

RESPONSE TO NEIGHBOR REPRESENTATIVE CONCERNS IN AUGUST 19, 2020
LETTER FROM HOPKINS CARLEY
10.09.20, CIVIL DESIGN CONSULTANTS

I. THE RETAINING WALL ALONG THE PROJECT BOUNDARY WILL RESULT IN PONDING ON APN 035-141-034 AND IS HIGHER THAN THE STANDARD HEIGHT ALLOWED WITH CITY ENGINEER APPROVAL.

Response: The area south of the project boundary does not currently drain into the project, but rather drains southwesterly to a roadside ditch along Fresno Avenue, which in turn slopes to the south, away from the project. Thus, no ponding will occur due to a retaining wall on the rear of lots 25-32. The wall behind lots 14-25 will be pulled back into the project at low points and inlets constructed on the project property. This will allow runoff to continue following existing drainage patterns and prevent ponding. An existing cut off swale on APN 035-101-006 intercepts runoff before reaching Lots 1-14, and flows north to Sebastopol Road. The retaining walls proposed are required to drain the proposed lots to the public streets within the subdivision and are largely driven by the elevation of Fresno Avenue.

II. ALL WORK MUST TAKE PLACE ON APN 035-101-004, AND ENCROACHMENT INTO APN 035-141-034 IS PROHIBITED.

Response: All work is proposed on the project site. No encroachment onto APN 035-141-034 is proposed.

III. EXISTING FENCE.

Response: The existing fencing is shown on both the site plan and on the grading and utility plan. The run of chain link fencing paralleling our southern boundary is well off the common property line, and is not proposed to be touched. Our current boundary shows that the existing fence paralleling our easterly boundary encroaches onto our project by 1.8 to 3.1 feet. This fence will need to be relocated.

Ross, Adam

From: Michael L. Ritter <mritter4u@comcast.net>
Sent: Tuesday, August 18, 2020 12:46 PM
To: Ross, Adam
Subject: [EXTERNAL] DR20-024 Cherry Ranch Development

Follow Up Flag: Follow up
Flag Status: Completed

Dear Mr. Ross,

Thank you for inviting us to comment on the project. We live at 1101 Fresno Avenue, Santa Rosa.

We understand the need in our fine county to develop housing. Still, as you know, such a proposed project must meet several design criteria.

In our opinion several issues exist related to the project.

- 1.) The parcel is in the Laguna Watershed Critical Habitat area with vernal pools that contain a federally endangered amphibian known as the Tiger Salamander (*Ambystoma californiense*). Also in the pools are the Sonoma Sunshine, Solitary Bee and Chorus Frog. Is anything being done about this serious issue? Is it adequately addressed in an Environmental Impact Report or other document?
- 2.) We are concerned about noise. This includes construction hours, which we hope are no greater than 8AM-5PM, and quiet hours in the subdivision if completed.
- 3.) Speed limit enforcement on Fresno Avenue and interior development signage: the extant 25 mph limit on Fresno Avenue is rarely adhered to, including by city bus drivers. The street is frequently used as a speedway that could cause serious accidents for residents exiting the development. Speed bumps or appropriate street lighting would help.
- 4.) Finally, we firmly believe a water and sewer extension should reach our property. An extension up Golden Gage Avenue was promised five or six years ago by the city but was suspended. We believe now is the best time to do it.

Thank you again for allowing us to comment.

Sincerely,

Michael L. Ritter, PhC
Jean M. Ritter
1101 Fresno Avenue
Santa Rosa, CA 95407
707-529-0365

Ross, Adam

From: Richard C. Ersted <rcersted@ircoc.com>
Sent: Wednesday, August 19, 2020 8:20 PM
To: Ross, Adam
Cc: Garth E. Pickett
Subject: Re: [EXTERNAL] Letter to Adam Ross and attached drawing

Thanks, Adam. Please ensure the letter is (i) made a part of the City Planning Division's file on the project and, if kept separately, the property address, (ii) entered into the public record for tomorrow's hearing (since certain concerns noted therein may have a material impact on the project's design concept), and (iii) distributed to the applicant and its design team, including, but not limited to, Civil Design Consultants.

Richard C. Ersted
Santa Rosa Associates II
PO Box 51387
Palo Alto CA 94303-0701
650.592.5425 [v]
650.766.9665 [c]
rcersted@ircoc.com

On Aug 19, 2020, at 5:05 PM, Ross, Adam <ARoss@srcity.org> wrote:

Hi Teresa,

I will send this to the Design Review Board as Late Correspondence tomorrow around 10AM. I want to be clear, that the purpose of the meeting tomorrow is not to approve, deny, or continue the project. It is a Concept Design Review where the Design Review Board makes recommendations for design considerations to be implemented when the new project is submitted.

Adam Ross | City Planner

Planning & Economic Development | 100 Santa Rosa Avenue, Room 3 | Santa Rosa, CA 95404
Tel. (707) 543-4705 | aross@srcity.org

From: Teresa Charles <tcharles@hopkinscarley.com>
Sent: Wednesday, August 19, 2020 4:52 PM
To: _DRB - Design Review Board <_DRB@srcity.org>; Ross, Adam <ARoss@srcity.org>
Cc: 'Richard C. Ersted' <rcersted@ircoc.com>; Garth Pickett <GPickett@hopkinscarley.com>
Subject: [EXTERNAL] Letter to Adam Ross and attached drawing

The following attached documents are being forwarded to you by Garth Pickett. If you have questions regarding the transmission of the attached documents, please feel free to contact me. Thanks.

Teresa Charles
Legal Secretary to Garth E. Pickett

<image001.gif>

Hopkins & Carley | A Law Corporation
San Jose | Palo Alto
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August 19, 2020

Garth E. Pickett
gpickett@hopkinscarley.com
T. 650.804.7611
F. 408.938.6249

VIA EMAIL to designreviewboard@srcity.org and aross@srcity.org

Chair Scott Kincaid; Vice Chair Warren Hedgpeth; Members Henry Wix,
Adam Sharron, Brett Kordenbrock, and Drew Weigl
Design Review Board
City of Santa Rosa

Adam Ross
City Planner
Planning Division
Department of Planning & Economic Development
City of Santa Rosa

Re: Design Review Board August 20, 2020 Meeting
Agenda Item 6.3

Subject: Concept Design Review – Cherry Ranch Development
930 Fresno Ave; Sonoma County APN 035-101-004
File No. DR20-024

Chair Kincaid; Vice Chair Hedgpeth; Members Wix, Sharron, Kordenbeck, and Weigl; City
Planner Ross:

Our firm represents Santa Rosa Associates II (SRA II), a partnership holding, together with an affiliated entity, fee title to approximately two hundred eighty (~280) acres in southwest Santa Rosa. Such lands include Sonoma County Assessor’s Parcel Number 035-141-034, a fifty-three and two one-hundredths (53.02) acre parcel adjoining land at 930 Fresno Avenue.

930 Fresno is a single parcel owned by others; it’s the subject of item 6.3 on the Design Review Board’s August 20, 2020 agenda. A significant portion of 930 Fresno’s easterly property line and all of its southerly property line are shared with my client’s parcel.

930 Fresno totals six and eighty-seven one-hundredths (6.87) acres and is identified more particularly as Sonoma County Assessor’s Parcel Number 035-101-004. Here, the applicant seeks City of Santa Rosa (City) design concept review of sixty-seven (67) attached and detached homes on sixty-seven (67) lots (Project¹).

1 Source: srcity.org/2970/Developments_or_srcity.org/3349/Cherry-Ranch

In a telephone conversation between Adam Ross at the City and Mark Hale at Carlile Macy, the civil engineering firm long used by SRA II, Mr. Ross confirmed the Project lacks a City-approved tentative map, with the prior tentative map, dating back to circa 2008, now expired. In follow-up written correspondence, Mr. Ross stated “(t)he applicant will submit a new Tentative Map to reflect the proposed project layout and site plan.”

Included with the applicant’s package is an undated, single-sheet drawing entitled *Tentative Map – Preliminary Grading and Utility Plan* prepared by Civil Design Consultants (CDC Drawing). Such CDC Drawing shows a 3’ *Max High Retaining Wall* along the Project’s easterly property line shared with my client’s property, and (ii) a 3.5’ *Max High Retaining Wall* along the Project’s southerly property line shared with my client’s property. A copy of such Drawing is attached hereto. As shown thereon, each retaining wall note is identified with a magenta oval and each retaining wall is shown with a magenta line.

These walls are apparently necessitated by a significant amount of new fill on the Project site.

My client is concerned, since (i) this retaining wall will result, based on the grades shown for my client’s property on the CDC Drawing, in accumulation or ponding, during and after certain storm events, of surface water on my client’s property, and (ii) the Project’s new fill fails to conform to the City’s standards set forth on that certain document entitled *Grading Notes, Required Notes On All Plans*, which states, in part, as follows:

FILLING IS RESTRICTED TO 1 FOOT MAXIMUM ABOVE EXISTING GROUND AND 2 FOOT MINIMUM ADJACENT TO EXISTING RESIDENTIAL LOTS, UNLESS OTHERWISE APPROVED BY THE CITY ENGINEER.²

Here, at the Project, there’s been no such approval of excess fill by the City Engineer.

Given the above, I am writing, since, for the Project, (i) there’s no City-approved tentative map; (ii) the proposed August 20, 2020 City Design Concept Review pre-dates any City review or approval of a tentative map; (iii) a drawing submitted by the applicant to the City shows significant fill on the site, materially in excess of, at the Project’s easterly property line, the one foot (1’) maximum allowed under the City’s guidelines; (iv) such fill, if approved by the City, will significantly alter the now-natural drainage flow from APN 035-141-034 onto and across APN 035-101-004; (v) without such proposed fill, it’s not clear the Project would extend as far east as shown on the applicant’s submittal; (vi) as a result, it’s not clear the Project would facilitate as many lots as shown on the applicant’s drawings; (vii) a City review of a tentative map application would carefully consider all such details, subjecting all applicant proposals to a rigorous review by various City departments; and (viii) yet, now, the applicant is attempting to

2 source: <https://srcity.org/DocumentCenter/View/3796/Grading-Notes-2012--Pdf--Pdf?bidId=>

turn the process around, placing design concept at the forefront, without a prior tentative map review.

No matter the Project, all work must take place on APN 035-101-004. Encroachment onto my client's property is prohibited, given APN 035-141-034 lies within critical habitat for the Sonoma County population of *Ambystoma californiense* (CTS). At present, it's not clear the Project can be built solely from the Project site. If the Project's construction is reliant, in part, on encroachment onto my client's property, then, no matter the size, extent, or length of time of such encroachment, the Project must be redesigned or reconfigured to facilitate build-out solely from the Project site.

In addition, my client is concerned with the now-existing fencing on the property lines of my client's parcel shared with the Project. This fencing, installed at significant cost, is not shown on the CDC Drawing or any other Project document available via the City's web site. It's, thus, not clear if the applicant is proposing to remove, relocate, or retain the existing chain link fencing and related barb wire. The CDC Drawing is silent, failing to show existing conditions on the Project's easterly and southerly boundaries. It's important such fencing remain in place at all times, since (i) such fencing prevents illegal trespass, and (ii) my client's property falls within CTS critical habitat. My client is opposed to removal of such fence. My client's prior experience – specifically at the westerly property line of the lots on the west side of Corrigan Avenue – has shown wood fencing, like that proposed for easterly and southerly property lines of the Project, is not adequate to prevent trespass. Tough-to-cut chain link – where a cut, if made, is easy to spot and repair – must back up behind new wood fencing, if any. Along the Project's easterly and southerly property lines, substitution of wood fencing for the existing chain link will not, based on my client's prior experience, prevent trespass and, thus, will not suffice. My client opposes such substitution.

Finally, the setback shown on Lot 14 is not compliant with City standards, which, at present, given the proposed two-story home, must be eight feet (8') or ten feet (10'). I request the City obligate design of the Project to meet City standards, including, but not limited to, those regarding property line setbacks.

The Project application, in summary, is not logical or reasonable.

Our worry is the City's August 20, 2020 Design Concept Review may trump the concerns noted above or, later, wise, well-founded concerns – whether from my client, my client's engineers or consultants, or the City – resulting in a waiver of, or variance to, certain City standards.

There's merit – given, among other concerns, the Project's proposed significant impact to natural drainage flows on my client's property – in sticking to the time-worn process of development review in the City, well-honed over a long period of time.

August 19, 2020

Page 4

I'm writing to request the City ensure (i) no portion of the design concept review will constrain a thorough review by the City at a later date of the future tentative map submittal; (ii) the City and applicant are both aware of my client's opposition to the fill shown on the Project's application to the Design Review Board; and (iii) the City allow my client and me the opportunity to review and comment on a future tentative map submittal by the applicant.

I've noted additional concerns regarding fencing, encroachment, and setbacks and, by this letter, I'm requesting the City to take such concerns into account during the design concept review and, later, during review of the as-yet-not-submitted tentative map.

Sincerely,

HOPKINS & CARLEY
A Law Corporation

Garth E. Pickett

Garth E. Pickett
GEP/tc

cc (with enclosure): Richard C. Ersted, Santa Rosa Associates II via email

Enclosure

Ross, Adam

From: Alan Furste <afurste@carlilemacy.com>
Sent: Friday, August 7, 2020 2:10 PM
To: Ross, Adam
Subject: [EXTERNAL] 930 Fresno Avenue - DR20-024

Hi Adam,

I hope you are well through these crazy times.

I was hoping to obtain any available plans and/or documents associated with the Cherry Ranch project ahead of the Design Review Board meeting on August 20th. I have the DRB plan set and project summary from this website - <https://www.srcity.org/3349/Cherry-Ranch>

Is there a tentative map application or approved tentative map for this subdivision?

Thank you,
Alan

Alan Furste

Civil Engineer

CARLILE • MACY

15 Third Street, Santa Rosa CA 95401

Tel: (707) 542-6451, ext 5601 Dir: 757-5601 Fax: 542-5212

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afurste@carlilemacy.com | www.carlilemacy.com

Ross, Adam

From: Mark Hale <mhale@carlilemacy.com>
Sent: Monday, August 10, 2020 9:24 AM
To: Ross, Adam
Subject: [EXTERNAL] Cherry Ranch

Follow Up Flag: Follow up
Flag Status: Completed

Adam,

We are working with the landowner to the east of Cherry Ranch and he has concerns regarding the project. Can you give me a call to discuss? I know that it is just going for Concept Design Review at this time, but it is unclear just what the status of the tentative map is.

Mark Hale

Principal, Civil Engineer

CARLILE • MACY

15 Third Street, Santa Rosa CA 95401

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mhale@carlilemacy.com | www.carlilemacy.com

Ross, Adam

From: Mark Hale <mhale@carlilemacy.com>
Sent: Tuesday, August 11, 2020 10:58 AM
To: Ross, Adam
Subject: RE: [EXTERNAL] Cherry Ranch

Follow Up Flag: Follow up
Flag Status: Completed

Adam,

The adjacent property to the east is owned by our client, Santa Rosa Associates II. One concern is over the grading at the property line. In some areas the pad is more than 3' above the adjacent property. The other concern is that the house on Lot 14 being so close to the property line as shown on the DRB docs. It appears to have something like a 5' setback, but as an exterior sideyard it should be 15'. I think that correcting either one of those issues would have repercussions with the design of the houses.

Mark

From: Ross, Adam <ARoss@srcity.org>
Sent: Tuesday, August 11, 2020 10:16 AM
To: Mark Hale <mhale@carlilemacy.com>
Subject: RE: [EXTERNAL] Cherry Ranch

Hi Mark,

The applicant will submit a new Tentative Map to reflect the proposed project layout and site plan.

Adam Ross | City Planner

Planning & Economic Development | 100 Santa Rosa Avenue, Room 3 | Santa Rosa, CA 95404
Tel. (707) 543-4705 | aross@srcity.org

From: Mark Hale <mhale@carlilemacy.com>
Sent: Monday, August 10, 2020 9:24 AM
To: Ross, Adam <ARoss@srcity.org>
Subject: [EXTERNAL] Cherry Ranch

Adam,

We are working with the landowner to the east of Cherry Ranch and he has concerns regarding the project. Can you give me a call to discuss? I know that it is just going for Concept Design Review at this time, but it is unclear just what the status of the tentative map is.

Mark Hale

Principal, Civil Engineer

CARLILE • MACY

15 Third Street, Santa Rosa CA 95401

Tel: (707) 542-6451, ext 1550 Dir: 535-1550 Fax: 542-5212

From: [McKay, Conor](#)
To: [Alan Furste](#)
Subject: RE: [EXTERNAL] Cherry Ranch - 930 Fresno Avenue
Date: Tuesday, May 31, 2022 5:08:00 PM
Attachments: [Attachment 5 - Tentative Map.pdf](#)

Hello Alan, thanks for reaching out and I hope you are well.

Please see the attached updated Tentative Map that will be posted to our site, I believe by the end of this week or early next week.

Let me know if you would like to discuss, and I will coordinate with the applicant as necessary.

Thanks, Conor

From: Alan Furste <afurste@carlilemacy.com>
Sent: Tuesday, May 31, 2022 4:59 PM
To: McKay, Conor <CTMcKay@srcity.org>
Subject: [EXTERNAL] Cherry Ranch - 930 Fresno Avenue

Hello Conor,

Our client is the owner of the property to the east of the proposed Cherry Ranch Development at 930 Fresno Avenue and he received a Notice of Public Hearing for 930 Fresno Avenue.

Last year we had corresponded with Civil Design Consultants directly about a couple questions we had with their design and they provided us with a Tentative Map dated 2021. The City's website, [Cherry Ranch | Santa Rosa, CA \(srcity.org\)](#), has links to a Tentative Map dated 2020. Can you please send or provide a link to the current submitted files or clarify when the files will be updated on the City's website so that our client can provide comments prior to the June 9th planning commission meeting?

Thank you,
Alan

Alan Furste
Civil Engineer
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From: June
To: [McKay, Conor](#)
Subject: [EXTERNAL] Re: The City of Santa Rosa Planning & Economic Development Department Public Notices Update
Date: Monday, May 30, 2022 8:22:12 PM
Attachments: [Part 1](#)
[HTML Message](#)

Hi,

With everyone forced to cut back on water usage, where is the source of water for the planned 67 new housing? What is the cost range for the housing?

Is it for locals and affordable for the range \$24,000 and up? Or is it for telecommuters with incomes over \$100,000? Locals are tired of being forced to cut back for housing that is not for the existing locals.

**come up with water sources for this new housing and leave existing water sources alone.

Or stop building and stressing existing water sources.

June

----- Original Message -----

Subject:The City of Santa Rosa Planning & Economic Development Department Public Notices Update
Date:2022-05-27 08:37
From:"The City of Santa Rosa" <srcity.org@service.govdelivery.com>
To:junem99@sonic.net
Reply-To:srcity.org@service.govdelivery.com



You are subscribed to Planning & Economic Development Department Public Notices for The City of Santa Rosa. This information has recently been updated, and is now available.

<https://santa-rosa.legistar.com/Calendar.aspx>

- [930 Fresno Ave - Notice of PC Public Hearing - June 9, 2022.pdf](#)

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This email was sent to junem99@sonic.net using GovDelivery Communications Cloud on behalf of: The City of Santa Rosa
100 Santa Rosa Ave - Santa Rosa, CA 95404 - 707-543-3000



From: [Montoya, Michelle](#)
To: [PLANCOM - Planning Commission](#)
Cc: [McKay, Conor](#); msheikhali@srcity.org
Subject: Late Correspondence - Item 9.1 - Cherry Ranch Development
Date: Wednesday, June 8, 2022 4:57:00 PM
Attachments: [Late Correspondence as of 6.8.2022.pdf](#)

- PLEASE DO NOT REPLY TO ALL -

Chair Weeks and members of the Planning Commission,

The reason for this email is to provide you with late correspondence for item 9.1, Public Hearing - Cherry Ranch Development, scheduled for tomorrow's meeting. This will also be added to the agenda as an attachment.

Thank you,

Michelle Montoya | PACE | Administrative Secretary

Planning & Economic Development | 100 Santa Rosa Avenue, Room 3 | Santa Rosa, CA 95404

Tel. (707) 543-4645 | mmontoya@srcity.org



From: [Jones, Jessica](#)
To: [Montoya, Michelle](#)
Cc: [McKay, Conor](#); [Sheikhali, Monet](#)
Subject: FW: [EXTERNAL] Cherry Ranch Subdivision: PRJ20-018 (MAJ20-004, CUP20-056): 930 Fresno Ave: Comments
Date: Wednesday, June 8, 2022 10:24:43 AM

Hi Michelle,

Please see late correspondence below for Charry Ranch.

Thanks,
Jess

Jessica Jones | Deputy Director - Planning

Planning and Economic Development Department | 100 Santa Rosa Avenue, Room 3 | Santa Rosa, CA 95404

Tel. (707) 543-3253 | Mobile (707) 292-0963 | jjones@srcity.org



Due to increased demand, limited resources, and time constraints, delays are expected in the City's permit processing. The Planning Division anticipates returning to standard processing and response times by Fall 2022. Thank you for your patience and understanding as City operations are reestablished following the coronavirus pandemic.

From: Richard C. Ersted <richard@isarn.is>
Sent: Wednesday, June 8, 2022 10:08 AM
To: Jones, Jessica <jjones@srcity.org>; Planning Shared <planning@srcity.org>
Cc: Mark Hale <mhale@carlilemacy.com>; Alan Furste <afurste@carlilemacy.com>
Subject: [EXTERNAL] Cherry Ranch Subdivision: PRJ20-018 (MAJ20-004, CUP20-056): 930 Fresno Ave: Comments

Given Conor's absence, as confirmed in an auto-reply email received from his account just now, please ensure my email below, sent to Conor this morning, is entered into the public record for tomorrow's Planning Commission public hearing.

Richard C. Ersted
Santa Rosa Associates II
c/o Isarn Partners, LLC
PO Box 51387
Palo Alto CA 94303-0701
650.592.5425 [v]
650.766.9665 [c]
richard@isarn.is

Begin forwarded message:

From: "Richard C. Ersted" <richard@isarn.is>
Subject: Cherry Ranch Subdivision: PRJ20-018 (MAJ20-004, CUP20-056): 930 Fresno Ave: Comments
Date: June 8, 2022 at 9:59:40 AM PDT
To: ctmckay@srcity.org
Cc: Mark Hale <mhale@carlilemacy.com>, Alan Furste <afurste@carlilemacy.com>

Hi Conor. Regarding the above-referenced project, scheduled for public hearing tomorrow, June 9, 2022, at the City of Santa Rosa Planning Commission:

On the east property line of APN 035-101-004 — the property line shared with APN 035-141-034, held in fee by Santa Rosa Associates II (SRA II) — SRA II needs to ensure the following:

- (i) the existing chain link fence — on the east property line of APN -004; north of the southeasterly corner of APN -004 — is removed only when the Cherry Ranch project is ready and able to promptly furnish and install a suitable replacement temporary security chain link fence;
- (ii) such temporary fence is removed only when the project is ready and able to promptly furnish and install the permanent fence;
- (iii) no portion of SRA II land is accessible, at any time, from APN -004; and
- (iv) the existing chain line fence — running north-south; south of the southeasterly corner of APN -004 — is left in place, given such fence is located on APN -034 and not on a line shared with APN -004.

Site security is important to SRA II; we need to ensure no entry or encroachment onto, or trespass across, any portion of SRA II property. As shown in the State of California Natural Diversity Database, APN 035-141-034 contains a breeding site for *Ambystoma californiense* (California tiger salamander), with attendant jurisdictional wetlands and related estivation habitat. This breeding site is tentatively proposed as a portion of a habitat set-aside. To preserve such breeding and related upland estivation, it's crucial to prevent any entry onto SRA II lands.

Within the Conditions of Approval, SRA II respectfully requests the City add a suitable condition under the Section entitled *Walls/Fencing/Retaining Walls* to confirm the foregoing.

Kindly include this correspondence as part of the public record regarding the above-noted hearing.

Richard C. Ersted
Santa Rosa Associates II

c/o Isarn Partners, LLC

PO Box 51387

Palo Alto CA 94303-0701

650.592.5425 [v]

650.766.9665 [c]

richard@isarn.is