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## **REZONING/PREZONING PROCEDURES**

### **PURPOSE**

The Cloverdale Zoning Ordinance is the principal means of implementing the land use policies of the City's General Plan. The Zoning Ordinance is a regulatory document which classifies property within the city limits into various zoning districts. Certain land uses are allowed in each zoning district; i.e. single family residential, commercial, industrial, etc. Zoning district boundaries are established on a zoning map. For each zoning district, the ordinance text prescribes a set of development standards to be enforced by the city with respect to such physical factors as lot size, building setbacks, building heights, open space provisions, parking requirements, and so on.

Like most cities, Cloverdale is a community in which the land use pattern is continually evolving. To accommodate such land use changes inside the city limits, it is sometimes necessary to change zoning district boundaries or classifications. Such zoning map changes are called rezonings. Where the city wishes to establish an appropriate zoning district for a property outside the city limits as part of a proposed annexation to the city, prezoning is completed to establish what the official zoning will be upon annexation.

State law mandates that zoning must be consistent with the General Plan. As a result, rezoning and prezoning often go hand-in-hand with General Plan Amendment applications.

### **PROCESS**

#### **Step 1 - Preliminary Review**

It is recommended that the applicant review the proposal with planning staff prior to the submittal of the formal application. This step will allow city staff to review the preliminary proposal and give the applicant an indication regarding potential environmental concerns and whether a General Plan amendment will be needed. Staff can also advise the applicant at this time on how best to define the proposal and what supporting materials should be submitted with the application.

City policy requires that a draft development plan be submitted with the application for rezoning or prezoning. This preliminary development plan, showing expected street layout, subdivision lot layout, size of commercial or

industrial buildings, etc., should be given to the Planning Department for preliminary review so that the Department's response will be more complete.

The applicant may wish to request a preapplication conference as part of the preliminary review process. Conference participants typically include representatives of the Planning Department, Engineering Department, and other appropriate city staff. The purpose of the conference is to discuss the proposed rezoning or pre-zoning with respect to: (1) applicable city policies and standards, (2) associated application and environmental review requirements and fees, and (3) specific impact concerns that may require special attention in the review process. At the conference, the applicant can also obtain a list of rezoning/pre-zoning application requirements and necessary application forms.

The preliminary review process usually takes about three weeks, but can substantially reduce the time required for later processing steps through early identification of city requirements, clarification of environmental issues, and identification of warranted project modifications.

### **Step 2 - Filing the Application**

The applicant should submit a completed application, accurately drawn draft development plans, filing fee, and other required supplemental information to the Cloverdale Community Development Department, 124 N. Cloverdale Blvd., Cloverdale, CA 95425. The application must be signed by the applicant and the property owner.

Within 30 days of application submittal, the Planning Department will notify the applicant in writing as to whether the application is complete or if additional environmental or other information is required.

### **Step 3 - Review by City Project Review Committee (PRC)**

Once the initial application has been received and fees paid, the proposal may be scheduled for review by the Project Review Committee (PRC.) The PRC consists of City staff who collectively and informally consider an application in its early stages. The intent of the PRC meeting is to identify any significant issues early in the process and determine the completeness of the application packet.

### **Step 4 - Environmental Review**

All rezoning/pre-zoning applications are subject to the California Environmental Quality Act (CEQA). After submittal of a completed Environmental Review Questionnaire by the applicant, an Initial Study of Environmental Impact will be completed by the Planning Department. An Initial Study identifies a project's potential for impacts on the environment. If the Initial Study indicates the project would not have any significant impacts or that potential significant impacts can be mitigated by changes in the plans, construction activities or operation of the project, a Negative Declaration or Mitigated Negative Declaration will be

completed by staff for adoption by the City Council. If, on the other hand, the Initial Study indicates that significant environmental impacts may occur, preparation of an Environmental Impact Report (EIR) may be required prior to public hearings.

#### **Step 5 - Planning Commission Review**

The Planning Commission is required to hold a public hearing on the rezoning or pre-zoning application. The hearing is held following environmental review (i.e., upon completion of the Negative Declaration, Mitigated Negative Declaration or EIR.) The Planning Commission will consider the rezone/prezone and the environmental document and make a recommendation to the City Council.

The Planning Department will prepare a staff report to the Planning Commission which includes a description of the proposal and recommendation(s) from the various city departments and other responsible agencies to which the application was referred.

At the Planning Commission public hearing, Planning Department staff will present an oral summary of its staff report and recommendations. Testimony from the applicant and other interested persons will also be permitted. The Planning Commission will then close the public hearing and make its recommendation by majority resolution to the City Council. Planning Commission recommendations will be automatically forwarded by the Planning Department to the City Council.

#### **Step 6 - City Council Action**

Another public hearing will be held before the City Council. In order to amend the zoning map to incorporate the rezoning or pre-zoning, the City Council must first decide whether to adopt the Negative Declaration or Mitigated Negative Declaration or certify the Final EIR. After acceptance of the environmental document, the Council can then take one of the following actions on the rezoning or pre-zoning application: (1) approve the application, (2) approve the application subject to the conditions recommended by the Planning Commission, (3) approve the application subject to the conditions recommended by the Commission, with certain Council modifications (additions, deletions, etc.), or (4) deny the application.

In order to approve the rezoning or pre-zoning, the Council must find that the change is in conformity with the Cloverdale General Plan. If the Council proposes to approve the application in a manner which deviates from the recommendations of the Planning Commission, the Council may refer the matter back to the Commission for reconsideration before final approval.

The City Council's majority decision on denial or approval of the rezoning or pre-zoning application will be final.