

**CITY OF CLOVERDALE  
CITY COUNCIL  
RESOLUTION NO. 091-2021**

**RESOLUTION OF THE CITY OF CLOVERDALE CITY COUNCIL APPROVING A DESIGN REVIEW, GENERAL PLAN AMENDMENT AND PREZONING APPROXIMATELY 87.11 +/- ACRES OF LAND LOCATED AT 28165 OLD REDWOOD HIGHWAY (APN 117-040-055), 28001 HIGHWAY 101 (APN 117-040-032), 235 KELLY ROAD (APN 117-040-073) & APNs 117-040-070; -074 & -102 TO THE SINGLE-FAMILY RESIDENTIAL (R-1), TWO-FAMILY RESIDENTIAL (R-2), GENERAL COMMERCIAL (G-C) AND GENERAL INDUSTRIAL (M-1) ZONING DISTRICTS**

**WHEREAS**, Dry Creek Rancheria Band of Pomo Indians own approximately 46.96 +/- acres of land (APNs 117-040-073 & -074) that lies within the overall 87.11 +/- acre project site located in the unincorporated portion of Sonoma County lying south of the City of Cloverdale and commonly referred to as the “Bi’ Du Khaale Housing Project property” and has requested approval of a Design Review, General Plan Amendment and Annexation of the project site into the City of Cloverdale for the purpose of obtaining City services to develop the property (APN 117-040-073) with a total of 25 dwelling units (24 low-income, age restricted units and 1 managers unit) a neighborhood community center and related site improvements; and

**WHEREAS**, the six properties for annexation to the City are located within the Sphere of Influence and Urban Service Boundary of the City of Cloverdale; and

**WHEREAS**, annexation of these properties is desired by Dry Creek Rancheria Band of Pomo Indians, Petaluma Butane Distributors Inc, Susan and Edgar Smith and Cloverdale Unified School District for the purpose of obtaining City water, sewer, drainage and other municipal services including Police services provided by the City of Cloverdale; and

**WHEREAS**, the City of Cloverdale has determined that all requisite municipal services can be provided to the Bi’ Du Khaale Housing Project property; and

**WHEREAS**, pursuant to state annexation law, lead agencies, such as the City of Cloverdale, are required to prezone properties prior to annexation; and

**WHEREAS**, pursuant to California Government Code Section 65859, pre zoning becomes effective at the time the annexation to the City of Cloverdale becomes effective; and

**WHEREAS**, the pre zoning district and property ownership for the Bi’ Du Khaale Housing Pre zoning & Annexation Project are described in Exhibit 1 and Exhibit 1 is hereby incorporated by reference into this Resolution; and

**WHEREAS**, the site is currently designated GI (General Industry), LDR (Low Density Residential) and CF (Conservation Feature) on the City’s adopted General Plan Land Use Map, however amending a portion of the General Plan Land Use Map to MDR (Medium Density Residential) and CF (Conservation Feature) on APN 117-040-073 and from GI (General Industry) to GI (General Industry) and GC (General Commercial) on APN 117-040-074 of the project site but below 400 feet in elevation is consistent with the density of the project; and

**WHEREAS**, the project will provide for detached multi-family residences as well as a neighborhood community center. The MDR land use designation carries a maximum allowable density of 8 dwelling units per acre and the project site will be consistent with the density of the project and therefore has been determined to be consistent with the goals, policies and implementation measures of the General Plan; and

**WHEREAS**, the City desires to prezone the affected properties, that includes two predominantly undeveloped parcels currently designated General Industry (GI), Low Density Residential (LDR) and Conservation Feature (CF) on the City of Cloverdale General Plan Map and that is compatible with existing County of Sonoma zoning for the property and current area development patterns; and

**WHEREAS**, the project site is proposed to be rezoned to the R-1 (Single-Family Residential), R-2 (Two-Family Residential), M-1 (General Industrial) and G-C (General Commercial), in part for a residential development with 25 detached residences and neighborhood community center and attached or detached multi-family residences is an allowed use in the R-2 Zoning District subject to approval of Major Design Review; and

**WHEREAS**, Section 18.03.150 of the Cloverdale Zoning Ordinance authorizes the Planning Commission to approve Major Design Review applications involving substantial changes or additions to a previously developed site; and

**WHEREAS**, Section 18.03.060 of the Cloverdale Zoning Ordinance authorizes the City Council to approve a General Plan Amendment after receiving recommendation from the Planning Commission; and

**WHEREAS**, Section 18.03.020(E) of the Cloverdale Zoning Ordinance requires that where approval authority rests with the Planning Commission for one entitlement and approval authority for another entitlement rests with the City Council for a project being processed concurrently, the Commission shall make a recommendation to the City Council for consideration by the City Council of all entitlements together; 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. To comply with CEQA, the City prepared an Initial Study and Mitigated Negative Declaration with the finding that with adherence to mitigation measures included in the Initial Study, all potentially significant environmental impacts would be reduced to a less-than-significant level. To ensure these mitigation measures are met, the City will also approve a Mitigation Monitoring and Reporting Program (MMRP); and

**WHEREAS**, on September 7, 2021, 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**, the Planning Commission considered the Initial Study/Mitigated Negative Declaration (IS/MND), as well as all above-referenced reports, recommendations, and testimony before making a recommendation on the Project; and

**WHEREAS**, on September 7, 2021, the Planning Commission adopted Resolution No. 006-2021, recommending that the City Council adopt a Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program (MMRP) for the Project and Resolution No. 006-2021, which is incorporated herein and available for review at City Hall during normal business hours; and

**WHEREAS**, on October 27, 2021, the City Council 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 October 27, 2021, and incorporated herein by reference described and analyzed the Project and related MND and MMRP for the City Council and recommended adoption of the MND and MMRP and approval of the project by the City Council; and

**WHEREAS**, the rezoning district and change to the R-1 (Single-Family Residential), R-2 (Two-Family Residential), M-1 (General Industrial) and G-C (General Commercial) District will become effective upon approval by the City Council and LAFCO and completion of annexation of the properties to the City of Cloverdale; and

**WHEREAS**, the City Council has determined that the findings for General Plan Amendment approval required by Zoning Ordinance Section 18.03.060 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 would not make the General Plan internally inconsistent.

*As required by Section 18.01.050 the applicant submitted an application to amend the General Plan and change the land use designation on two of the six properties comprising the overall project site from LDR, CF and GI to MDR, CF, GC and GI so that the project is consistent with the General Plan. At a density of 8 units per acre, the maximum number of dwelling units allowed on the approximately 9.3-acre MDR portion of the project site is 74 dwelling units, which exceeds the 25 units to be constructed by the project. Additionally, although 25 dwelling units is consistent with the maximum density (4 dwelling units/acre) allowed under the LDR land use designation, the use (multi-family detached dwelling units) is not a permitted use in the corresponding R-1 (Single-Family Residential) Zoning District.*

*Furthermore, the project is also consistent with General Plan goals and policies related to annexation of properties containing lands both above and below the 400-foot elevation by clustering development on portions of the project site below 400 feet and preserving areas above. Therefore, the development has been determined to be consistent with the goals, policies and implementation measures of the General Plan.*

2. The proposed amendment would not be detrimental to the public health, safety, or welfare of the City.

*The amendment will not be detrimental to the public health, safety, or welfare of the City because the density of the project is consistent with the maximum density allowed by the MDR. The amendment alone does not permit construction of homes or site improvements. This work will only be allowed after the project has been further reviewed through the Building Permit and Improvement Plan process to ensure the public health, safety and welfare of the City.*

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

*The project site is primarily accessed via a private driveway "Road A" off of by Kelly Road, which has direct access to S. Cloverdale Boulevard to the east. Road A will run south from Kelly Road through the project site and then turn east to connect with S. Cloverdale Boulevard. Not only will this street design provide a looped water system connection from S. Cloverdale Blvd, through Kelly Road and "Road A" and back to S. Cloverdale Blvd, a secondary entry/exit way is provided.*

*The detached residences will range in size from 1,176 sf (square feet) to 1,319 sf and will all feature usable private open space yards, landscaping and parking areas. The 2,975 sf community building will also provide usable indoor and outdoor public open space including bathrooms, recreation/activity room, kitchen, office/non clinical exam room, outdoor grill, community garden and patio area.*

*Finally, the development will also have access to approximately 20 acres of open space above the 400-foot elevation for use by project residents. Therefore the project site is physically suitable for the requested land use development.*

**WHEREAS**, the City Council has determined that the findings for Major Design Review required by Section 18.03.150 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 project is consistent with applicable General Plan policies and will provide the City with a low-income and age restricted residential development within the density range allowed by the MDR General Plan Land Use Designation of a maximum of 8 dwelling units per acre. The project is consistent with General Plan goals and policies related to annexation of properties containing lands both above and below the 400-foot elevation by clustering development on portions of the project site below 400 feet and preserving areas above the 400-foot elevation. The detached residences will all feature usable private open space and fenced in yards, landscaping and off-street parking areas. The 2,975 sf community building will also provide usable indoor and outdoor public open space including bathrooms, recreation/activity room, kitchen, office/non clinical exam room, outdoor grill, community garden and patio area*

*The project improvements to existing and new streets will include bike lanes, curbs, gutters, sidewalks, bioretention areas and walking paths. Based upon the information contained in the application materials, as proposed, staff concludes that the project is consistent with the goals and policies of the General Plan. Additionally, the improvements are in conformance with all applicable development standards of the Zoning Ordinance, including Residential Design Standards, and the project is in substantial compliance with the Residential Development Design 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 IS/MND prepared for the project evaluated 20 separate categories of potential environmental effects that could result from implementation of the project. Several topics were determined to have "less-than-significant" or "no impact" on the environment, while seven (7) topics were determined to have a "potentially significant environmental impact unless mitigated". These seven (7) topics include: biological resources, transportation/circulation, cultural resources, tribal cultural resources, hazards/hazardous materials, geology/soils and noise.*

*However, the IS/MND evaluated the public health, safety and welfare issue, and mitigation measures described in the Initial Study have been included in the Mitigation Monitoring and Reporting Program (MMRP) and will eliminate or mitigate all such impacts to a less than significant level. The project is also subject to the requirements of the California Building Code and Fire Code to ensure the public health, safety and welfare. Finally, the Building Permit process and conditions of approval further ensure that the use will not be detrimental to the public health, safety or welfare.*

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

*The improvements meet the Residential District Design Standards of the Zoning Ordinance, are in substantial compliance with the Residential Design Guidelines, and are in keeping with the rural residential character of the surrounding area. The project continues the pattern of detached single-family residences from the Baumgardner Ranch development to the north and also includes approximately 20-acres of open space.*

**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 City Council of the City of Cloverdale does hereby approve a Design Review, General Plan Amendment and rezoning 87.11 +/- acres of land located at 28165 Old Redwood Highway (APN 117-040-055), 28001 Highway 101 (APN 117-040-032), 235 Kelly Road (APN 117-040-073) & APNs 117-040-070; -074 & -102 to the Single-Family Residential (R-1), Two-Family Residential (R-2), General Commercial (G-C) and General Industrial (M-1) Zoning Districts, subject to the conditions listed below.

**NOW, THEREFORE BE IT RESOLVED** that the City Council adopts the Ordinance attached as Exhibit 1 incorporated herein by reference, which rezones an approximately 87.11 +/- acres of land located at 28165 Old Redwood Highway (APN 117-040-055), 28001 Highway 101 (APN 117-040-032), 235 Kelly Road (APN 117-040-073) & APNs 117-040-070; -074 & -102 to the Single-Family Residential (R-1), Two-Family Residential (R-2), General Commercial (G-C) and General Industrial (M-1) Zoning Districts.

**NOW, THEREFORE BE IT FURTHER RESOLVED** that the City Council pursuant to Implementing Zoning Ordinance §18.030.080, adopts the pre-zoning designation for the Bi' Du Khaale Housing Project located at 28165 Old Redwood Highway (APN 117-040-055), 28001 Highway 101 (APN 117-040-032), 235 Kelly Road (APN 117-040-073) & APNs 117-040-070; -074 & -102 to the Single-Family Residential (R-1), Two-Family Residential (R-2), General Commercial (G-C) and General Industrial (M-1) Zoning Districts, as depicted by the Zoning Map, and approves a Design Review, General Plan Amendment and Annexation of the project site into the City of Cloverdale for the purpose of obtaining City services to develop the property (APN 117-040-073) with a total of 25 dwelling units (24 low-income, age restricted units and 1 managers unit) and related site improvements, post annexation of the Property based on the following findings and conditions of approval:

1. The amendment is consistent with the adopted Cloverdale General Plan. The General Plan designates the property a combination of CF (Conservation Feature), MDR (Medium Density Residential), GI (General Industrial) and GC (General Commercial) which is consistent with the rezoning designations of R-2 (Two-Family Residential), G-C (General Commercial) and M-1 (General Industrial) Zoning Districts.
2. The amendment is internally consistent with other applicable provisions of this Zoning Ordinance.
3. The amendment will not be detrimental to the public health, safety, or welfare or to the use of land in any adjacent zone.
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.

**CONDITIONS OF APPROVAL  
BI' DU KHAALE HOUSING PROJECT  
28165 OLD REDWOOD HIGHWAY (APN 117-040-055), 28001 HIGHWAY 101 (APN 117-040-032), 235  
KELLY ROAD (APN 117-040-073) & APNs 117-040-070; -074 & -102**

**Planning Department:**

1. Design Review, General Plan Amendment and Annexation of the project site into the City of Cloverdale at 28165 Old Redwood Highway (APN 117-040-055), 28001 Highway 101 (APN 117-040-032), 235 Kelly Road (APN 117-040-073) & APNs 117-040-070; -074 & -102, Cloverdale, CA as summarized above and shown in the application materials submitted to the Community Development Department. The applicant shall adhere to the application materials submitted on November 4, 2019, and October 7, 2020, and March 1, 2021 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 approval.
2. This approval is subject to appeal within 10 consecutive days from the date of approval.
3. All conditions of this Design Review and General Plan Map Amendment 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 City Council specifically declares that it would not have issued this permit unless all of the conditions herein are held as valid.
4. The applicant shall include all of these conditions of approval and all of the mitigation measures listed in the Mitigation Monitoring and Reporting Program for this project on the building plan set(s) that will be submitted to the Building Department upon application for a Building Permit.
5. This Design Review shall expire, and become null and void, two years from the date of approval unless a Building Permit has been issued for a significant portion of the project and the applicant is working diligently to complete the project, or through the commencement of business operations 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 owner/operator shall maintain the property in good visual and functional condition. This shall include, but not be limited to all exterior elements of the buildings such as paint, roof, paving, signs, lighting and landscaping as well as frontage improvements including the sidewalk, LID facilities, and storm drain systems.
8. An affordability covenant shall remain in place for at least 45 years, or the life of the project, whichever is longer, for 24 of the 25 units approved for the Bi' Du Khaale Housing Project. These 24 units shall be leased at rent levels of 80% AMI or less, qualifying them as low-income units, with at least 5% of the units leased or rented at levels of 60% AMI or less. Further, these 24 units shall also be age restricted for senior housing only whose primary tenants are at least 55 years of age.

9. The property owner shall enter into an agreement with the City for crediting the costs incurred by the development for constructing off-site improvements for the benefit of serving adjacent lands, as to not be assessed for costs previously paid.
10. Pursuant to Cloverdale Municipal Code (CMC) Chapter 13.05 (Conservation of Water Supply), during any period of time that the council declares a suspension on new connections ("suspension period"), as described in subsection A of CMC Section 13.05.030, no new or enlarged connections shall be made to the city's water system except the following:
  - i. Connection of fire hydrants.
  - ii. Connection of property previously supplied with water from a private water source (such as a well or spring) upon submittal and approval of the city engineer of evidence that the private source has failed or dried up or has otherwise been impaired by a drought or water shortage event to such a degree that the source no longer can meet minimal potable water needs of the applicant.
  - iii. During Stage 2, new connection of property for which the applicant has obtained all approvals required for development, except potable water supply, and agrees to defer installation of turf landscaping until after the suspension period.
  - iv. During Stages 3, 4, 5, and 6, new connection of property for which the applicant: has obtained all approvals required for development except potable water supply; agrees to defer installation of turf landscaping until after the suspension period; and either:
    - a. Retrofits existing water fixtures and devices, or otherwise completes water conservation projects, sufficient to offset the anticipated use of water by the connection of the property, as determined in the sole judgment of the city engineer; or
    - b. Pays the city a fee, if such fee has been established by the city council by resolution, that shall be used to pay for water conservation projects identified by the city. The fee established by the city council shall be in an amount sufficient to offset the anticipated use of water by the connection of the property.
11. The Community Building shall be constructed to accommodate future connection of backup power/energy storage features that could be connected if needed to enable it to be used as a resiliency center for the Bi' Du Khaale residents.
12. In accordance with General Plan Policy LU 3-1, the property owner shall dedicate the western hillside portion of the property above the 400-foot elevation as a private open space easement.
13. Provide adequate space for the future installation of purple pipe for future recycled water use.

#### Landscaping

14. The applicant or landowner shall maintain the community landscaping, all signs, community buildings, apartment buildings, lighting, and community 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 and/or property owner/on-site manager, the items shall be replaced to the satisfaction of the Community Development Department.
15. Landscaping and irrigation shall meet the requirements of the City's Water Efficient Landscape Ordinance and shall be installed prior to issuance of Certificate of Occupancy.
16. The community property and landscaped areas shall be properly maintained at all times to avoid overgrown, dead, dry, decayed or hazardous trees and the buildup of excessive leaf matter and other vegetation, brush or weeds.

17. Landscaping and irrigation shall be installed in accordance with the approved plans dated stamped received November 8, 2019 and as revised by these conditions of approval, prior to issuance of a Final Certificate of Occupancy by the Building Department.
18. Following the installation of the landscaping, all landscape material shall be maintained in a healthy and weed free condition; Any dead plant material shall be replaced within 30 days. All trees and shrubs shall be maintained and pruned in accordance with the accepted practices of the International Society of Arboriculture. Any pollarding, significant tree trimming or removal performed on existing or proposed trees is subject to approval by the Planning Department prior to commencing trimming.

#### Trees

19. 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.
20. 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.
21. The developer shall adhere to the following tree protection measures during the construction of this project:
  - a. All trees to be saved shall be enclosed by a construction barrier placed around the protected zone of the tree, such as a protective fencing, chain link 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.
  - b. The applicant shall contact the Planning Department and certified project arborist to inspect and approve the temporary fencing and signs around the protected zone before beginning any construction.
  - c. Any excavation, cutting, filling, paving or compaction of the existing ground surface within the protected zone of a tree designated for preservation shall be minimized. No adverse significant change in existing ground level shall occur within the drip line of a protected tree.
  - d. Construction equipment shall not be stored within the protected zone. 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.
  - e. 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 many units as possible.
  - f. At the applicant's expense, a certified arborist shall immediately treat any severed or damaged roots (NOTE: Without exception, all digging shall be done using hand tools, no machine trenching shall be allowed in the dripline of any tree). Minor roots less than one (1) inch in diameter may be cut, but damaged roots shall be traced back and cleanly cut behind any split, cracked or damaged area. Major roots over one (1) inch in diameter may not be cut without approval of an arborist and any arborist recommendations shall be implemented.



- g. In the event that trees shown to be saved on the design and/or improvement plans are removed, the tree(s) shall be replaced at a ratio of three (3) trees per one (1) removed tree.

#### Signs

- 22. Prior to installing any sign(s) for the project, the applicant shall submit an application and plans to the Community Development Department for an Administrative Sign Permit or Planned Sign Program.

#### Design

- 23. Mechanical equipment such as air conditioning units shall be screened from view from adjacent properties and the public right-of-way in accordance with Section 18.10.060 of the Zoning Ordinance.
- 24. If trash enclosures are required by the City's waste hauler, the enclosure shall be placed on a concrete pad and have a concrete apron with a minimum depth of 4 inches. Adequate drainage shall be provided around the pad area. The percent of grade for access to the pad shall not exceed 3%. All refuse containers shall be screened with a six-foot high (minimum) enclosure of solid masonry or concrete tilt-up with an exterior finish compatible to the main structure. Gates shall be solid, heavy-gauge metal or of a heavy-gauge metal frame with a covering of wood or other suitable, opaque material. Gates shall be secured with sturdy hinges or sliders and latches. The perimeter of the recycling and trash enclosure shall be planted where practical with drought-resistant landscaping, including a combination of shrubs and/or climbing vines. Use of individual residence waste bins shall be allowed with written approval from the City's waste hauler. Approval from the City's waste hauler shall be provided to the City prior to the approval of improvement plans.
- 25. Light colored and/or reflective surface coatings should be considered to reduce the 'heat island' effect of traditional asphalt parking lots.
- 26. All aisles, approach lanes, and maneuvering areas shall be clearly marked with directional arrows to simplify vehicular movement per Section 18.11.090.C.1 of the Zoning Ordinance. In addition to directional arrows, the Planning Director may require installation of signs to ensure safe and efficient vehicular movement.
- 27. Designated walkways for pedestrian access shall be clearly marked with materials distinguished from driving surfaces such as pavers, bricks, scored concrete or similar materials within parking areas per Section 18.11.100.2 of the Zoning Ordinance.

#### Lighting

- 28. All outdoor/exterior lighting fixtures shall comply with the requirements of Section 18.09.050 and shall be installed prior to issuance of Certificate of Occupancy. All building mounted, parking lot 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. Parking lot pole lights shall be limited to a maximum height of 15 feet in accordance with Section 18.09.050.

#### Construction

- 29. 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.

30. 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.
31. 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.
32. 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 the applicant shall immediately notify the Cloverdale Rancheria of Pomo Indians of California, currently located at 555 South Cloverdale Boulevard, Cloverdale, California.
33. A representative of the Cloverdale Rancheria of Pomo Indians shall be notified and if requested be granted site access and be allowed to perform site inspections to verify if any earth moving activities have uncovered any potential archeological artifacts or other potential cultural resources.
34. All mitigation measures and requirements as listed in the Mitigation Monitoring and Reporting Program prepared as part of the CEQA Initial Study/ Mitigated Negative Declaration for the Bi' Du Khaale Senior Housing Project are hereby incorporated as Conditions of Approval for this project.
35. The project is subject to the City's Inclusionary Housing ordinance and the property owner shall pay the appropriate in-lieu fee prior to issuance of a Certificate of Occupancy for any house and/or construct the appropriate number of inclusionary housing units on the project site at the same time as the market rate units in the development project. The rate of completion of affordable and market rate units must be the same as the ratio of affordable and market rate units in the entire project.
36. Covenants, Conditions and Restrictions (CCR's) and a Home Owners Association (HOA), or a Property Management Plan and an entity created by the tribe shall be established for the project for the purposes of maintaining the common areas including the private street, sidewalks, community buildings, lighting and landscaping.
37. The project is subject to the City's Right-to-Industry Ordinance requiring disclosure by the owner to perspective owners or renters within 300' of industrially zoned property.

**Fire District:**

38. Fire Department access roads shall be provided to within 150 feet path-of-travel distance of all portions of first floor exterior walls of all structures. Access roads shall be designed to current Fire Department standards: 20 feet wide minimum for structures two-stories or less in height, and 26 feet wide minimum (with Aerial Apparatus Access compliance) for structures more than 30 feet in height. Turning radius 25 feet inside and 45 feet outside. Dead-end roads more than 150 feet in length shall have an apparatus turn-around per current Fire Department standards. CFC 503.
  - a. Civil Sheet 4. Private driveways serving multiple dwellings, especially in the dead-end configuration, commonly present parking enforcement challenges (blocking fire access). For this reason, sufficient fire lane markings are a necessity. The request to reduce the

projects minimum required parking needs detailed consideration by others to ensure sufficient parking exists. Otherwise, drivers without better options (other than the fire lane) park in a fire lane. All roads in this development are fire lanes. Only one has on-street parking and six additional spaces at the Community Center. Of these six, at least one will include disabled access parking, further reducing general parking availability.

39. The water main extension to serve this development shall include a Fire Flow Analysis including proposed building areas, type of construction, and calculated available fire flow at the proposed fire hydrants. The analysis shall be provided to the Fire Department for review and approval concurrent with submittal of Grading plans. Minimum adjusted (50% sprinkler credit) Fire Flow for this residential project is estimated at 1500 gallons per minute with 20 residual psi in the water main for a minimum 2 hour duration. CFC 507.
  - b. Commercial and industrial land uses added with this annexation must not create fire flow demands that exceed the capabilities of the existing water system, including water main extensions. A nearby development (Vintner's Co-Op) exceeded the capability of the Zone 1 water system which necessitated the use of Alternate Means of Equivalency for fire protection to mitigate the variance between the demand and the available. Depending upon point of connection (Zone 1 vs Zone 3) and the fire flow available, restrictions on building size and fire flow demand may have to be placed upon these commercial and industrial parcels.
40. Hydrant spacing for this residential project shall comply with current Fire District standards of CA Fire Code Chapter 9 and Appendix C and three (3) copies of the final site plan shall be submitted for approval of hydrant locations. Fire hydrants shall be provided along public streets with spacing not greater than 500', at entrances to flag lots and in locations supporting fire department operations. CFC Appendix C.
41. The Cloverdale Fire Protection District has adopted a local ordinance which requires automatic fire sprinkler systems in certain type/size of new construction. All structures shall be protected with automatic fire sprinkler systems in accordance with CA Fire Code Chapter 9 as adopted by the Fire District. CFC 903.
42. Private Underground Fire Mains (aka on-site mains behind the detector check) require a separate Fire Department permit. Public or private fire mains may not run under buildings. CFC 507.
43. The project is located in excess of an 8-minute response time from the nearest fire station. This exceeds the local and national standards for fire service delivery.

As mitigation for delays in response time, traffic signal pre-emption (Opticom or compatible) shall be provided on any new traffic signals serving this development.
44. Project is located in an area designated as a "moderate" Wildland Urban Interface location per CalFire. A vegetation management plan is required and it is expected that enhanced vegetation management will be required in the 30' to 100' zone behind the residential structures. (CA Fire Code Chap 49).
  - a. In addition to the customary evaluation of fuel types, trimming height, clearance and maintenance, the Vegetation Management Plan to also address the proximity of trees to Unit 13 (Trees 108, 109, 110 and 114) and proximity to Unit 24 (Tree 87).

45. Review of the Environmental Site Assessment, re-use of the site and implementation of the construction program shall be reviewed and approved by the County of Sonoma, Environmental Health & Safety, 707-565-6565.
46. Site address signage per current Fire Department Standards shall be established and maintained during and after any combustible construction or intensification of site use. CFC 505.
  - a. We anticipate an illuminated complex directory (pictogram sign) will be needed in an area after the Community Room and before Unit 6.
47. Required Fire Department access roads shall be signed "No Parking-Fire Lane" per current Fire Department standards and the CA Vehicle Code. CFC 503.
48. Traffic calming measures or controls (speed bumps, humps, undulations, gates, etc.) are not approved as a part of this review and require specific approval from the Fire Department. CFC 503.4.
49. Structures and lockable gates limiting vehicle access to residential developments shall be equipped with motorized operators equipped with pre-emption (Opticom or compatible) and a Fire Department approved locking device ("Knox" lock or "Knox" keyed lock). CFC 506.
50. The developer shall submit a "Fire Safety During Construction" plan to the Fire District at the time of Building Permit submittal. CFC 3308.
51. Access roads (1st lift of asphalt) and water supplies for fire protection shall be installed and made serviceable prior to storage of, or construction with, any combustible materials. CFC 3312.

**Public Works/Engineering:**

**PRIOR TO ISSUANCE OF A BUILDING OR ENCROACHMENT PERMIT, THE FOLLOWING CONDITIONS SHALL BE SATISFIED:**

52. 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.
53. The applicant shall submit to the City of Cloverdale for review and approval, a detailed Soils Report certified by a Civil Engineer registered in the State of California and qualified to perform soils work. The report shall include a minimum of geotechnical investigation with regard to liquefaction, expansive soils, and seismic safety. The grading plan shall incorporate the recommendations of the approved Soils Report.
54. The applicant shall submit to the City of Cloverdale for review and approval, improvement plans prepared by a Registered Civil Engineer; shall enter into an agreement with the City of Cloverdale to complete the improvements; and shall post sufficient surety guaranteeing the construction of the improvements. Any necessary right-of-way required to complete the improvements will be acquired by the applicant at his expense.
55. All existing and proposed wells for irrigation use shall have a backflow prevention device installed at each service connection to the satisfaction of the City Engineer. All septic tanks and/or underground fuel storage tanks shall be permanently destroyed under permit and inspection by the Sonoma County Permit and Resource Management Department, Well and Septic Division and/or Sonoma County Environmental Health or other designated agency. If there are none, the project engineer shall provide a letter describing the scope of the search to make this determination.

56. The applicant shall post sufficient surety guaranteeing completion of all improvements which revert to the City (i.e., sewer, water, storm drainage, curb and gutter, sidewalk, etc.) or which require removal.
57. Accessible paths of travel and parking shall be provided as required by State of California Title 24.
58. The applicant shall obtain all required permits from environmental regulatory agencies as required to construct the new improvements.
59. The applicant shall dedicate all required public and private easements and right of way, as shown on the entitlement drawings, by grant deed prior to approval of building or encroachment permit.
60. The applicant shall complete the required Lot Line Adjustment application to the City as required per the City's Municipal Code prior to approval of building or encroachment permit.

**DURING CONSTRUCTION, THE FOLLOWING CONDITIONS SHALL APPLY:**

61. That prior to any work being conducted within the City right-of-way, the applicant shall obtain an Encroachment Permit.
62. 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.
63. 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.
64. If grading is to take place between October 15 and April 15, both temporary and permanent erosion control plans shall be submitted for review and approval along with the grading plan. Permanent erosion control measures shall include hydroseeding of all graded slopes within 60 days of completion of grading.
65. 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.
66. All haul routes shall be approved by the City Engineer. Haul routes shall be limited to graded area only.
67. 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.
68. Prior to placing the final lift of asphalt, all public sanitary sewer lines shall be video inspected at the expense of the contractor/developer. All video tapes shall be submitted to the City. If any inadequacies are found, they shall be repaired prior to the placement of the final lift of asphalt.
69. Prior to beginning construction, the applicant shall obtain a demolition permit from the City for removal of all existing structures on the site.

**PRIOR TO ACCEPTANCE OF PUBLIC IMPROVEMENTS AND BOND EXONERATION, THE FOLLOWING CONDITIONS SHALL BE SATISFIED:**

70. Sufficient surety guaranteeing the public improvements for a period of one year shall be provided.
71. If substantial changes in the size, alignment, grades, etc. during construction, original "as-built" plans on the standard size sheets will be certified by the Civil Engineer and returned to the City Engineer's office.

**OTHER SPECIAL CONDITIONS:**

**STREETS**

72. All public and private street improvements shall be constructed in accordance with the City's Design and Construction Standards.
73. Right of way dedications shall be provided for new roadways and roadway widening in accordance with the City's Design and Construction Standards.
74. A minimum 5' wide Public Utility Easement (PUE) shall be dedicated adjacent to all right of way lines throughout the project as required and as directed by the City Engineer.
75. Sidewalks shall be ADA compliant as determined by the City Engineer. Sidewalks shall be contained either within street right-of-way or within a public sidewalk easement offered to the City. Curb ramps shall be ADA compliant and provided at every intersection.
76. Should any damage occur to City Streets during construction the Contractor and/or Developer shall be responsible for repair at no cost to the city. Repairs to the City's streets shall be to the satisfaction of the City Engineer.
77. Kelly Road shall be classified as a Collector and shall be constructed from the intersection with South Cloverdale Boulevard to Road A as shown on the entitlement plans and shall meet the following requirements:
  - a. Street section shall comply with the Collector Street Section of the City's Design and Construction Standards with a curb to curb width of 37 feet (5' Class II bike lanes and 8' parking lanes).
  - b. Curb and gutter, and sidewalk to be constructed in accordance with the City's Design and Construction Standards.
  - c. Sidewalks shall have a minimum width of 5'.
  - d. Street trees and lighting to be provided in accordance with the City's Design and Construction Standards.
  - e. Pavement structural sections shall be designed to a Traffic Index (TI) of 6.0.
78. Road A, Road B, and the private access road shall be classified as a Minor Street and constructed where shown on the entitlement plans and shall meet the following requirements:
  - a. Street section shall comply with the Minor Street Section of the City's Design and Construction Standards with minimum travel width of 24 feet (12' travel lanes).
  - b. Where shown on the entitlement plans curb and gutter and sidewalk shall be constructed in accordance with the City's Design and Construction Standards. Sidewalks shall have a minimum width of 5'.
  - c. Pavement structural sections shall be designed to a Traffic Index (TI) of 5.0.

## **STORM DRAIN**

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

- a. Adequate protection from 100-year frequency storm; and
- b. Feasible access during a 10-year frequency storm.

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

80. The applicant shall submit to the City of Cloverdale for review and approval, drainage plans and hydraulic calculations prepared by a Registered Civil Engineer; shall enter into an agreement with the City of Cloverdale to complete the improvement and shall post sufficient surety guaranteeing the construction of the improvements. The drainage plans and calculations shall indicate the following conditions before and after development:

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

81. All storm drain calculations shall analyze the 10-year frequency design storm and all storm drain facilities shall accommodate 10-year storm flows. Additionally, the 100-year shall be analyzed and provisions must be made to accommodate overland flows that exceed pipe capacity.

82. Drainage facilities shall be constructed to intercept any drainage runoff from offsite properties and conveyed to an approved storm drain.

83. The applicant shall submit to the City of Cloverdale for review and approval a Final Storm Water Low Impact Development Submittal prepared by a Registered Civil Engineer in conformance with the Santa Rosa Storm Water LID Technical Design Manual.

84. Maintenance and inspection of all storm water BMP facilities on private land are the responsibility of the property owner. This responsibility shall run with the land and be legally recorded, executed, and transferred upon sale of the property. Property owners shall inspect, or ensure the inspection by a qualified professional, of all storm water BMP facilities at least once a year. Records of maintenance and inspections shall be retained on the property for a period of 5 years.

85. Runoff from improvements within the public right of way shall be directed to BMP facilities that are located within the public right of way or public drainage easement. Runoff from private improvements shall not be permitted to be directed to the BMP facilities within the public right of way or public drainage easement.

86. A legally binding, signed maintenance agreement, or equivalent mechanism approved by the City of Cloverdale, is required for all storm water BMP facilities prior to issuance of certificate of occupancy.

## **GRADING**

87. The grading plan shall clearly show all existing survey monuments and property corners and shall state that they shall be protected and preserved. Should monuments or property corners be damaged or destroyed during construction, they shall be replaced by the developer.
88. Improvement plans shall include an erosion control plan. The plan must include an order of work and staging/scheduling component indicating when facilities must be installed and when they may be removed. A separate Rain Event Action Plan (REAP) shall be required and prepared as part of the Storm Water Pollution Prevention Plan (SWPP). A copy of the REAP shall be kept on-site throughout the duration of construction activities.
89. Tree protection plan must be shown on the grading plan(s).
90. During construction, dust control must be maintained to the City's satisfaction.

#### **WATER & SANITARY SEWER IMPROVEMENTS**

91. All public water mains must be located in public right-of-way or public utility easements meeting City standards and as approved by the City Engineer. Any and all rights-of-way, or if unavoidable, easement dedications must be made by the property owner to the City, at the property owner's expense, prior to approval of the improvement plans. The developer shall prepare all necessary legal descriptions and deeds and submit the documents to the City Engineer for review and approval prior to recordation.
92. All private storm drains, water mains, fire mains, sanitary sewer mains, laterals, and privately owned appurtenances, must be located with the private property and clearly identified as private on the improvement plans.

#### **WATER**

93. The applicant shall submit with the improvement plans a water analysis demonstrating that the size of the lines and appurtenances proposed for the project are adequate for fire protection. Plans and calculations shall be submitted to both the City and Cloverdale Fire Protection District for review and approval.
94. There shall be no unmetered connection to the public water main. Water meters shall be installed in accordance with the City's Design and Construction Standards.
95. All water improvements shall be constructed in accordance the City's Design and Construction Standards.
96. The applicant shall construct a public water main along South Cloverdale Boulevard from the dead end at the Sonoma County Vintners project to the private access road, then along the private access road to Road A, then along Road A to Kelly Road, then along Kelly Road to South Cloverdale Boulevard.
97. Public fire hydrants shall be installed along all public water mains in accordance with the City's Design and Construction Standards.

#### **SEWER**

98. All on-site sewer improvements shall be privately owned and privately maintained and shall be constructed to City public standards and as approved by the City Engineer.
99. All public sewer improvements shall be constructed in accordance with the City's Design and Construction Standards.



- 100. If the project's design sewer discharge flows are greater than anticipated for this property in the sewer master plan, the applicant shall provide for a sewer capacity study to evaluate the adequacy of the existing sewer mains to convey the proposed project's peak wet weather flows. Any sewer capacity deficiencies identified in the analysis, beyond which is identified in the 2009 Sewer Master Plan, shall be corrected at the applicant's sole expense.
- 101. The applicant shall install a public sewer main capable of conveying the design sewer discharge flows included in the City's Sewer Master plan for the future full build out conditions for all contributory areas.
- 102. The applicant shall install a sewer lift station as shown in the City's Sewer Master Plan. The lift station shall be capable of conveying the design discharge flows included in the City's Sewer Master plan for the future full build out conditions for all contributory areas.

**UTILITIES**

- 103. All new dry utilities (gas, electric, cable, telephone, etc.) shall be placed underground within the public right of way or a Public Utility Easement (PUE) as approved by the City Engineer. No new overhead utility installations will be permitted. Dry utilities will not be permitted with the roadway limits.
- 104. The applicant shall prepare and submit joint trench plans with the civil improvement plans with the Building Permit Submittal.

**Building Department:**

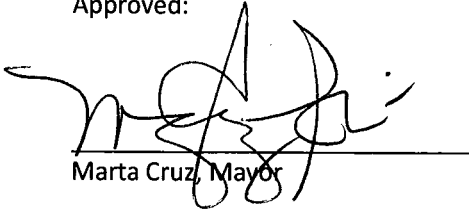
- 105. Common Use areas (Community Building) shall be accessible per CBC 11A adaptability requirements unless open to the public. For example, the office and examination rooms shall also comply with CBC Chapter 11B accessibility. CBC 1102A.3.1 #4.
- 106. Comply with the EV charging requirements in Section A4.106.8. Construction documents shall provide information on amperage of future EVSE, raceway methods, wiring schematics, and electrical loads.
- 107. Some key changes in the 2019 Energy Codes are as follows:  
 Require that all residential construction that has three habitable stories or less from grade shall require the installation of solar photovoltaics. Square footage of the homes/units and number of bedrooms will help determine system sizing.
- 108. Work/construction 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 7:00 a.m. to 5:00 p.m. No work shall occur on Sundays or Holidays. Inspections will be available Monday through Thursday from 2:00 p.m. to 4:00 p.m. Contractors shall schedule inspections 48 hours in advance by calling the Building Department at (707) 894-1725.

\* \* \* \* \*

Resolution No. 091-2021 was duly adopted by the City Council of the City of Cloverdale on this the 27<sup>th</sup> of October 2021, by the following roll call vote:

Ayes: 5      Councilmembers: Bagby, Lands, Palla, Wolter, Cruz  
 Noes: 0  
 Absent: 0  
 Abstaining: 0

Approved:



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Marta Cruz, Mayor

Attested:



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Kevin Thompson, Secretary

Attached:

Exhibit 1 – Rezoning Ordinance