

**LAW OFFICES OF
ROBERT A. NELLESSEN**
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December 14, 2018
VIA EMAIL AND U.S.P.S. MAIL:
Ahollister@srcity.org

Aaron Hollister, Project Coordinator
City of Santa Rosa
1440 Guerneville Road
Santa Rosa, CA 95403

**RE: APN # 125-111-037
Proposed "Roseland Village Neighborhood Center"**

Dear Mr. Hollister:

Please find enclosed:

- (1) Grant of Reciprocal Easements in favor of "Roseland Village" and burdening APN 125-111-037, recorded September 12, 1956.
- (2) John Paulsen's August 2, 2017 letter to Sonoma County pointing out that Sonoma County Community Development Commission and its nominee "Mid-Pen" at all times failed to consult with Roseland Village, a corporation, about its easements.
- (3) My letter of August 3, 2017 to the responsible Deputy County Counsel pointing out that the Mid Pen/Community Development Commission Residential development proposal entirely ignores the prescriptive and recorded access and parking Easements.

The County and Mid-Pen have failed in any way to respond to my letter and the facts and reality recited therein. The last community meeting occurring on March 14, 2018 witnessed about 60 neighborhood residents who uniformly and unanimously spoke against the inevitable massive traffic nightmares and the absence of adequate neighborhood infrastructure to host the number of proposed residential units. The only two citizens to speak in favor were from Northeast Santa Rosa who thought the food trucks would be cute and the high density housing inappropriate for their own neighborhood.

In addition to the contents of my August 2017 letter with which the County took no issue, I wish to reaffirm what the Santa Rosa Assistant Fire Marshal, Ian Hardage, and City Planners all stated last week about the existing Roseland Village Shopping Center and the proposed Mid-Pen high density Residential Development.

- (1) The existing Traffic/Fire access circulation needs to be maintained.

Aaron Hollister, Project Coordinator
APN # 125-111-037
December 14, 2018
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- (2) The recorded Reciprocal Easements restrict the existing Access and Parking easements to the historical and subsequent operation of Retail businesses.

While Mid-Pen could build some residential units while maintaining the existing retail business square footage and existing parking space (while complying with City of Santa Rosa residential parking requirements), Mid-Pen does not propose to do this. Mid-Pen can neither legally unilaterally extinguish Roseland Village's parking easement nor can it wall off the existing traffic circulation and Fire Department Access.

In fact, by proposing to diminish the retail business operations on APN 125-111-037, all Mid-pen accomplishes is to forever extinguish any parking and access easement it would otherwise enjoy on the Roseland Village property.

The threat of Mid-Pen/Community Development Commission to put shovel to earth as soon as the City of Santa Rosa allows, is certainly an improvident threat. It is also a clarion call to the City of Santa Rosa's planning officials including in particular the Fire Department.

Very truly yours,

A handwritten signature in blue ink, appearing to read "R. Nellessen", with a long horizontal flourish extending to the right.

Robert A. Nellessen, Esq.

RAN:ljp
cc: John Paulsen (via email)
Dan Westphal (via email)
Assistant Fire Marshal Ian Hardage (via email)

John C. Paulsen, President
Roseland Village, a Corporation
P.O. Box 7948
Santa Rosa, CA 95407

August 2, 2017

Sonoma County Project Review and Advisory Committee
Community Meeting August 3, 2017

Re: Roseland Village, A corporation (Paulsen Parcels) 125-111-45, 46, 47, 48

Dear Project Review and Advisory Committee Members,

In 1956 as part of the overall development of Roseland Village, Hugh Coddling and Viggo Paulsen, principals, encumbered APN 125-111-37, (Coddling Property) and 125-111-45, 46, 47 and 48 (Roseland Village/Paulsen Property) with mutual "Reciprocal Easements" for Parking and Access/Ingress/Egress.

In addition, since at least 1960, as confirmed by aerial photographs and building plans, there have been continuous Prescriptive Easements for access and parking used by the Paulsen Parcel Tenants and customers on Parcel APN 125-111-37.

These recorded and Prescriptive Easements were known to the County and Mid-Pen when the County purchased APN 125-111-37 and when County agencies "blessed" Mid-Pen with (I understand over \$1.5 million) in "planning fees." No one ever approached me to discuss the inherent incompatibility with developing outside the Coddling Enterprise building footprint, or by eliminating the existing Parking and Access Easements (Recorded and Prescriptive).

Rather, when I asked for and had a meeting with Mid-Pen and its co-venturer, and asked them to discuss the recorded and Prescriptive Easements they simply "shut down." The representatives were nice, but had no explanation for absolutely failing to address the reality that the existing Easements simply will not accommodate the high density development plans the County funded and is pushing.

As the owner of the Recorded and Prescriptive Easements, I invite the Community Development Commission and Mid-Pen to review with me how any development can occur consistent with the Easements. This has not been done to date.

Accordingly, I believe it is premature and unwise for any entity to entertain development of parcel APN 125-111-37 which is patently illegal and a clear violation of my Family's property rights. I challenge any one to visit Roseland Village and view for themselves the parking and access in use, which has undeniably existed since at least 1960, and tell me the proposed development will not substantially and irreparably destroy the use and value of Roseland Village. Right now Roseland Village is a thriving tax paying community resource. I will fight to keep it that way.

Sincerely,

John Paulsen

Cc: M. Grosch (via email)

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August 3, 2017
VIA EMAIL AND U.S.P.S. MAIL:
aldo.mercado@sonoma.county.org

Aldo Mercado
Deputy County Counsel
Office of the County Counsel
575 Administration Drive, Room 105-A
Santa Rosa, CA 95403

**RE: Roseland Village Property
John Paulsen, President
Recorded and Prescriptive Parking and Driveway Easements
at the Roseland Shopping Center**

Dear Mr. Mercado:

Thank you for your letter (and the enclosure) to me dated July 24, 2017, received July 31, 2017. In the future please, please provide a copy by email for a more prompt and assured receipt.

Addressing your letter to me first:

- (1) Is the first sentence of the second paragraph missing a line?
- (2) Have you ever been to Roseland Village on a week day or weekend? When? I have photos taken on an average weekday, June 30th at 11:00 a.m. which show that over 70% of the parking spaces between the "Albertsons/Lucky's" concrete and Sebastopol Road are occupied by Roseland Village customers. Of course on weekends the percentage increases to 90%.
- (3) Since the reality of the historical Easement use is grossly inconsistent with your letter assertions, there must be, even a flawed, traffic study measuring and reporting the existing traffic flow and use. May I please have a copy?

Regarding your two (2) page letter on behalf of the County Counsel office to the County Permit and Resource Management Department attempting to justify ignoring the Recorded and historical Prescriptive Easements:

**Aldo Mercado
Deputy County Counsel
Roseland Village Property
John Paulsen, President
August 3, 2017
Page 2**

A. Background

- (1) What is the factual/documented basis for your statement that Hugh Coddling/Enterprises ever owned any of the Paulsen properties (APN 125-111-45, 46, 47, 48). We believe you are wrong.**
- (2) In 1956, when the Recorded Easements were granted and the historical Prescriptive Easements were ongoing, the Paulsen property buildings were in place. The major Coddling building was the "Pam Market" at the location of the subsequent Albertsons. The Access/Engress/Egress and traffic patterns had been established on both halves of the Roseland Shopping Center by 1956.**
- (3) You state that "Roseland Village owned the...[County] Commission Property." Is this really believed by your office or is it just being sloppy? Roseland Village is a Corporation owned by the Paulsen family.**
- (4) Why does the County Counsel believe the "Paulsen Property has since expanded beyond what was originally owned by Coddling". Do you have ANY data to support this? Is this some Hubblesque observation?**
- (5) "The current Commission Property parking configuration provides for approximately 270 parking spaces."**

However, what you conveniently omit is that:

- A) The Development Parking allowance is only 90 "shared" commercial spaces.**
- B) The total Coddling Building configuration was 70,000 sq. ft. The County Development Commission proposal is 300,000 sq. ft. of buildings. The ratio of sq. footage allowed therefore should be (at minimum) approximately four (4) times the Coddling parking sq. footage in 2000, which you have counted as 270 spaces. Accordingly, for the scale of proposed development 1157 parking spaces will now be necessary if the historical Parking easement is to be "not Burdened." This of course does not account for the approximate 200-270 spaces on the Coddling property currently being used daily - WITH NO CODDING OR COUNTY BUILDING(S)!**

Aldo Mercado
Deputy County Counsel
Roseland Village Property
John Paulsen, President
August 3, 2017
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Right now your casual visual observation will confirm that on any weekday the customers of the Paulsen parcels use 70% of the available parking spaces and ALL of the Access/Ingress/Egress. On the weekend the use is closer to 90% of the 270 spaces in use by the Paulsen Tenants/customers.

- B. Development of the CDC Property will destroy the existing Recorded and historical Prescriptive Access and Parking Easements owned by the Paulsen Parcels.**
- (6) The Eshoo letter you reference was predicated on exhaustive observation and recording of the Easements use - **IN REALITY**. A blythe denigration of the accurate observation and reporting is not advancing the County's obligation to research and apply "FACTS." Real facts, not "alternative facts."

Reality is that only the Coddling Parcel and Paulsen Parcels **EVER** used the established Access and Parking dedicated areas, i.e., reciprocal Easements. The Prescriptive used established the extent of the Deeded Easements of Record. The Coddling/County Parcel abandoned the Access Easement before 2003. The extent of the Parking Easement as established by the Paulsen Parcels also before 2003 is the consistent and current use of the Parking Lot. In other words, since 2003 the Prescriptive Easements have been used Exclusively by the Roseland Shopping Center portion owned by the Paulsen Family (Thank you for pointing that out). In particular all use of the existing Roseland Shopping Center Deeded and Prescriptive Access/Ingress/Egress has also been used exclusively by the Paulsen property Tenants/customers.

- (7) Another **FACT** that I am sure the Traffic flow analyses undertaken by the County establish without question, is the dependence of the Paulsen parcel tenants and customers on the West St./Sebastopol Road/Roseland Village Traffic light to access east and west bound Sebastopol Road. When the County secured the "abandonment" of the prior Sebastopol Road ingress/egress in the approximate middle of the shared parking lot, it did so to make the entire Roseland Shopping Center, and in particular large commercial trucks, entirely dependent on unrestricted access to the West Street/Sebastopol Road Traffic light/lanes. Have you even looked at the Mid-Pen Development Plan?

Aldo Mercado
Deputy County Counsel
Roseland Village Property
John Paulsen, President
August 3, 2017
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- (8) Finally, for your historical edification, once Alberton's closed its doors the Coddling/Baugh property no longer used the Paulsen property for Access, and to reduce the homeless vandalism and theft (a continuing problem today the County ignores) Roseland Village erected a locking gate with only Paulsen tenants having the access key. The reciprocal recorded Access Easement was then and therefore used only by Paulsen property tenants and by **NO** Coddling/Baugh tenants/customers on the "Commission Parcel." The historical Prescriptive Ingress/Egress use has been exclusively for over 14 years, from the Paulsen parcels across the "Baugh/County" parcel to the Sebastopol Road Traffic light.

Accordingly, the County should take a step back and address, with real facts, what has occurred, when and why, before attempting to destroy the livelihood of the Owners and Tenants of Roseland Village.

Very truly yours,



Robert A. Nellessen, Esq.

RAN:ljp
cc: John Paulsen

GRANT OF RECIPROCAL EASEMENTS

THIS AGREEMENT, made this 25th day of July, 1956, by and between: ROSELAND VILLAGE, a California Corporation, hereinafter referred to as "First Party"; and CODDING ENTERPRISES, a California Corporation, hereinafter referred to as "Second Party".

W I T N E S S E T H

WHEREAS, the first party owns and has title to the following described real property, located in the County of Sonoma, State of California, to-wit:

Being a portion of the Rancho Cabeza de Santa Rosa, beginning at a point in the Northerly line of the County Road leading from Santa Rosa to Sebastopol, (Sebastopol Avenue), distant thereon North $73^{\circ} 24'$ East 845.82 feet from an old stake at the Southwest corner of the tract of land deeded by Charles J. Buckland and wife to J. H. Brush by deed dated September 6, 1892, and recorded in Book 161 of Deeds, page 613, Sonoma County Records; thence along the Northerly line of Sebastopol Avenue North $73^{\circ} 24'$ East 567.18 feet; thence North $16^{\circ} 36'$ West 547.8 feet to the Southerly line of the Right of way of the Sebastopol Branch of the Northwestern Pacific Railroad, the true point of beginning of the parcel to be herein described; thence returning South $16^{\circ} 36'$ East 547.8 feet to the Northerly line of Sebastopol Avenue; thence along the Northerly line of Sebastopol Avenue North $72^{\circ} 45'$ East 200 feet; thence North 5° West 127.7 feet; thence North $82^{\circ} 10'$ East 16.5 feet; thence North 5° West 62 feet; thence South $73^{\circ} 50'$ West 91.8 feet; thence North 5° West 370 feet to the Southerly line of said Railroad Right of Way; thence South $79^{\circ} 35'$ West along the Southerly line of said Railroad Right of Way 235 feet, more or less, to the point of beginning. Containing 2.49 acres, more or less; and

WHEREAS, the second party is the owner and possessor of that certain real property located in the County of Sonoma, State of California, more particularly described as follows, to-wit:

Being a portion of the Rancho Cabeza de Santa Rosa, beginning at a point in the Northerly line of the County road leading from Santa Rosa to Sebastopol, (Sebastopol Avenue), distant thereon North $73^{\circ} 24'$ East 846.82 feet from an old stake at the Southwest corner of the tract of land deeded by Charles J. Buckland and wife to J. H. Brush by deed dated September 6, 1892, and recorded in Book 161 of Deeds, page 613, Sonoma County Records; thence North $5^{\circ} 35'$ West 596 feet to the Southerly line of the Right of Way of the Sebastopol Branch of the Northwestern Pacific Railroad, the true point of beginning of the parcel to be herein described; thence returning South $5^{\circ} 35'$ East 596 feet to the Northerly line of Sebastopol Avenue; thence North $16^{\circ} 36'$ West 547.8 feet to the Southerly line of said Railroad right of way; thence South $79^{\circ} 35'$ West along the Southerly line of said Railroad Right of Way 450 feet more or less to the point of beginning. Containing 6.69 acres more or less; and

WHEREAS, said properties are adjacent to each other so that the west line of the property of the first party forms the east line of the property of the second party; and

WHEREAS, both of said properties are now employed and used as the site of various store buildings, comprising a shopping center known as ROSELAND VILLAGE; and

WHEREAS, the parties hereto desire to grant to each other reciprocal easements over that portion of said real property which has been, and will be in the future, set aside for vehicular parking lots and drive-ways;

NOW, THEREFORE, in consideration of the reciprocal rights herein granted by each party to the other, and of the mutual covenants, agreements, conditions, and stipulations herein contained, it is mutually covenanted, stipulated, and agreed as follows:

1. The first party hereby grants unto second party, or its assigns, a non-exclusive easement to use and to allow the use of the vehicular parking lots and drive-ways which presently exist, or will be developed hereafter, on the property of the first party as hereinabove described, for the benefit of itself and its invitees and licensees, for the ingress, egress, and parking of motor vehicles, for all proper purposes connected with the operation of retail business establishments by the grantee, its lessees, tenants, or agents; such easement to be on the real property of the grantor, the first party herein, and which is more specifically described hereinabove as the property of the first party.

2. The second party hereby grants unto first party, or its assigns, a non-exclusive easement to use and to allow the use of the vehicular parking lots and drive-ways which presently exist, or will be developed hereafter, on the property of the second party as hereinabove described, for the benefit of itself and its invitees and licensees, for the ingress, egress, and parking of motor vehicles, for all proper purposes connected with the operation of retail business establishments by the grantee, its lessees, tenants, or agents; such easement to be on the real property of the grantor, the second party herein, and which is more specifically described hereinabove as the property of the second party.

3. It is understood and agreed by and between the parties hereto that the easements granted herein are to be held by the respective grantees, their assigns or successors, as appurtenant to the land owned by the said respective grantees.

4. It is further understood and agreed by and between the parties hereto that the first party will care for and maintain, and shall pay for said care and maintenance, the parking lots and drive-ways upon the said property of the first party, and that said second

BOOK 1467 PAGE 418

party will care for and maintain, and shall pay for said care and maintenance, the parking lots and drive-ways upon the said property of the second party.

15. This agreement has been executed in duplicate by the parties hereto, and each party has executed a copy thereof which shall be considered as an original document, and has caused the same to be acknowledged.

IN WITNESS WHEREOF, the parties hereto have hereunto set their hands the day and year first above written.

First Party:

ROSELAND VILLAGE, a California Corporation,

By Wiggo Paulsen Vice Pres

Second Party:

CODDING ENTERPRISES, a California Corporation,

By Harold R. Cuddy Pres.



RECORDED AT REQUEST OF

S. J. [Signature]
AT 54 MIN. PAST 11 AM

Book 1467 Official Records 415
SONOMA COUNTY, CALIFORNIA

SEP 12 1956

By [Signature] RECORDER
[Signature] DEPUTY
SERIAL No. 3322

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(4)

**COUNTY OF SONOMA
BOARD OF SUPERVISORS**
575 ADMINISTRATION DRIVE, RM. 100A
SANTA ROSA, CALIFORNIA 95403



LYNDA HOPKINS
FIFTH DISTRICT SUPERVISOR
Lynda.Hopkins@Sonoma-County.org
(707) 565-2241

January 10, 2019

Santa Rosa Planning Commission
Patti Cisco, Chair
Commissioners Weeks, Edmondson, Kalia, Duggan, Okrepkie, and Peterson

Dear Commissioners:

I would like to express my enthusiastic support for the Roseland Village Development project to be considered by the Planning Commission on January 24, 2019. Planning Commission approval will be a huge step forward for the project; Roseland Village is a wonderful example of productive collaboration between Sonoma County and the City of Santa Rosa that benefits everyone in our community.

This long-awaited project will provide crucial affordable and workforce housing at a time of acute housing need. In addition, the Roseland Village Development will provide much needed community amenities, including a long awaited public plaza and library.

The residents of the Roseland neighborhood have consistently expressed the need for more quality housing, accessible gathering space and parks to promote community and healthy living. This development addresses all of those needs. The Sonoma County Community Development Commission and MidPen Housing, Master Developer for the project, have worked diligently over the course of several years to engage with neighborhood residents and business owners to produce a development plan that truly fills the needs of this vibrant community, meeting the goals noted below:

- Provide a mix of homes designed for a diverse cross-section of the Roseland community
- Create a vibrant market-hall and business incubator for local restaurant and food enterprises
- Deliver a public plaza that serves as Roseland's community hub
- Develop a multi-use building which accommodates a neighborhood library and other community serving programs
- Support the revitalization of Sebastopol Road and Joe Rodota Trail linkages to regional transit, employment, and recreational centers

The Roseland Village Development will transform this underutilized property along Sebastopol Road into a rich community resource, and can serve as a catalyst for future development in alignment with the Roseland Area/Sebastopol Road Specific Plan and the Downtown Station Area Specific Plan (City of Santa Rosa).

Best regards,

Lynda Hopkins
Supervisor, Fifth District

Cc: Clare Hartman, Deputy Director

From: Jim Bray <vcjimbray@yahoo.com>
Date: January 25, 2019 at 8:33:08 AM PST
To: "wrose@srcity.org" <wrose@srcity.org>
Subject: Roseland Village Subdivision

Good morning Bill,

Last night I attended the Public Hearing before the Planning Commission to hear the latest regarding the Roseland Village Subdivision. Unfortunately, the discussion regarding the Fox Den project was still going strong at 6 pm when I had to depart, so I was not able to hear about the Roseland project.

I have attended most of the proceeding meetings regarding this project and wonder if there are any substantial changes to the original project which was proposed by MidPen Housing. I would also like to add that I do not feel the traffic impacts of adding so many housing units to an already congested thoroughfare have been adequately addressed.

Thanks and regards

Jim Bray

1014 Ruby Court, Santa Rosa, CA

Jim Bray (707) 483-0152 vcjimbray@yahoo.com



Sonoma County Community Development Commission
 Sonoma County Housing Authority
 1440 Guerneville Road, Santa Rosa, CA 95403-4107

*Members of the
 Commission*

David Rabbitt
 Chair

Susan Gorin
 Vice Chair

James Gore
Lynda Hopkins
Shirlee Zane

Margaret Van Vliet
 Executive Director

CITY OF SANTA ROSA
Santa Rosa, CA

FEB 8 2019

**PLANNING & ECONOMIC
 DEVELOPMENT DEPARTMENT**

January 29, 2019

Santa Rosa Planning Commission

Patti Cisco, Chair

Commissioners Weeks, Edmondson, Kalia, Duggan, Okrepkie, and Peterson

Dear Commissioners:

I am writing to ask for your support for the Roseland Village Development Project being considered by the Santa Rosa Planning Commission on February 14, 2019. This project benefits our community and exemplifies collaboration between the County of Sonoma and the City of Santa Rosa.

During the past few years, Master Developer MidPen Housing and the Sonoma County Community Development Commission diligently engaged neighborhood residents and business owners to create a project that truly fills a void in this vibrant area. Residents of Roseland expressed a need for more housing, accessible gathering spaces and neighborhood parks to promote healthy living within their community.

In response, the long-awaited Roseland Village Development Project provides affordable and workforce housing and much-needed community amenities in an area that has lacked resources for decades. By creating a mix of housing, a market for restaurants and food purveyors, a public plaza and a mixed-use library development, this project will revitalize the area in a manner that directly responds to the community's needs.

With the annexation of the greater Roseland area into Santa Rosa city limits, we have enjoyed a strong partnership between the County and the City to advance revitalization in this historically underserved neighborhood. Transforming the property along Sebastopol Road into a community resource will provide crucial links to regional transit, allowing Roseland Village to serve as a catalyst for future development throughout the area. The Community Development Commission is proud to be a co-sponsor of this vital project, and appreciates the support of your planning staff and Commission.

Sincerely,

Margaret Van Vliet

Executive Director, Sonoma County Community Development Commission

Cc: Clare Hartman, Deputy Director



Telephone (707) 565-7500
 FAX (707) 565-7583 • TDD (707) 565-7555



From: [Rebecca Anaclerio](#)
To: [Hollister, Aaron](#)
Cc: [Mark Anaclerio](#); [Geraldine Magers](#); [Sonja Moug](#)
Subject: Roseland Village Subdivision
Date: Sunday, February 17, 2019 2:40:32 PM

Hi Aaron,

We live on Avalon Avenue, off Sebastopol Road in Roseland. We bought our home 25+ years ago and enjoy our little neighborhood. We support the Roseland Village project, with its promise of necessary housing and community space. I am really hoping for a Saturday Farmers Market!

Our only concern is traffic flow and the additional congestion that such a large housing complex will bring to our area, not to mention parking. You only have to drive down Sebastopol Road any afternoon from 4-6 pm to see that traffic is a mess, especially in the stretch that runs from Dutton Avenue to West Avenue. The center turn lane is necessary, but also dangerous, as cars continually dart in and across from both sides of the road - from the Rancho Mendoza Super Mercado and from the El Favorito parking lot especially. I just can't imagine what impact a new large housing development will have on Sebastopol Road.

Can you tell us how you plan to address this issue?

Thank you for your time.

Best regards,

Rebecca and Mark Anaclerio
520 Avalon Avenue
Santa Rosa, CA 95407

From: [Eva Quezada](#)
To: [Gustavson, Andy](#)
Subject: Roseland Village Subdivision
Date: Tuesday, February 19, 2019 2:11:42 PM

Dear Mr Gustavson,

I believe we need density housing where public transportation is available and as frequently as on Sebastopol Road. As in Los Angeles and the Bay Area, etc. density housing should be the norm in order to utilize the land as efficiently as possible, This is especially true for Santa Rosa as it is adjacent to a high risk fire area. (We need 6 story apartment blocks.)

Therefore I support this plan.

Kind regards,
Eva Murray