

**CITY OF CLOVERDALE
PLANNING COMMISSION
RESOLUTION NO. 004-2012**

**A RESOLUTION OF THE CITY OF CLOVERDALE PLANNING COMMISSION APPROVING A MAJOR DESIGN
REVIEW APPLICATION (MDR 003-2012) FOR SEVEN NEW SINGLE FAMILY DWELLING UNITS LOCATED
ON CHERRY CREEK ROAD
(APNs 001-320-069 thru 075)**

WHEREAS, an application for Major Design Review was submitted by Anthony and Jocene King for seven new single family dwelling units located on Cherry Creek Road; and

WHEREAS, the proposal is consistent with the goals and policies of the adopted General Plan; and

WHEREAS, the Low Density Residential (LDR) land use designation is intended for traditional single family subdivision development; and

WHEREAS, the Cloverdale Zoning Ordinance allows new single family dwelling units in the Single Family Residential (R-1) zoning district subject to Design Review approval and issuance of building permits; and

WHEREAS, the proposal is consistent with the development standards of the Single Family Residential (R-1) zoning district; and

WHEREAS, the proposal is consistent with the Residential Design Review Standards set forth in Section 18.04.060 of the Cloverdale Zoning Ordinance; and

WHEREAS, the proposal is consistent with the Residential Design Guidelines adopted by the City Council on November 10, 2010; and

WHEREAS, as required by California Government Code Section 65090, the Planning Commission of the City of Cloverdale gave legal notice of a public hearing on the proposed Major Design Review application; and

WHEREAS, the Planning Commission held a public hearing on February 1, 2012, for the purpose of reviewing the proposed Major Design Review 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 finds that this project is exempt from the California Environmental Quality Act (CEQA) under §15322, Infill Development Projects; and

WHEREAS, the Planning Commission has determined that the findings required by Section 18.03.090 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 proposal is consistent with the General Plan, any applicable specific plan and the provisions of this Title, including but not limited to Development Standards and Design Review Standards for the district in which the property is located, and with the Design Guidelines for the City of Cloverdale and/or design guidelines for the area in which the project is located.

The proposed units are within the allowable density of the General Plan designation and meet the Zoning Ordinance Development Standards for the R-1 zoning district. The proposed units are consistent with the goals and policies of the General Plan because they will improve the design of the built environment by following the adopted residential design guidelines, have the look and feel of past development, include a mix of single and split level units as well as typical single family private yard spaces, and will incorporate residential lighting that will provide security and safety while preserving and maintaining views of night time skies. The conditions of approval will ensure installation of street trees in front yards for shade and cooling. The proposed units adhere to the City's Residential Design Review Standards and Residential Design Guidelines by providing variation in elevations, roof lines, setbacks, and facades and articulating the units with projections, columns, overhangs, defined entryways, and porches. Given that the approved improvement plans set forth the location, length, and engineered slope of the proposed driveways which dictates the location, orientation and size of the proposed garages and hinders variation in the garage orientation, strict application of Residential Design Review Standard 'a' which encourages garages that are recessed from front facades, detached from residences and located to the rear of the property, or not visible from street is not easily achievable; however, the Zoning Ordinance only requires application of the standards 'where feasible'. The proposed units generally meet all of the other standards and guidelines, and have been found to be consistent with the adopted standards and guidelines.

2. The proposal will not be detrimental to the health, safety, comfort and general welfare of the persons residing or working in the neighborhood of the proposed project.

The site is designated and zoned for single family residential dwelling units which were previously the subject of a Tentative Map (TM 3-01; Resolution 15-03) and Final Map (Resolution 40-2007) approval. As part of the tentative map approval, a landscape plan was submitted and conceptually approved for the private common landscape area located on the south side of the private street. The City Park and Landscape Department has reviewed the approved plan and made recommendations; the final planting and irrigation design will be reviewed and approved by the Community Development Department prior to planting. The conditions of approval associated with the tentative map require design review approval. The proposed units are similar to those located in the surrounding neighborhood and construction of the proposed units in an otherwise vacant subdivision will reduce the potential for public nuisances including trespassing, loitering and vandalism. Construction of the project will be subject to the California Building Code and the conditions of approval will ensure the public health, safety and welfare.

3. The general appearance of the proposal is in keeping with the character of the neighborhood.

The proposed units were contemplated on the approved tentative map and recorded final map, are within the allowable density of the General Plan designation, and meet the Zoning Ordinance Development Standards for the R-1 zoning district. The design, colors and density of the proposed units will complement the character of the surrounding single family residential neighborhood.

NOW, THEREFORE BE IT RESOLVED that the Planning Commission of the City of Cloverdale does hereby grant Major Design Review approval for seven new single family dwelling units located on Cherry Creek Road, subject to the conditions listed below:

Community Development:

1. Major Design Review approval is granted to allow seven new single family dwelling units located at Cherry Creek Road, Cloverdale, CA as summarized above and shown in the application materials submitted to the Community Development Department. The applicant shall adhere to the Major Design Review application materials (MDR 003-2012), and the conditions of approval. Any deviation from the application materials and/or conditions of approval requires Community Development Department or Planning Commission approval.
2. This approval is subject to appeal within 10 consecutive days from the date of approval.
3. All conditions of this Major Design Review 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.
4. This permit shall be subject to revocation or modification by the Planning Commission if the Commission finds that there has been a) noncompliance with any of the foregoing conditions, or b) the Commission finds that the use for which this permit is hereby granted is so exercised as to be substantially detrimental to persons or property in the neighborhood of the use. Any such revocation shall be preceded by a public hearing noticed and heard pursuant to the City of Cloverdale Municipal Code.
5. This Major Design Review (MDR 003-2012) shall expire, and become null and void, two years from the date of approval unless exercised through the commencement of construction 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 application shall be subject to the latest adopted Ordinances, Resolutions, Policies and fees of the City of Cloverdale.
7. A sign permit application shall be submitted and approved by the Community Development Department prior to the installation of any and all signage.
8. All front yard landscaping, private common area landscaping, and irrigation systems shall be installed and approved by the Building Inspector prior to occupancy.
9. All proposed landscaping shall be in conformance with the conceptually approved landscape plan and meet the requirements of Chapter 15.30 Water Efficient Landscape Ordinance of the Municipal Code, to the satisfaction of the Community Development Department.
10. Street trees shall be planted within the front yards of each lot. The species, number and spacing intervals shall be reviewed and approved by the Community Development Department prior to installation.

11. Planting (including species, number and spacing intervals) and irrigation design for the private common landscape strip on the south side of the private street shall be reviewed and approved by the Community Development Director prior to installation.
12. Fencing shall be installed on the side and rear property lines of each lot prior to occupancy consistent with the requirements set forth in Section 18.080.090 of the City's Zoning Ordinance, to the satisfaction of the Community Development Director.
13. Construction of the side yard fencing for Lots 6 and 7 which abuts the access road to the City's water tank site shall be located to the satisfaction of the City Engineer.
14. The south and west street facing building elevations on Lot 6 shall be architecturally enhanced and articulated to ensure both facades enhance the view from the private street.
15. The same building elevation or unit shall not be located side by side and only one unit may be constructed twice within the subdivision.
16. All building elevations shall be architecturally enhanced to the same level as the street facing elevation.

Building:

17. All new construction and/or building modifications shall meet the latest adopted building and fire safety codes. Required building permits shall be obtained prior to construction. All work shall be subject to inspection by the Building Inspector and must conform to all applicable code requirements prior to issuance of Certificates of Occupancy.

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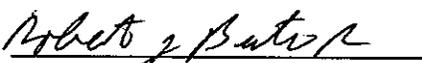
Resolution No. 004-2012 was duly adopted on this the 1st day of February, 2012, by the following voice vote: (4-ayes, 0-noes)

AYES in favor of: Vice Chair Shanahan, Commissioner Riefkohl, Chair Bagby, Commissioner Munselle
 NOES:
 ABSTAIN:
 ABSENT:

Approved:


 Melanie Bagby, Chair

Attested:


 Roberto Bartoli, Deputy City Clerk