reinforced. The recommended soil bearing pressures, depth of embedment and minimum width of spread footings are presented in Table 3. The bearing values provided have been calculated assuming that all footings uniformly bear on low to non-expansive engineered fill, or firm native soils.

TABLE 3
FOUNDATION DESIGN CRITERIA

Footing Type	Bearing Pressure (psf)*	Minimum Embedment (in)**	Minimum Width (in)
Continuous wall	2,000	12	12
Isolated Column	2,500	12	18

*Dead plus live load
** Below lowest adjacent grade

The allowable soil bearing pressures are net values. The weight of the foundation and backfill over the foundation may be neglected when computing dead loads. The allowable soil bearing pressures may be increased by one-third for transient applications such as wind and seismic loads.

b. Lateral Loads. Resistance to lateral forces may be computed using friction or passive pressure. A friction factor of 0.35 is considered appropriate between the bottom of concrete structures and the engineered fill. A passive pressure equivalent to that exerted by a fluid weighing 350 pounds per square foot per foot of depth (psf/ft) is recommended. Unless restrained at the surface, the top six inches should be neglected for passive resistance.

Footing concrete should be placed neat against undisturbed soil. Footing excavations should not be allowed to dry before placing concrete. If shrinkage cracks appear in the footing excavations, the soil should be thoroughly moistened to close all cracks prior to concrete placement.

c. Settlement. Total settlement of individual foundations will vary depending on the width of the foundation and the actual load supported. Maximum settlements of shallow foundations designed and constructed in accordance with the preceding recommendations are estimated to be less than one inch. Differential settlements between similarly loaded, adjacent footings are expected to be less than one-half of one inch. The majority of the settlement is expected to occur during construction and the placement of dead loads.

11. SEISMIC DESIGN

Based on criteria presented in the 2013 edition of the California Building Code (CBC) and ASCE (American Society of Civil Engineers) STANDARD ASCE/SEI 7-10, the following minimum criteria should be used in seismic design:

a.	Site Class:	D
b.	Mapped Acceleration Parameters:	$S_s = 1.78$ $S_1 = 0.71$
c.	Site Adjusted Spectral Response Acceleration Parameters:	$S_{MS} = 1.78$ $S_{M1} = 1.07$
d.	Design Spectral Acceleration Parameters:	$S_{DS} = 1.19$ $S_{D1} = 0.71$

12. CONVENTIONAL CONCRETE SLABS-ON-GRADE

We anticipate that concrete slabs-on-grade may be used in living areas. We consider concrete slabs in living areas as critical slabs. Settlement and excessive cracking is not acceptable. Therefore, the interior slabs in living areas should be supported entirely on compacted engineered fill of uniform thickness or the slabs should be structurally designed to span areas of non-uniform support. If grading does not remove the weak and compressible soils, non-critical, conventional slabs may be placed on these soils in their existing condition, if some slab settlement and cracking are acceptable to the owner. If this is not acceptable, these slabs should also be treated as critical slabs.

All concrete slab-on-grade subgrade should be scarified to a depth of eight inches, moisture conditioned and rolled or compacted to produce a firm and unyielding surface. The slab subgrade should not be allowed to dry before placing concrete.

Slabs-on-grade should be at least four inches thick and underlain by a four-inch layer of compacted clean gravel or crushed rock. The rock should be graded so that 100 percent passes the one inch sieve and no more than five percent passes the No. 4 sieve. We recommend that the gravel be placed as soon as possible after preparation of the subgrade to prevent drying of the subgrade soils. If the subgrade is allowed to dry out prior to slab-on-grade construction, the subgrade soil should be moisture conditioned by sprinkling before slab-on-grade construction.

The rock will serve as a capillary break; however, moisture may accumulate in the base course. Therefore, a plastic vapor barrier of at least ten-mil thickness should be provided over the rock where moisture protection is desired. To aid in curing the concrete and to protect the vapor barrier against puncture, the vapor barrier should be covered by a two-inch layer of moistened sand. To control cracking, the slabs should be reinforced as determined by the project structural engineer. Special care should be taken to insure that

reinforcement is placed at the slab mid-height. Exterior slabs should be carefully separated from foundations with felt paper or other positive and low friction material.

We should be retained to review the slab-on-grade subgrade preparation, to review the actual soil conditions exposed, and provide modifications in the field, if necessary.

13. UTILITY TRENCHES

Shallow excavations for utility trenches can be readily made with either a backhoe or trencher; larger earth moving equipment should be used for deeper excavations. We expect the walls of trenches less than five feet deep, excavated into engineered fill or native soils, to remain in a near-vertical configuration during construction provided no equipment or excavated spoil surcharges are located near the top of the excavation. If the trench extends deeper than five feet, then the trench walls may become unstable and may require shoring. All trenches should conform to the current CAL-OSHA requirements for worker safety.

The trenches may be backfilled with on-site soils or import soils and compacted to at least 90 percent of maximum dry density. The backfill soils should be moisture conditioned according to Table 2 of this report before compacting. Jetting should not be used.

Special care should be taken in the control of utility trench backfilling in structural areas. Substandard compaction may result in excessive settlements resulting in damage to structures.

14. ASPHALTIC CONCRETE PAVEMENTS

Based on our observations during our investigation, the existing surface soils will have a low to moderate supporting capacity (after properly compacted) when used as a pavement subgrade. Based on our experience, a Resistance Value (R-value) of 15 was used in asphaltic concrete pavement design calculations. An actual R-value test may be performed on the subgrade soils when they are exposed. This could alter the design sections by reducing the thickness of class 2 aggregate base, and/or the thickness of the asphalt concrete. If R-value testing is desired we should be notified early in the design of the pavement so that we may alter our recommendations and consult with the project civil engineer.

Pavement thicknesses were computed from Chapter 633 of the Caltrans Highway Design Manual and are based on a pavement life of 20 years. The Traffic Indexes (TI) used are judged representative of the anticipated traffic but are not based on actual vehicle counts. The actual traffic indexes should be determined and provided by the project civil engineer. The recommended pavement sections for pavement support on native soils are presented in Table 4.

Any artificial fill or weak soils encountered during grading should be completely removed and recompacted in planned paved areas under the direction of the geotechnical engineer in the field during construction. Prior to placement of the aggregate base material, the top eight inches of the pavement subgrade should be scarified, moisture conditioned to within two percent of the optimum moisture content, and compacted to at least 95 percent relative compaction. Aggregate base materials should be spread in thin

layers, moisture conditioned, and compacted to at least 95 percent relative compaction to form a firm and unyielding base.

The material and methods used should conform to the requirements of the County of Sonoma specifications or the current edition of the Caltrans Standard Specifications, except that compaction requirements for the soil subgrade and aggregate baserock should be based on ASTM D-1557-09. Aggregate used for the base coarse should comply with the minimum requirements specified in Caltrans Standard Specifications, Section 26, for Class II aggregate base.

In general, the pavements should be constructed during the dry season to avoid the saturation of the subgrade and base materials which often occurs during the wet winter months. If pavements are constructed during the winter and early spring, a cost increase relative to drier weather construction should be anticipated. Unstable areas should be subexcavated to remove soft soils. The excavations will probably require geotextile fabric and backfilling with imported crushed rock. The geotechnical engineer should be consulted for recommendations at the time of construction.

Where pavements will abut landscaped areas or sloping terrain, water can seep into the subgrade and base rock underlying and within the pavement section. Continued saturation of the subgrade and base rock leads to permanent wetness towards the lower elevation of the pavement where water ponds. Soft subgrade conditions and pavement damage can occur as a result.

Where trees are located adjacent to pavement areas, we recommend that a suitable impervious root barrier be included to minimize water migration into the pavement layer.

Several precautionary measures can be taken to minimize the intrusion of water into the base rock and subgrade; however, the cost to install the protective measures should be balanced against the cost of repairing damaged pavement sections. The following are alternatives which can be taken to extend the life of the pavement.

a. Construct a moisture cutoff wall along the perimeter edge of the pavement. The wall should consist of a lean concrete mix. The trench should be four inches wide and extend at least 36 inches deep.

b. Extend concrete curbs at least six inches below the bottom of the aggregate base layer.

c. Install pavement subdrains beneath the aggregate base layer. Subdrains should consist of four-inch diameter Schedule 40 perforated pipe sloped to drain to outlets by gravity, encased in clean, free-draining, three-quarter to one and one-half inch crushed rock or gravel.

TABLE 4
CONVENTIONAL PAVEMENT SECTIONS ON NATIVE SOILS
(Subgrade R-Value = 5)

Traffic Index	Asphaltic Concrete (in)	Class II Aggregate Base (in)
4.0	2.5	6.0
5.0	3.0	8.0
6.0	3.0	12.0
7.0	4.0	13.0

15. DRAINAGE

All final grades should be provided with positive gradients away from foundations to provide rapid removal of surface water runoff to an adequate discharge point. No ponding of water should be allowed on the building pad or adjacent to foundations.

The use of continuous roof gutters is recommended to reduce the possibility of soil saturation adjacent to the building. Downspouts from gutters should be discharged onto an impermeable surface such as a pavement or into a closed conduit discharging a minimum of five feet away from the structure.

16. LIMITATIONS

The data, information, interpretations and recommendations in this report are presented solely as bases and guides for the geotechnical design of the proposed minor subdivision located at 531 North Cloverdale Boulevard in Cloverdale, California. The conclusions and professional opinions presented herein were developed in accordance with generally accepted geotechnical engineering principles and practices. As with all geotechnical reports, the opinions expressed here are subject to revisions in light of new information, which may be developed in the future, and no warranties are either expressed or implied.

This report has not been prepared for use by parties other than the designers of the project. It may not contain sufficient information for the purpose of other parties or other uses. If any changes are made in the project as described in this report, the conclusions and recommendations contained herein should not be considered valid unless the changes are reviewed by PJC, and the conclusions and recommendations are modified and approved in writing. This report and the drawings contained herein are intended only for the design of the proposed project. They are not intended to act by themselves as construction drawings or specifications.

Soil deposits may vary in type, strength, and many other important properties between the points of observation and exploration. Additionally, changes can occur in groundwater and soil moisture conditions due to seasonal variations, or for other reasons. Therefore, it must be recognized that PJC does not and cannot have complete knowledge

of the subsurface conditions underlying the subject site. The criteria presented are based upon the findings at the points of exploration and upon interpretative data, including interpolation and extrapolation of information obtained at points of observation.

17. ADDITIONAL SERVICES

Upon completion of the project plans, they should be reviewed by our firm to verify that the design is consistent with the recommendations of this report. During the course of this investigation, several assumptions were made regarding building loads and development concepts. Should our assumptions differ significantly from the final intent of the project designers, our office should be notified of the changes to assess any potential need for revised recommendations. Observation and testing services should be provided by PJC to verify that the intent of the plans and specifications is carried out during construction; these services should include observations and field density testing during site grading and pavement construction, observing the foundation excavations, special inspection and testing of reinforcing steel and concrete for the foundations and observing the drainage provisions. These services will be performed only if PJC is provided with sufficient notice to perform the work. PJC does not accept the responsibility for items that they are not notified to observe

It has been a pleasure working with you on this project. Please call if you have any questions regarding this report or if we can be of further assistance.

Sincerely,

PJC & ASSOCIATES, INC.

Patrick J. Conway
Geotechnical Engineer
GE 2303, California

REGISTERED PROFESSIONAL ENGINEER
PATRICK J. CONWAY
No. 2303
Exp. 3-31-16
GEOTECHNICAL
STATE OF CALIFORNIA

PJC/rd

APPENDIX A
FIELD INVESTIGATION

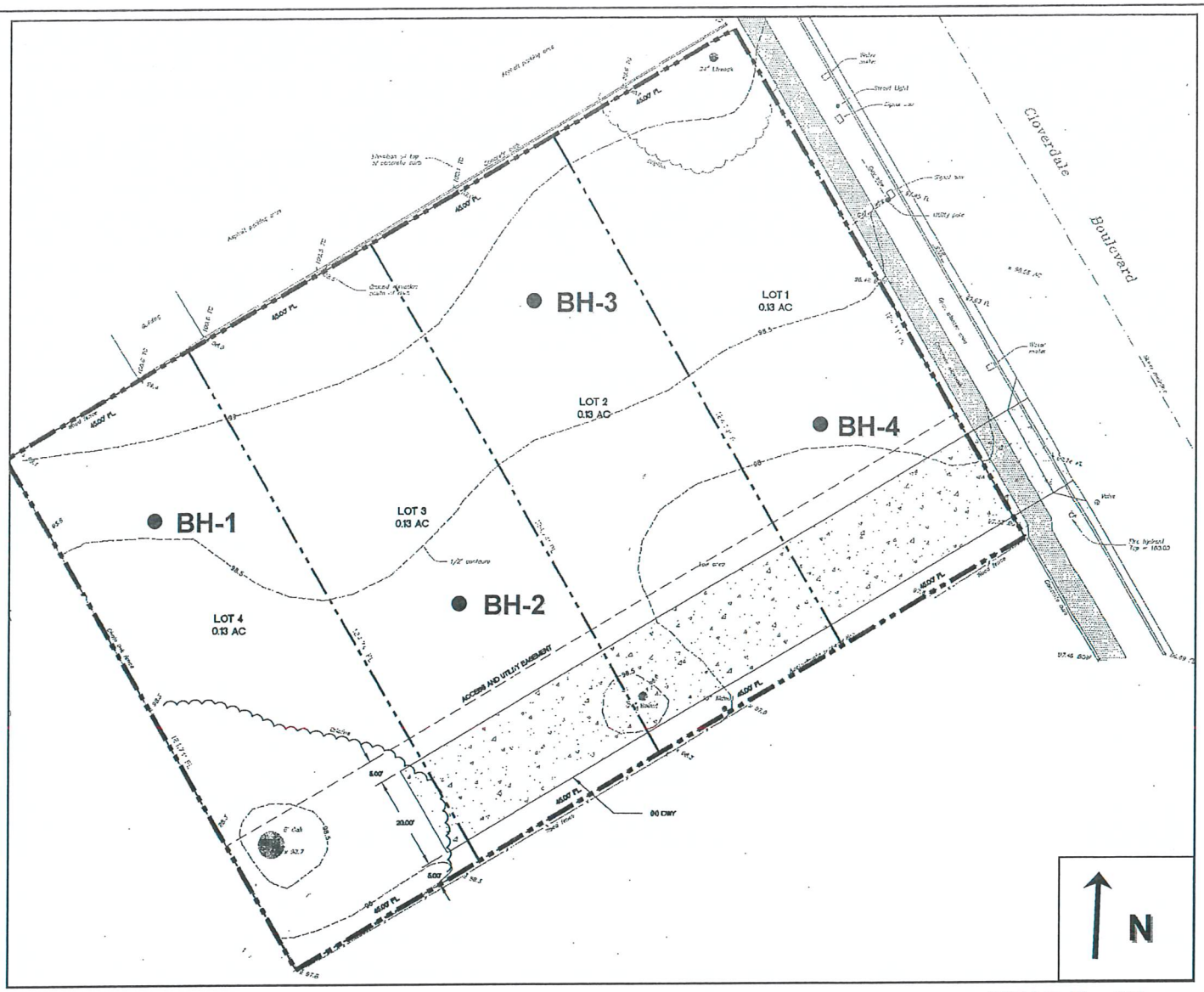
1. INTRODUCTION

The field program performed for this study consisted of drilling four exploratory boreholes (BH-1 through BH-4). The boreholes were completed on September 9, 2015. The approximate borehole locations are shown on the Borehole Location Plan, Plate 2. Descriptive logs of the boreholes are presented in this appendix as Plates 3 through 6.

2. BOREHOLES

The boreholes were advanced using a Mobile B-53 drill with hollow stem augers. The drilling subcontractor on the project was Pearson Exploration of Forestville, California. The drilling was performed under the observation of our civil engineer who maintained a continuous log of the soil conditions and obtained soil samples suitable for laboratory testing. The soils were classified in accordance with the Unified Soil Classification System, as explained on Plate 7.

Relatively undisturbed and disturbed samples were obtained from the exploratory boreholes. A 2.43 in I.D. California Modified Sampler or a 1.5 in I.D. Standard Sampler was driven into the underlying soil using a 140 pound hammer falling 30 inches to obtain an indication in the field density of the soil and to allow visual examination of at least a portion of the soil column. Soil samples obtained with the split-spoon sampler were retained for further observation and testing. The number of blows required to drive the sampler at six-inch increments was recorded on each borehole log. All samples collected were labeled and transported to PJC's office for examination and laboratory testing.



SCALE 1" = 30'

EXPLANATION

● BOREHOLE LOCATION AND DESIGNATION

REFERENCE: TENATIVE SUBDIVISION MAP SHEET 1/1, PREPARED BY MUNSELLE CIVIL ENGINEERING, MAY 2014.

PJC & Associates, Inc.
Consulting Engineers & Geologists

BOREHOLE LOCATION PLAN
PROPOSED MINOR SUBDIVISION
531 NORTH CLOVERDALE BOULEVARD
HEALDSBURG, CALIFORNIA

PLATE
2

Proj. No: 6709.01 Date: 9/15 App'd by: PJC

PJC & Associates, Inc.

Consulting Engineers & Geologists

BORING NUMBER BH-1

CLIENT Munselle Civil Engineering
PROJECT NAME Proposed Minor Subdivision
JOB NUMBER 6709.01
LOCATION 531 North Cloverdale Blvd.
DATE STARTED 9/9/15
COMPLETED 9/9/15
GROUND ELEVATION NA
HOLE SIZE 8"
DRILLING CONTRACTOR Pearson Exploration
GROUND WATER LEVELS:
DRILLING METHOD B-53 Solid Stem Auger with 140lb Hammer
AT TIME OF DRILLING ---
LOGGED BY RD
CHECKED BY RD
AT END OF DRILLING ---
NOTES
AFTER DRILLING ---

DEPTH (ft)	GRAPHIC LOG	MATERIAL DESCRIPTION	SAMPLE TYPE NUMBER	RECOVERY % (RQD)	BLOW COUNTS (N VALUE)	POCKET PEN. (tsf)	DRY UNIT WT. (pcf)	MOISTURE CONTENT (%)	ATTERBERG LIMITS: LIQUID LIMIT	ATTERBERG LIMITS: PLASTIC LIMIT	ATTERBERG LIMITS: PLASTICITY INDEX	FINES CONTENT (%)
0		0.0-15.5'; CLAYEY SAND (SC); brown, dry to slightly moist, loose, fine grained, porous to 3 feet (TOPSOIL/ALLUVIUM)										
			MC	67	4-6-6 (12)							
		becomes yellow-brown, moist and medium dense, with increase in sand and gravel content	MC	67	9-14-14 (28)							
5		becomes very dense with occasional coarse gravel	MC	100	12-35-25/3"							
10			MC	100	9-34-25/3"							
15		becomes dense	SPT	100	14-15-20 (35)							

Bottom of borehole at 15.5 feet.

PLATE 3

GEOTECH BH COLUMNS - GINT STD US.GDT - 10/8/15 11:51 - C:\USERS\PUBLIC\DOCUMENTS\BENTLEY\GINT\PROJECTS\6709.01 531 NORTH CLOVERDALE BLVD.GPJ

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BORING NUMBER BH-2

CLIENT Munselle Civil Engineering
PROJECT NAME Proposed Minor Subdivision
JOB NUMBER 6709.01
LOCATION 531 North Cloverdale Blvd.
DATE STARTED 9/9/15
COMPLETED 9/9/15
GROUND ELEVATION NA
HOLE SIZE 8"
DRILLING CONTRACTOR Pearson Exploration
GROUND WATER LEVELS:
DRILLING METHOD B-53 Solid Stem Auger with 140lb Hammer
AT TIME OF DRILLING ---
LOGGED BY RD
CHECKED BY RD
AT END OF DRILLING ---
NOTES
AFTER DRILLING ---

DEPTH (ft)	GRAPHIC LOG	MATERIAL DESCRIPTION	SAMPLE TYPE NUMBER	RECOVERY % (RQD)	BLOW COUNTS (N VALUE)	POCKET PEN. (tsf)	DRY UNIT WT. (pcf)	MOISTURE CONTENT (%)	ATTERBERG LIMITS: LIQUID LIMIT	ATTERBERG LIMITS: PLASTIC LIMIT	ATTERBERG LIMITS: PLASTICITY INDEX	FINES CONTENT (%)
0		0.0-13.5'; CLAYEY SAND (SC); brown, dry to slightly moist, medium dense, fine grained, porous to 3 feet (TOPSOIL/ALLUVIUM)										
			MC	100	6-9-14 (23)							
		becomes yellow-brown and moist	MC	100	8-13-18 (31)							
5												
		becomes dense	MC	100	13-19-33 (52)							
10												
		becomes medium dense	SPT	100	11-9-13 (22)							

Bottom of borehole at 13.5 feet.

PLATE 4

GEOTECH BH COLUMNS - GINT STD US.GDT - 10/8/15 11:51 - C:\USERS\PUBLIC\DOCUMENTS\BENTLEY\GINT\PROJECTS\6709.01 531 NORTH CLOVERDALE BLVD.GPJ

PJC & Associates, Inc.

Consulting Engineers & Geologists

BORING NUMBER BH-3

CLIENT Munselle Civil Engineering
PROJECT NAME Proposed Minor Subdivision
JOB NUMBER 6709.01
LOCATION 531 North Cloverdale Blvd.
DATE STARTED 9/9/15
COMPLETED 9/9/15
GROUND ELEVATION NA
HOLE SIZE 8"
DRILLING CONTRACTOR Pearson Exploration
GROUND WATER LEVELS:
DRILLING METHOD B-53 Solid Stem Auger with 140lb Hammer
AT TIME OF DRILLING ---
LOGGED BY RD
CHECKED BY RD
AT END OF DRILLING ---
NOTES
AFTER DRILLING ---

DEPTH (ft)	GRAPHIC LOG	MATERIAL DESCRIPTION	SAMPLE TYPE NUMBER	RECOVERY % (RQD)	BLOW COUNTS (N VALUE)	POCKET PEN. (tsf)	DRY UNIT WT. (pcf)	MOISTURE CONTENT (%)	ATTERBERG LIMITS: LIQUID LIMIT	ATTERBERG LIMITS: PLASTIC LIMIT	ATTERBERG LIMITS: PLASTICITY INDEX	FINES CONTENT (%)
0		0.0-10.0'; CLAYEY SAND (SC); brown, dry to slightly moist, medium dense, fine grained, porous to 3 feet (TOPSOIL/ALLUVIUM)										
			MC	100	6-8-8 (16)							
			MC	100	9-13-15 (28)							
5												
		becomes dense	MC	100	9-17-33 (50)							
10												

Bottom of borehole at 10.0 feet.

PLATE 5

GEOTECH BH COLUMNS - GINT STD US.GDT - 10/8/15 11:51 - C:\USERS\PUBLIC\DOCUMENTS\BENTLEY\GINT\PROJECTS\6709.01 531 NORTH CLOVERDALE BLVD.GPJ

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BORING NUMBER BH-4

CLIENT Munselle Civil Engineering
PROJECT NAME Proposed Minor Subdivision
JOB NUMBER 6709.01
LOCATION 531 North Cloverdale Blvd.
DATE STARTED 9/9/15
COMPLETED 9/9/15
GROUND ELEVATION NA
HOLE SIZE 8"
DRILLING CONTRACTOR Pearson Exploration
GROUND WATER LEVELS:
DRILLING METHOD B-53 Solid Stem Auger with 140lb Hammer
AT TIME OF DRILLING ---
LOGGED BY RD
CHECKED BY RD
AT END OF DRILLING ---
NOTES
AFTER DRILLING ---

DEPTH (ft)	GRAPHIC LOG	MATERIAL DESCRIPTION	SAMPLE TYPE NUMBER	RECOVERY % (RQD)	BLOW COUNTS (N VALUE)	POCKET PEN. (tsf)	DRY UNIT WT. (pcf)	MOISTURE CONTENT (%)	ATTERBERG LIMITS: LIQUID LIMIT	ATTERBERG LIMITS: PLASTIC LIMIT	ATTERBERG LIMITS: PLASTICITY INDEX	FINES CONTENT (%)
0		0.0-10.5'; CLAYEY SAND (SC); brown, dry to slightly moist, loose to medium dense, fine grained, porous to 3 feet (TOPSOIL/ALLUVIUM)										
			MC	100	6-6-6 (12)							
5		becomes medium dense and moist	MC	100	8-13-14 (27)							
10		becomes dense	MC	100	10-16-26 (42)							

Bottom of borehole at 10.5 feet.

PLATE 6

GEOTECH BH COLUMNS - GINT STD US.GDT - 10/8/15 11:51 - C:\USERS\PUBLIC\DOCUMENTS\BENTLEY\GINT\PROJECTS\6709.01 531 NORTH CLOVERDALE BLVD.GPJ

MAJOR DIVISIONS				TYPICAL NAMES
COARSE GRAINED SOILS More than half is larger than #200 sieve	GRAVELS more than half coarse fraction is larger than no. 4 sieve size	CLEAN GRAVELS WITH LITTLE OR NO FINES	GW	WELL GRADED GRAVELS, GRAVEL-SAND MIXTURES
			GP	POORLY GRADED GRAVELS, GRAVEL-SAND MIXTURES
		GRAVELS WITH OVER 12% FINES	GM	SILTY GRAVELS, POORLY GRADED GRAVEL-SAND MIXTURES
			GC	CLAYEY GRAVELS, POORLY GRADED GRAVEL-SAND MIXTURES
	SANDS more than half coarse fraction is smaller than no. 4 sieve size	CLEAN SANDS WITH LITTLE OR NO FINES	SW	WELL GRADED SANDS, GRAVELLY SANDS
			SP	POORLY GRADED SANDS, GRAVEL-SAND MIXTURES
		SANDS WITH OVER 12% FINES	SM	SILTY SANDS, POORLY GRADED SAND-SILT MIXTURES
			SC	CLAYEY SANDS, POORLY GRADED SAND-CLAY MIXTURES
FINE GRAINED SOILS More than half is smaller than #200 sieve	SILTS AND CLAYS LIQUID LIMIT LESS THAN 50		ML	INORGANIC SILTS, SILTY OR CLAYEY FINE SANDS, VERY FINE SANDS, ROCK FLOUR, CLAYEY SILTS WITH SLIGHT PLASTICITY
			CL	INORGANIC CLAYS OF LOW TO MEDIUM PLASTICITY, GRAVELLY CLAYS, SANDY CLAYS, SILTY CLAYS OR LEAN CLAYS
			OL	ORGANIC CLAYS AND ORGANIC SILTY CLAYS OF LOW PLASTICITY
	SILTS AND CLAYS LIQUID LIMIT GREATER THAN 50		MH	INORGANIC SILTS, MICACEOUS OR DIATOMACEOUS FINE SANDY OR SILTY SOILS, ELASTIC SILTS
			CH	INORGANIC CLAYS OF HIGH PLASTICITY, FAT CLAYS
			OH	ORGANIC CLAYS OF MEDIUM TO HIGH PLASTICITY, ORGANIC SILTS
HIGHLY ORGANIC SOILS			Pt	PEAT AND OTHER HIGHLY ORGANIC SOILS

KEY TO TEST DATA

LL — Liquid Limit (in %)
PL — Plastic Limit (in %)
G — Specific Gravity
SA — Sieve Analysis
Consol — Consolidation
"Undisturbed" Sample
Bulk or Disturbed Sample
No Sample Recovery

	Shear Strength, psf	Confining Pressure, psf	
*Tx	320	(2600)	Unconsolidated Undrained Triaxial
Tx CU	320	(2600)	Consolidated Undrained Triaxial
DS	2750	(2000)	Consolidated Drained Direct Shear
FVS	470		Field Vane Shear
*UC	2000		Unconfined Compression
LVS	700		Laboratory Vane Shear

Notes: (1) All strength tests on 2.8" or 2.4" diameter sample unless otherwise indicated
(2) * Indicates 1.4" diameter sample

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SOIL CLASSIFICATION
PROPOSED MINOR SUBDIVISION
531 NORTH CLOVERDALE BOULEVARD
HEALDSBURG, CALIFORNIA

PLATE 7

Proj. No: 6709.01 Date: 10/15 App'd by: PJC

APPENDIX B
LABORATORY INVESTIGATION

1. INTRODUCTION

This appendix includes a discussion of test procedures and results of the laboratory investigation performed for the proposed project. The investigation program was carried out by employing currently accepted test procedures of the American Society of Testing and Materials (ASTM).

Disturbed and undisturbed samples used in the laboratory investigation were obtained during the course of the field investigation as described in Appendix A of this report. Identification of each sample is by borehole or test pit number and depth.

2. INDEX PROPERTY TESTING

In the field of soil mechanics and geotechnical engineering design, it is advantageous to have a standard method of identifying soils and classifying them into categories or groups that have similar distinct engineering properties. The most commonly used method of identifying and classifying soils according to their engineering properties is the Unified Soil Classification System as described by ASTM D-2487-83. The USCS is based on recognition of the various types and significant distribution of soil characteristics and plasticity of materials.

The index properties tests discussed in this report include the determination of Natural Water Content and Dry Density and Atterberg Limits, and sieve analysis "-200".

a. Natural Water Content and Dry Density. Natural water content and dry density of the soils were determined, often in conjunction with other tests, on selected undisturbed samples. The samples were extruded and visually classified, trimmed to obtain a smooth flat face, and accurately measured to obtain volume and wet weight. The samples were then dried in accordance with the procedures of ASTM 2216-80 for a period of 24 hours in an oven, maintained at a temperature of 100 degrees C. After drying, the weight of each sample was determined and the moisture content and dry density calculated. The water content and dry density results are summarized on the borehole logs.

b. Atterberg Limits. Liquid and plastic limits were determined on a selected sample in accordance with ASTM D4318-83. The results of the test are summarized on the borehole logs.

c. Grain-Size Distribution"-200". The gradation characteristics of selected samples were determined in accordance with ASTM D422-63. The samples were soaked in water until individual soil particles were separated and then washed on the No. 200 mesh sieve. That portion of the material retained on the No. 200 mesh sieve was oven-dried and then mechanically sieved. The grain-size distribution test is presented on the borehole logs.

3. ENGINEERING PROPERTIES TESTING

The engineering properties tests discussed in this report include pocket penetrometer and unconfined compression.

a. Unconfined Compression Test. Unconfined compression test was performed on an intact sample obtained from BH-1. In the unconfined compression test, the undrained shear strength is determined by axially loading the sample under a slow constant strain rate until failure is obtained. Failure stress is defined as the maximum stress at ten percent strain. The results of the tests are presented on the borehole logs.

b. Pocket Penetrometer. Pocket Penetrometer tests were performed on all cohesive samples. The test estimates the unconfined compressive strength of a cohesive material by measuring the materials resistance to penetration by a calibrated, spring-loaded cylinder. The maximum capacity of the cylinder is 4.5 tons per square foot (tsf). The results of the tests are presented on the borehole logs.

APPENDIX C
REFERENCES

1. "Foundations and Earth Structures" Department of the Navy Design Manual 7.2 (NAVFAC DM-7.2), dated May 1982.

2. "Geotechnical Engineering", Donald Coduto, Prentice-Hall, 1999

3. "Foundation Design", Donald Coduto, Prentice-Hall, 2nd Edition, 2001

4. "Unsaturated Soil Mechanics in Engineering Practice", D. G. Fredlund, H. Rahardjo , M. D. Fredlund, 2012

5. "Soil Mechanics" Department of the Navy Design Manual 7.1 (NAVFAC DM-7.1), dated May 1982.

6. USGS Cloverdale California Quadrangle 7.5-Minute Topographic Map, 1975.

7. McCarthy, David. Essential of Soil Mechanics and Foundations. 5th Edition, 1998.

8. Bowels, Joseph. Engineering Properties of Soils and Their Measurement. 4th Edition, 1992.

9. Miller, Debora, and Nelson, John. Expansive Soils: Problems and Practice in Foundation and Pavement Engineering, 1992.

10. California Building Code (CBC), 2013 edition.

11. "Maps of Known Active Fault Near-Source Zones in California and Adjacent Portions of Nevada," California Department of Conservation Division of Mines and Geology, Dated February 1998.

12. Huang, Yang. Pavement Analysis and Design, 1993.

13. "Standard Specifications" California Department of Transportation, Dated July 2013.

13. ASCE STANDARD ASCE/SEI 7-10, prepared by the American Society of Civil Engineers.

14. "EQFAULT" Ver. 3.00, software program.

15. "Tentative Subdivision Map, Lands of Paul A. Rink ", Munselle Civil Engineering (MCE), dated May 2014

RECORDED AT THE REQUEST OF:

WHEN RECORDED RETURN TO:

DECLARATION OF COVENANTS CONDITIONS AND RESTRICTIONS OF 531 NORTH CLOVERDALE BOULEVARD

City of Cloverdale
Community Development Department
Received
5-4-16

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DECLARATION OF COVENANTS CONDITIONS AND RESTRICTIONS OF 531 NORTH CLOVERDALE BOULEVARD

THIS DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS OF 531 NORTH CLOVERDALE BOULEVARD ("**Declaration**") is made by Paul A. Rink, an individual ("**Declarant**").

ARTICLE I
APPLICABILITY ** AND DISCLOSURES

1.1 **PROPERTY OWNED BY DECLARANT**: Declarant is the owner of all the real property and Improvements thereon located in the City of Cloverdale, County of Sonoma, State of California, described as follows:

> Lots 1 through 4, inclusive, as shown on the final map of ** filed for record on **, in Book ** of Maps at Pages ** through **, inclusive, in the Official Records of the County of Sonoma, State of California.

1.2 **ROADWAY**: The Lots each require ingress, egress and utilities rights under, over, across and through the Roadway as defined in Section 2.17 (Roadway). It is the desire and intention of Declarant to establish the rights of each of the Lots to use and Maintain the Roadway.

1.3 **APPLICABILITY OF RESTRICTIONS**: Declarant hereby declares that the Project and all Improvements thereon are subject to the provisions of this Declaration. The Project shall be held, conveyed, hypothecated, encumbered, leased, rented, used, occupied and improved subject to the covenants, conditions and restrictions stated in this Declaration. All such covenants, conditions and restrictions are declared to be in furtherance of the plan for the subdivision, improvement and sale of the Project. All of the limitations, easements, uses, obligations, covenants, conditions and restrictions stated in this Declaration shall run with the Project and shall inure to the benefit of and be binding on all Owners and all other parties having or acquiring any right, title or interest in any part of the Project. This Declaration shall not be interpreted to establish a "**Common Interest Development,**" as that term is defined in California Civil Code Section 4100 (or any successor statute), and the Project shall not be subject to the Davis-Stirling Common Interest Development Act.

1.4 **BOUNDARY MODIFICATIONS**: If the boundaries of real property change as a result of one or more subsequently recorded final maps, amended final maps, parcel maps, amended parcel maps, certificates of correction, lot line adjustments and/or records of survey, then, for all purposes of this Declaration:

1.4.1 **ADDED TO LOT**: Property which is removed from a Lot and added to another Lot shall thereafter be part of that Lot;

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1.4.2 **REMOVED FROM DECLARATION**: Property which is removed from a Lot and added to real property which is not subject to this Declaration shall no longer constitute a part of such Lot and shall no longer be subject to this Declaration; and

1.4.3 **ADDED TO DECLARATION**: Property not subject to this Declaration which is added to a Lot shall be part of the Lot to which it is added and shall automatically be subject to all provisions of this Declaration.

1.5 **DISCLOSURES**: The following disclosures were correct as of the date of recordation of this Declaration:

** 1.5.1 **NOTICE OF AIRPORT IN VICINITY**: This property is presently located in the vicinity of an airport, within what is known as an airport influence area. For that reason, the property may be subject to some of the annoyances or inconveniences associated with proximity to airport operations (for example: noise, vibration, or odors). Individual sensitivities to those annoyances can vary from person to person. You may wish to consider what airport annoyances, if any, are associated with the property before you complete your purchase and determine whether they are acceptable to you.

ARTICLE II
DEFINITIONS

The capitalized terms used in this Declaration which are defined in this Article shall have the meanings specified in this Article unless otherwise expressly stated or the context clearly requires a different meaning.

2.1 **ALTERATION**: "**Alteration**" shall mean constructing, performing, installing, remodeling, repairing, replacing, demolishing, and/or changing any Improvement or the color, tone, intensity, shade or hue of any Improvement.

2.2 **CITY**: "**City**" shall mean the City of Cloverdale, California.

2.3 **COUNTY**: "**County**" shall mean the County of Sonoma, California.

2.4 **DECLARANT**:"**Declarant**" shall mean Paul A. Rink, an individual. "Declarant" shall also mean any person or entity if (i) a notice signed by a Declarant and such person or entity has been recorded in the County in which such person or entity assumes the rights and duties of Declarant to some portion of the Project or (ii) such person or entity acquires all of the Project then owned by a Declarant which must be more than one (1) Lot. There may be more than one Declarant at any given time.

2.5 **DECLARATION**: "**Declaration**" shall mean this Declaration of Covenants, Conditions and Restrictions of 531 North Cloverdale Boulevard and any amendments hereto.

2.6 **IMPROVEMENTS**: "**Improvements**" shall mean everything constructed, installed or planted on real property, including without limitation, buildings, streets, fences, walls, paving, pipes, wires, grading, landscaping and other works of improvement as defined in California Civil Code Section 8050 , excluding only those Improvements or portions thereof which are dedicated to the public or a public or quasi-public entity or utility company, and accepted for maintenance by the public, such entity or utility company.

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2.7 **INVITEE**: "**Invitee**" shall mean any person whose presence within the Project is approved by or is at the request of a particular Owner, including, but not limited to, lessees, tenants, and the family, guests, employees, licensees or invitees of Owners, tenants or lessees.

2.8 **LOT**: "**Lot**" shall mean Lots 1 through 4, inclusive, as shown on the Map and all Improvements thereon.

2.9 **MAINTAIN**: "**Maintain**" or "**Maintained**" (but not the word "maintenance") shall mean taking all actions reasonably necessary or appropriate to keep an Improvement in first class condition and repair, which actions include but are not limited to (a) regular inspections, painting, maintenance, refinishing, repairing, replacing and reconstructing the Improvement, (b) in the case of landscaping, irrigating and fertilizing the landscaping, and (c) complying with the provisions of the Maintenance Manual. Owners shall have no responsibility to Maintain any Improvement Maintained by a third party or the public or a quasi-public entity or utility company even if the third party or the public or a quasi-public entity or utility company fails to perform all actions required by this Section.

2.10 **MANDATORY LANDSCAPED AREA**: "**Mandatory Landscaped Area**" shall mean all unenclosed portions of the Lot.

2.11 **MAP**: "**Map**" shall mean the final map of ** filed for record on **, in Book ** of Maps at Page ** et seq. in the Official Records of the County, including any subsequently recorded final maps, amended final maps, parcel maps, certificates of correction, lot line adjustments and/or records of survey.

2.12 **OWNER**: "**Owner**" shall mean the holder of record fee title to a Lot, including Declarant as to each Lot owned by Declarant. If more than one person owns a single Lot, "Owner" shall mean all owners of that Lot. "Owner" shall also mean a contract purchaser (vendee) under an installment land contract but shall exclude any person having an interest in a Lot merely as security for performance of an obligation.

2.13 **OPEN SPACE**: "**Open Space**" shall mean the area located along the Southerly and Westerly boundaries of Lot 4, as shown on the Map, consisting of approximately 825 square feet which is subject to easements permitting use and enjoyment of that Open Space by Owners of Lots 1 through 4, inclusive, as shown on the Map.

2.14 **PARTY FENCE**: "**Party Fence**" shall mean any portion of a fence or wall which is constructed and placed so as to physically separate one (1) Lot from another Lot, whether the fence or wall is situated approximately along a common Lot boundary or an easement boundary.

2.15 **PROJECT**: "**Project**" shall mean Lots 1 through 4, inclusive, as shown on the Map and all Improvements thereon.

2.16 **RESIDENCE**: "**Residence**" shall mean a dwelling situated on a Lot, including any garage also situated on a Lot.

2.17 **ROADWAY**: "**Roadway**" shall mean that portion of Lots 2, 3 and 4 shown on the Map as "**Roadway name" and all Improvements thereon and therein which serve more than one (1) Lot. "Roadway" includes all drainage facilities located within or under the Roadway except those that service only a single Lot.

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2.18 **SOLAR COLLECTOR**: "**Solar Collector**" shall mean a solar collector as defined in California Public Resources Code Section 25981.

2.19 **SOLAR RIGHTS ACT**: "**Solar Rights Act**" shall mean California Civil Code Sections 714 et seq., and any successor statutes.

2.20 **SOLAR SHADE CONTROL ACT**: "**Solar Shade Control Act**" shall mean California Public Resources Code Sections 25980 et seq., and any successor statutes.

2.21 **TITLE 7**: "**Title 7**" shall mean Title 7, Part 2 of Division 2 of the California Civil Code (Section 895 et seq.) as amended from time to time.

2.22 **VISIBLE**: "**Visible**" shall mean the item described can be seen by a six (6) foot tall person standing on the described area, or if no area is described, on any portion of the street which provides access to the Residence.

ARTICLE III
OWNERSHIP AND EASEMENTS

3.1 **OWNERSHIP OF LOTS**: Title to each Lot in the Project shall be conveyed in fee to an Owner. If more than one person and/or entity owns an undivided interest in the same Lot, such persons and/or entities shall constitute one Owner. Each Lot shall be subject to the easements described in Section 3.3 (Easements).

3.2 **OWNERSHIP OF PARTY FENCES**: Each Owner of a Lot upon which a Party Fence is situated shall own that portion of the fence from the surface which faces the Owner's Lot up to the center of the Party Fence.

3.3 **EASEMENTS**:The easements and rights specified in this Article are hereby created and shall exist whether or not they are also set forth in individual grant deeds to Lots. By reference to this Declaration, each grant deed to a Lot shall be deemed to be conveyed with the benefit of and subject to all applicable easements set forth in this Section, which shall be deemed to be covenants running with the land for the use and benefit of the Owners and their Lots superior to all other encumbrances applied against or in favor of any portion of the Project.

3.3.1 **MAILBOXES**: Each Owner whose mailbox is located on a Lot other than that Owner's Lot shall have a non-exclusive easement to use and Maintain the mailbox over those portions of the Lot on which the mailbox is located.

3.3.2 **MAP**: The Lots are subject to the easements and rights of way shown on the Map.

3.3.3 **OPEN SPACE**: The Owners of each of Lots 1 through 4, inclusive shall have and enjoy an appurtenant non-exclusive easement over, under, through and across the Open Space for the use and enjoyment of the Open Space for recreational purposes.

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3.3.4 **PARTY FENCES**: Each Owner of a Lot containing a Party Fence and the Lot upon which such Party Fence is located shall have a reciprocal non-exclusive easement over and across such portions of the contiguous Lot as is necessary or appropriate to Maintain such fence.

3.3.5 **RIGHT OF ENTRY TO PERFORM WORK**: Declarant hereby reserves for itself, and for its agents, employees, contractors, and/or subcontractors (collectively, "**Declarant Parties**"), the right to enter in and upon those portions of (a) each Lot and (b) each Residence that are necessary or appropriate (as determined in Declarant Parties' reasonable discretion) for the purposes of performing repairs or doing other work that (i) has been agreed to by an Owner and Declarant Parties or (ii) Declarant Parties elects to perform pursuant to California Civil Code Section 918. Declarant Parties shall give all affected parties at least seventy two (72) hours advance notice of the dates and times work will be performed (except in an emergency for which no notice is required). Notice shall be written or verbal.

3.3.6 **RIGHT TO PHOTOGRAPH**: Declarant hereby reserves a non-exclusive easement and right in gross to display, use and distribute for any and all purposes photographs, video recordings and similar reproductions of all Residences and Improvements constructed anywhere in the Project; provided, however, Declarant shall have no right to photograph the interior of any Residence after that Residence has been conveyed to an Owner, without the consent of that Owner.

3.3.7 **ROADWAY**: The Owners of each of Lots 1 through 4, inclusive ("**Roadway Owners**") shall have an appurtenant non-exclusive easement over, under, through and across the Roadway. The Roadway may be used by the holder of the Dominant Tenement for the following purposes: (a) ingress and egress by vehicles of all kinds and pedestrians, (b) constructing, installing, operating, using and Maintaining wires, pipes, conduits and lines for utilities, communications of all kinds and storm drainage, which serve the Dominant Tenement and which are not publicly Maintained, and (c) Maintaining the Roadway surface. The Roadway shall be subject to the restrictions contained in Article IV (Uses & Restrictions) and shall be Maintained as provided in Section 5.4 (Maintaining the Roadway).

3.3.8 **STORM DRAINS**: Each Owner shall have an appurtenant non-exclusive easement over, under, across and through the Project, excluding those portions occupied by Residences, for surface and subsurface storm drains and the flow of water in accordance with natural drainage patterns and the drainage patterns and Improvements installed or constructed by Declarant. Additionally, this Declaration and each Lot shall be subject to all easements granted by Declarant to install and Maintain drainage Improvements necessary or appropriate for the development of the Project.

3.3.9 **UTILITIES**: Each Owner shall have a non-exclusive right and easement over, under, across and through the Project, excluding those portions occupied by Residences, for utility lines, pipes, wires and conduits installed by Declarant. Additionally, this Declaration and each Lot shall be subject to all easements granted by Declarant to install and Maintain utilities necessary or appropriate for the development of the Project.

ARTICLE IV
USES AND RESTRICTIONS

4.1 **ALTERATIONS**: Proposals for Alterations may be subject to review and approval by state or local governmental entities or agencies. All approvals, permits and inspections which are required under local, state or federal law for any proposed Alteration are the responsibility of the Owner and must be

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obtained by the Owner in addition to the approvals required by this Declaration. All Alterations must match the architectural style, scale, materials and color palette of the Residence on the Lot.

4.2 **ANIMALS**: An Owner may keep not more than a total of two (2) dogs, cats and other customarily uncaged household pets within the Owner's Lot. Each Owner may also keep a reasonable number of small caged animals, birds or fish. No other animals are permitted in the Project. No animals may be kept for commercial purposes. No animals, livestock or poultry of any kind shall be raised, bred or kept on any Lot except that dogs, cats, and other household pets may be kept on Lots, provided that they are not bred or kept for any commercial purpose.

4.3 **ANTENNAS AND SATELLITE DISHES**: No outside television antenna, microwave or satellite dish, aerial, or other such device (collectively "**Video Antennas**") with a diameter or diagonal measurement in excess of one (1) meter shall be erected, constructed or placed on any Lot. Video Antennas with a diameter or diagonal measurement of one (1) meter or less may be installed only if they conform to the Architectural Standards and, if then required by the Architectural Standards, any necessary approval is obtained in accordance with the provisions of Article VII (Architectural and Landscaping Control). Reasonable restrictions which do not significantly increase the cost of the Video Antenna system or significantly decrease its efficiency or performance may be imposed.

4.4 **DRAINAGE**: No Owner shall alter the drainage patterns initially installed and constructed by Declarant (including but not limited to removal or modification of any swale established by Declarant in a front, side or rear yard) and as established by the grading and natural course of surface and subsurface water run-off without first obtaining the approval of the Architectural Committee and any and all necessary governmental approvals and permits. This Declaration provides notice to each Owner to devote great care and attention to grading and to establishing and preserving positive drainage away from the entire foundation line of the Owner's Residence. Positive drainage is achieved by shaping Lot grades, establishing drainage "swales" or installing underground area drains. The swales and drains provide a receptacle and conduit to drain water away from the foundation, and the rear, side and front of the Residence to off-site drainage disposal. Swales also prevent drainage water from moving across a Lot to another Lot or other property. This Declaration also provides notice to each Owner that if existing drainage swales established on the Lot and around the Residence are interrupted, blocked, filled, or otherwise altered, serious damage can result. Drainage must not be allowed to pond in a yard (except in swales specifically designed for detention) or run against or under a Residence, foundation, garage floor, driveway or other Improvement. Serious damage can result even during a short period of time.

4.5 **INVITEES**: Each Owner shall be responsible for compliance with the provisions of this Declaration by the Owner's Invitees.

4.6 **MAILBOXES**: Unless installed by Declarant or approved by the Architectural Committee, there shall be no exterior newspaper tubes or freestanding mailboxes placed on any Lot.

4.7 **MINERAL EXPLORATION**: No Lot shall be used to explore for or to remove any water, oil, hydrocarbons or minerals of any kind.

4.8 **NUISANCES**: No noxious or offensive activity shall be carried on upon any Lot, nor shall anything be done thereon which may be or may become an annoyance or nuisance to the neighborhood.

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4.9 **OPEN SPACE**: All Owners and their Invitees may use the Open Space for recreation purposes that are suitable for such a space and which do not place an undue burden of use on or otherwise damage the Open Space in any way. No Owner, other than the Owner of Lot 4, shall place or store anything within the Open Space without the express consent of the Owner of Lot 4.

4.10 **PARKING**: Vehicles shall not be parked anywhere in the Project except in compliance with the provisions of this Section.

4.10.1 **GARAGES**: Vehicles of any type may be parked in a garage. Garage doors shall remain closed, except when the garage is in use. Garages shall be kept sufficiently clear so as to permit parking of the number of vehicles for which the garage was designed.

4.10.2 **DRIVEWAYS**: The driveway on a Lot may be used by the residents of the Lot to park passenger motor vehicles as long as no portion of the vehicle extends into the street or across any portion of a sidewalk.

4.10.3 **ROADWAY**: Parking on the Roadway is prohibited

4.10.4 **VEHICLE RESTRICTIONS**: No boat, trailer, camper, commercial vehicle, mobile home, recreational vehicle or any inoperable vehicle shall be parked or stored on any Lot where Visible from adjacent Lots or streets. For purposes of this Section, the term "commercial vehicle" includes any vehicle defined as a "commercial vehicle" in California Vehicle Code Section 260.

4.10.5 **REMOVAL**: As long as applicable ordinances and laws are observed, any vehicle which is parked in violation of the provisions of this Section may be removed and stored at the expense of the Owner of the vehicle.

4.11 **REFUSE**: All garbage, trash and accumulated waste material shall be placed in appropriate covered containers. Containers for recyclable materials need not be covered. Containers provided by Owners may be placed on the Roadway or where Visible only on the night before and the day that pick-up is to occur.

4.12 **RENTAL OF RESIDENCES**: An Owner may not rent or lease a Residence for a period less than thirty (30) days or in violation of any agreement to which the Owner is a party. Any lease or rental agreement shall specify that the tenant is subject to all provisions of this Declaration and a failure to comply with any provision of this Declaration shall constitute a default under the lease or rental agreement. Before renting or leasing a Lot, the Owner shall provide a copy of this Declaration to each tenant.

4.13 **ROADWAY**: All use of the Roadway except that which is expressly provided in this Declaration is prohibited.

4.14 **SIGNS**: All signs displayed in the Project shall be attractive and compatible with the design of the Project and shall comply with all applicable local ordinances. The only signs of any kind which may be displayed to the public view on or from any Lot shall be as follows: (i) one (1) sign of reasonable dimensions may be placed on a Lot advertising the Lot for sale or rent; (ii) signs may be displayed by Declarant on Lots owned or controlled by Declarant, as Declarant deems appropriate, advertising Lots owned by Declarant for sale or rent; (iii) appropriate signs may be displayed to identify the Project; (iv) other signs, posters and notices approved by the Architectural Committee or specified in this Declaration may be posted

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in locations approved by the Architectural Committee; and (v) signs required by legal proceedings may be displayed.

4.15 **SOLAR COLLECTORS**: Except for those Solar Collectors originally installed by Declarant, no Solar Collector may be installed on a Lot unless and until (i) the Owner provides each of the Owner's neighbors (who may be affected by the installation of the Solar Collector) with the notice set forth in California Public Resources Code Section 25982.1, and (ii) the Solar Collector has been approved in accordance with the provisions of Article VII (Architectural and Landscaping Control). A Solar Collector that is proposed to be installed on a Lot must meet all applicable requirements of California Civil Code Section 714(c) and California Public Resources Code Section 25981(d).

4.16 **SOLAR SHADE RESTRICTIONS**: After the installation of a Solar Collector on a Lot, no Owner of an adjacent Lot shall allow a tree or shrub to be placed or, if placed, to grow so as to cast a shadow in violation of the standards set forth in California Public Resources Code Section 25982. The Owner, not the Architectural Committee, shall bear the burden of calculating compliance of any such tree or shrub with the provisions of California Public Resources Code Section 25982. The restrictions of this Section 4.16 do not apply to a tree or shrub planted prior to the installation of a Solar Collector or to the replacement of a tree or shrub that had been growing prior to the installation of a Solar Collector and which, subsequent to the installation of the Solar Collector, dies or is removed for reasons of public health or safety. Approval by the Architectural Committee of the installation of particular trees or shrubs on a Lot adjacent to a Solar Collector shall not be deemed to waive or alter the provisions of this Section 4.16, and the Architectural Committee shall not be liable to the Owner of the Solar Collector for any such approval.

4.17 **SPORTS EQUIPMENT**: No basketball standards, sports apparatus or similar equipment ("**Sports Equipment**") shall be attached to the exterior of any Residence or permanently installed on any Lot unless approved in accordance with the provision of Article VII (Architectural and Landscaping Control). Sports Equipment may be temporarily placed (but not permanently installed) on portions of a Lot if the Sports Equipment is not Visible from adjacent Lots.

4.18 **USE AND OCCUPANCY OF LOTS AND RESIDENCES**: Each Residence may be used for (i) residential purposes, (ii) uses within Residences which cannot be prohibited under federal or state law and (iii) uses permitted by local ordinance (provided that home occupations must be conducted in a manner that does not materially and adversely impact the ability of other Owners to use and enjoy the Project). Otherwise, no business of any kind shall be established, operated, permitted or constructed in any portion of the Project, except for the business of Declarant in completing the development and disposition of the Lots in the Project. No Residence shall be permanently occupied by any more than two (2) persons per bedroom. No Owner may permit or cause anything to be done or kept upon, in or about the Owner's Lot which might obstruct or interfere with the rights of other Owners or which would be noxious, harmful or unreasonably offensive to other Owners. Each Owner shall comply with all of the requirements of all governmental authorities, federal, state or local, and all laws, ordinances, rules and regulations applicable to the Owner's Lot and Residence.

4.19 **WINDOW COVERINGS**: All drapes, window shades or other window coverings installed in the windows of a Residence which are Visible from the exterior of the Residence shall be white, off-white, beige or other neutral color. Any drapes or other window covering installed by Declarant in model residences or in compliance with the Architectural Standards may remain for the useful life thereof. Window coverings must be installed on all windows Visible from the Roadway and public streets serving the Project within ninety (90) days after conveyance of title to the Lot by Declarant, unless the Architectural Standards provide otherwise.

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ARTICLE V
IMPROVEMENTS

5.1 **MAINTAINING LOTS AND RESIDENCES**: Except as otherwise specifically provided in this Declaration, each Owner shall Maintain the Owner's Lot and all Improvements located in the Lot in compliance with the provisions of the Maintenance Manual, in a manner consistent with the standards established by Declarant and by this Declaration and in compliance with the Architectural Standards. Special architectural design standards may be established by the Architectural Committee.

5.1.1 **OPEN SPACE**: The Owner of Lot 4 shall Maintain the Open Space in compliance with the provisions of the Maintenance Manual, in a manner consistent with the standards established by Declarant and by this Declaration and in compliance with the Architectural Standards.

5.1.2 **STORM DRAINAGE**: Each Owner shall regularly clear all storm drainage inlets and Maintain all storm drainage Improvements situated on the Owner's Lot so that the Improvement functions as it was designed to function.

5.1.3 **MAILBOXES**: Each Owner shall Maintain the mailbox which serves that Owner's Lot, wherever it is located. If more than one mailbox is supported by a single structure, the Owners of the mailboxes shall jointly Maintain the support structure.

5.2 **MAINTAINING FENCES AND WALLS**: If a fence is attached to the top of a wall, that wall shall be deemed to be part of the fence for purposes of this Section.

5.2.1 **PARTY FENCES**: All costs of Maintaining a Party Fence shall be shared equally by the Owners of the Party Fence, unless the Party Fence was damaged by an Owner or an Owner's Invitees. In that case, all costs of restoring the Party Fence to the condition it was in immediately before the damage shall be borne by the Owner responsible for the damage.

(a) **NOTICE**: Maintenance of a Party Fence shall be required when determined necessary or appropriate by any Owner of that Party Fence ("**Maintaining Owner**"). The Maintaining Owner shall give the other Owner of the Party Fence a written notice which describes the work deemed appropriate or necessary by the Maintaining Owner and an estimate of the costs to perform the work ("**Notice**"). If the Owner who receives the Notice ("**Failing Owner**") fails to respond to the Maintaining Owner in writing within fifteen (15) calendar days of receiving the Notice, the Maintaining Owner shall be permitted to Maintain the Party Fence. The Maintaining Owner shall first obtain at least two (2) bids from different licensed contractors, suppliers, or employees which provide a detailed description of the work, the total labor costs and the total costs of materials. Upon completion of the work, the Maintaining Owner shall provide the Failing Owner with a bill for one-half (½) of the costs incurred for Maintaining the Party Fence. The bill shall include copies of invoices and receipts generated by the work ("**Bill**"). The Bill shall be due and payable by the Failing Owner upon receipt of the Bill.

(b) **RIGHT OF CONTRIBUTION**: The Maintaining Owner is entitled to, and has a right of contribution from, the Failing Owner. If the Failing Owner does not pay the Bill within thirty (30) days of receipt of the Bill, the Maintaining Owner may enforce the Owner's right to contribution against the Failing Owner by filing an action in small claims or superior court, depending upon the dollar amount of the Bill. The obligation to contribute by the Failing Owner shall run with the land and shall be binding upon and

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enforceable against the Failing Owner's successors in interest and any judgment obtained from a court may be recorded against the Failing Owner's Lot.

(c) **EMERGENCY EXCEPTION**: Either Owner may take any action that is reasonably necessary to prevent immediate injury to persons or damage to property without providing the notice required in Section 5.2.1(a) (Notice). The Maintaining Owner and Failing Owner shall separately negotiate the division of those costs resulting only from the emergency nature of the repair or replacement.

(d) **DISPUTES**: If the Failing Owner disagrees with the Maintaining Owner's determination that maintenance is necessary or appropriate, or if the Owners of the Party Fence do not agree upon any other matter related to the Party Fence, the dispute shall be submitted to and conclusively determined by neutral, binding arbitration in accordance with the provisions set forth in Section 7.4 (Mandatory Binding Arbitration), provided that the fees to initiate the arbitration shall be advanced by the Owner commencing the proceedings; and provided, further, that the procedures shall not preclude any party from seeking injunctive or other provisional or equitable relief in order to preserve the status quo of the parties pending resolution of the dispute, nor shall the filing of an action seeking injunctive or other provisional relief be construed as a failure by that party to comply with the requirements of those procedures set forth in Section 7.4 (Mandatory Binding Arbitration) of the Master Dispute Declaration.

5.2.2 **OTHER FENCES AND WALLS**: Except as provided in Section 5.2.1 (Party Fences), the Owner of a Lot shall Maintain all fences, fence posts, gates and walls which are either situated entirely within the boundaries of an Owner's Lot or which separate the Owner's Lot from property located outside the boundaries of the Project. If any portion of a wall extends across a Lot boundary, the adjacent Owners shall cooperate as necessary or appropriate to permit each Owner to Maintain the portion of the wall which is on that Owner's Lot.

5.3 LANDSCAPING:

5.3.1 **INSTALLATION REQUIREMENT**: Each Owner shall install, plant and complete permanent landscaping within the Mandatory Landscaped Area on the Owner's Lot within nine (9) months after (i) title to the Lot is conveyed to the Owner or (ii) the issuance of a certificate of occupancy for the Residence, whichever occurs later.

5.3.2 **PERMANENT LANDSCAPING**: The landscaping within Mandatory Landscaped Areas shall be Maintained in a manner consistent with the standards of design and quality as originally established by Declarant and in compliance with the Maintenance Manual. All landscaping shall be kept in a neat and orderly condition. Any weeds shall be removed and any diseased or dead lawn, trees, ground cover or shrubbery shall be removed and replaced. All lawn areas shall be neatly mowed and trees and shrubs shall be neatly trimmed. Irrigation systems, if any, shall be kept in good working condition to ensure continued regular watering of landscape areas, and health and vitality of landscape materials. Any landscaping which is removed or altered must be immediately replaced with landscaping of like kind and quality unless otherwise approved by the Architectural Committee.

5.3.3 **OTHER PORTIONS OF LOTS**: The Mandatory Landscaped Areas shall be kept weed free. Plant material and weeds in the remaining portions of Lots, if any, shall be Maintained in accordance with all local ordinances governing weed abatement.

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5.3.4 **PUBLIC RIGHT OF WAY**: Each Owner shall Maintain any landscaping within the public right-of-way which adjoins the Owner's Lot, unless the landscaping is Maintained by a public or quasi-public entity or agency.

5.3.5 **SOLAR SHADE CONTROL ACT**: All landscaping shall be Maintained so as to fully comply with all relevant provisions of the Solar Shade Control Act.

5.4 MAINTAINING THE ROADWAY:

5.4.1 **JOINT MAINTENANCE**: The Owners of Lots 1 through 4, inclusive, as shown on the Map ("**Roadway Lots**"), shall jointly Maintain the Roadway. The Roadway shall be Maintained in a good, safe and usable condition, in good repair, and in compliance with all applicable state, county and local ordinances at all times.

5.4.2 **MEETINGS**:

(a) **CALLING A MEETING**: A meeting of the Owners of the Roadway Lots may be called at any time by the request of any one or more Owners of the Roadway Lots; provided, however, that a meeting may not be called within thirty (30) days of a previously held meeting unless the Owners of a majority of the Roadway Lots request the meeting. All requests shall be in writing, shall specify the general nature of the business proposed to be transacted, and shall be mailed postage prepaid (first class) or hand delivered to Owners of all Roadway Lots. The request shall also set forth the location where the meeting will be held, which must be within five (5) miles of the Project and the date for such meeting, which date shall be not less than fifteen (15) (unless the Roadway has been damaged by an act of God) nor more than ninety (90) days following the date of the request. The presence at a meeting of Owners of a majority of the Roadway Lots shall constitute a quorum for the transaction of business and for any action. In the absence of a quorum, any Owner present at the meeting may adjourn the meeting to another time, but may not transact any other business. An adjournment for lack of a quorum by those in attendance shall be to a date not fewer than five (5) days nor more than thirty (30) days from the original meeting date. The quorum for any such adjourned meeting shall be reduced to require representation by Owners of at least one-third (⅓) of the Roadway Lots. Notice of the time and place of the adjourned meeting shall be mailed postage prepaid (first class) to the Owners of all Roadway Lots at least fifteen (15) days before the adjourned meeting, or hand delivered at least three (3) days before the adjourned meeting.

(b) **DECISIONS**: The Owners of each Roadway Lot shall be entitled to cast one (1) vote for each Roadway Lot owned. The Owners of the Roadway Lots shall determine when the Roadway needs to be Maintained by majority vote. If any Owner of a Roadway Lot disagrees with the determination of the Owners of a majority of the Roadway Lot, that Owner shall commence arbitration proceedings in accordance with the provisions of Section 5.4.2(c) (Disputes) within ten (10) days after such determination. Within thirty (30) days after such determination (ten (10) days in the event that the Owners of two (2) or more of the Roadway Lots conclude that more urgent conditions exist) the Owners of the Roadway Lots shall hire and pay for all labor and materials necessary or appropriate to so Maintain the Roadway. If the Owners of the Roadway Lots do not accomplish or commence diligent efforts to Maintain within said period of time for any reason, then any Owner of a Roadway Lot may hire and pay for all labor and materials necessary or appropriate to so Maintain the Roadway and bill the Owners of the other Roadway Lots for their proportionate shares of the costs of such labor and materials; provided, however, that no Owner of a Roadway Lot shall hire or pay for any labor or materials without first providing the Owners of all Roadway Lots with ten (10) days written notice of its intention to do so.

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(c) **DISPUTES**: Any dispute, claim or other matter arising from a decision, action, or failure to act by the Owners of the Roadway Lots shall be decided by neutral, binding arbitration in accordance with the provisions set forth in Section 7.4 (Mandatory Binding Arbitration); provided that the fees to initiate the arbitration shall be advanced by the Owner commencing the proceedings; and provided, further, that the procedures shall not preclude any party from seeking injunctive or other provisional or equitable relief in order to preserve the status quo of the parties pending resolution of the dispute, nor shall the filing of an action seeking injunctive or other provisional relief be construed as a failure by that party to comply with the requirements of those procedures set forth in Section 7.4 (Mandatory Binding Arbitration).

5.4.3 **ALLOCATION OF COSTS**: The costs to Maintain the Roadway shall be shared equally by the Owners of all Roadway Lots, except that any work required as a result of the negligence or willful act of an Owner or an Owner's Invitees shall be the responsibility of the Owner to whom the willful or negligent act is attributed and the costs of such work shall be borne solely by that Owner.

5.4.4 **INDEMNITY AND RIGHT OF CONTRIBUTION**: The Owners of each Roadway Lot shall be liable for an equal share of all costs, damages, attorneys' fees, expenses and liabilities arising from injury to person or property occurring on the Roadway for which (i) any Owner is held liable by virtue of the fact that it is the Owner of the Roadway or the fact that the Owners failed to adequately Maintain the Roadway, or (ii) Owners of all Roadway Lots are held liable by virtue of their ownership of an easement or the fact that the Owners failed to adequately Maintain the Roadway. Any Owner who pays greater than that Owner's share of such costs, damages, attorneys' fees, expenses and liabilities shall have a right of contribution against the Owners of any other Roadway Lot who have paid less than the required share of such costs, damages, attorneys' fees, expenses and liabilities.

5.5 **INSURANCE**: Each Owner is responsible for determining and obtaining the type and amount of insurance needed to insure all Improvements and personal property located within the Owner's Residence and to otherwise protect the Owner against losses. Each Owner shall obtain and keep in full force and effect a policy of insurance which provides protection of the Owner's Residence against loss or damage by fire or other casualty, in an amount equal to at least one hundred percent (100%) of the current full replacement cost (without respect to depreciation) of the Owner's Residence, exclusive of land, foundations, excavation and other items normally excluded from coverage. Such cooperation may include, if necessary, purchase of insurance from the same insurer or providing the other, upon request, with a certificate of insurance or other proof of insurance.

5.6 **DAMAGE AND DESTRUCTION**: If all or any portion of a Lot or Residence is damaged by fire or other casualty, the Owner shall either (i) restore the damaged Improvements or (ii) remove all damaged Improvements, including foundations, and leave the Lot in a clean and safe condition. Any restoration under (i) preceding must be performed so that the Improvements are in substantially the same condition in which they existed prior to the damage, unless otherwise approved by the Architectural Committee. The Owner must commence such work within one hundred twenty (120) days after the damage occurs and must complete the work within one (1) year thereafter.

ARTICLE VI
DEVELOPMENT RIGHTS

6.1 **LIMITATIONS OF RESTRICTIONS**: Declarant is undertaking the work of developing Lots and other Improvements within the Project. The completion of the development work and the marketing and sale, rental and other disposition of the Lots is essential to the establishment and welfare

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of the Project as a residential community. In order that the work may be completed and the Project established as a fully occupied residential community as rapidly as possible, nothing in this Declaration shall be interpreted to deny Declarant the rights set forth in this Article.

6.2 **RIGHTS OF ACCESS AND COMPLETION OF CONSTRUCTION**: Declarant, its contractors and subcontractors shall have the right to (i) obtain reasonable access over and across the Project and/or do within any Lot owned or controlled by it whatever is reasonably necessary or appropriate in connection with the completion of the Project, (ii) use portions of the Project as staging or storage areas for materials and equipment, and (iii) erect, construct and use within any Lot owned or controlled by it such structures as may be reasonably necessary or appropriate for the conduct of its business to complete the work, establish the Project as a residential community and dispose of the Project in parcels by sale, lease or otherwise.

6.3 **SIZE AND APPEARANCE OF PROJECT**: Declarant shall not be prevented from changing the exterior appearance of any improvements, landscaping or any other matter directly or indirectly connected with the Project in any manner deemed desirable by Declarant, if Declarant obtains any governmental consents required by law.

6.4 **MARKETING**: Declarant shall have the right to: (i) construct, establish and use model homes, signs, banners, flags, inflatable balloons, blimps, sales offices, sales and construction trailers, leasing offices, rental offices, storage areas, parking lots and related facilities in any Lots owned or controlled by Declarant within the Project as are necessary or appropriate, in the opinion of Declarant, for the sale or disposition of the Lots; (ii) use Lots owned or controlled by Declarant in accordance with any promotional programs established from time to time by Declarant; and (iii) conduct its business of disposing of Lots by sale, lease or otherwise.

6.5 **RIGHT TO RESTRICT ACCESS**: Declarant expressly reserves the right to restrict access to any portion of the Project on which construction or staging activity is occurring, or materials are stored. Access may be restricted by signs, personnel, fences or other barriers or by other reasonable means.

ARTICLE VII
AMENDMENT AND ENFORCEMENT

7.1 **AMENDMENTS**:

7.1.1 **AMENDMENTS BY DECLARANT**: Prior to the conveyance of the first Lot to an Owner other than a Declarant, this Declaration may be amended by Declarant alone. After the conveyance of the first Lot to an Owner other than a Declarant, this Declaration may be amended by Declarant alone; provided, however, any such amendment shall apply only to those Lots then owned by Declarant which are annexed after the date of the amendment.

7.1.2 **AMENDMENTS BY OWNERS**: In addition to any amendments made pursuant to Section 8.1.1 (Amendments by Declarant) or Section 7.1.3 (New Laws), this Declaration may be amended if each of the following requirements is satisfied::

(a) Owner Approval: The Owners of fifty-one percent (51%) of the Lots, based on one (1) vote for each Lot, approve the amendment by vote or written consent.

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(b) Declarant Approval: The provisions of this Declaration may not be amended without the consent of Declarant until Declarant no longer owns any Lot in the Project.

(c) Specific Provisions: The provisions of Section 7.3 (Disputes Between Owner and Declarant), Section 7.4 (Mandatory Binding Arbitration) and this Section 7.1 (Amendments) may not be amended nor shall other provisions be adopted that purport to supersede them without the consent of Declarant.

7.1.3 **NEW LAWS**: In addition to any amendments made pursuant to Section 7.1.1 (Amendments by Declarant) or Section 7.1.2 (Amendments by Owners), if statutory changes are adopted or a law is changed through the decision of a court (collectively "**New Law**") and the New Law affects any provision of this Declaration, each Owner shall reasonably cooperate with Declarant to execute any supplements or amendments to this Declaration which Declarant reasonably deems necessary or appropriate for the implementation of the New Law.

7.1.4 **RECORDATION**: Any amendment to this Declaration shall be effective when an instrument is recorded in the Official Records of the County which (a) sets forth the terms of the amendment, (b) is signed by the Owners of any three (3) Lots if the amendment is made pursuant to Section 7.1.2 (Amendments by Owners) or 7.1.3 (New Laws), and (c) certifies that the amendment was adopted in compliance with the provisions of this Section 7.1.

7.2 ENFORCEMENT:

7.2.1 **BY OWNERS**: Except as provided in Section 7.3 (Disputes Between Owner and Declarant) and Section 7.4 (Mandatory Binding Arbitration), each Owner has the right, but not the obligation, to enforce any and all of the provisions of this Declaration, including any decision made by the Architectural Committee, upon Declarant, the Owners or upon any property in the Project, in any manner provided by law or in equity or in this Declaration. The provisions of this Declaration are equitable servitudes and covenants running with the land, enforceable by Declarant or any Owner against Declarant or any other Owner in the Project.

7.2.2 **BY DECLARANT**: Declarant has the right, but not the obligation, to enforce the provisions of this Declaration, including any decision made by the Architectural Committee, in any manner provided by law or in equity, and in any manner provided in this Declaration. The provisions of this Declaration are equitable servitudes and covenants running with the land, enforceable by Declarant against any Owner, tenant or occupant of the Project. Declarant has no obligation to enforce any provision of this Declaration. Declarant may elect to enforce any provision of this Declaration at any time against any Owner and no such action shall be construed to imply any obligation on the part of Declarant to enforce the same provision against another Owner.

7.2.3 **LIQUIDATED DAMAGES**: Declarant is developing and marketing Lots and Residences in the Project. The restrictions contained in Article IV (Uses and Restrictions) and Article V (Improvements) exist, among other reasons, for the benefit of Declarant in that they assist in creating and promoting a particular setting, appearance and atmosphere which is critical to the ability of Declarant to sell Lots and Residences in the Project. Any violation of any such restriction adversely impacts Declarant's ability to sell Lots and Residences in the Project. Declarant and each Owner, by acceptance of a grant deed to a Lot, expressly agree for themselves, and their respective successors-in-interest and assigns that if an Owner violates any provision of Article IV (Uses and Restrictions) or Article V (Improvements) by the

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Owner's action or inaction, the action of the Owner's Invitee(s), or by permitting or causing the Owner's Lot or Residence to be in violation (collectively "**Violation**"), it would be extremely difficult and impractical to ascertain the actual damages suffered by Declarant. Therefore, in the event of any Violation of any provision of Article IV (Uses and Restrictions) or Article V (Improvements), the Owner of the Lot in Violation shall pay to Declarant the sum of forty dollars ($40.00) per day for each day that the Violation continues as liquidated and agreed upon damages.

As a condition precedent to collecting liquidated damages, Declarant must first give written notice of the Violation to the Owner. The notice must specify the nature of the Violation and the action needed to correct the Violation. The notice must be either personally delivered to the Owner or addressed to the Owner and sent by first class mail, postage prepaid, to the address which appears on the County Assessor's Rolls for the Lot for property tax purposes, return receipt requested. From the time of receipt of the notice, the Owner shall have forty-eight (48) hours to correct the Violation unless the Violation is of Section 4.1 (Alterations) in which case the Owner shall have ninety-six (96) hours to correct the Violation. If the Violation is not corrected by the specified time, liquidated damages shall accrue at the rate of Forty Dollars ($40.00) per day from the date of receipt of the notice. Declarant has the right, but not the obligation, to enforce payment of liquidated damages in any manner permitted by law or in equity, including an action in small claims court.

7.2.4 **VIOLATION OF LAW**: Any violation of any state, municipal or local law, ordinance or regulation pertaining to the ownership, occupation or use of any property within the Project is hereby declared to be a violation of this Declaration and is subject to any or all of the enforcement procedures herein set forth.

7.2.5 **REMEDIES CUMULATIVE**: Each remedy provided in this Declaration is cumulative and not exclusive.

7.2.6 **NO WAIVER**: The failure to enforce the provisions of any covenant, condition or restriction contained in this Declaration will not constitute a waiver of any right to enforce any such provisions or any other provisions of this Declaration.

7.3 DISPUTES BETWEEN OWNER AND DECLARANT:

7.3.1 **DEFINITIONS**: For the purposes of this Section 7.3 and Section 7.4 (Mandatory Binding Arbitration), the following terms shall have the meanings specified in this Section 7.3.1.

(a) **CLAIM PROCESS**: "**Claim Process**" shall mean those non-adversarial procedures set forth in Chapter 4 of Title 7.

(b) **DECLARANT PARTIES**: "**Declarant Parties**" shall mean Declarant and its partners, members or other principals, and their respective officers, agents, employees, affiliated parent and subsidiary companies, successors and assigns, design centers, subcontractors, design professionals, engineers, inspectors, and material suppliers who provided labor, services or materials to any portion of the Project. Declarant has the sole and absolute right, in its discretion, to join any person or entity who is not a party to the Proceedings if the presence of such person or entity is required or is necessary for complete relief to be accorded in the Proceedings or if the interest or responsibility of such person or entity in the Dispute is not insubstantial. The parties shall cooperate in good faith and shall diligently perform such acts as may be necessary to ensure that all necessary and appropriate parties are included in the Proceedings.

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(c) **DISPUTES**: "**Dispute**" shall mean any claim, issue or controversy that arises from or is related in any way to (i) a Lot or Residence, or (ii) the relationship between any Owner or Owners and Declarant, whether contractual, statutory or in tort, including without limitation, claims, issues or controversies that arise from or are related to the purchase, sale, condition, design, construction or materials used in construction of any portion of a Lot or Residence, the agreement between Declarant and an Owner to purchase a Lot or Residence or any related agreement, any Homebuyer Warranty, any disclosures provided to an Owner by Declarant, or any alleged deficiencies in the construction, design, specifications, surveying, planning, supervision, testing, or observation of construction related to an Owner's Lot or Residence, including without limitation the following: (a) any Title 7 Claim; (b) any disagreement as to whether a Title 7 Claim has been properly repaired; (c) any disagreement as to the value of repairing damages which are the subject of a Title 7 Claim; (d) the cost of repairing damage caused by the repair efforts, the cost to remove or replace an improper repair, and any alleged relocation expenses, storage expenses, lost business income, investigation costs and all other fees and costs recoverable by contract or statute as a result of a Title 7 Claim; and (e) any disagreement concerning the timeliness of Declarant's performance or an Owner's notification under the Homebuyer Warranty or the Claim Process.

(d) **HOMEBUYER WARRANTY**: "**Homebuyer Warranty**" shall mean any limited warranty provided to an Owner by Declarant.

(e) **TITLE 7 CLAIM**: "**Title 7 Claim**" shall mean any claim, issue or controversy that arises from or is related in any way to any alleged violation of the standards set forth in California Civil Code Sections 895 through 897, inclusive.

7.3.2 **OWNERS**: Before an Owner initiates any legal proceeding with any Declarant Parties, a determination must be made as to whether the subject matter of the Dispute involves a Title 7 Claim.

(a) **TITLE 7 CLAIM**: If a Dispute involves a Title 7 Claim and is not resolved to the satisfaction of the Owner, the Owner shall file a written Notice of Claim in accordance with the provisions of California Civil Code Section 910 with Builder's Agent for Notice at the address provided in accordance with California Civil Code Section 912. The Notice of Claim must (i) provide the Owner's name, address and telephone number (or the information necessary to use an alternative method of contact such as facsimile or e-mail) and (ii) describe the Title 7 Claim in sufficient detail to enable the Declarant Parties to determine the location, nature and extent of the Title 7 Claim and what area or components of the Lot or Residence are involved.

(b) **OTHER CLAIM**: If a Dispute does not involve a Title 7 Claim ("**Other Claim**") and is not resolved to the satisfaction of the Owner, the Owner shall file a written Notice of Other Claim with Builder's Agent for Notice at the address provided in accordance with California Civil Code Section 912. The Notice of Other Claim must (i) provide the Owner's name, address and telephone number (or the information necessary to use an alternative method of contact such as facsimile or e-mail), (ii) describe the Other Claim in sufficient detail to enable the Declarant Parties to determine the location, nature and extent of the Other Claim, and (iii) include a request for mediation. The applicable Declarant Parties and Owner shall, in good faith, attempt to resolve the Other Claim by mediation in accordance with this paragraph (b). The mediation shall be conducted by a single mediator employed by Judicial Arbitration and Mediation Services, Inc. ("**JAMS**") and in accordance with its established rules. The mediation shall be held in the County or such other place as is mutually acceptable to the parties. The Declarant Parties shall have the right to include other persons or entities, including insurance carrier representatives in the mediation proceedings. The mediation shall be conducted in accordance with the following procedures:

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(i) The Declarant Parties shall have the right to select the mediator by notifying Owner in writing within ten (10) business days following the date of service of the Notice of Other Claim. If the Declarant Parties select the mediator, the Declarant Parties shall pay any filing fees required by JAMS and the first four (4) hours of the mediator's fees. At Owner's sole option, Owner may agree to share the filing fees required by JAMS and the fees of the mediator equally with Declarant Parties. If Owner so agrees, then Owner and Declarant Parties shall jointly select the mediator. If the parties cannot agree on a mediator, JAMS shall select the mediator. No person with any financial or personal interest in the mediation's result shall serve as a mediator, except by the written consent of the parties. Prior to accepting any appointment, the prospective mediator shall disclose any circumstances likely to create a presumption of bias or to prevent a prompt commencement of the mediation process.

(ii) The expenses or fees of any witnesses called by a party shall be borne solely by that party. The remainder of the total fees and costs incurred by JAMS including fees of experts retained by JAMS, if any, and expenses or fees of the mediator shall be shared equally by the parties. JAMS shall contact the other party or parties to pay any fees required of that party or parties.

(iii) If either party refuses to participate in the mediation, then the other party may initiate arbitration proceedings as provided in Section 7.4 (Mandatory Binding Arbitration).

(iv) The hearing(s) shall be commenced as quickly as reasonably practical in the discretion and judgment of the mediator. The parties shall cooperate in good faith with each other and with the mediator and shall provide all documents reasonably required by the mediator to be provided. Without mutual agreement of the Owner and Declarant Parties, the mediation shall not exceed four (4) hours.

(v) No party shall be entitled to an award of its attorneys' fees. Nothing herein shall be construed to modify or abrogate any duty to defend and/or indemnify another party pursuant to the terms of a contract between any such parties. The mediator shall issue his or her written determination within ten (10) business days after the close of the mediation hearing(s).

(vi) The entire mediation proceeding shall be kept in the strictest confidence and documentary or demonstrative evidence or testimony introduced or revealed to the mediator or other party during the mediation shall be inadmissible in any subsequent proceeding including litigation, arbitration and judicial reference. The provisions of California Evidence Code Section 1115 et seq. shall be applicable to the mediation.

(vii) If either Owner or Declarant Parties does not agree with the mediator's rulings, either party may initiate arbitration proceedings as provided in Section 7.4 (Mandatory Binding Arbitration).

7.4 **MANDATORY BINDING ARBITRATION**: Before any Owner institutes arbitration proceedings as provided in this Section 7.4 ("**Proceedings**") involving a Title 7 Claim, the Owner must first commence the Claim Process and proceed, in good faith, to resolve the claim using the Claim Process. Before the Owner institutes Proceedings with Declarant which do not involve a Title 7 Claim, or before Declarant institutes Proceedings with an Owner which do not involve a Title 7 Claim, that party shall, in good faith, attempt to resolve the Other Claim by mediation in accordance with the mediation procedures set forth in Section 7.3.2(b) (Other Claim). The mandatory arbitration procedures below shall apply to all post-closing Disputes between Declarant and an Owner and all Disputes between Declarant and Association. In order to effectuate the obligation to resolve all Disputes by binding arbitration, Declarant, Association or Owner may petition the Superior Court of the County to order that the Disputes be resolved by arbitration pursuant to the agreements set forth in this Section 7.4 and the court shall order Declarant, Association and

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Owner to arbitrate the Disputes and all controversies related to the Disputes even if Declarant, the Association or Owner join their claims with other claimants utilizing different dispute resolution procedures.

7.4.1 **FEDERAL ARBITRATION ACT**: If negotiations, mediation or other non-binding dispute resolution procedures, including the Claim Process, fail to resolve any Dispute between any Owner and Declarant, then the Dispute shall be resolved by neutral, binding arbitration governed by the Federal Arbitration Act (9 U.S.C. §§1-16) ("**Federal Act**") and not by any court action except as provided for judicial review of arbitration proceedings under the Federal Act. The construction of the Lots and Residences involved interstate commerce and therefore the arbitration procedures specified in this Section 7.4 are to be interpreted and enforced as authorized by the Federal Act, which is designed to encourage use of alternative methods of dispute resolution that avoid costly and potentially lengthy court proceedings. The Lots and Residences were constructed with materials and products manufactured throughout the United States which have been shipped to the Project for installation and involved communications by interstate mail and telephone with out of state manufacturers, design professionals, contractors and their employees. The shipment of such materials and products across state lines cause the products and materials to enter into the stream of interstate commerce and become subject to the Interstate Commerce Clause (Article I, Section VIII of the United States Constitution) and ensuing federal laws. Interpretation and application of the procedures set forth in this Section 7.4 shall conform to any applicable Federal court rules and decisions interpreting and applying the Federal Act. The Proceedings shall be conducted pursuant to the Federal Act and, to the extent not inconsistent, the procedures set forth in this Section 7.4. In addition, except as set forth herein, and to the extent it is not inconsistent with the Federal Act, the arbitration shall be conducted pursuant to Title 9 of the California Code of Civil Procedure (Section 1280 et seq.); provided, however, Code of Civil Procedure Section 1281.2(c) shall not be applicable to permit the court to delay or refuse to order arbitration. References to California procedural law are for guidance only and shall not be construed as a waiver of any rights or duties of the parties under the Federal Act or the right of the parties to have the procedures set forth herein interpreted and enforced under the Federal Act. If any party seeks review by a court of the enforceability of any of the procedures set forth or referenced herein (notwithstanding the provisions herein making that issue one to be resolved by the arbitrator), the exclusive jurisdiction and venue for any such review shall be the Superior Court for the County.

7.4.2 **PARTICIPATION BY OTHER PARTIES**: Declarant has the sole and absolute right, in its discretion, to join any person or entity who is not a party to the Proceedings if the presence of such person or entity is required or is necessary for complete relief to be accorded in the Proceedings or if the interest or responsibility of such person or entity in the Dispute is not insubstantial. The parties shall cooperate in good faith and shall diligently perform such acts as may be necessary to ensure that all necessary and appropriate parties are included in the Proceedings.

7.4.3 **JAMS**: The Proceedings shall be conducted by and in accordance with the rules of Judicial Arbitration and Mediation Services, Inc. ("**JAMS**") or any successor thereto. Should JAMS cease to exist as such, then all references to JAMS shall be deemed to refer to its successor or, if there is no successor, to the American Arbitration Association, in which case its commercial arbitration rules shall be used.

7.4.4 **STATUTES OF LIMITATION**: Except for procedural issues, and to the extent not inconsistent with the Federal Act, the Proceedings, the ultimate decisions of the arbitrator, and the arbitrator shall be subject to and bound by existing California case and statutory law including, but not limited to, applicable statutes of limitation established in Title 7.

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7.4.5 **SELECTION AND TIMING**: The Proceeding shall be conducted by one (1) qualified arbitrator selected in accordance with the rules of JAMS. The term "**qualified**" shall mean a retired judge who has experience with the laws governing residential real estate development and construction or an attorney who has actively practiced law in California for at least fifteen (15) years and who has experience with the laws governing residential real estate development and construction.

7.4.6 **MOTIONS AND REMEDIES**: The arbitrator shall have the power to hear and dispose of motions, including motions relating to provisional remedies, demurrers, motions to dismiss, motions for judgment on the pleadings and summary judgment and/or adjudication motions, in the same manner as a trial court judge. In addition, the arbitrator shall have the power to summarily adjudicate issues of fact or law, including the availability of remedies, even if the issue adjudicated could dispose of an entire cause of action or defense. The arbitrator shall have the power to grant provisional remedies including preliminary injunctive relief. Prior to the selection of the arbitrator, any party shall have the right to petition the Superior Court of the County for any necessary provisional remedies. However, after obtaining any provisional remedies (pending selection of the arbitrator) the entire matter shall be referred to JAMS for all purposes and the Superior Court shall have no further jurisdiction to monitor or enforce the provisional remedies or to make further determinations or awards or to issue additional provisional remedies. JAMS shall have the sole power to enforce, extend, modify or vacate any such provisional remedies.

7.4.7 **DISCOVERY**: The parties shall be entitled to limited discovery consisting of: (i) witness lists; (ii) expert witness designations; (iii) expert witness reports; (iv) exhibits; (v) reports of testing or inspections, including but not limited to, destructive or invasive testing; (vi) arbitration briefs; and (vii) the deposition, under oath, of any designated experts and two (2) other depositions of their choosing without obtaining the consent of the arbitrator. All other discovery shall be permitted by the arbitrator at the arbitrator's discretion upon a showing of good cause or based on the agreement of the parties. The arbitrator shall oversee discovery and may enforce all discovery orders in the same manner as any trial court judge.

7.4.8 **FULL DISCLOSURE**: Each party shall make, in good faith, a full disclosure of all issues and evidence to each other party prior to the hearing. Any evidence or information that the arbitrator determines was unreasonably withheld shall be inadmissible by the party who withheld it. Except as provided in Section 7.4.7 (Discovery) and in the preceding sentence, no party shall be entitled to bring any motion to exclude or limit the facts or evidence to be submitted to the arbitrator. The initiating party shall be the first to disclose all of the following, in writing, to each other party and to the arbitrator: (i) an outline of the issues and its position on each such issue; (ii) a list of all witnesses the party intends to call; and (iii) copies of all written reports and other documentary evidence, whether written or not or contributed to by its retained experts (collectively "**Outline**"). The initiating party shall submit its Outline to each other party and the arbitrator within thirty (30) days of the final selection of the arbitrator. Each responding party shall submit its written response as directed by the arbitrator. If the Dispute involves a Title 7 Claim, then the Owner shall be the first party to submit its written Outline, list of witnesses, and reports/documents and shall include a detailed description of the nature and scope of the alleged violation(s), its proposal for repair or restoration, all repairs made to date and an estimate of the cost of repair/restoration together with the calculations used to derive the estimate.

7.4.9 **TITLE 7 CLAIM AND MEASURES OF DAMAGES**: If the Dispute involves a Title 7 Claim, the arbitrator shall determine whether a violation exists and whether Declarant Parties are responsible for the violation. If the arbitrator finds that Declarant Parties are responsible for a Title 7 Claim, the arbitrator shall determine the scope of any repair and the reasonable value of repairing the nonconformity, based on evidence presented to him by the parties and their experts. The reasonable value of repairing any nonconformity shall be limited to the lesser of (i) the repair costs, or (ii) the diminution in current value of

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the real property caused by the nonconformity, subject to the personal use exception as developed under common law. For all Title 7 Claims, the Owner is only entitled to damages for the reasonable value of repairing the nonconformity, the reasonable cost of repairing any damages caused by the repair efforts, the reasonable cost of repairing and rectifying any damages resulting from the failure of the Improvement to meet the applicable standards, the reasonable cost of removing and replacing any improper repair by Declarant, reasonable relocation and storage expenses, an Owner's lost business income if the Owner's Residence was used as a principal place of business licensed to be operated within the Residence, reasonable and necessary investigative costs for each established violation, and all other costs or fees recoverable by contract or statute. If any of the damages described above are awarded to an Owner in any other cause of action not covered by this Section 7.4, the damages awarded pursuant to this Section 7.4.9 shall be reduced by the amounts recovered in such other causes of action. Declarant Parties shall not be responsible for, and shall be excused from, any obligation, damage, loss or liability to the extent that Declarant Parties can demonstrate any of the affirmative defenses set forth in California Civil Code Section 945.5.

7.4.10 **PROCEEDINGS**: The Proceedings shall be held in the County. The Proceedings shall be conducted as promptly as possible after giving due consideration to the complexity of the issues, the number of parties and necessary discovery and other relevant matters. The Proceedings shall be conducted as informally as possible. California Evidence Code Section 1152 et seq. shall apply for the purpose of excluding offers, compromises, and settlement proposals from evidence, unless there is agreement by all parties as to admissibility. The arbitrator shall be the sole judge of the admissibility of and the probative value of all evidence offered and is authorized to provide all legally recognized remedies whether in law or equity, except as otherwise limited in this Section 7.4. Attorneys are not required and either party may elect to be represented by someone other than a licensed attorney. The cost of an interpreter shall be borne by the party requiring the services of the interpreter in order to be understood by the arbitrator and the expenses of witnesses shall be borne by the party producing such witnesses.

7.4.11 **DECISION**: The decision of the arbitrator shall be binding on the parties and may be entered as a judgment in any court of the State of California that has jurisdiction and venue. The arbitrator shall (i) cause a complete record of all Proceedings to be prepared similar to those kept in the Superior Court, (ii) try all issues of both fact and law, and (iii) issue a written statement of decision consistent with that described in California Code of Civil Procedure Section 643 which shall specify the facts and law relied upon in reaching the arbitrator's decision within twenty (20) days after the close of testimony. A stenographic record of the Proceedings shall be made which shall remain confidential except as may be necessary for post-hearing motions and appeals. The cost of the record shall be borne one-half (½) by the Owner and one-half (½) by Declarant Parties, regardless of the outcome. Should any party refuse or fail to pay its pro-rata share, the remaining parties may pay such share, and the party or parties which pay such extra share shall be awarded such extra costs by the arbitrator in the arbitrator's decision.

7.4.12 **FEES AND COSTS**: Declarant shall advance any fee required by JAMS to initiate the Proceedings. The total cost of the Proceedings, including the advanced initiation fees and other fees of JAMS and any related costs and fees incurred by JAMS (such as experts and consultants retained by it) shall be borne one-half (½) by the Owner and one-half (½) by Declarant Parties, regardless of the outcome. The arbitrator shall not award attorneys' fees to any party and the parties shall each be solely responsible for their own attorneys' fees. Nothing herein shall be construed to modify or abrogate any duty to defend and/or indemnify a third party pursuant to the terms of a contract between any such parties.

7.4.13 **JURY, DISCOVERY AND APPEAL NOT AVAILABLE: DECLARANT AND EACH OWNER AGREE TO HAVE ANY DISPUTE DECIDED BY NEUTRAL ARBITRATION IN ACCORDANCE WITH THE FEDERAL ARBITRATION ACT AND THE CALIFORNIA**

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ARBITRATION ACT, TO THE EXTENT THE CALIFORNIA ARBITRATION ACT IS CONSISTENT WITH THE FEDERAL ARBITRATION ACT. DECLARANT AND EACH OWNER AGREE THAT BY SUBMITTING TO NEUTRAL ARBITRATION, THEY ARE EACH GIVING UP ALL RIGHTS THEY MIGHT POSSESS TO HAVE THE DISPUTE LITIGATED IN A COURT OR JURY TRIAL. DECLARANT AND OWNER ARE ALSO GIVING UP JUDICIAL RIGHTS TO DISCOVERY AND APPEAL, UNLESS THOSE RIGHTS ARE SPECIFICALLY INCLUDED IN THIS SECTION 7.4. IF DECLARANT OR ANY OWNER REFUSE TO SUBMIT TO ARBITRATION AFTER AGREEING TO THIS PROVISION, DECLARANT OR OWNER MAY BE COMPELLED TO ARBITRATE UNDER THE AUTHORITY OF THE CALIFORNIA CODE OF CIVIL PROCEDURE.

ARTICLE VIII
MISCELLANEOUS PROVISIONS

8.1 **BINDING**: This Declaration is for the benefit of and binding upon all Owners, their respective heirs, legatees, devisees, executors, administrators, guardians, conservators, successors, purchasers, tenants, encumbrancers, donees, grantees, mortgagees, lien holders and assigns.

8.2 **CONFLICT**: To the extent there are inconsistencies or conflicts between the Master Dispute Declaration and this Declaration, the provisions of the Master Dispute Declaration shall supersede the inconsistent or conflicting provisions of this Declaration with respect to the real property subject to both documents and the provisions of the Master Dispute Declaration shall prevail. To the extent there are inconsistencies or conflicts between this Declaration and an Individual Dispute Resolution Agreement, the provisions of the Individual Dispute Resolution Agreement shall supersede inconsistent or conflicting provisions of this Declaration with respect to the real property described in the Individual Dispute Resolution Agreement, and the provisions of the Individual Dispute Resolution Agreement shall prevail. To the extent there are conflicts or inconsistencies between a Maintenance Manual and this Declaration, the provision which requires the highest standard of Maintenance shall prevail.

8.3 **CONSTRUCTION OF PROVISIONS**: The provisions of this Declaration are to be liberally construed to effect its purpose of creating a uniform plan for the development and operation of the Project.

8.4 **EXHIBITS**: All exhibits, if any, attached to this Declaration are incorporated by this reference as though fully set forth herein.

8.5 **GENDER, NUMBER AND CAPTIONS**: As used herein, the singular includes the plural and masculine pronouns include feminine pronouns, where appropriate. The title and captions of each paragraph hereof are not a part thereof and shall not affect the construction or interpretation of any part hereof.

8.6 **MORTGAGE PROTECTION**: Any Owner may encumber its Lot with a mortgage or deed of trust. A breach of any of the conditions contained in this Declaration shall not defeat or render invalid the lien of any mortgage or deed of trust made in good faith and for value as to any Lot in the Project; provided however that the conditions contained in this Declaration shall be binding upon and effective against any Owner of a Lot if the Lot is acquired by foreclosure, trustee's sale or otherwise.

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8.7 **REDISTRIBUTION OF DECLARATION**: Upon the resale of any Lot by any Owner, the Owner must supply a copy of this Declaration to the buyer of the Lot.

8.8 **SEVERABILITY OF PROVISIONS**: The provisions hereof shall be deemed independent and severable, and the validity or enforceability of any one provision will not affect the validity or enforceability of any other provision hereof.

8.9 **SUCCESSOR STATUTES**: Any reference in this Declaration to a statute will be deemed a reference to any amended or successor statute.

8.10 **TERM OF DECLARATION**: This Declaration will continue for a term of fifty (50) years from its date of recordation. Thereafter, this Declaration will be automatically extended for successive periods of ten (10) years until a vote of the Owners of at least fifty-one percent (51%) of the Lots determines that this Declaration shall terminate.

8.11 **VOTING**: Any vote, written consent or other approval (collectively referred to as "**Vote**") of an Owner that is provided for by any provision in this Declaration shall be cast as a majority of co-Owners of that Lot shall determine. If all holders of record fee title to the Lot cannot agree how to cast their Vote, none of them shall cast a Vote for that Lot. Notwithstanding any language to the contrary, any Vote cast by any holder of record fee title to a Lot shall be deemed the authorized Vote for that Lot. The power to cast a particular Owner's Vote may be exercised by (i) the Owner's conservator; (ii) the guardian of the Owner's estate; (iii) the parent(s) entitled to custody of the Owner if the Owner is a minor; or (iv) the executor or administrator of a deceased Owner's estate if the Owner's interest in the Lot is subject to estate administration.

IN WITNESS WHEREOF, the undersigned has executed this Declaration on the _____ day of _____, 2016.

DECLARANT:

Paul A. Rink,
an individual

By:_____

Name:_____

Title:_____

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A Notary Public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

STATE OF CALIFORNIA } ss.
COUNTY OF _____

On _____, before me, _____, Notary Public, personally appeared _____, who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument, the person(s) or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

_____
Signature

LITTLE & SAPUTO
ATTORNEYS AT LAW
1901 OLYMPIC BOULEVARD, #100
WALNUT CREEK, CA 94596-5024
(925) 944-5000

EXHIBITS

A **

LITTLE & SAPUTO
ATTORNEYS AT LAW
1901 OLYMPIC BOULEVARD, #100
WALNUT CREEK, CA 94596-5024
(925) 944-5000

SUBORDINATION AND CONSENT

_____,

a _____, ("**Lender**")

as Beneficiary under the deed of trust ("**Deed of Trust**") executed by _____

_____,

and recorded on _____, as _____ in the Official Records of the County of Sonoma, State of California, hereby subordinates the lien of the Deed of Trust to the lien of the Declaration of Covenants, Conditions and Restrictions of 531 North Cloverdale Boulevard ("**Declaration**") to which this Subordination and Consent is attached to the same extent and with the same force and effect as though the Declaration, and any proper amendments thereto, had been executed and recorded prior to the execution and recordation of the Deed of Trust.

DATED: _____.

_____
(Lender)

_____

By:_____
(Signature)

Name:_____

Title:_____

A Notary Public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

STATE OF CALIFORNIA } ss.
COUNTY OF _____

On _____, before me, _____, Notary Public, personally appeared _____, who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument, the person(s) or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

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Signature

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