

Maloney, Mike

From: Trippel, Andrew
Sent: Wednesday, March 24, 2021 8:45 PM
To: _PLANCOM - Planning Commission
Cc: Gallagher, Sue; Oswald, Jesse; Osburn, Gabe
Subject: 3/25 Meeting Item 9.1 - 1900 Brush Creek Appeal - Responses to Questions

****Please Do Not Reply to All****

Good evening,

Below are responses to questions from Commissioners about tomorrow's Meeting Item 9.1 - 1900 Brush Creek Appeal.

1. **Continuance: this may be moot**

a. **Is there a procedural standard that the Commission should use when evaluating a request for a continuance?**

Commissioners should consider (1) the reasons given for the request for continuance; (2) any prejudice to the requestor if the continuance is denied; (3) any prejudice to the property owner if the continuance is granted; (4) if the Planning Commission has had sufficient time to consider all of the information presented by staff, the property owner, and the appellant; (5) if the Planning Commission has sufficient information to make a decision should the public hearing not be continued; (6) if the item is continued, would substantial additional information be obtained and presented for Planning Commission consideration.

b. **Is a denial of a continuance appealable to City Council?**

If denial of a request for continuance results in a decision by Planning Commission that is adverse to the party that requested the continuance, then both the decision on the merits and the decision to deny the continuance may be appealed to City Council.

2. **Building Permit**

a. **What is the standard of review that the Commission is using to evaluate this decision by the Planning Director? Are we deciding whether the decision was made in a procedurally correct way - that is, that all the objective factors were considered and the process adhered to California state law and local ordinances?**

The Commission will review the Planning Director's decision for both its compliance with applicable procedural requirements and its compliance with applicable development standards. Pursuant to Section 20-62.030(F), the Commission may affirm, affirm in part or reverse the decision of the Planning Director.

The Planning Director reviewed the unpermitted addition portion of the ministerial Building Permit application (project) for compliance with applicable local regulations, including the Final Map adopted for the project site. The determination being made was if the project complied with objective standards or regulations. This determination is ministerial, not discretionary.

The Director reviewed the unpermitted tree removal in accordance with the Tree Ordinance. The Director exercised discretion when establishing the mitigation requirement for the tree removal. The Planning Commission may similarly exercise its discretion.

b. **Or is the Commission trying to evaluate whether (regardless of procedural fairness) the decision was "right"?**

During Planning review of ministerial building permits, the Planning Director makes determinations about a project's compliance with objective standards or regulations. Planning review seeks to establish compliance, and not to evaluate if an action taken was right or wrong. In this instance, City Code Enforcement, Building and Planning divisions are reviewing a Building Permit that is being required to bring unpermitted work (building addition) into compliance with City Code, and Planning division is establishing the mitigation requirement for the unpermitted tree removal. Planning Commission may find that the Tree Ordinance provides a different approach for mitigation of the tree removal and can exercise alternative mitigation.

3. Tree Removal

- a. **In reviewing the materials the appellant raises an issue with the tree mitigation decision made by the Planning Director.**
- b. **What is the standard that the Commission should use to evaluate the Planning Director's decision? Is it again a question of procedural fairness, that the appropriate factors and evidence were considered, or is it one of substantive "correct-ness", i.e. we agree with the decision?**

The City's Tree Ordinance is contained in City Code Chapter 17-24 Trees. A purpose of the Tree Ordinance is to enact regulations to protect certain trees that are an essential part of the City's natural heritage, referred to as heritage trees, wherever they may be growing in the City, while, at the same time, recognize an individual property owner's right to utilize his or her land in a way that is otherwise allowed by law. Article IV – Permits regulates tree alteration, removal, or relocation in circumstances where no development is proposed and in circumstances where development is proposed. Section 17-24.050 addresses tree alteration, removal, or relocation associated with proposed development. For trees approved for removal as part of development, the section provides for mitigation of the tree loss by planting of new trees or by making a monetary contribution to the City's Tree Fund to support new plantings elsewhere.

- c. **What other options did the Planning Director have with regard to resolving the tree removal?**
Tree approved for removal as part of an approved development can be mitigated as described in Section 17-24.050(C)(1). Tree not approved for removal as part of an approved development can be mitigated as described in Section 17-24.050(C)(2). Unpermitted tree removal is addressed in Article VII. Enforcement. This Article classifies unpermitted removal of a tree as a misdemeanor and provides procedure for processing a violation. Section 17-24.130 Replacement Trees establishes the same mitigation requirements as those contained in §17-24.050(C)(2).

4. Additional Issues

- a. **The appellant has also raised an issue, outside of the appeal, that the removal of the tree and or construction activity may have damaged the root system of a heritage oak tree on her property.**
- b. **Can the Commission consider additional issues raised outside of the formal appeal?**
Section 20-62.030(B)(4) requires that the appellant state the pertinent facts of the case and specify the decision appealed from (e.g., City assigned case number); the basis for the appeal; the specific action which the appellant wants taken in the appeal; and each and every ground upon which the appellant relies in making the appeal. The Appeal Application thus defines the subject matter of the appeal. In its review, however, the Commission is not limited to the specific grounds set forth in the Appeal Application. Section 20-62.030(F) provides that the review authority may consider "any issue involving the subject matter of the appeal, in addition to the specific grounds for the appeal." That being said, Section 20-62.030(F) also provides that if new or different evidence is presented, the Commission may refer the matter back to the Planning Director, at its discretion. The appellant's assertion of root damage appears to be such "new or different evidence" subject to referral.

5. **I have been reviewing all of the information for this item and have a question on Attachment 3 (attached to this email). Page 11/66 of the attachment (page 3 of the Final Subdivision Report), 8. c. Notes that “A ten foot separation shall be maintained between the edge of the pavement and existing house.” I’m presuming from the tentative maps in the same attachment that this house is the existing house noted in that requirement. Is this correct? Does it still maintain (or need to maintain) the 10 foot separation from the private drive?**

The purpose of the Final Subdivision Committee Report is to condition the Tentative Parcel Map project that would regulate development of the parcels created by the Final Map. After the Final Map is recorded and development anticipated by the project is completed, any changes to land use or development would be regulated by the Zoning Code and conditions presented on the Final Map. Neither Planning Division nor Engineering Development Services feels that this condition is enforceable upon this addition, the development of which has occurred after the development project has been implemented. If we are to hold that they remain enforceable in perpetuity, then that means that means you could not do any changes to features specified on the conditions. For example, condition #5 specified a 6’ foot fence. I do not believe we would require an amendment to these conditions to allow a 6’ fence with 2’ of lattice if that was requested today.

Please feel free to contact Planning with any additional questions. We will do our best to respond before tomorrow's meeting.

Thanks,

Andrew

6.



March 22, 2021

SENT VIA EMAIL ONLY

CMOffice@srcity.org;

ATrippel@srcity.org

SMcglynn@srcity.org

Mr. Sean McGlynn, City Manager
Mr. Andrew Trippel, acting Supervising Planner
City of Santa Rosa
100 Santa Rosa Avenue, Rm 10
Santa Rosa, CA 95404

RE: Appeal of B20-6871 after-the-fact residential additional-alteration approval that was triggered by CE20-0139 code enforcement complaint for unpermitted work in violation of the City's Municipal Code

Dear Mr. McGlynn and Mr. Trippel:

This office represents Appellant Kathleen Parnell, owner of the property at 1888 Brush Creek Road in Santa Rosa. I am writing to you, in particular, because of the grossly inadequate treatment of the above referenced appeal ("Appeal"), which is scheduled to be heard by the Planning Commission on March 25, 2021. In brief summary, the City's arbitrary and capricious treatment of the code enforcement complaints related to unpermitted work by the owner of 1900 Brush Creek Road ("Builder") in 2020 culminated in a compounded arbitrary and capricious granting of an after-the-fact ("ATF") building permit that violates the City of Santa Rosa's Municipal Code. The public records confirm that the Builder was given preferential treatment by the City in violation of both the procedural and substantive requirements outlined in the City's land use regulations, including General Plan and Municipal Code. This letter supplement to the Appeal is incorporated into the administrative record and I respectfully request that it be distributed to the Commissioners in advance of the hearing scheduled for March 25, 2021.

There are two reasons for this Appeal: (1) illegal removal of heritage redwood tree; and, (2) unpermitted addition in violation of City's development standards that cannot qualify for an ATF building permit. Waste is often an undesirable outcome; however, under these circumstances, including the callous and blatant disregard for the rules by allegedly qualified professional(s), I request that the City condemn the addition and require the Builder to remove that portion of the new addition that objectively violates the Municipal Code. If the City fails to follow through on this requested result, it will send a clear message to the general public that it is individually advantageous to "beg for forgiveness than to ask for permission." In doing so, the detriment from similar projects will be externalized on those members in the community that have reasonably relied on the Municipal Code and other regulatory

LAND LAW LLP

1010 B Street, Suite 200 San Rafael, CA 94901

T. 415.483.0050 E. chris@landlawllp.com

www.landlawllp.com

framework for managing expectations regarding the built environment. This is patently unfair and should not be tolerated.

This supplemental appeal letter is broken down into three distinct components:

1. Applications of substantive violations of the Municipal Code;
2. Procedural defects in processing the code enforcement violations and corresponding ATF building permits;
3. A comprehensive chronology revealing the abuse of discretion by City staff.

I. The Builder's intentional and premeditated defiance of the City's land use regulations cannot be supported by ATF permitting under the Director or Planning staff's discretionary decision making authority.

- a. The City has mistakenly processed the tree removal application as a Type-II category (alongside proposed development) instead of the Type-I category (standalone tree removal).*

The builder illegally removed the heritage redwood tree within three months of purchasing the property. The tree was proactively removed prior to development of plans or meaningful consultation with the City regarding future development of the property. Further, the tree was removed approximately 5 months prior to commencing the illegal construction. This begs the question why the City has processed this illegal tree removal permit in conjunction with the ATF building permit.

There is no objective documentation of the heritage redwood tree causing damage to the home's foundation. If this were a known problem, it would have been disclosed during the purchase transaction at the end of July 2019. The prior owner of the property acknowledged that the redwood duff required routine maintenance. It appears clear that the tree was proactively removed by the Builder as a matter of personal convenience rather than an informed decision making process as outlined and required by the Type-I application requirements detailed in 17-24.040 of the Code.

- b. Deliberate disregard for the tree removal policies and procedures should qualify for imposition of remediation more than the statutory minimums.*

Tree removal on property proposed for development is governed by Municipal Code 17-24.050. That section identifies certain application materials as a *prerequisite* to development. The purpose is to enable informed decision making in conformance with the statutory requirements. Page 10 of the February 25 staff report¹ declares that the "Building and Planning Division practice is to process tree removal proposed as part of construction concurrently." Under the present circumstances, the heritage tree removal occurred months before the illegal construction commenced, so the City's determination under an unofficial policy in processing applications cannot and should not form the basis for dismissing the initial code violation of unpermitted heritage tree removal.

¹ All reference to the staff report are the report prepared for the originally scheduled hearing on February 25, 2021.

The Builder failed to comply with the process, and to-date, has not fully complied with the substantive requirements of an ATF application for the illegal heritage tree removal. Specifically, there is not a site plan that indicates the genus and species, the shape, the drip line, and the trunk circumference of the tree.² Further, 17-24.050 (A)(1) demands that “the proposed development shall be designed so that the proposed improvements preserve and protect any heritage trees *to the greatest extent possible*.” (emphasis added). This *necessary* finding cannot be made in review of the piecemealed application materials that were produced in connection with the ATF permit because: (1) the home addition was a voluntary act, and (2) there were various alternative locations on the Builder’s property to accommodate an approximately 360 square foot addition if a more thoughtful site strategy were considered in connection with a properly processed application for a tree removal.

Staff’s ATF approval is further flawed because of the inconsistency with the City’s General Plan policies and goals. Specifically, Transportation Policy G-5 states “retain existing trees and vegetation along scenic roads, as possible. Enhance roadway appearance through landscaping, using native plant material.” Brush Creek Road is among one of less than a dozen designated scenic roads in the City. As shared above, the tree removal was voluntary, not necessary. Preservation of the tree would have been possible with proper advance planning procedures and consideration of appropriate site development.

Furthermore, Open Space and Conservation policy H-1 states “preserve trees and other vegetation...both as individual specimens and as part of larger plant communities.” There is no evidence in the record of any attempt to preserve the heritage redwood tree; nor is there evidence that removal of the tree was necessary for reasonable development of the property. There is a singular self-serving statement from the Builder’s representative that the tree roots were in conflict with the existing foundation. If that were true, photos of the foundation intrusion would have been provided and this information would have been revealed in the home inspection report produced in connection with the 2019 purchase. No objective evidence has been submitted to support the unjustifiable claims.

Municipal Code 20-28.050 Scenic Road (-SR) combining district states, “Prior to the approval of a project, the applicant shall demonstrate that each tree proposed for removal shall not have a negative impact on the scenic quality of the corridor, or that the tree is a hazard or unhealthy, as determined by a certified arborist.” Here, there was no evaluation of the scenic quality of the corridor either prior to or after the tree removal, and there was no certified arborist report regarding the health of the tree.

Additionally, the Planning Commission is encouraged to reflect on the declaration of legislative intent and purpose for Municipal Code 17-24.010. That provision states, “Trees are key elements in a living system the boundaries of which do not conform to the arbitrary

² Public records reveal a disjointed attempt to retroactively justify the illegal tree removal, including: T1 single sheet site plan produced by IDR Drafting (approximately 9/18/20); a single sheet site plan prepared by Robertson Engineering inc. dated 10/13/20 depicts an area of addition with a generic symbol of a “removed redwood” within the area of the illegal home addition.

property lines of individual lots and parcels and upon which the continued health and welfare of this community depends. In addition, trees in the community and in a neighborhood provide a sense of identity and tradition and enhance property values. The City Council further finds and declares that careless treatment and arbitrary removal of trees detracts from scenic beauty... reduces property values, increases construction costs and drainage costs, and thereby further reduces the attractiveness of an area.”

CHRONOLOGY

Perhaps the most disturbing aspect of the ATF heritage tree removal permit determination is the disjointed chronological process, which now reveals fundamental inconsistencies with “truth” and fact. This process is outlined below to demonstrate the irrational and unjustifiable granting of the heritage tree removal permit:

1. August/September 2020: Appellant submitted complaints regarding an unpermitted heritage tree removal.
2. September 17, 2020: Notice of violation issued to Builder by City identifying the illegal tree removal and providing a copy of the applicable Municipal Code.
3. September 18, 2020: Petition letter from Builder to City confirming that the heritage redwood tree was removed in October 2019; and, that the Builder was naively unaware that a tree removal permit was required by the City prior to removing a heritage redwood tree. Unidentified source letter provided by the Builder with information about the illegally removed tree – apparently in an attempt to qualify as an arborist report as required by the City.
4. September 22, 2020: Email from Mark Maystrovich to Builder confirming that the building permit plans submitted on September 16, 2020 were rejected for being inaccurate and demanding that “the professional tree company that removed” the tree provide an arborist report detailing the health of the tree and why it needed to be removed.
5. September 22, 2020: Email from Amber Lichau to Andrew Trippel clarifying the unqualified tree condition letter that was previously shared with the City. “[The company is] stating that the individual that had actually worked with us and cut down the tree is ill and no longer working with the company so I have been speaking to another member of the company. I have reached out to them again today...In the event they do not provide us with the requested information beyond the preliminary info of width at breast height, total height, and species of tree, are there alternative steps that we can take in lieu of this to get this all take care of?”
6. September 24, 2020: Unidentified source letter provided by the Builder with information about the illegally removed tree – apparently in an attempt to qualify as an arborist report as required by the City based on the demand from Mark Maystrovich in the September 22, 2020 email to Builder.
7. October 7, 2020: Email from Builder to Mark Maystrovich stating “We contacted the individual who cut down the tree to obtain the requested info on the tree and were given the letter without letterhead or a signature. Upon further contact today, we were informed that the individual that cut down the tree was not an arborist nor does he own the tree company for which he works for and therefore drafted the letter with the requested information and sent it to us but without a signature or letterhead. I’ve had

extensive contact with the arborist and owner and although he did write us up the letter with your office's requested information that we had given to you, he's not able to sign his name because he did not personally see the tree prior to it being cut. *He said he's willing to talk to whomever regarding the situation* but won't be able to sign for the provided information because it was his employee (and father) that cut down the tree. Can you please advise us on how to proceed without an arborist report? I wish we had known there was a proper protocol and permit needed to remove a tree."

- a. If members of the community that hold themselves out as qualified professionals are performing this type of illegal work on an obvious heritage redwood tree along a scenic roadway, acting on behalf of their employer without permits, then the public has a right to know who they are to safeguard against future violations. If the Builder was induced by the allegedly qualified professionals to perform the work (i.e. if Builder truly had believed the individual that cut down the tree was an arborist acting on behalf of the tree company), then the Builder should consider recourse against them for the damages that are rightfully imposed by the City based on the violations.
 - b. If the individual did not present as a qualified professional and was hired to cut down the tree because it was advantageous to the Builder, this may demonstrate that the lack of permit was a deliberate and willful choice by the Builder with a blatant disregard to the Code requirements.
 - c. Despite the offer in the October 7 communication, there is no record that the City accepted the invitation to speak with the company owner and investigate the circumstances.
8. February 5, 2021: Letter from Builder's attorney, Rose Zoia, states in relevant part, "The Lichaus, who had no prior experience with building a home or addition, seeking permits, or a governmental land use authority, they proceeded with construction of the addition, which also required the removal of a redwood tree, without seeking a building permit from the City." This statement is problematic since the Owners illegally removed the heritage redwood tree in October 2019 under the claimed guise of fire protection and abatement of root intrusion into their existing home's foundation, not as a prerequisite to reasonable development of their property, as suggested by Ms. Zoia. Nonetheless, to portray the Builders as unsophisticated novices is patently false:
- a. The Builder is a licensed contractor through his construction company of which he is an owner and CEO. The company also lists its principal address at 1900 Brush Creek Rd. To claim any ignorance of the need to first obtain a building permit or tree removal permit defies logic. Builder reached out to City Planning seeking answers to development standards within two months of moving into the home. This is not reflective of an unsophisticated or naïve builder.
 - b. On September 9, 2019, City Planner Monet Sheikahli sent a link to the Final Map, Zoning Code and Setbacks for R-1-15-SR, *and Building Permit Application* to the Builder's representative by email. The Builder was effectively on notice that a permit application would be needed for development of the property.

TREE MITIGATION

Municipal Code 17-24.050, subsection (C) clarifies the “tree replacement program” for heritage trees authorized for removal. On December 23, 2020, Andrew Trippel emailed Appellant that Planning would approve the tree removal and required tree mitigation based on the 11-23-20 Planning Determination. This determination was made a full year after the tree removal occurred and without adequate information. Still missing from the record are: an arborist report from the company that performed the work; a copy of the purchase disclosures or other objective information from the time of purchase to demonstrate that the roots of the redwood tree were interfering with the existing home’s foundation system, as well as a hazard assessment, which was an additional justification for the illegal removal. The Appellant spoke with the former owner of the property, who shared that the heritage tree did not present any health or safety concern and was never an issue during his ownership of the property. Similarly, the prior owner’s realtor also acknowledged that it was not an issue raised or ever noted during the sale of the home in 2019.

In light of the seemingly duplicitous representations by the Builder, the mitigation prescribed by the City seems deficient and will only serve as an example how to justifiably remove heritage trees with minimal repercussions. Specifically, the replacement program is tiered off statutory minimums (i.e. 15-gallon size plantings). Based on the Builder’s petition to the City in January 2021 (notably after the determination approving the removal was made by the City), the required replacement plantings will not actually be installed on private or public property, but rather will be replaced with an in lieu fee totaling \$2,600; \$100 for the 26 replacement trees.

First, application of minimum standards for knowing disregard of the tree removal permit process only encourages similar behavior for future property owners. Second, it would take decades for 15-gallon redwoods to achieve a similar environmental benefit as the heritage tree illegal removed; therefore, a combination of 24” – 36” box plantings are more appropriate for measuring the prescribed replacement plan and/or cost assessment. Third, the in lieu fee calculation prescribed by City staff disregards transactional costs associated with replacement plantings, such as: taxes, delivery, installation, irrigation, among other factors. Fourth, and finally, the City should consider the public policy in accommodating a culture of disregard for the rules and regulations, especially pertaining to precious heritage redwood trees. Accordingly, demand is made that the mitigation measures imposed on the Builder be increased to *at least* 4x the minimum prescribed by the City’s original determination, amounting to *at least* \$10,400.

Absent from any application material is an arborist report or other similar documentation from a qualified professional to opine on the circumstances and conditions of the tree.³ On September 22, 2020, Mark Maystrovich asked the Builder for the arborist report and corresponding backup documentation. Instead, the project engineer submitted a letter dated October 30, 2020 that purports to represent a professional opinion about the tree removal. Unfortunately, the project engineer did not personally observe the conditions and is not

³ A public record was produced from an unknown source with unknown qualifications that provided general ATF details about the illegally removed tree without any supporting documentation or independent verifications.

qualified to render an opinion. Regardless, the City appears to have accepted his letter as truth, which reads in relevant part, “the gentleman that removed the tree felt that it posed a fire hazard and a safety hazard for the existing house and people who may be using the yard.” This self-serving statement from an engineer that did not personally observe the conditions does not qualify as facts to support the City’s findings approving the tree removal.

Further, A hazard assessment is a term of art that incorporates ANSI standards and requires a written report. The Builder’s letter to Mark Maystrovich on October 7, 2020 claims that an arborist report cannot be produced because the employee who performed the work is not an arborist and does not own the company. The letter supporting the tree removal is unsigned and without any identification as to the company or qualifications of the person presenting the information, nor did it discuss any safety or fire issues.

On November 23, 2020, Andrew Trippell wrote to Jesse Oswald: “Based upon my reading of the Tree Ordinance, two circumstances exist with regard to situations where development is approved: (a) a situation where tree removal and development are approved, and (b) a situation where development is approved but tree removal is not. As we discussed, **while Planning recommends implementing (a), your discussion with the CE complaint filer may result in (b) being an acceptable suitable alternative.**” Yet, despite the lack of arborist report and additional required information, the City arbitrarily chose the more lenient of the two tree mitigation options.

Finally, the City issued a notice of violation to the Builder on September 17, 2020 regarding the illegal tree removal that occurred nearly a year prior. In that notice, the City included a copy of Municipal Code section 17-24.140 (Violations – City Approvals). That section holds that **the owner of any property on which a violation of Chapter 17 was committed shall be denied for two years from the date of discovery of the violation any approval or permit which otherwise might have been issued by the City for the development or further improvements of such property.** In light of the blatant violation of Chapter 17, it is impossible to reconcile the City’s granting of ATF building permit that was only accomplished due to the illegal tree removal in light of the 2-year prohibitory language detailed above. Note that the 2-year moratorium is mandatory, not permissive. The statute specifically uses the words “*shall* be denied”. It is impossible to reconcile how the City is entitled to disregard these objective mandates in granting the Builder’s ATF permits.

On November 16, 2020, Jesse Oswald emailed Andrew Trippell, “When I talk to the complainant and explain the realistic approvals – should I explain that when submitted – the application will be approved and no moratorium will be set on the property for two years for applications. If she wishes to appeal this she can to the Director?”

The Planning Commission is respectfully being asked to enforce the two-year moratorium pursuant to Section 17-24.140, given the blatant violations by the Builders. Based on the strict reading of the Municipal Code, the 2 year moratorium must be enforced.

Page 7 of the staff report arbitrarily and broadly declares “Planning established that tree removal would have been approved had a building permit for the addition been sought as required....Planning Division, in partnership with the City Attorney’s Office, Building Division, and Code Enforcement, reviewed [Article VII. Enforcement] and again determined that tree removal would have been approved had a building permit for the addition been sought as required.” There is no rational basis for drawing the conclusion stated in the staff report. Based on the information above, the conclusion drawn in the staff report is not supported by any evidence, let alone substantial evidence, in the administrative record.

c. The City failed to apply the required setbacks in conformance with the development standards outlined under the Municipal Code and R-1-15 SR Zoning District. The disputed encroachment is subject to a front yard setback, not a side interior yard setback as originally determined by Staff.

FRONT SETBACKS

The ATF building permit is supported by a letter from Mike Robertson dated October 31, 2020. That letter reads in pertinent part, “On October 15, 2020 Planning reviewed your [application] request and it determined that the new addition needs to comply with the required setbacks for R-1-15 SR Zoning District per Section 20-22.050. No need to apply the setbacks being shown on the Supplemental Sheet.”⁴ The letter goes on to share “Per Monet [Sheikhali], the zoning side yard setback of 10’ supersedes the setback shown on the Supplemental Sheet.” Note: the conclusion of a zoning “side yard setback of 10’ is not contained in Ms. Sheikhali’s October 15, 2019 email but appears to be a conclusion drawn by Mr. Robertson and/or the Builder. In the same December 23, 2020 email communication with Appellant, Mr. Trippel declared “based upon its review of the project plan set against applicable Zoning Code requirements, the Planning Director determined that the residential addition complies with applicable development standards and approved Planning Review for B20-6871.”

The disputed addition should be measured based on a front yard setback, not an interior side yard setback as originally determined by City staff.

Municipal Code section 20-30.110 defines setback requirements and exceptions. It is noteworthy that an express purpose of this code section is to provide minimum dimensions for *landscaping*. Not so ironically, the Builder removed a precious heritage redwood tree for unreasonable expansion of his project that effectively prohibits any reasonable opportunity for accomplishing the landscaping purpose of the setback requirements.

Subsection (C)(1) reads “the front setback shall be across the narrow dimension of the lot, unless determined otherwise by the Director.” There has been no independent determination by the Director where the front property line is for the subject property, so we are in a situation where we read and apply the definitions of the Code. The Parcel Map confirms that the northern property line for the Builder’s property (Parcel 3) is 100.59’ as

⁴ No communication from October 15, 2020 has been produced under the public records request.

compared to the western property line along Brush Creek Road, which measures 149.77'.⁵ It is objective and obvious that the narrow dimension of the lot is the northern property line. In accordance with the express language in the Code, no further analysis is required to determine the front property line.

Due to the irregular shape of the Builder's property, an argument could be made that the northern property line is artificially truncated and not representative of the narrow dimension for the parcel as a whole. To resolve this potential counter claim, a reasonable alternative approach is to take the average of the opposite side property lines to calculate the "narrow dimension of the lot." Here, the average of the northern and southern property lines is 136.25' compared to the average of the eastern and western property lines, which measure 160.31'. Regardless of applying the strict language of the Code or adopting an alternative interpretation, the same conclusion is reached – the northern property line is the front property.

It is noteworthy that prior to the subdivision of property in 2002, the larger parcel comprising lots 1, 2, and 3 would have had a front lot line abutting Brush Creek Road since that would have been the narrow dimension of the lot from which access is taken. However, that changed in 2002 when the property was subdivided. As staff has consistently shared in this process, we are looking at the code as of the date of the building permit submittal. Therefore, the Builder does not have the benefit of claiming Brush Creek Road as the front property line since it fails to comply with the Code.

Next, it is important to confirm *from where* the front setback is measured. Pursuant to 20-30.110 (C)(1)(a) "a required front setback shall be measured by the *most restrictive* of the following methods to the nearest point of the front wall of the building...(4) the edge of an easement for a private road or driveway." (emphasis added). The parcel map and all corresponding application materials clearly depict a private road and utility easement measuring slightly more than 30-feet in width along the northern portion of Parcel 3. The illegally constructed new addition's location relative to the easement is depicted in the below image prepared by licensed survey Ray Carlson.

⁵ Measurements accepted from Robertson Site Plan dated 10/13/20.



This image confirms that the face of building for the illegally constructed addition is a variable 3.45' – 6.87' from the roadway easement (eaves on the home would reduce these distances by approximately 1'). Mr. Trippel's December 23, 2020 letter to Appellant explicitly confirms that the required setbacks for the R-1-15 SR zoning district are 20 feet for a front yard setback. Staff's determination of compliance with Municipal Code development standards cannot be reconciled with the above analysis, which is why the Commission should uphold the appeal.

SIDE CORNER SETBACKS

Municipal Code section 20-30.110 (C)(2)(b) details the requirements of a corner side setback. Like the front setback measurement described above, the side setback on the street side (private roadway) of a corner lot shall be measured **from the edge of an easement for private road or driveway** so that it results is the greatest setback that extends between the front setback and the rear property line. Accordingly, even if this slightly more favorable standard were applied to the current Appeal (i.e. 15' compared to 20'), a finding of compliance with the development standards still could not be made.

It would appear that Builders misapplied the Zoning Code when they built without permits by considering the setback as an interior side setback. In doing so, it would seem they illogically applied the 10' set-back so that it falls within the 30' private road and private and public utilities easement.

ALTERNATIVE SETBACK INTERPRETATION

A decisionmaker could review Sheet 4 of 4 to Parcel Map 609 and observe Lot 3's 20' setback along the eastern property. A potential implication is that the eastern property line for Lot 3 was meant to be the rear property with the frontage along Brush Creek Road as the reciprocal front yard since the 20' dimension is consistent with the development standards. However, City staff has staked out the extreme position that Sheet 4 of 4 to the Parcel Map is for information purposes only and holds no value in governing interpretation or application of the building envelope or setback standards. Accordingly, Staff's unjustifiable determination of code compliance cannot be based on acceptance of the positive attributes from Sheet 4 of 4 to the Parcel Map while refuting the detrimental aspects associated with the building envelop restrictions that are also depicted on the same.

SUBDIVISION CONDITION OF APPROVAL SETBACK

The Final Subdivision Committee Report from June 2000 details conditions of approval for the subject property's then subdivision.

Planning's Condition 3 reads "**Building setbacks shall be shown on the local agency sheet of the final map.**" 19-31.140 demands that parcel maps contain the following reference, "Sheet No. ___ for all local agency-required information." This condition of approval, read in conjunction with the Code that was in place at that same time, *requires* that the setback information be depicted on sheet 4 of the Dehnert's subdivision. See the subdivision map arguments below for application of this information.

Planning condition of approval 8 describes the driveway design relative to adjacent features. Specifically, condition 8(c) reads, "**a 10 foot separation shall be maintained between the edge of pavement and existing house.**" At the time of the subdivision application, only the current Builder's home existed, so this condition was specifically included to regulate the future development of Parcel 3. The ATF permit plans fail to include any topographic map prepared by a qualified professional that locate and provide dimensions to the edge of pavement. Therefore, the City did not have the necessary information at the time of making its various unjustifiable determinations on this application to confirm compliance with the historical condition of approval. However, Ray Carlson's August Survey image, which was provided to the City by the Appellant in advance of the final determination and this appeal, depicts the edge of pavement and objectively demonstrates that the illegally constructed home addition fails to comply with this minimum 10-foot setback condition of approval requirement.

Finally, Private Street/Driveway Improvements condition of approval 11 requires "**clear backup of 46 feet from garage faces to opposing faces of curb**" which is clearly called out on the subdivision map as the 46' building envelope setback from northern property line. This was explicitly included in the condition of approval and memorializes the design and layout of the subdivision, which all other properties in this subdivision have relied on in their own development of lots 1 and 2. It is unjustifiable for staff to blindly disregard all of these conditions of approval in connection with approving the ATF building permit.

For all of the reasons outlined above, the City abused its discretion in making the determination in support of the ATF application since there were no findings made and any implied findings were not supported by facts. Such an arbitrary and capricious decision cannot be maintained, and the Commission should uphold this appeal.

- d. *Staff's determination that the information included on Sheet 4 of 4 to Parcel Map 609 does not create enforceable development standards is inconsistent with historic practices, unjustifiable in the context of the Subdivision Map Act and Municipal Code, and unreasonably deviates from this Map's conditions of approval.*

Mr. Trippel's December 23, 2020 letter to Appellant details staff's analysis why the building envelope restrictions identified on Sheet 4 of 4 to Parcel Map 609 are not enforced by the City. That analysis is fundamentally flawed as described below.

In 1985, Government Code §66434.2 was added. It reads:

(a) On or after January 1, 1987, a city or county may, by ordinance, require additional information to be filed or recorded simultaneously with a final or parcel map. The additional information shall be in the form of a separate document or an additional map sheet which shall indicate its relationship to the final or parcel map, and shall contain a statement that the additional information is for informational purposes, describing conditions as of the date of filing, and is not intended to affect record title interest. The document or additional map sheet may also contain a notation that the additional information is derived from public records or reports, and does not imply the correctness or sufficiency of those records or reports by the preparer of the document or additional map sheet.

(b) Additional survey and map information may include, but need not be limited to: building setback lines, flood hazard zones, seismic lines and setbacks, geologic mapping, and archaeological sites.

In 1987, the City adopted verbatim language into Chapter 19 of the Municipal Code, presumably in response to the change in state law under the Subdivision Map Act ("SMA").

First, in refusing to enforce the building envelope restrictions on the Parcel Map, City staff appears to overly rely on the header and technical language required under the SMA for justification. Mr. Trippel declares in the December 23, 2020 letter: "(1) Supplemental Sheet Note (1) states that 'This sheet is for informational purposes *only*, describing conditions as of filing and is not intended to affect recording interest.'" (emphasis added). Nowhere in the SMA or Municipal code does it say that the supplemental sheet is for information *only*. It does hold that the information is not intended to affect record title interest. There is no claim in this appeal that the Builder's title interest is disturbed based on building envelope restrictions included on the map.

The SMA code section above specifically requires that the map contain the statement as written. If that statement was not included on Sheet 4 of 4, the map would have been rejected by the City Engineer for failing to comply with the SMA. Therefore, staff's reliance on this technical statement is misguided and does not refute the imposition of building envelope standards that staff appears so desperately to conclude.

Second, if the City's finding about inapplicability of any substance on Sheet 4 of 4 is affirmed, it renders an absurd result. Specifically, Sheet 2's notes read "see sheet 4 for easement information", and the scenic building setback is only listed on Sheet 4. If sheet 4 is given no weight or authority, then these details are seemingly irrelevant. If that were intended to be the case, then the Parcel Map would have consisted of only 3 sheets and the fourth informational sheet would have been precluded from the public record – likely only used for internal Builder planning purposes. Similar to the rules of contract interpretation, the map should be read as a whole, and any interpretation should be based on all of the sheets together. As stated above, you cannot understand sheet 2 without reference and information depicted on sheet 4.

Third, staff's finding of non-application of the building envelope restriction is based on regurgitating Municipal Code 19-28.200. However, a careful read of that provision, in connection with the broader statutory framework of Chapter 19, demands a different conclusion. Specifically, subsection (D) reads "All required notes and all required additional survey and map information, including but not limited to, building setback lines, building envelopes...[shall be contained on the information sheet]." Nowhere in the Code does it say that the information sheet will not be enforced. Nowhere in the Code does it say that the information sheet is a pretty picture that has zero independent meaning. Nowhere in the Code does it say that the information sheet should not be relied upon by successors in interest. **The Code does state that building envelopes shall be contained on the information sheet.**

Further, staff failed to read Chapter 19 of the Code in context. Specifically, 19-08.040 defines building envelope as "**the area of a lot or parcel of real property within which structures must be confined, except fencing and driveways and which is delineated on the information sheet of the final/parcel map and so designated.**" (emphasis added). Not only does the Code define what is a "building envelope" but the Code also tells us where we should look to understand how that space is presented – on the informational sheet of the parcel map. The building envelope restrictions is included on the informational sheet to satisfy the City's own requirements as detailed in the Municipal Code. It would be inconsistent to look elsewhere on the map for that information. Further, consistent with the first point above, if the building envelope were intended but not depicted on the informational sheet of the parcel map, then the City Engineer may have rejected it for failing to comply with the Municipal Code.

Fourth, City staff overlooked and/or disregarded the catchall language in section 19-28.200 that reads "typical representations may also be utilized if, in the opinion of the City Engineer, they adequately communicate the desired information." Using common symbols to locate

and depict building envelopes, which are labeled as such on the additional information sheet of the parcel map, is a typical representation that clearly communicates a piece of information. It is challenging to reconcile staff's refusal to accept this reasonable catch-all interpretation.

Fifth, staff has shared that building envelope restrictions, as well as other details depicted on the additional information sheet of parcel maps, is meant to capture a moment in time but not necessarily be carried forward if there is conflict with current development standards. Although there is disagreement over this proposition, assuming it to be true, the election to deviate from the building envelope depicted on the map necessitates a changed circumstance in the development standards since those standards were required as of the filing of the map in early 2000s. Staff has failed to provide any information reflecting a revision to the Code's development standards over the past 20 years that demands a different result from what is depicted on the map.

Sixth, and finally, we have the benefit of reviewing the conditions of approval for the subdivision. As described above in the setback analysis, there are numerous references in the final conditions adopted by the local agency that demand the building envelope be honored and maintained.

Conflict of Interest

It was recently discovered that Anthony (Tony) Cabrera, the former City Engineer, has been privately consulting for the Builder and utilizing his personal contacts with the City to artificially manipulate and influence this appeal. It was particularly disturbing to hear from Tony at the February 25, 2021 Commission meeting where he demanded that the City prohibit any additional information from being submitted into the record or considered by the Commission in advance of the March 11 appeal hearing, which was then continued until March 25 to accommodate the City's preference for additional time to search for public records. As a former public employee, it seems that Tony forgot that the appeal requires a transparent and fully informed decision-making process based on facts.

Tony's undue influence as a former City employee regarding interpretation of matters that he personally managed where he now has a financial interest in the outcome creates a serious concern about the objectivity of the City's application of the Code and Tony's ability to serve as an advocate for the Builder. In anticipation of this tainted process, Ray Carlson was retained to share his professional opinion on the application of the additional information sheet relative to building envelopes for parcel maps and other subdivision applications he has managed, both across the state and within Santa Rosa over the past few decades. Ray's opinion is submitted as a supplement to the appeal information.

Practical Implications

It is important to take a step back and reconcile the parcel map with the zoning district's development standards to appreciate how the proposed building envelope was actually an expansion of the development potential area for Parcel 3. Lot 3 was the most constrained lot since it was burdened by the access easement on the north, front property line on the

north, and scenic roadway overlay zoning district supplemental setbacks from Brush Creek Road. As described in the setback analysis above, the then existing house was already in violation of the newly defined front yard setback, which is measured from the edge of the easement area. Therefore, designating the building envelope to within approximately 3 feet of the existing home actually expanded the potential development footprint of the property. Although the City and Builder have consistently demanded that the building envelope restriction is not applicable, both should reconsider that position since the building envelope affords greater development potential as compared to strict application of the zoning standards.

Lastly, a private water line to the Appellant's home appears to be situated directly adjacent to the Builder's addition. The water line was traced recently by a private utility locating service, GPRS, and the water line was detected along the northern edge of the new build then down the fence line. It is obviously problematic that the Appellant may not be able to reasonably access the water line in the easement as a result of Builder's illegal addition. Furthermore, it appears that Builder is effectively prohibited from mitigating the impact of the new addition through landscape screening or fencing since those features would be in conflict with the waterline in and around this area.

For all of the reasons outlined above, it should be clear that the City's various determinations and findings related to ATF tree removal and Planning approval for illegal construction is fundamentally flawed. This Appeal should be upheld, and the Builder should be directed to abate the nuisance (i.e. self-created violation of the development standards).

II. The City's processing of both the code enforcement investigation and building permit application for ATF approval of the illegal construction amounts to an abuse of process.

Below are a series of events that detail the City's abuse of discretion in processing matters related to 1900 Brush Creek Road. Such abuse cannot be accepted by the Commission and independently justify approval of the appeal.

a. Unjustifiable determination of building envelope standards

On October 8, 2019, Ivan Rezvoy, on behalf of the Builder, emailed Jesus McKeag confirming whether the Builder should apply for a modification of the building envelopes designated on the parcel map. Mr. Rezvoy understood that the building envelope was established with the recordation of the final map but struggled to confirm the distance of that restriction from the northern property line. Note that all three parcels have 46-foot setback from the northern property line as shown on the map. Both Engineering and Planning staff confirmed for Mr. Rezvoy that staff would not object to the addition proposed. This communication appears to be the basis for Builder's pursuit of the construction without a permit. The law is clear that an owner cannot vest a right to an illegal permit. However, staff should not have rendered an opinion on the merits of an informal inquiry based on an incomplete information, such as the one shared by Mr. Rezvoy on behalf of the Builder.

b. Publication and attribution of Code Enforcement complaints

The City's published materials declare that "anonymous complaints are not accepted but be assured that complainant information is kept confidential." The City's staff report explicitly identifies Appellant as the complaining party. More detrimental is that the City published the complaints and supporting information supplied by Appellant in the Exhibits to the staff report (attachment 9 – Appellant Correspondence). Such an egregious error violates the public trust and demonstrates a complete disregard by the City of following its own policies and procedures.

Page 4 of the staff report attributes the February 19, 2020 Code Enforcement case to Appellant. This is simply not true and a demand for correction is made. Prior to publishing the identity of the February 19, 2020 complaining party, I recommend that staff confer with that person and gain permission.

Further, the City should not conflate various Code Enforcement complaints into a single matter. For example, the February 2020 complaint should have been designated a separate case file and investigation compared to the subsequent complaints in August 2020. To date, there has not been any meaningful attempt by staff to investigate and resolve the complaints for either case beyond the notice of violation for the tree removal dated September 17, 2020. Instead, it appears that staff unjustifiably folded the complaint into the ATF building permit and summarily dismissed the rest as being unrelated to health and safety priority projects.

On August 10, 2020, Appellant notified Code Enforcement about continuing illegal construction and possible disruption to necessary public utilities serving the properties. Appellant learned that water had been shut off to the common utility easement allegedly to accommodate planting of a new olive tree. There was no right to relocate utilities in the easement area without prior advance notice. Property owners have a right to be reasonably concerned about what modifications were made to the utilities, especially since it was done without inspection and oversight by the City or utility company. A proper Code Enforcement investigation would require that the utility trench be photo documented. In the absence of objective documentation, then it would be appropriate to open back up the trench to expose the utilities and independently verify the location and condition of those lines. This was not done.

c. Stop Work notice ineffective or non-existent

In response to the August 4, 2020 complaint filed with the City, Jesse Oswald confirmed that a "stop work order was affixed (handed to occupant on-site) on 8/6/20." It is presumed that Mark Maystrovich handed the notice to Builder since that was the same day as his site inspection. It is highly troubling that the Builder believed it was acceptable to continue the site work, including excavation and removal of dirt along Brush Creek Road. To date, no stop work order is identified on the City's website public records portal, no stop work order was provided to the Appellant as specifically identified in Public Records Request #20-910,

and the Building Permit Application submitted by the Builder does not show the submittal as a Code Enforcement case. This appears to be an anomaly since a stop work notice is an important piece of information in implementing citations or other enforcement activities by the City. The City has not reconciled this inconsistency.

d. Denying an opportunity to Appeal and staff's corresponding false statements

On December 7, 2020, Jesse Oswald informed Appellant that “at the moment[,] no application has been made to appeal, but I will notify you when the building permit has been applied for.” The staff report on this appeal includes a chronology that details December 11, 2020 as the date of building permit application was open. That same date in the chronology reads “Planning review determines that the project proposed in the building permit application complies with all applicable Zoning Code and other municipal code regulations.” This information is patently false and begs the question why the City is artificially manipulating this process.

First, the building permit application was submitted by the Builder on August 25, 2020.⁶ The City acknowledged receipt of the application the following day via email. Then, on September 16, 2020, the Builder submitted another permit application and supporting documentation. Mark Maystrovich notified the Builder that he believed the submittal was returned on September 17, 2020 due to the Tree Violation Notice, but states he needed only the Site Plan to be revised.

The City later coordinated with Builder to have another application submitted with documents that are now date stamped December 9, 2020 and the Building Permit Application (B20-6871) is dated December 11, 2020. It is unclear why the City did not log the original submittals in the tracking system or follow other standard procedures in processing this ATF application. The Building Permit Application, itself, has been unmodified since it was signed on August 18, 2020. Yet Appellant was told that no Building Permit had been applied for and there was no decision to Appeal.

Second, planning staff made its determination well in advance of December 11, 2020 date detailed in the staff report chronology.

- It could be argued that planning staff made the determination as early as October 9, 2019 based on the email exchange with Mr. Rezvoy. However, there was no formal application submitted at that time, rather an informal consultation with conceptual site plan.
- Practically, the determination was made on or around mid-October 2020, since that was shortly after Robertson Engineering submitted the site plan excluding the building envelope.
- In Mr. Trippel’s December 23, 2020 letter to Appellant, he declares “on November 23, 2020, Acting Supervising Planner Andrew Trippel informed CBO Jesse Oswald that Planning would (1) approve Planning review of the residential addition as shown on

⁶ The application is dated 8/18/20.

the Site Plan (Exhibit Plat dated August 13, 2020, prepared by Ray Carlson and Associates, Inc, attached), and (2) approve the tree removal and require tree mitigation in accordance with [municipal code]. (11-23-2020-Trippel-Planning determination, attached).” December 23 was the first time that the November 23 determination was broadcast. In light of that earlier determination by planning staff, why did Oswald inform the Appellant on December 7 that there was no application on file and no decision that could be appealed?

Third, the staff report identifies on both page 11 as well as Attachment 5⁷ that the mitigation measures associated with the illegal heritage redwood tree removal were approved on January 4, 2021. This demonstrates the inconsistency with the City’s statements that the application materials were received and accepted on December 11, the same date as the alleged determination(s) were made.

Although a building permit is considered a ministerial action, there are two discretionary mitigation measures that are folded into the ATF application: (1) plantings as described above; and, (2) light pollution as described below.

The December 8, 2020 letter submitted by Builder to the City regarding the security lighting complaint mischaracterizes the circumstances. First, the light at issue was not an existing fixture on the east facing side of the home, as stated in the Builder’s communication with the City. Rather, a new light was installed by the Builder in October, presumably requiring an electrical permit, which took place during the time the stop work order was supposed to be in force and effect. It appears that no one from the City investigated the light issue since a sight inspection compared to the real estate listing photos available online would reveal whether the current light is new or a replacement of the pre-existing fixtures.

e. Appeal Timing Clarification

On December 7, 2020, Jesse Oswald informed Appellant that appeals to a Board or Commission are filed through the City Manager’s office. On December 9, Appellant sent her appeal to the City Manager’s office via email as directed by Mr. Oswald. She attempted to submit payment in person, but the office was closed. On December 10, Appellant emailed the City Manager’s office to confirm receipt of the appeal – no response. December 11 email to City Clerk also confirming receipt of appeal went without a response. Finally, at 1:07 AM on December 14, Appellant received an email from the City Clerk stating, “appeals to the Planning Commission are filed with the Planning and Economic Development Department.” Through a public records request, it was discovered that the City Clerk forwarded the Appellant’s Appeal to Building and Planning mailgroups on December 10, 2020. It was then forwarded to Jesse Oswald and multiple email exchanges followed between Mr. Rose, Mr. Trippel and others on that same day about the Appellant’s Appeal. The following day, December 11, 2020, the City accepted the Builder’s Building Permit Submittal and “legalized” the build for permits, even contacting the Builder after 5pm to remind them to make payment. On December 14, 2020 and again on December 16, 2020

⁷ The letter is dated January 4, 2020, but should reflect 2021, which was the date it was received by the City.

Appellant emailed all departments because there had not been any confirmation of receipt of the Appeal. Finally, Andrew Trippel confirmed receipt and confirmed that the appeal “shall automatically stay all proceedings associated with the matter subject in the appeal.” However, this appears not to be the case since staff determined on January 4, 2021 that the mitigation measures for the illegal heritage tree removal were accepted and more significantly, staff allowed for the legalization of the build on December 11, 2020, knowing that there was an Appeal submitted and that the Appellant had filed a complaint with City Engineering on December 10, 2020.

It is unclear why various City departments effectively alluded the receipt of this Appeal for over a week, presumably because it would have created a stay on the matter, during the same time that the Builder’s application was taken in and various overly broad and uninformed determinations were made. Appellant’s Appeal was submitted **prior to** Building Permit application B20-6871 and was filed to Appeal the decision to legalize the illegal build and unpermitted tree removal, which apparently was made on November 23, 2020.

f. Prejudice in scheduling public hearing

On February 10, 2021, Appellant emailed Andrew Trippel requesting the appeal be continued to a hearing date in March due to pending Public Records Requests, which remain outstanding as of March 8, 2021. Andrew Trippel summarily denied the request on the unreasonable basis that the Code requires scheduling of the appeal review at the earliest regular meeting following the date on which the appeal was accepted as filed. There is no prejudice to the Builder in continuing the item until March since there has been no disruption to his occupation or enjoyment of the property since he had “completed” the construction (according to Mark Maystrovich’s email to Appellant on August 6, 2020) prior to the City taking an interest in the unpermitted illegal activities. The Appellant, however, is prejudiced, having just learned in reading the Staff Report Attachments that Planning had communicated to the Builder that there was “no need to apply the building envelope” as early as **October 2019**, yet at no point was this information shared with the Appellant, or provided through Public Records Requests.

Separately, the December 23, 2020 letter from Mr. Trippel to Appellant explicitly states that the staff report and supporting materials will be available for public review and comment *at least 10 days prior to the scheduled public hearing*. The materials were only made available at approximately 8:00 PM on February 18, which is less than the time promoted in his prior communication.

g. Access to Public Records

Appellant submitted a public records request on 12/8/20 for all information pertaining to 1900 Brush Creek Road, including a copy of the stop work order. It was never provided. Appellant also requested all correspondence between City officials and the Builders or their agents. The October 15, 2019 email from Planner Monet Sheikhal, which provided the initial determination about the building envelope at 1900 Brush Creek Rd. and referenced in the

October 30, 2020 Robertson Engineering letter (incorrectly as 2020) was not released. No emails from 2019 were provided to the Appellant. Oswald had told Appellant that she could not file an appeal until a Building Permit Application had been made, and as of 12/7/20, nothing had been made. However, when Appellant went in person to see the file on 12/8/20, she observed the Building Permit Application stamped received in September. When Appellant returned to look at the file again in person on December 21, 2020, she was told “there’s nothing to see here” except microfiche. She was told to file a public records request, which she did and have ironically failed to produce meaningful documents that contribute to the fundamental failures of this application process. Records have been delayed, denied and excessively redacted

h. Staff artificially restricting substance and process of public hearing

Mr. Trippel’s December letter appears to draw a distinction between a “report item” and a “public hearing item” for this appeal. Here too, staff has abused its discretion in making an unofficial determination that the review authority (Director) deems a public hearing undesirable. (See Municipal Code 20-62-030(E)(4).) This determination fails to consider the truly appropriate review authority, for example: Commission for a variance; Subdivision Committee for a parcel map amendment; or Director for Tree permit. Instead, staff has apparently attempted to cloak the applicant in a protective cover by wrapping all the failures into a ministerial building permit application process. As detailed in this letter, the application has undergone numerous discretionary decision making intersections that is incompatible with the ministerial building permit process alone.

III. Appeal Chronology

1. June 21, 2000: Minutes approved for the Lands of Dehnert Parcel Map subdivision. Planning item 3 in the Minutes specifies that “Building setbacks shall be shown on the local agency sheet of the final map, and Planning item 8(c) with regard to the private road specifies that a “10’ distance shall be maintained between the edge of pavement and existing house.” **(EXHIBIT 1)**
2. June 11, 2002, Parcel Map No. 609 Recorded. **(EXHIBIT 2)**
3. July 29, 2019: Builder purchased home at 1900 Brush Creek Road. Reference to Lot 3 as shown on Parcel Map No. 609 in book 635 of Maps pp. 4-7. **(EXHIBIT 3)**
4. September 9, 2019: Email from Planner Monet Sheikhalı to Builder responding with zoning and set-back codes. *Permit Application was provided to Builder.* **(EXHIBIT 4)**
5. October 9, 2019: Email from Ivan Rezvoy to Jesus McKeag copying Tom Lynch and Builder inquiring about the building envelope restrictions and whether a map amendment is necessary prior to pursuing a remodel/addition project. **(EXHIBIT 5)**
6. October 15, 2019: Monet Sheikhalı emailed Planning’s determination to the Builder team that the Code required setbacks *supersede* the building envelope restrictions depicted on the Parcel Map. **(EXHIBIT 6)**
7. October 2019: Illegal removal of heritage redwood tree. **(EXHIBIT 7)**

8. February 19, 2020: Code Enforcement complaint filed regarding yard debris, gate and driveway construction without a permit at 1900 Brush Creek Road (CE 20-0139). No action was taken by the City. **(EXHIBIT 8)**
9. May 22, 2020: Builder obtains Contractors License (#1065989). **(EXHIBIT 9)**
10. August 2, 2020: Builder's construction company files Secretary of State Statement of Information showing 1900 Brush Creek Road as its principal address. **(EXHIBIT 10)**
11. August 4, 2020: Complaint filed with City regarding illegal construction and heritage tree removal.
12. August 5, 2020: Email from Appellant to Mark Maystrovich to notify him that unpermitted work is continuing at the property. No response. **(EXHIBIT 11)**
13. August 6, 2020: Email from Mark to Appellant confirming that he visited the Builder's property and the project was already "complete." He directed the Builder to obtain all necessary approvals, permits and inspections for the illegal construction. In additional email on August 6, 2020, Mark states he spoke with Tom Lynch, who he believes did the framing on the project (see attachment 10 of Staff Report) **(EXHIBIT 12)**
14. August 10, 2020: Email from Builder to Mark Maystrovich confirms permits are required for the illegal construction. **(EXHIBIT 13)**
15. August 10, 2020: Email from Appellant to Mark Maystrovich regarding concerns about the easement and possible engineering of water/sewer lines in the easement during the illegal construction.
16. August 12, 2020: Appellant retains Ray Carlson to survey the build on lot 3. Report shows illegal building addition to be 12'x30' with 9.5'x30' over the building envelope. **(EXHIBIT 14)**
17. August 13, 2020: Complaint filed by Appellant regarding excavation and concerns regarding potential access to water lines by Builder during excavation
18. August 18, 2020: Builder completes and signs Building Permit Application. Does not check box indicating a Code Enforcement Case. **(EXHIBIT 15)**
19. August 25, 2020: Builder submitted retroactive application for ATF building permit. **(EXHIBIT 16)**
20. August 26, 2020: City acknowledges receipt of application materials. **(EXHIBIT 17)**
21. August 25 and August 31, 2020: Complaints filed by Appellant regarding heritage tree, addition, excavation, lack of transparency and concerns regarding preferential treatment.
22. September 1, 2020: Email from Jesse Oswald to Appellant affirming that the City was working with the Builder to determine a path to legalize the unpermitted construction. Further, the illegal heritage tree removal was being referred to the City Attorney's office. **(EXHIBIT 18)**
23. September 2, 2020: Email from Appellant to Jesse Oswald to inquire whether a stop work notice was issued to Builder in light of continuing unpermitted illegal construction. No response. **(EXHIBIT 19)**
24. September 9, 2020: Email from Appellant to Jesse Oswald and City Manager concerning grading and soil removal along Scenic Brush Creek Road. Oswald states that City will be out to speak to Builder although no record of fines or actions taken for unpermitted grading. **(EXHIBIT 20)**

25. September 16, 2020: Builder submitted another permit application and supporting materials for the ATF permit. **(EXHIBIT 21)**
26. September 17, 2020: Notice of Tree Violation issued by City identifying the illegal tree removal and providing a copy of the applicable Municipal Code. 44 days after original complaint. **(EXHIBIT 22)**
27. September 18, 2020: Petition letter from Builder to City confirming that the heritage redwood tree was removed in October 2019; and, that the Builder was naively unaware that a tree removal permit was required by the City prior to removing a heritage redwood tree. Letter from unidentified source provided by Builder with information about the illegally removed tree – apparently in an attempt to qualify as an arborist report. **(EXHIBIT 23)**
28. September 20, 2020: Email from Builder to Andrew Trippel (copying Ivan Rezvoy) regarding heritage tree remediation letter and claiming unawareness of requirement for a tree removal permit – September 18 letter attached to this email. **(EXHIBIT 23)**
29. September 22, 2020: Email from Mark Maystrovich to Builder confirming that the building permit plans submitted on September 16, 2020 were rejected and demanding that “the professional tree company that removed” the tree provide an arborist report detailing the health of the tree and why it needed to be removed. Mark directed Builder to streamline the resubmittal of only a site plan that accurately reflects certain items. **(EXHIBIT 24)**
30. September 22, 2020: Email from Amber Lichau to Andrew Trippel clarifying the unqualified tree condition letter that was previously shared with the City. **(EXHIBIT 25)**
31. September 24, 2020: Letter from unidentified source provided by Builder with information about the illegally removed tree – apparently in an attempt to qualify as an arborist report as required by the City based on the demand from Mark Maystrovich in the September 22, 2020 email to Builder. **(EXHIBIT 26)**
32. October 7, 2020: Email from Builder to Mark Maystrovich stating that an arborist report could not be generated in response to the City’s submittal requirements. **(EXHIBIT 27)**
33. October 13, 2020: Robertson Engineering site plan prepared. **(EXHIBIT 28)**
34. October 30, 2020: Robertson Engineering letter in support of tree removal and ATF permitting. **(EXHIBIT 29)**
35. November 2, 2020: Email to Jesse Oswald regarding new light installed that shines directly into Appellant’s windows. Lights seemingly installed as retaliation to illegal construction concerns raised with the City by Appellant. **(EXHIBIT 30)**
36. November 23, 2020: Andrew Trippel’s Planning determination approving the illegal construction and tree removal. No notice or documentation produced. Determination referenced in December 23, 2020 letter to Appellant. **(EXHIBIT 31)**
37. November 24, 2020: Jesse Oswald emails Appellant to discuss “various aspects of the case” at 1900 Brush Creek Road **(EXHIBIT 32)**
38. December 4, 2020: Telephone call between Appellant and Jesse Oswald in which he shared the City’s determination to legalize the ATF building permit. Jesse confirmed that a stop work order is in place but could not provide the effective date of that notice.

39. December 7, 2020: Email from Jesse Oswald confirming that “the Stop Work Order was affixed (handed to occupant on-site) on 8/6/2020.” Coincidentally, this was the same day that Mark Maystrovich performed the site inspection and determined that the work was already complete. **(EXHIBIT 33)**
40. December 7, 2020: Email from Amber Lichau to Jesse Oswald clarifying lighting conditions at property in response to code enforcement investigation. Note Jesse Oswald’s confirmation email that Planning had already determined that the tree removal permit will be granted. **(EXHIBIT 34)**
41. December 8, 2020: Appellant submits Public Records Request #20-910 requesting public records regarding plans, applications, photos, emails submitted by or on behalf of the owners at 1900 Brush Creek Road. **(EXHIBIT 35)**
42. December 8, 2020: Appellant visits City Hall to view records in the file for 1900 Brush Creek Road and observes the Building Permit Application dated 8/18/20, which is date stamped received September 17, 2020. Appellant also views all other submittal documents with exception of the Robertson Engineering Site Plan which was not available in the file.
43. December 8, 2020: Builder letter dated December 8 in response to December 7 harassing light code enforcement complaint. **(EXHIBIT 36)**
44. December 9, 2020: Appellant supplemental documents reflecting ongoing harassing light complaint. **(EXHIBIT 37)**
45. December 9, 2020: Email dated December 9, 2020 from Appellant to Jesse Oswald regarding incomplete files maintained by City. **(EXHIBIT 38)**
46. December 9, 2020: Appellant submits Appeal to City Manager’s Office as directed by Mr. Oswald. No response provided to Appellant. Stay on matter should have been in place on this date due to Appeal. **(EXHIBIT 39)**
47. December 10, 2020: Appellant emails City Engineer Gabe Osburn an engineering complaint regarding dirt removal on Brush Creek Road and excavation around the easement. **(EXHIBIT 40)**
48. December 10, 2020: Email from Chief Building Official to Appellant in Response to Questions Regarding Director's Determination. **(EXHIBIT 41)**
49. December 11, 2020 (Friday): At 5:05 PM, staff member Lisa Sevilla emails Builder to inform him that Building Permit Submittal has been received and instructs Builder to make payment online and then notify her so that the review may begin. **(EXHIBIT 42)**
50. December 14, 2020: Appellant receives records request items that include the Building Permit Submittal now dated December 9 at 6:33 AM. **(EXHIBIT 43)**
51. December 14, 2020: Appellant receives email from Jesse Oswald confirming that “you will be receiving a response from our Planning division soon on the matter regarding the setbacks and trees.” Yes, this determination was made weeks prior. **(EXHIBIT 44)**
52. December 16, 2020: Appellant receives confirmation on December 16 that Appeal has been received by Planning and a stay is in place. **(EXHIBIT 45)**
53. December 21, 2020: Appellant scheduled 8:00 AM appointment in the Planning & Economic Development Office to inspect file for 1900 Brush Creek Road. CD Technician, Pat Knoles, told her that there was “nothing to see here” and that she needed to put in a Public Records Request.

54. December 23, 2020: Andrew Trippel email to Appellant detailed City's determinations and justifications for ATF permitting. **(EXHIBIT 46)**
55. January 4, 2021: Builder submits petition to City regarding in lieu fee payment proposal as part of illegal heritage tree removal mitigation measure. **(EXHIBIT 47)**
56. February 10, 2021: Email to Andrew Trippel requesting the appeal hearing get continued until late March of April to enable access and review of additional public records. Response from Andrew Trippel affirming that the Planning Commission appeal hearing would be on February 25, 2021. **(EXHIBIT 48)**
57. Public records confirming that Lot 1 of the Dehnert subdivision complied with the building envelope restrictions. **(EXHIBIT 49)**
58. February 24, 2021: Email from Gabe Osburn to Appellant regarding Appellant's 12/10/20 complaint regarding water line near build in easement and dirt excavation on Brush Creek Road **(EXHIBIT 50)**
59. Photos of GPRS technician on 3/16/21 tracing private water line using Ground Penetrating Radar from Brush Creek Road in the easement **(EXHIBIT 51)**

Conclusion

For the reasons articulated in this supplemental appeal letter, the Commission is encouraged to uphold the appeal and overturn staff's prior determination. Fundamentally, the City's arbitrary and capricious exercise of discretion in prosecuting the code enforcement complaint and unjustifiable issuance of the disputed building permit in violation of the Municipal Code is not supported by the facts or law.

City Planning made an error in telling the Builder in October 2019 that the building envelope did not apply on the Supplemental Sheet of the Parcel Map. The Builder is not an unsophisticated builder, but a licensed contractor (#1065989) who engaged various consultants to advise him early and often in the process. The Builder proactively inquired with the City about the property's zoning within two months of purchasing the home and was provided information to complete a permit application. It is likely that the permit application was ignored by the Builder after the City had provided the erroneous information about the building envelope because a closer look by Planning with a proper review would have resulted in a different conclusion about the envelope and the appropriate setback from the easement. Further, neighbors would have received notice and an opportunity to be heard regarding a potential zoning violation or variance application (which would likely have not been approved) or changes being made to the Parcel Map. The Builder assumed the risk and built anyway. These callous actions should not be rewarded after the fact.

Ray Carlson's survey confirms the building envelope on the northern side of the existing house as well as measurements from the access easement. This information was timely provided to the City.

I request that: (1) the Building Permit Application is denied and that the illegal build be removed and re-built within its original building envelope with trees planted and the fence restored to its original position along the private road, (2) that the Planning Commission enforce a two-year moratorium on all permits for this parcel pursuant to Municipal Code

section 17-24.140 after item (1) has been completed to the Commission's satisfaction, and (3) that maximum fines be applied in connection with the unpermitted heritage tree removal to deter this conduct.

Respectfully,



Chris Skelton

Exhibit 1

**(23 Pages – Select pages from Minutes to Lands of Dehnert,
MIN99-006, parcel map 609)**

FILE LOG

FILE NUMBER: MIN99-006

FILE OPENED: July 7, 1999

PROJECT NAME: Lands of Dehnert

ASSIGNED: Joel Galbraith Larry Lackie

ADDRESS:(s)

1900 Brush Creek Rd SR

REFERRALS SENT:

APPLICANT:

Michael Dehnert
1900 Brush Creek Road
Santa Rosa, CA 95404
(707) 539-1222

REFERRALS DUE:

DATE COMPLETE: 11/10/1999

APPLICANT REP:

Mike Buti
280 Perkins Street
Sonoma, CA 95476
(707) 996-1877

ENV. STATUS:

GENERAL PLAN: Residential Low Density

OWNER:

Michael & Sharon Dehnert
1900 Brush Creek Road
Santa Rosa, CA 95404
(707) 539-1222

ZONING: R-1-15

ACTIVITY TYPE: Minor Subdivision

STATUS: COMPLETE - November 10, 1999

DESCRIPTION:

3 lot minor subdivision of 1.3 acres. One house to remain.

APN(s):

182-140-053

NOTICING

DATE

DATE

NOTICE OF APPLICATION (300 feet)

NOTICE OF PUBLIC HEARING (300 feet)

NOTICE OF NEIGHBORHOOD MEETING (if required)

NOTICE OF ACTION (300 feet)

COMMENTS

7/20/99 Incomplete letter sent to applicant.

11/10/99 Complete letter sent to applicant.

11/10/99 Referred

11/21/99 Consultants meeting - issue relocate hydrant to Lot 3

1/5/00 Neigh. meeting ~~with~~ issues - 6' wood fence on south property line

1/13/00 Issue letter sent
flooding?
rear setbacks should be maximized

1/24/2000 60 Freeze requested by telephone

6/21/2000 Approved SC



SUBMITTAL INFORMATION

The Subdivision Tentative Map Application must include the information indicated on the checklist below (or include a written statement explaining any omissions from this checklist).

Please mark the boxes accordingly on both the front and back sides of this form. This checklist must be signed by the project engineer and included with all Tentative Map Applications.

THE TENTATIVE PARCEL MAP OR TENTATIVE FINAL MAP SHALL INCLUDE THE FOLLOWING INFORMATION:

TITLE BLOCK

- 1 Title block located in lower right hand corner of drawing (preferably)
2 Assessor's parcel number(s)
3 Name of project (and phase number, if applicable)
4 Total number of lots
5 Total project acreage (to the nearest 0.10 acre)
6 Date prepared
7 Boundary description with Sonoma County document number or O.B. number
8 Project street address
9 Sheet number and number of sheets (if more than one sheet is required)

NOTES

- 10 Present zoning
11 Proposed zoning
12 Individual lot areas (smallest, largest, and average, to the nearest 100 square feet or 0.10 acre)

GENERAL INFORMATION

- 13 *Key map (if more than one sheet is required)
14 Location map (to be located on the first map sheet or the key map and to be oriented in the same direction as the tentative map)
15 North arrow (to be upward facing, if practical)
16 Scale (written and graphic)
17 Sheet size 24" X 36" (if practical)
18 Benchmark (preferably tied to an established City of Santa Rosa benchmark)
19 Name, address, and phone number of:
A Owner
B Subdivider
C Engineer or Surveyor
20 Symbols legend
21 Registered civil engineer/ land surveyor stamp and signature

PLAN VIEW

- 22 Clear delineation of project boundaries (with accurate distances and bearings).
23 *Subdivision unit boundaries (if phased)
24 Names of adjoining subdivisions
25 Names of adjoining property owners
26 Proposed streets:
A Names
B Widths (to nearest foot)
C Approximate curve radii
D Approximate grades
E Clear identification of proposed ownership (public or private)
F Cross Sections (include private streets)
G Driveways serving more than one unit
27 Adjoining streets:
A Names
B Widths
C Locations
28 Existing and proposed easements (on-site and off-site):
A Approximate locations
B Approximate widths
C Purpose and nature (public or private)
29 Approximate lot dimensions (to nearest foot)
30 Lot numbers (beginning with number 1 and continuing consecutively without duplication or omission)
31 Proposed or existing public areas
32 Existing public improvements
33 Existing buildings, bridges, and structures:
A Proposed to be retained
B Proposed to be removed
34 Proposed bridges N/A
35 Building setback lines for existing buildings
36 Existing and proposed utilities (sewer, water, street lighting, fire hydrants, etc.):
A Location
B Type (examples: sewer, water, etc.)
C Size (examples: diameter in inches)
D Material
E Rough invert elevations and slopes (for sewer lines)
F Provision of a clear delineation between proposed utilities intended to be public and those intended to be private

Continued on reverse side

PLAN VIEW (cont. from front)

- | | |
|---|---|
| <ul style="list-style-type: none"> <input type="checkbox"/> 37 * Existing electrical utilities (main feeder, primary and secondary distribution, and transmission lines) labeled as to above or below ground <input checked="" type="checkbox"/> 38 Existing and proposed culverts and underground storm drainage: <ul style="list-style-type: none"> <input checked="" type="checkbox"/> A Location. (Proposed storm drainage measures should direct flows to the nearest downstream facility) <input type="checkbox"/> B Diameter (in inches) <input checked="" type="checkbox"/> C Length (approximate) <input checked="" type="checkbox"/> D Material <input type="checkbox"/> 39 Water courses and open drainage channels <ul style="list-style-type: none"> <input type="checkbox"/> A Width (to nearest foot) <input checked="" type="checkbox"/> B Direction of flow <input checked="" type="checkbox"/> C Inundation areas <input checked="" type="checkbox"/> D Existing and proposed improvements <input checked="" type="checkbox"/> 40 Existing wells (noted as to whether retained or removed) <input checked="" type="checkbox"/> 41 Existing septic systems (noted as to whether to be retained or removed) <input type="checkbox"/> 42 Existing contours (or spot elevations) sufficient to show the slope of the project and the adjoining ground for at least 100 feet beyond the project boundaries <ul style="list-style-type: none"> <input checked="" type="checkbox"/> A One foot intervals at 0% to 5% cross-slopes <input checked="" type="checkbox"/> B Two foot intervals at 5%-25% cross-slopes <input type="checkbox"/> C Five foot intervals (maximum) at above 25% cross slopes | <ul style="list-style-type: none"> <input type="checkbox"/> 43 * Preliminary grading plan showing finished contours at two foot intervals (flat ground - provide proposed pad elevations) <input type="checkbox"/> 44 Existing trees and brush (noted as to whether to be retained or removed) <ul style="list-style-type: none"> <input checked="" type="checkbox"/> A Location <input checked="" type="checkbox"/> B Trunk diameter (4" diameter and above) <input checked="" type="checkbox"/> C Kind (common name) <input checked="" type="checkbox"/> D Dripline <input checked="" type="checkbox"/> E Heritage Trees <input type="checkbox"/> 45 Location and description of significant or unique natural features on the property <input checked="" type="checkbox"/> 46 Location and description of existing structures and features on adjoining properties to 100 feet <input checked="" type="checkbox"/> 47 Proposed location and typical dimensions of required parking and driveways (if applicable) <input type="checkbox"/> 48 * Pedestrian circulation and emergency vehicle access (if applicable) <input type="checkbox"/> 49 Special Study Zone boundaries (if applicable) <input type="checkbox"/> 50 Setback from mapped faults (if applicable) <input type="checkbox"/> 51 Creek setback line based on creek cross-sections (if applicable) <input type="checkbox"/> 52 100-year flood elevations (if applicable) |
|---|---|

THE FOLLOWING SUPPORTING DATA IS REQUIRED IN ADDITION TO THE MAP:

- | | |
|--|---|
| <ul style="list-style-type: none"> <input checked="" type="checkbox"/> 53 Preliminary title report issued within the last three months (2 copies) <input checked="" type="checkbox"/> 54 Related Planning applications necessary to process the map (Rezoning, Development Plan/ Policy Statement, Density Increase, Lot Line Adjustment, Vacation of Right-of-Way, Design Review, Conditional Use Permit, Variance, Annexation, GPA, Environmental Assessment) <input type="checkbox"/> 55 Application for a modification of, or exceptions from, any City Standards or Policies specifically stating the proposed modification and the grounds for the request <input type="checkbox"/> 56 Statement as to soils conditions (by Registered Civil Engineer) <input checked="" type="checkbox"/> 57 Statement as to type and location of street trees proposed to be installed as part of this project <input checked="" type="checkbox"/> 58 Statement of provisions for sewer and water supply and service | <ul style="list-style-type: none"> <input checked="" type="checkbox"/> 59 Existing and projected sewage generation figures and identification of the trunk line to which the development is tributary <input type="checkbox"/> 60 1" = 200' scale aerial photo covering 300 feet beyond the project boundaries with the project boundary shown thereon <input checked="" type="checkbox"/> 61 Statement as to presence of hazardous materials <input type="checkbox"/> 62 Statement as to flooding <input checked="" type="checkbox"/> 63 Written approval for off-site work <input type="checkbox"/> 64 Map showing storm drain service area (area above the project draining through it) <input type="checkbox"/> 65 Creek cross-sections with 100 year flood elevations (if applicable) |
|--|---|

THE FOLLOWING INFORMATION MAY BE REQUIRED IN CONJUNCTION WITH ENVIRONMENTAL REVIEW:

- | | |
|---|--|
| <ul style="list-style-type: none"> <input type="checkbox"/> 66 Traffic study prepared in the format required by the City <input type="checkbox"/> 67 Sewer model run <input type="checkbox"/> 68 Collector sewer analysis <input type="checkbox"/> 69 Water system analysis <input type="checkbox"/> 70 Drainage study (City/SCWA) <input type="checkbox"/> 71 Area-wide circulation plan <input type="checkbox"/> 72 Soils report (expansive soils and non-engineered fill) (2 copies) <input type="checkbox"/> 73 Cross sections <input type="checkbox"/> 74 Geological report (slope stability and faulting) <input type="checkbox"/> 75 Alquist-Prolo Special Studies Report (Consult Building division prior to preparation) | <ul style="list-style-type: none"> <input type="checkbox"/> 76 Erosion control report <input type="checkbox"/> 77 Biotic survey <input type="checkbox"/> 78 Arborist report <input type="checkbox"/> 79 Archeological study <input type="checkbox"/> 80 Historical survey <input type="checkbox"/> 81 Noise survey <input type="checkbox"/> 82 Hazardous materials assessment <input type="checkbox"/> 83 Soil/ Water Remediation Plan for hazardous materials <input type="checkbox"/> 84 Visual analysis <input type="checkbox"/> 85 Creek cross section (includes 100 year flood elevation) <input type="checkbox"/> 86 Wetlands/Vernal Pool Study |
|---|--|

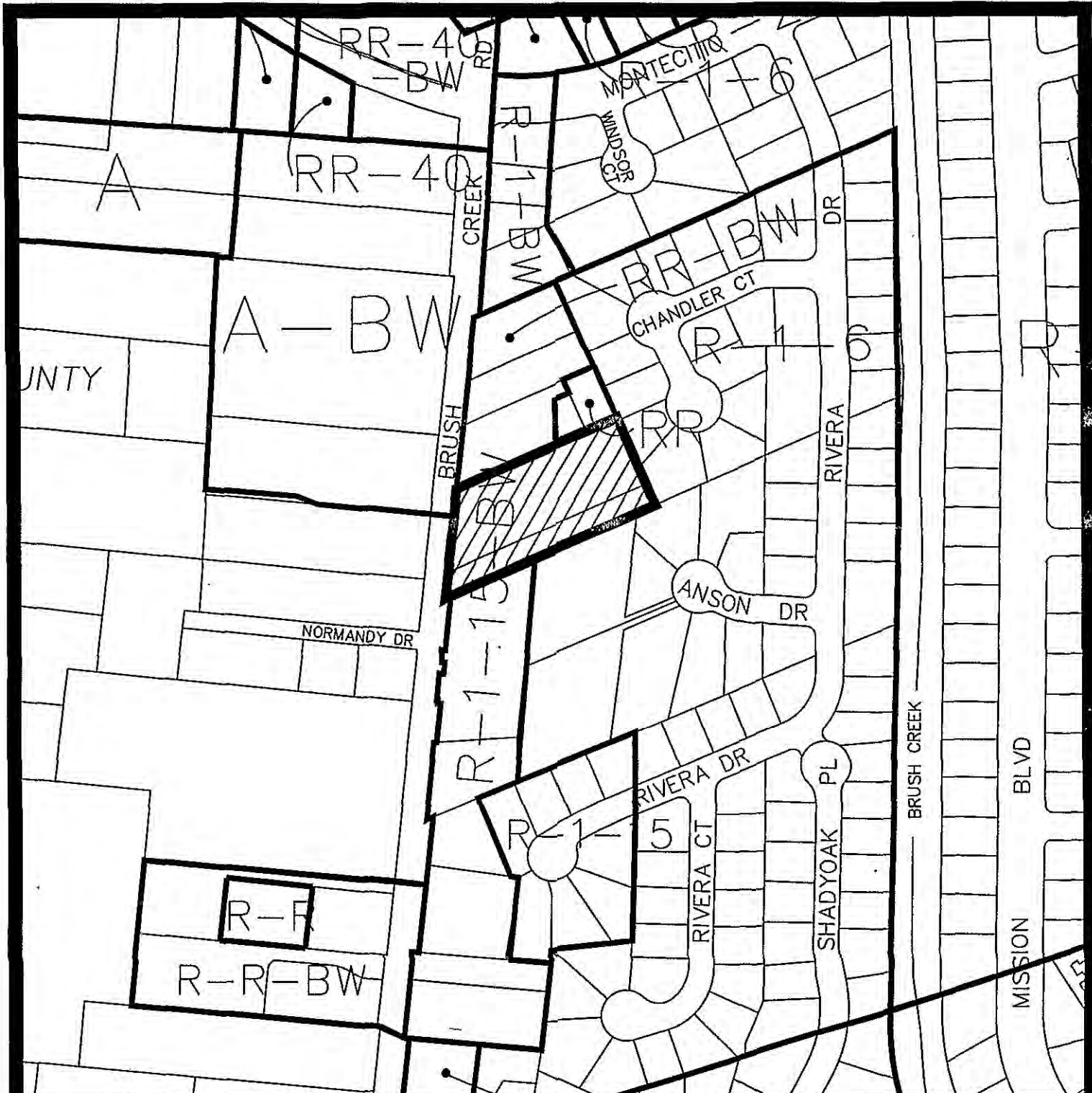
* Not generally required for a tentative parcel map submittal.

I HAVE READ THE FOREGOING AND HAVE SUPPLIED ALL OF THE INFORMATION REQUESTED (OR HAVE ATTACHED A WRITTEN STATEMENT EXPLAINING ANY OMISSIONS FROM THIS CHECKLIST).

SIGNATURE AND REGISTRATION NUMBER OF ENGINEER

[Handwritten Signature]

DATE 7-7-89



DEHNERT PARCEL MAP

1900 BRUSH CREEK ROAD





FILE NO. MIN 99-006

FINAL
SUBDIVISION COMMITTEE REPORT
June 21, 2000

Lands of Dehnert

PROJECT DESCRIPTION

Subdivide a 1.3 acre site into a 3 single family residential lots.

LOCATION:	1900 Brush Creek Road
APN:	182-140-053
GENERAL PLAN LAND USE:	Low Density Residential
ZONE CLASSIFICATION:	(EXISTING) R-1-15 (PROPOSED) No Change
OWNER/APPLICANT: ADDRESS:	Michael Dehnert 1900 Brush Creek Road Santa Rosa, CA 95404
ENGINEER/SURVEYOR: ADDRESS:	Mike Buti and Associates 280 Perkins Street Sonoma, CA 95476
FILE NUMBER:	MIN99-006
CASE PLANNER:	Joel Galbraith 
PROJECT ENGINEER:	Larry Lackie 
PLANNING COMMISSION REP.:	David Johnson

BACKGROUND

A three lot parcel map was approved on this site in 1993. That parcel map expired on December 8, 1998.

CONDITIONS OF APPROVAL

- I. Developer's engineer shall obtain the current City Design and Construction Standards and the Community Development Department's Standard Conditions of Approval dated July 1, 1999, and comply with all requirements therein unless specifically waived or altered by written variance by the City Engineer.
- II. In addition the following summary constitutes the recommended conditions of approval on the subject application/development based on plans stamped receive November 5, 1999.

PLANNING

1. The applicant has requested the following Growth Management Allotments:

RESERVE "A"					
RESERVE "B"				2	
	1997	1998	1999	2000	2001

2. Housing allocation in-lieu fees for 2 units shall be paid at the close of escrow or six months after occupancy.
3. Building setbacks shall be shown on the local agency sheet of the final map. Front setbacks for one story structures shall be 50 feet from the Brush Creek Road pavement and 100 feet for the two story portion of the structure.
4. Trees removed shall be replaced as required by the tree ordinance. Improvement plans shall indicate all trees to be removed and shall indicate locations of the replacement trees.
5. Six foot high wood perimeter fencing shall be installed along the east and south property lines and along the Zimmerman property to the north.
6. Fire hydrants and lines shall be located a minimum 20 feet from tree trunks.
7. Improvement plans shall show mulching, native landscaping and meandering sidewalk detail along Brush Creek Road.

8. Specific alignment and design of driveway with tree driplines shall be determined at the improvement plan stage based on additional arborist review, with the intent of being to preserve heritage oak trees at the driveway entrance. The design shall include the following criteria:
 - a. The centerline of driveway shall be centered between the two oaks.
 - b. The centerline of the driveway shall be centered between the redwood and oak trees north of the existing house and paved 20 feet width from the this point easterly.
 - c. A 10 foot separation shall be maintained between the edge of pavement and existing house.
 - d. Use 10 foot minimum radius at corners of existing Lot 3 driveway and proposed common driveway.
9. If any private drainage improvements take place on the Ruffcorn property (182-150-070) the area where the work was done shall be restored and replanted. All drainage work, if any, on the Ruffcorn property shall use natural looking rock.

ENGINEERING

PARCEL AND EASEMENT DEDICATION

1. Vehicular access rights shall be dedicated to the City along the Brush Creek Road frontage of the site except at the planned driveway entrance to the project and any emergency access points that may be required but do not appear on the present plan.
2. All dedication costs shall be borne by the property owner, including preparation of any legal descriptions, plats, title reports, and deeds necessary. Civil improvement plans shall be prepared by a Registered Civil Engineer licensed to practice in the State of California for approval by the City Engineer.
3. The final map shall show a private storm drain easement over Lot 2 in favor of Zimmerman, Parcel No. 182 140 050 and 182 140 051 and Deadman, Parcel No. 182 140 052, and a private Utility and access easement on lots 1,2 and 3 in favor of the Deadman Parcel No. 182 140 052. All easements to offsite properties shall be recorded prior to signature of improvement plans and the recording documents number shown on the improvement plans.

PUBLIC STREET IMPROVEMENTS

4. Brush Creek Road is designated as a scenic roadway and is subject to reduced improvement standards required by City Council direction for scenic corridors. Right-of-Way for a half street section shall be 22 feet from centerline to property line. A 5 foot wide meandering asphalt pathway contained within the right of way with a minimum setback of 5 feet from the edge of pavement. A 7.5 foot public utility easement shall be dedicated behind the property line.
5. Improvements to Brush Creek Road shall consist of the removal and replacement to City Standards of the drive approach and failed A.C. pavement along the project frontage.
6. The minimum and maximum cross-slope for all streets shall be 2% and 5% respectively.
7. The cutting of Brush Creek Road for new services will require edge grinding per City Standard 209 with the A.C. overlay limits to be from edge of pavement to edge of pavement and 8 feet on both ends of the utility trench.

TRAFFIC

8. A traffic control plan is required for this project. The plan shall be in conformance with the State of California Department of Transportation Manual of Traffic Controls for Construction and Maintenance Work Zones, 1990. The plan shall detail all methods, equipment and devices to be implemented for traffic control upon City streets within the work zone and other impacted areas. The plan shall be included as part of the Encroachment Permit application.
9. An Encroachment Permit must be obtained from the Department of Public Works prior to beginning any work within the public Right-of-Way or for any work on utilities located within public easements.

PRIVATE STREET/DRIVEWAY IMPROVEMENTS

10. The common driveway for lots 1, 2 and 3 shall be 20 feet wide for a length of 20 feet then tapering down to a width of 16 feet, and shall be covered by joint access and utility easements. (A separate joint maintenance declaration shall be provided for each pair of lots served by a common driveway. Note: the California Department of Real Estate may require the formation of a homeowners association for maintenance of common facilities.) The driveway shall be built to City minor street structural standards with uniform slope from edge of pavement to edge of pavement. The common drive shall access through a 20 foot minimum width driveway conform per City Standard 252 with 20 foot radius at the edge of pavement.

11. Turn around capability on the common driveway shall be provided with clear backup of 46 feet from garage face to opposing face of curb and with a continuation of the common driveway 10 feet beyond the last driveway access point.
12. Private driveways shall provide turnouts that meet Fire Department requirements.
13. Private streets and driveways shall be constructed under continuous inspection by the project soils engineer in compliance with City Design and Construction Standards. Progress and final reports shall be furnished to the City in compliance with U.B.C. special inspection requirements. All costs related to such inspection shall be borne by the owner/developer.

STORM DRAIN

14. Hydraulic design shall conform to Sonoma County Water Agency criteria. All storm water run-off shall be collected via an underground drainage system and discharged to the nearest public downstream facility possessing adequate capacity to accept the run-off.
15. Access to all public storm drain systems and structures shall be over a minimum 12 foot wide all weather access road of compacted shale up to a 10% roadway grade and asphalt pavement when roadway grade exceeds 10%. The access road shall be contained within a 20 foot public storm drain maintenance and access easement.
16. Prior to approval of improvement plans, an approval letter shall be obtained from the Sonoma County Water Agency for storm drainage design review.

ON-SITE DRAINAGE/EROSION CONTROL

17. Subdivision grading shall occur only between April 15 and October 15 unless otherwise approved by the City Engineer or Chief Building Official in conjunction with an approved erosion and sedimentation control plan.
18. Disturbed areas shall be stabilized and replanted with native vegetation.
19. An erosion control plan shall be included as part of the project improvement plans. Offsite properties and existing drainage systems shall be protected from siltation coming from the site.
20. Provide storm drain and easements for any on site lot to lot drainage. Lots shall be drained in a manner so as not to adversely affect the adjacent lot or offsite properties. No on site lot-to-lot overland drainage is permitted. Lot drainage

and private storm drain facilities shall be approved by the Chief Building Official's designated representative. Private drainage inlets and lines shall be required and shall be privately owned and maintained.

21. All drainage flows from offsite shall be intercepted at the property line and conveyed through a private system in an easement in favor of the upstream property owners to discharge into a public system. The private offsite storm drain system design through the project shall be reviewed and approved by the Sonoma County Water Agency and may be either piped or open channel. Drainage flows shall be conveyed offsite to the nearest approved public facility through a pipe or swale system contained in an offsite private storm drain easement.
22. Development flows offsite through private storm drain easements to public facilities shall be contained in existing easements and shall match predevelopment flows through the use of onsite detention or diversion to public storm drain systems in public right of way as approved by the City Engineer.
23. All existing offsite private storm drain easements shall be cleared within the easement limits to maintain hydraulic capacity of the drainage swales. The limits of the swales are as shown on the improvement plans contained in city files of the adjacent subdivisions.
24. Prior to approval of improvement plans, a streambed alteration agreement shall be obtained from the State Department of Fish and Game for all proposed work in the creek setback area.

GRADING

25. A Level 1 Assessment shall be made on the site and addressed in the soils report prior to approval of the improvement plans and shall address all remediation required.
26. A soils and geologic report is required and shall be provided with the initial improvement plans submitted for review. The report shall examine the site for backfill areas and state what will be required to bring backfill up to Chapter 18, Appendix 33 of the 1999 C.B.C. Standards.
27. Excess and unsuitable material shall be removed to a site approved by the City Building Division and the City Fire Department. Approvals must be obtained in writing prior to removals.
28. Existing structures to remain shall be inspected by the Building Division for building and zoning compliance prior to approval of improvement plans by the City Engineer.

29. Prior to approval of the final map remove existing structures designated to be removed.
30. Filling is restricted to 1 foot maximum above existing ground adjacent to existing residential lots.
31. Work within the driplines of trees to be saved shall be done under the supervision and approval of an arborist. A note shall be included in the grading plans stating that a construction fence shall be installed around the driplines of all trees to remain prior to commencing with any grading work.
32. Driplines of trees overhanging the property line shall be afforded the same level of protection as trees on site that are to remain.

OVERHEAD UTILITY LINES

33. New services (electrical, telephone, cable or conduit) to new structures shall be underground.
34. Developer shall coordinate, and where necessary, pay for the relocation of any power poles or other existing public utilities, as necessary.

UTILITIES DEPARTMENT CONDITIONS OF APPROVAL:

35. The existing public sewer main ending in a cleanout offsite on parcel number 182-140-052 shall be extended. Remove the existing cleanout and extend the existing 6 inch sewer main at same line and grade onto the project site and terminate at a manhole. An 8 inch sewer main shall then be extended from this new manhole to Brush Creek Road. The sewer main alignment must follow the roadway, be within the roadway and maintain a minimum 10 foot separation from existing oak trees. The sewer main shall be extended into Brush Creek Road and end in a manhole. The sewer main must be beyond the alignment of the A.C. berm for the driveway. The sewer system shall be designed at minimum slope and at a depth to allow future extensions serve all tributary properties along Brush Creek Road. Walk through gates are required on every fence crossing the sewer easements. This includes the fence between parcels 182-140-052 and 182-140-049.
36. The public sewer main must be installed per current City Standards. All sewer mains must be installed a minimum of 5' from any structures, curbs, property lines or edge of easement. Manholes must have clear access at all times (i.e. not located within parking stalls, etc.). Sewer mains shall not be deeper than 14' or shallower than 3', depth from finished grade measured over pipe. The driveway shall be extended to provide a paved access to the new manhole

location to the Northeast corner of Lot 1. Any underground construction within the drip lines of trees must have arborist approval. Walk thru gates are required on the fence crossing the public sewer easements on AP# 182-140-052 and Lot 1 of this project.

37. A public easement shall be provided for public utility mains outside of the public right of way. The width of the easement shall be equal to twice the depth of the main or 15 feet wide for a single utility and 20 feet wide for multiple utilities, whichever is greater, and shall be centered over the facility. The easement shall be configured to include all publicly maintained appurtenances and structures. No surface structure including but not limited to roof eaves, decks or pools may encroach into the easement. Footings and foundations may encroach into the one to one line from the pipe depth to the top of grade if approved in writing by the Chief Building Official and the Director of Utilities. This information shall be added to the information sheet of the Final Map. Reduction in the easement width may be allowed with written approval by the Director of the Utilities Department. Trees may not be planted within 10' of a public sewer main. The City Utilities Department will not be responsible for repairs or replacement of landscaping in public sewer main easement and shall be so noted on the Final Map.
38. A water lateral must be provided for AP# 182-140-52.
39. The engineer must provide a detailed utility plan showing onsite and offsite sewer, water and fire protection systems, and their connections to existing sewer and water facilities. The plan must also show any wells existing or to be abandoned, and septic systems to be abandoned. Submit Improvement Plans for the City Engineer's signature.
40. Demand fees, meter installation fees, and processing fees required by the City must be paid by the applicant prior to issuance of a building permit. The local agency information sheet of the Final Map must be annotated with this information.
41. Wells existing on the property shall be retained or abandoned as follows:
 - a. Retention of wells must comply with City and County codes. Retention of wells must be approved by the Sonoma County Permit and Resource Management Department. An approved backflow prevention device must be installed on any connection to the City water system.
 - b. Abandonment of wells requires a permit from the Sonoma County Permit and Resource Management Department.
42. Any septic systems within the project boundaries must be abandoned per Sonoma County Environmental Health standards and City of Santa Rosa Building Division requirements.

43. No reinforced concrete may be used in decorative street surfacing placed over publicly maintained sewer facilities.
44. Access maintenance roads for public sewer mains must be a minimum of 12' wide and meet minor street structural design. The design of the access road shall include drainage measures required to prevent damage from water.
45. Water meters shall be located along the Brush Creek Road frontage with private easements over the laterals to each property. No public water main onsite as shown. The meters shall be located out of the driveway and can either be installed with a combination service or separate services.
46. The static water pressure for this project is approximately 80-90 psi. The Tentative Map must clearly identify all lots requiring pressure regulating valves (more than 80 psi static pressure at meter). The Final Map information sheet must also be annotated with this information.
47. Curb returns for all driveways and private streets requiring access must be a minimum of 20' inside radius and 40' outside radius.
48. Fire protection is to be provided in accordance with City Fire Department requirements. Fire hydrants must be placed a minimum of 10 feet from the roll down of driveways. A hydrant will be required at the Brush Creek Road frontage, a minimum of 10' from the driveway. No fire hydrant will be required along the private road.

RECREATION AND PARKS

1. Park acquisition and/or park development fees shall be paid at the time of building permit issuance, and the amount shall be determined by the resolution in affect at the time. This project was deemed complete on November 10, 1999.

PUBLIC HEARING

Pam Field, 5919 Anson Drive, submitted a letter requesting a 25 foot or larger rear setback to provide greater privacy.

Dee Ruffcorn, 5911 Anson Drive, stated that she reviewed the drainage study and that she agreed with the conclusions of the study, but she wanted to state for the record that silt from Fountaingrove Ranch may have had some impacts on drainage.

Khaled Anber clarified that the project would not impact future Brush Creek Road setbacks for development of the property to the south.

The Subdivision Committee of the City of Santa Rosa, based upon the evidence presented and the records herein, hereby determines that the proposed Dehnert parcel map, as hereinafter conditioned, complies with the requirements of Chapter 19 of the Santa Rosa City Code and the State Subdivision Map Act, based upon the following findings:

1. The proposed parcel map and the design of the proposed subdivision are consistent with the Santa Rosa General Plan in that the subdivision would create three parcels in a General Plan area designated Low Density Residential and the single family residential uses permitted by the parcel map and by the required zoning for the property on which it is situated are allowable under the General Plan designation. No specific plan applies to the subject property.
2. The site is physically suitable for the type of development shown on the parcel map in that the parcels are of a shape and size and have topographical characteristics which easily lend themselves to single family residential use.
3. The site is physically suitable for the proposed intensity of development in that it will accommodate the parcels as shown on the proposed parcel map.
4. Neither the design of the proposed subdivision nor the improvements will cause substantial environmental damage or will substantially and avoidably injure fish or wildlife habitat. The Subdivision Committee has determined that the proposed subdivision would create no adverse environmental effects including those described above.
5. Neither the design of the subdivision nor the type of improvements as proposed is likely to cause serious health problems in that no health or sanitary problems exist on the site or in the area of the site and the City can provide adequate water and sewer services to the property.
6. Neither the design of the subdivision nor the type of improvements, as proposed, will conflict with easements, acquired by the public at large, for access through, or use of, any property within the proposed subdivision. The Subdivision Committee, after review, has determined that no such easements exist.
7. The proposed subdivision meets the housing needs of the City and the public service needs which will be generated by the subdivision's users are within the available fiscal and environmental resources of the City.
8. The design of the proposed subdivision has, to the extent feasible, provided for future passive or natural heating or cooling opportunities in the subdivision.

9. The proposed subdivision will not discharge waste into the City's sewer system that would result in violation of any requirements prescribed by the California Regional Water Quality Control Board.

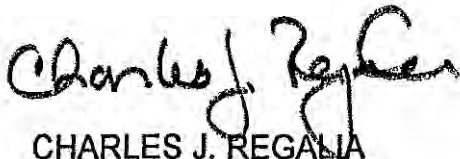
The Subdivision Committee is a subordinate agency of the City Planning Commission and is empowered to act on behalf of the Commission. All actions by the Committee must be by unanimous vote or the matter under consideration is automatically referred to the Planning Commission.

ACTION:

- Approval with conditions as set forth in this report.
 Denial - Major Reasons:
 Continuance.
 Final Action Referred to the Planning Commission.

VOTE:

<u>Name</u>	<u>Aye</u>	<u>No</u>	<u>Continue</u>
<u>Joel Galbraith</u>	<u>X</u>	<u>---</u>	<u>---</u>
<u>Larry Lackie</u>	<u>X</u>	<u>---</u>	<u>---</u>
<u>David Johnson</u>	<u>X</u>	<u>---</u>	<u>---</u>



CHARLES J. REGALIA
Deputy Director of
Community Development - Planning



*Pacific Gas and
Electric Company*

CITY OF SANTA ROSA

P.O. Box 1678
Santa Rosa, CA 95402

Santa Rosa Land Rights Office
111 Stony Circle
Santa Rosa, CA 95401-9599

DEC 10 1999

December 9 1999

**DEPARTMENT OF
COMMUNITY DEVELOPMENT**

Joel Galbraith
City Planner
City of Santa Rosa
Department of Community Development
Engineering Division
P.O. Box 1678
Santa Rosa, CA 95402-1678

RE: Tentative Map-Minor Subdivision
Lands of Dehnert
1900 Brush Creek Road
APN 182-140-053 (Old 032-232-045)
Your File: MIN99-006

Dear Mr. Galbraith:

Pacific Gas and Electric Company has reviewed the information provided with your letter dated November 12, 1999, concerning the above referenced project.

Following are some general comments concerning this project:

Electric and service to this development will be provided in accordance with the applicable extension rules, copies of which are available by telephoning Keith Lua of our Santa Rosa Service Center at (707)579-6463.

The cost of any relocation of or removal of existing PG&E facilities necessitated by this project will be the responsibility of the requester.

Pacific Gas and Electric Company maintains and operates electric and gas underground facilities within the 30 foot wide strip of land southeasterly of and contiguous to the northwesterly boundary line of the parcel (APN 182-140-053) pursuant to the easement from Ronald Andrews and wife to Pacific Gas and Electric Company recorded July 21, 1993 as Official Records Series Number 1993 0091035 (copy enclosed).

The 30 foot wide strip is adequate to provide the service to the three parcels.

If you have any question regarding these comments, please call me on (707) 577-7027.

Sincerely,

Peter Marks
Santa Rosa Land Rights Office

File: s:\maprevu-99\1900 Brush Creek Road-12-9-99.doc

c: Mike Buti & Associates
Land Surveyors
280 Perkins Street
Sonoma, CA 95476-6955
/enclosure

c: Michael G. & Sharon T. Dehnert
1900 Brush Creek Road
Santa Rosa, CA 95404-2047
/enclosure

c: Keith Lua
/enclosures

AFTER RECORDING, RETURN TO:

PACIFIC GAS AND ELECTRIC COMPANY
Land Department
3965 Occidental Road (Office)
111 Stony Circle (Mail)
Santa Rosa, CA 95401

Location: City/Township City of Santa Rosa
Recording Fee \$ 11.00
Document Transfer Tax \$ None
 Computed on Full Value of Property Conveyed, or
 Computed on Full Value Less Liens & Encumbrances
Remainder at Time of Sale
Real Estate
Signature of declarant or agent determining tax



1993 0091035

OFFICIAL RECORDS OF
SONOMA COUNTY
BERNICE A. PETERSON

AT REQUEST OF.

07/21/1993 15:56:12
FEE: \$ 11.00 PGS: PAID 3
IT: \$.00

(SPACE ABOVE FOR RECORDER'S USE ONLY)

2407-07-0973

EASEMENT

RONALD ANDREWS and BELINDA ANDREWS, husband and wife,

hereinafter called first party, hereby grants to PACIFIC GAS AND ELECTRIC COMPANY, a California corporation, and PACIFIC BELL, a California corporation, hereinafter collectively called second party, the right from time to time to construct, reconstruct, install, inspect, maintain, replace, remove, and use facilities of the type hereinafter specified, together with a right of way therefor, within a strip or parcel of land or along a route as hereinafter set forth, and also ingress thereto and egress therefrom, over and across the lands situate in the City of Santa Rosa County of Sonoma, State of California, described as follows:

(APN 32-232-43 & 44)

The parcels of land described and designated PARCEL ONE and PARCEL TWO conveyed by Ronald Andrews and Belinda Andrews, husband and wife, to Ronald Andrews and Belinda Andrews, husband and wife, by deed dated October 6, 1992 and recorded as Official Records Series Number 1992 0127743, Sonoma County Records.

Said facilities shall consist of:

Such underground conduits, pipes, manholes, service boxes, wires, cables, and electrical conductors; aboveground marker posts, risers, and service pedestals; underground and aboveground switches, fuses, terminals, and transformers with associated concrete pads; and fixtures and appurtenances necessary to any and all thereof, as second party deems necessary for the distribution of electric energy and for communication purposes; and one or more underground pipes with suitable service pipes and connections, as second party deems necessary for the conveyance of gas; all to be located within the strip of land described as follows:

A strip of land of the uniform width of 30.0 feet lying contiguous to and southeasterly of the northwesterly boundary line of said lands and extending from the easterly boundary line of Brush Creek Road, a city street, northeasterly 297.7 feet, more or less, to the northeasterly boundary line of said lands.

The legal description herein, or the map attached hereto, defining the location of this utility distribution easement, was prepared by Pacific Gas and Electric Company pursuant to Section 8730 (c) of the Business and Professions Code.

First party shall not erect or construct any building or other structure or drill or operate any well within said strip of land.

The provisions hereof shall inure to the benefit and bind the successors and assigns of the respective parties hereto.

Dated 5-5, 1993

Executed in the presence of:

Witness

Ronald Andrews
Ronald Andrews

Belinda Andrews
Belinda Andrews

REDWOOD REGION, RUSSIAN RIVER DIVISION
WO 513597G, 21E/G25617
D & C 4226700, SON-4512
MAP HH-29-21, SR-1486
T7N, R7W, MDB&M
SEC. 7, SE 1/4 of NW 1/4
Prepared By: dk
Checked By: NOR

STATE OF CALIFORNIA)
COUNTY OF SONOMA) ss

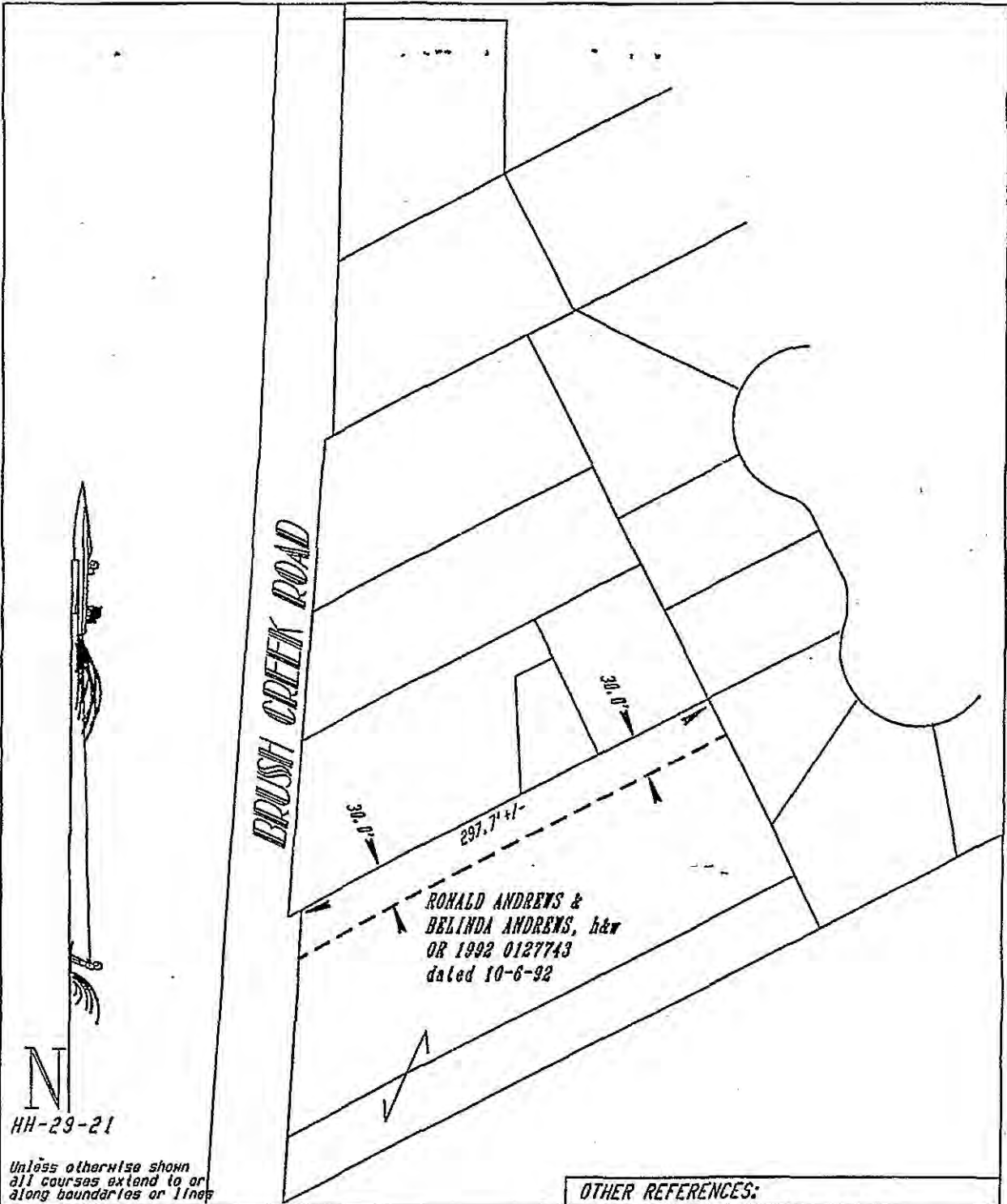
On MAY 5, 1993 before me, the undersigned, a Notary for said State, personally appeared BELINDA ANDREWS + RONALD ANDREWS, [] personally known to me -OR- [] proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledge to the me that he/she/they executed the same in his/her/their authorized capacity, and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal.

[Signature]

Individual(s) Signing For Oneself/Themselves
 Guardian of the Above Named Individual(s)
 Attorney(s)-in-Fact of the above Named Principal(s)
 Other

[] Corporate Officer(s) of the Above Named Corporation(s)
[] Partner(s) of the above Named Partnership(s)
[] Trustee(s) of the above Named Trustee(s)



Unless otherwise shown
all courses extend to or
along boundaries or lines

OTHER REFERENCES:

FACILITY NOL R/W		DATE 3-3-93	SCALE NONE	
CITY of Santa Rosa		COUNTY OF SONOMA (32 - 23)		
RANCHO Cabeza de Santa Rosa		SEC. 7, T7N, R7W	HOB&M	
D&C 4226700, SON-4512	SHEET NO.	F. B.:	DR. BY: dk	REP: BC
21E/025617, SE 1/4 of NH 1/4 REFERENCES	SANTA ROSA DIVISION	5135976 AUTHORIZATION	SR-1486 DRAWING NO.	CHG.

Exhibit 2

(4 Pages –Parcel Map 609, approved 6/11/2002)

035
4

CITY ENGINEER'S CERTIFICATE

I, Anthony A. Cabrera, City Engineer, in and for the City of Santa Rosa, State of California, have examined the map of this subdivision and found it to substantially conform to the tentative map approved June 21, 2000, and any approved alterations thereof. The applicable conditions of approval of the Tentative Map, the State Subdivision Map Act and the applicable provisions of Title 19 of the Santa Rosa City Code and am satisfied that the map is technically correct. I hereby approve the subdivision shown upon this map and accept, subject to improvement, for public use the public utility easement, public sewer easement, and relinquishment of vehicular access rights, as shown on said map, within said subdivision, including all public facilities as shown on City Engineer drawing number 2002-30.

Dated 5/30 2002

Anthony A. Cabrera
Anthony A. Cabrera, P.L.S. 7132
City Engineer, City of Santa Rosa
State of California
Expires 12-31-2005



COUNTY TAX COLLECTOR'S CERTIFICATE

According to the records in the office of the undersigned, there are no liens against this subdivision, in any part thereof, for unpaid state, county, municipal or local taxes or special assessments collected as taxes, except taxes or special assessments collected as taxes not yet payable. My estimate of taxes and special assessments collected as taxes not yet payable is \$ 420.00.

The land in said subdivision is not subject to special assessment or bond which may be paid in full.

Dated 6/7/02

Juan Repolomon Deputy
Tax Collector
County of Sonoma, State of California

OWNER'S STATEMENT

We hereby state that we are the sole owners of and have the right, title and interest in and to the real property inclosed within the subdivision shown upon this map and are the only persons whose consent is necessary to pass clear title to said property and we consent to the making and filing of said map of the subdivision shown within the border lines and hereby dedicate for public use the public utility easement, public sewer easement, and relinquishment of vehicular access rights, as shown on said map within said subdivision.

Michael G. Dehnert
Michael G. Dehnert

Sharon T. Dehnert
Sharon T. Dehnert

TRUSTEE'S CERTIFICATE

GOLDEN WEST SAVINGS ASSOCIATION SERVICE CO., a California corporation as-trustee under Deed of Trust recorded December 31, 2001 as instrument No. 2001-01130, Official Records of Sonoma County, hereby consent to the making and filing of this map.

GOLDEN WEST SAVINGS ASSOCIATION SERVICE CO., a California corporation

By John Sandow and David Carmier

NOTARY PUBLIC CERTIFICATE

State of California
County of Sonoma

On April 30, 2002 before me,

Jean Crist Yates

a Notary Public in and for said County and State, personally appeared

WETT SAUERS

DORIS CORMIER

personally known to me (or proved to me on the basis of satisfactory evidence) to be the person(s) whose name(s) is/are subscribed to the within instruments and acknowledged to me that he/she/they executed the same in his/hers/their authorized capacity(ies), and that by his/hers/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executing the instrument.

WITNESS my hand

Signature Jean Crist Yates

Commission No. 128076615 Commission Expires 12-10-2005

SURVEYOR'S STATEMENT

This map was prepared by me or under my direction and is based upon a field survey in conformity with the requirements of the Subdivision Map Act and local ordinance at the request of Michael G. Dehnert on July 2000.

I hereby state that this parcel map substantially conforms to the approved or conditionally approved tentative map, if any, and monuments shown hereon will be set within one year from the date of filing of this map and measurements are or will be sufficient to enable the survey to be retraced.

Mike Buti



MIKE BUTI
Professional Land Surveyor LS 9692
Expires 6-30-03

COUNTY CLERK'S CERTIFICATE

I certify that all bonds, money or negotiable bonds required under the provisions of the Subdivision Map Act to secure payment of taxes and assessments have been filed with, and approved by, the Board of Supervisors of the County of Sonoma, namely: bonds for under Government Code Sections 66463(a) and 66463(c) in the sums of \$ 5,000.00 and \$ 5,000.00, respectively.

IN WITNESS THEREOF, I have hereunto set my hand and affixed my official seal this 7th day of June, 2002.

Christine Boyd Cook
Christine Boyd Cook
Clerk of the Board of Supervisors
County of Sonoma
State of California

CITY AUDITOR'S CERTIFICATE

I, Ronald L. Bosworth, Director of Administrative Services in and for the City of Santa Rosa, State of California, do hereby certify that there are no special assessments against said tract of land that are unpaid except for special assessments estimates to total \$ 0.00 which constitute a lien against the property but which are not yet due and payable and can or may be paid in full.

Dated 5/24 2002

Ronald L. Bosworth
Ronald L. Bosworth
Director of Administrative Services
City of Santa Rosa
State of California

RECORDER'S CERTIFICATE

Filed this 11th day of June 2002
at 13:31 PM in Book 609 of Maps, Page 47, at the
request of Anthony A. Cabrera, City Engineer, City of Santa Rosa. 02-90208

John William
John William
County Recorder
County of Sonoma, State of California

File 148
Document No. 02-90208

NOTARY PUBLIC CERTIFICATE

State of California
County of Sonoma

On March 24, 2002 before me, E. Manting
a Notary Public in and for said County and State, personally appeared

Michael G. Dehnert and Sharon T. Dehnert
Michael G. Dehnert (or proved to me on the basis of satisfactory evidence) to be the person(s) whose name(s) is/are subscribed to the within instruments and acknowledged to me that he/she/they executed the same in his/hers/their authorized capacity(ies), and that by his/hers/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand

Signature E. Manting

Commission No. 1183871 Commission Expires 5/26/04

RECORD TITLE INTEREST NOTE

Signatures of owners of the following easements have been omitted under the provisions of section 66445 of the Subdivision Map Act, their interest is such that it cannot ripen into a fee title and such signatures are not required by the governing body:

NAMES	RECORDED	NATURE OF EASEMENT
PG & E AND PACIFIC BELL	1993-0091035	UNDERGROUND UTILITIES
MARY DEADMAN	2001-149532	DRAINAGE, ROAD & UTILITIES
TIMOTHY FAWCETT	2002-018716	DRAINAGE

PARCEL MAP NO. 609

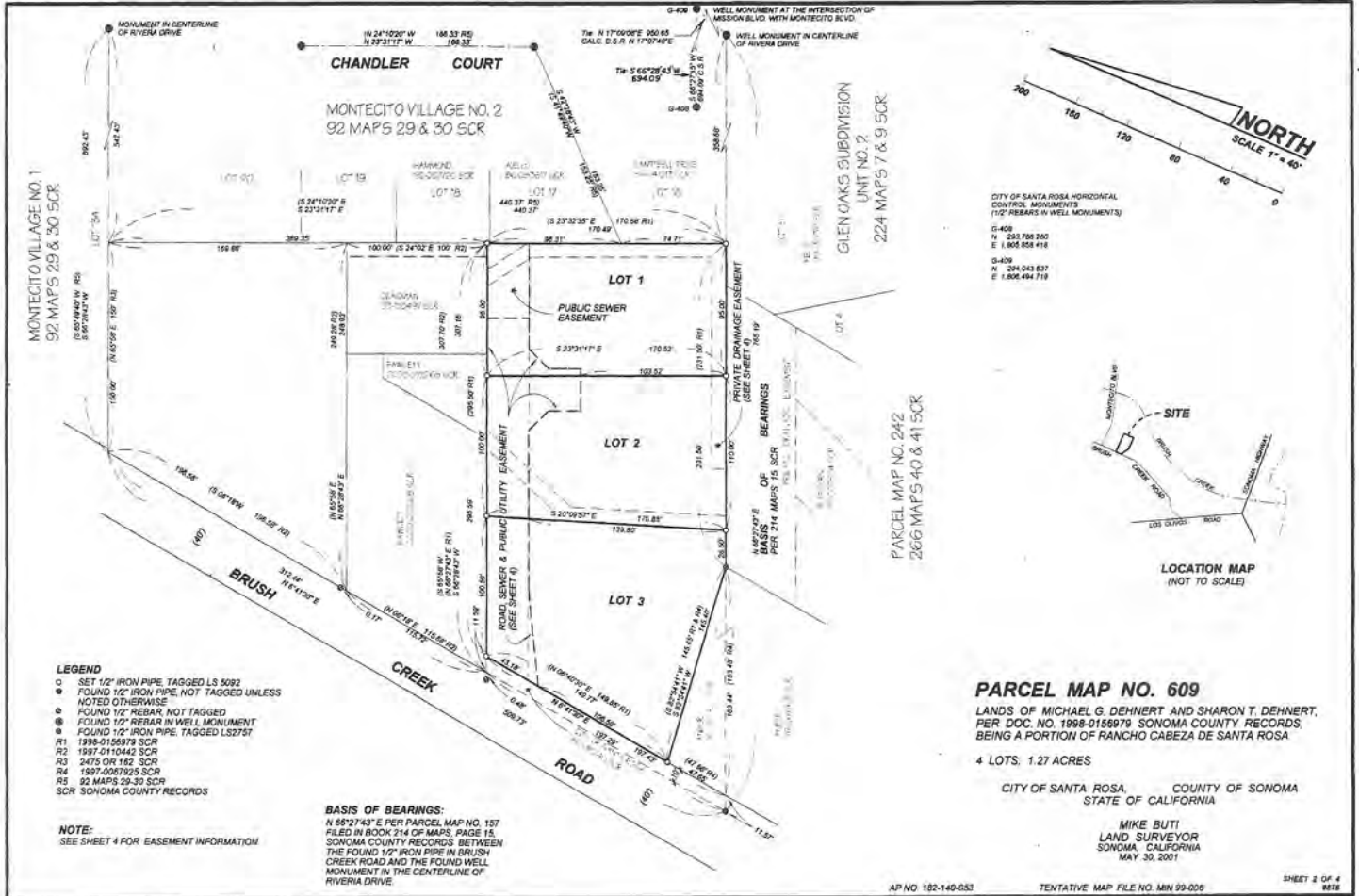
LANDS OF MICHAEL G. DEHNERT AND SHARON T. DEHNERT,
PER DOC. NO. 1998-0156979, SONOMA COUNTY RECORDS,
BEING A PORTION OF RANCHO CABEZA DE SANTA ROSA

4 LOTS, 1.27 ACRES

CITY OF SANTA ROSA COUNTY OF SONOMA
STATE OF CALIFORNIA

MIKE BUTI
LAND SURVEYOR
SONOMA, CALIFORNIA
MAY 30, 2001

635
5



- LEGEND**
- SET 1/2" IRON PIPE, TAGGED LS 5092
 - FOUND 1/2" IRON PIPE, NOT TAGGED UNLESS NOTED OTHERWISE
 - FOUND 1/2" REBAR, NOT TAGGED
 - FOUND 1/2" REBAR IN WELL MONUMENT
 - FOUND 1/2" IRON PIPE, TAGGED LS2707
 - R1 1998-0156979 SCR
 - R2 1997-0110442 SCR
 - R3 2475 OK 182 SCR
 - R4 1997-0067925 SCR
 - R5 92 MAPS 29-30 SCR
 - SCR SONOMA COUNTY RECORDS

BASIS OF BEARINGS:
N 88°27'43"E PER PARCEL MAP NO. 157
FILED IN BOOK 214 OF MAPS, PAGE 15,
SONOMA COUNTY RECORDS. BETWEEN
THE FOUND 1/2" IRON PIPE IN BRUSH
CREEK ROAD AND THE FOUND WELL
MONUMENT IN THE CENTERLINE OF
RIVERA DRIVE

NOTE:
SEE SHEET 4 FOR EASEMENT INFORMATION

CITY OF SANTA ROSA HORIZONTAL
CONTROL MONUMENTS
(1/2" REBARS IN WELL MONUMENTS)

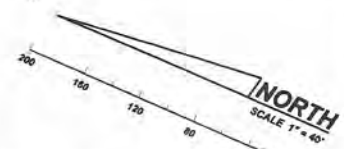
G-408
N 1.805 788 340
E 1.805 858 418

G-409
N 1.804 243 537
E 1.806 494 718

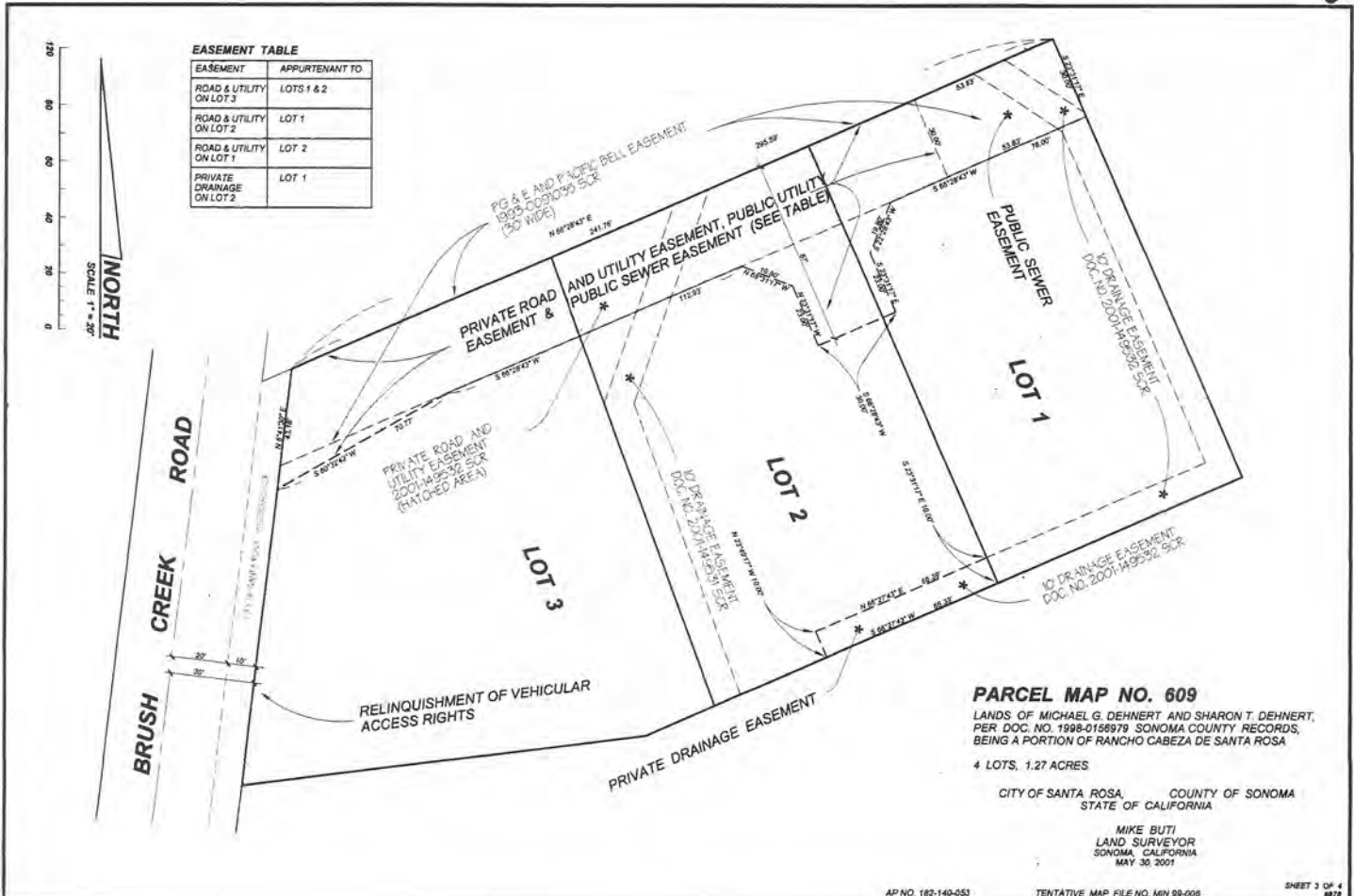


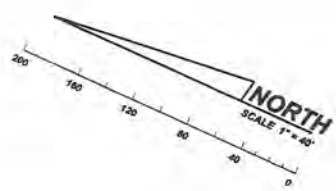
PARCEL MAP NO. 242
266 MAPS 40 & 41 SCR

GLEN OAKS SUBDIVISION
UNIT NO. 2
224 MAPS 7 & 9 SCR



635
6





SCENIC BUILDING SETBACK NOTE:
 FRONT SETBACKS FOR ONE STORY STRUCTURE SHALL BE 50 FEET FROM EDGE OF BRUSH CREEK ROAD PAVEMENT AND 100 FEET FOR TWO STORY PORTION OF THE STRUCTURE

NOTES:

- 1) THIS SHEET IS FOR INFORMATION PURPOSES ONLY, DESCRIBING CONDITIONS AS OF FILING AND IS NOT INTENDED TO AFFECT RECORDING INTEREST.
- 2) DEMAND FEES, METER INSTALLATION FEES AND PROCESSING FEES REQUIRED BY THE CITY MUST BE PAID BY THE APPLICANT PRIOR TO ISSUANCE OF A BUILDING PERMIT.
- 3) THIS INFORMATION IS DERIVED RECORDS AND REPORTS AND DOES NOT IMPLY THE CORRECTNESS OR SUFFICIENCY OF THESE RECORDS BY THE PREPARER OF THIS DOCUMENT.
- 4) THIS PROJECT IS SUBJECT TO THE LATEST ADOPTED ORDINANCES, RESOLUTIONS, POLICES AND FEES, INCLUDING BUT NOT LIMITED TO SCHOOL IMPACT FEES, AND TRAFFIC SIGNAL PARTICIPATION FEES ADOPTED BY THE CITY COUNCIL AT THE TIME OF THE BUILDING PERMIT REVIEW AND APPROVAL.
- 5) A PUBLIC EASEMENT SHALL BE PROVIDED FOR PUBLIC UTILITY MAINS OUTSIDE OF THE PUBLIC RIGHT OF WAY. THE WIDTH OF THE EASEMENT SHALL BE EQUAL TO TWICE THE DEPTH OF THE MAIN OR 18 FEET WIDE FOR A SINGLE UTILITY AND 20 FEET FOR MULTIPLE UTILITIES, WHICHEVER IS GREATER, AND SHALL BE CENTERED OVER THE FACILITY. THE EASEMENT SHALL BE CONFIGURED TO INCLUDE ALL PUBLICLY MAINTAINED APPURTENANCES AND STRUCTURES. NO SURFACE STRUCTURE INCLUDING BUT NOT LIMITED TO ROOF EAVES, DECKS OR POOLS MAY ENCRoACH INTO THE EASEMENT. FOOTING AND FOUNDATIONS MAY ENCRoACH INTO THE ONE TO ONE LINE FROM THE PIPE DEPTH TO THE TOP OF GRADE IF APPROVED IN WRITING BY THE CHIEF BUILDING OFFICIAL AND THE DIRECTOR OF UTILITIES.
- 6) REDUCTION IN THE EASEMENT WIDTH MAY BE ALLOWED WITH WRITTEN APPROVAL BY THE DIRECTOR OF THE UTILITIES DEPARTMENT. TREES MAY NOT BE PLANTED WITHIN 10' OF A PUBLIC SEWER MAIN. THE CITY UTILITIES DEPARTMENT WILL NOT BE RESPONSIBLE FOR REPAIRS OR REPLACEMENT OF LANDSCAPING IN PUBLIC SEWER MAIN EASEMENTS.
- 7) THE STATIC WATER PRESSURE FOR THIS PROJECT IS APPROXIMATELY 80-90 PSI. INDIVIDUAL PRESSURE REGULATORS ARE REQUIRED ON ALL LOTS.
- 8) LOTS 1, 2 AND 3 ARE SUBJECT TO A JOINT MAINTENANCE AND ACCESS DECLARATION TO BE RECORDED CONCURRENTLY WITH THE MAP.

"SUPPLEMENTAL INFORMATION AFFECTING"
PARCEL MAP NO. 609

LANDS OF MICHAEL G. DEHNERT AND SHARON T. DEHNERT,
 PER DOC. NO. 1998-0156979 SONOMA COUNTY RECORDS,
 BEING A PORTION OF RANCHO CABEZA DE SANTA ROSA

4 LOTS, 1.27 ACRES

CITY OF SANTA ROSA COUNTY OF SONOMA
 STATE OF CALIFORNIA

MIKE BUTI
 LAND SURVEYOR
 SONOMA, CALIFORNIA
 MAY 30, 2001

Exhibit 3

**(4 Pages –1900 Brush Creek Road, Property Deed signed July 29,
2019)**

2019051987

RECORDING REQUESTED BY:
Fidelity National Title Company

Official Records of Sonoma County
Deva Marie Proto
07/29/2019 11:52 AM
FIDELITY NATIONAL TITLE | SONOMA NAPA | EPN

DEED 4 Pgs

Fee: **\$33.00**
County Tax: **\$968.00**
City Tax: **\$1,760.00**



When Recorded Mail Document and Tax Statement To:
Daniel Lichau and Amber Lichau
1900 Brush Creek Road
Santa Rosa, CA 95409

SPACE ABOVE THIS LINE FOR RECORDER'S USE

Escrow Order No.: FSNX-0011901210

Exempt from fee per GC 27388.1 (a) (2); recorded in connection with a transfer subject to the imposition of documentary transfer tax.

Property Address: 1900 Brush Creek Road,
Santa Rosa, CA 95409
APN/Parcel ID(s): 182-140-056-000

GRANT DEED

The undersigned grantor(s) declare(s)

- This transfer is exempt from the documentary transfer tax.
- The documentary transfer tax is \$968.00 and City Tax is \$1,760.00 and is computed on:**
 - the full value of the interest or property conveyed.
 - the full value less the liens or encumbrances remaining thereon at the time of sale.

The property is located in the **City of Santa Rosa**.

FOR A VALUABLE CONSIDERATION, receipt of which is hereby acknowledged, Michael J. Williams, a married man as his sole and separate property

hereby GRANT(S) to Daniel Lichau and Amber Lichau, husband and wife as community property with right of survivorship

the following described real property in the City of Santa Rosa, County of Sonoma, State of California:

SEE EXHIBIT "A" AND EXHIBIT "B" ATTACHED HERETO AND MADE A PART HEREOF

MAIL TAX STATEMENTS AS DIRECTED ABOVE

GRANT DEED
(continued)

APN/Parcel ID(s): 182-140-056-000

Dated: July 19, 2019

IN WITNESS WHEREOF, the undersigned have executed this document on the date(s) set forth below.

MJW
Michael J. Williams

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of CALIFORNIA
County of LOS ANGELES

On JULY 22, 2019 before me, BARBARA LAWSON, Notary Public,
(here insert name and title of the officer)

personally appeared MICHAEL J WILLIAMS,
who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.
Barbara Lawson
Signature

(Seal)

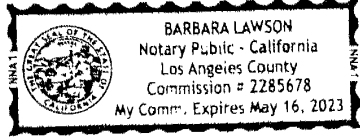


EXHIBIT "B"

GRANTEES HEREBY EXPRESSLY DECLARE AND ACCEPT THE TRANSFER OF THE HEREIN DESCRIBED PROPERTY AS COMMUNITY PROPERTY WITH RIGHT OF SURVIVORSHIP.

DATED: 7/29/19

[Signature]

Daniel Lichau

[Signature]

Amber Lichau

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached and not the truthfulness, accuracy or validity of that document.

State of California

County of SONOMA

On JULY 29, 2019 before me, L.M. KELSAY, Notary Public,

Personally appeared DANIEL LICHAU + AMBER LICHAU

Who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies); and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

[Signature]
Signature

(Seal)

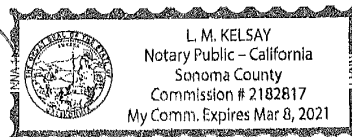


EXHIBIT "A"
Legal Description

For APN/Parcel ID(s): 182-140-056-000

THE LAND REFERRED TO HEREIN BELOW IS SITUATED IN THE CITY OF SANTA ROSA, COUNTY OF SONOMA, STATE OF CALIFORNIA AND IS DESCRIBED AS FOLLOWS:

PARCEL ONE:

LOT 3 AS SHOWN ON PARCEL MAP NO, 609 CITY OF SANTA ROSA, FILED JUNE 11 ,2002, IN BOOK 635 OF MAPS, PAGES 4-7, SONOMA COUNTY RECORDS.

PARCEL TWO:

A PRIVATE DRAINAGE EASEMENT DESCRIBED AS FOLLOWS: BEGINNING AT THE NORTHWESTERLY CORNER OF LOT NUMBER 8 AS SHOWN ON THE FINAL MAP FOR GLEN OAKS SUBDIVISION UNIT NUMBER 2, AS RECORDED IN BOOK 224 OF MAPS, PAGES 7 THROUGH 9 INCLUSIVE, SONOMA COUNTY RECORDS; THENCE NORTH 66° 27' 43" EAST, 140.00 FEET TO POINT "A"; THENCE NORTH 6° 27' 43" EAST, 61.18 FEET; THENCE SOUTH 07° 32' 00" WEST, 58.38 FEET; THENCE SOUTH 66° 27' 43" WEST, 199.54 FEET; THENCE NORTH 06° 18' 00" EAST, 5765 FEET TO THE POINT OF BEGINNING.

PARCEL THREE:

A PRIVATE DRAINAGE EASEMENT WHICH LIES 20 FEET EASTERLY AND 30 FEET WESTERLY OF THE FOLLOWING DESCRIBED LAND: BEGINNING AT POINT "A" REFERRED TO IN PARCEL THREE HEREIN; THENCE SOUTH 20° 15' 00" WEST, 99.77 FEET; THENCE ON A TANGENT CURVE TO THE RIGHT HAVING A RADIUS OF 1300.00 FEET AND AN INTERNAL ANGLE OF 24° 30' 00" THENCE ALONG SAID CURVE 55.59 FEET; THENCE SOUTH 44° 45' 00" WEST, 7.52 FEET; THENCE ON A TANGENT CURVE TO THE LEFT HAVING A RADIUS OF 130.00 FEET AND AN INTERNAL ANGLE OF 112° 24' 59" THENCE ALONG SAID CURVE 255.07 FEET; THENCE SOUTH 67° 39' 59" EAST, 32.97 FEET TO THE WESTERLY LINE OF LOT 3 AND SAID LOT 3 IS SHOWN UPON THE MAP OF GLEN OAKS SUBDIVISION UNIT NUMBER 2; THENCE CONTINUING SOUTH 67° 39' 59" EAST, TO THE SOUTHERLY LINE OF THE AFOREMENTIONED LOT 3 AND THE POINT OF TERMINATION OF THE LINE HEREIN DESCRIBED.

Exhibit 4

**(1 Page –Email from Monet Sheikhalı to Amber Lichau on
regarding zoning, maps and building permit application,
9/9/2019)**

Maystrovich, Mark

From: Sheikhal, Monet
Sent: Thursday, August 6, 2020 6:04 PM
To: Maystrovich, Mark
Subject: FW: 1900 BRUSH CREEK RD, SANTA ROSA, 95404
Attachments: PED Building Permit Application.pdf

From: Sheikhal, Monet
Sent: Monday, September 9, 2019 11:33 AM
To: lichau.amber@gmail.com
Subject: 1900 BRUSH CREEK RD, SANTA ROSA, 95404

Amber,

Here is the link for Final Map: http://imaps.srcity.org/img/PW_Docs/PDF_Combined/2002-0071.pdf
Your property is zoned R-1-15-SR (Single Family Residential- Scenic Road). Please see [Section 20-28.050](#) from Santa Rosa Zoning Code Regarding SR zoning district.

For general setback information see [Section 20-30.110](#).
Also, attached is the Building Permit application.

Have a great day,

Monet Sheikhal | City Planner

Planning and Economic Development | 100 Santa Rosa Avenue, Room 3 | Santa Rosa, CA 95404
Tel. (707) 543- 4698 | Fax (707) 543-3269 | mshikhali@srcity.org



Counter Hours

Monday/Tuesday/Thursday: 8 a.m. – 4:30 p.m.
Wednesday: 10:30 a.m. – 4:30 p.m. (No new permits are accepted after 3:30 p.m.)
Friday: 8 a.m. to noon (No new permits are accepted after 11:00 a.m.)

Exhibit 5

(3 Pages –Email from Ivan Rezvoy to Jesus McKeag re draft site plan and envelope, cc. Tom Lynch and Amber Lichau, 10/9/19)

Maystrovich, Mark

From: Sheikhal, Monet
Sent: Thursday, August 6, 2020 5:18 PM
To: Maystrovich, Mark
Subject: FW: [EXTERNAL] Setbacks at 1900 BRUSH CREEK RD, SANTA ROSA, 95404
Attachments: Site Plan 1900 Brush Creek.pdf

From: McKeag, Jesus <JMcKeag@srcity.org>
Sent: Wednesday, October 9, 2019 1:35 PM
To: 'irezvoy@gmail.com' <irezvoy@gmail.com>; Sheikhal, Monet <msheikhal@srcity.org>
Cc: 'Tom Lynch' <tlynch@sonic.net>; 'Amber Lichau' <lichau.amber@gmail.com>
Subject: FW: [EXTERNAL] Setbacks at 1900 BRUSH CREEK RD, SANTA ROSA, 95404

Mr. Rezvoy,

Sorry for the delay in my response. Based on the Map and Site Plan I don't see that the Engineering division would object to the addition proposed. I am also addressing Monet who is our Counter Planner. Building setback lines are the purview of the Planning Division.

Monet,

Can you look at Mr. Rezvoy's Site Plan and comment?

From: Ivan Rezvoy [<mailto:irezvoy@gmail.com>]
Sent: Tuesday, October 8, 2019 6:27 PM
To: McKeag, Jesus <JMcKeag@srcity.org>
Cc: Tom Lynch <tlynch@sonic.net>; Amber Lichau <lichau.amber@gmail.com>
Subject: [EXTERNAL] Setbacks at 1900 BRUSH CREEK RD, SANTA ROSA, 95404

Hello, Mr. McKeag

This is to follow up on my phone call regarding the setbacks as they are shown on the Final Map for the property at 1900 Brush Creek Rd. AP# 182-140-056

The final map (see link below) shows the private road and utility easement of 30' from the northern property line of the parcel 182-140-056. This setback allows for 10'x29' footprint addition to the northern side of the existing house (see attached Site Plan).

The building envelope, established with the recordation of the final map (see sheet 4 of the Final Map) does not define the distance of its northern boundary from the property line. Final Subdivision Report of June 21, 2000 does not mention this boundary at all. Please advise whether we can proceed with planned improvements as they are shown on the Site Plan, or should we apply for the modification of the building envelopes designated on the parcel .

Here is the link for Final Map: http://imaps.srcity.org/img/PW_Docs/PDF_Combined/2002-0071.pdf
The property is zoned R-1-15-SR (Single Family Residential- Scenic Road).

Sincerely,

Ivan Rezvoy,
415 279 9055

Exhibit 6

(3 Pages –Email correspondence between Monet Sheikhal, Jesus McKeag, Ivan Rezvoy and cc. Tom Lynch and Amber Lichau, 10/15/19)

Maystrovich, Mark

From: Sheikhal, Monet
Sent: Thursday, August 6, 2020 5:18 PM
To: Maystrovich, Mark
Subject: FW: [EXTERNAL] Setbacks at 1900 BRUSH CREEK RD, SANTA ROSA, 95404

From: Sheikhal, Monet

Sent: Tuesday, October 15, 2019 4:56 PM

To: McKeag, Jesus <JMcKeag@srcity.org>; 'irezvoy@gmail.com' <irezvoy@gmail.com>

Cc: 'Tom Lynch' <tlynch@sonic.net>; 'Amber Lichau' <lichau.amber@gmail.com>

Subject: RE: [EXTERNAL] Setbacks at 1900 BRUSH CREEK RD, SANTA ROSA, 95404

Ivan,

Planning has reviewed your request and it has been determined that the new addition needs to comply with the required setbacks for R-1-15-SR zoning district per Section 20-22.050. No need to apply the setbacks being shown on the supplemental sheet.

Let me know if you have any further questions,

Monet Sheikhal | City Planner

Planning and Economic Development | 100 Santa Rosa Avenue, Room 3 | Santa Rosa, CA 95404
Tel. (707) 543- 4698 | Fax (707) 543-3269 | msheikhal@srcity.org



Counter Hours

Monday/Tuesday/Thursday: 8 a.m. – 4:30 p.m.

Wednesday: 10:30 a.m. – 4:30 p.m. (No new permits are accepted after 3:30 p.m.)

Friday: 8 a.m. to noon (No new permits are accepted after 11:00 a.m.)

From: McKeag, Jesus <JMcKeag@srcity.org>

Sent: Wednesday, October 09, 2019 1:35 PM

To: 'irezvoy@gmail.com' <irezvoy@gmail.com>; Sheikhal, Monet <msheikhal@srcity.org>

Cc: 'Tom Lynch' <tlynch@sonic.net>; 'Amber Lichau' <lichau.amber@gmail.com>

Subject: FW: [EXTERNAL] Setbacks at 1900 BRUSH CREEK RD, SANTA ROSA, 95404

Mr. Rezvoy,

Sorry for the delay in my response. Based on the Map and Site Plan I don't see that the Engineering division would object to the addition proposed. I am also addressing Monet who is our Counter Planner. Building setback lines are the purview of the Planning Division.

Monet,

Can you look at Mr. Rezvoy's Site Plan and comment?

From: Ivan Rezvoy [mailto:irezvoy@gmail.com]
Sent: Tuesday, October 8, 2019 6:27 PM
To: McKeag, Jesus <JMcKeag@srcity.org>
Cc: Tom Lynch <tlynch@sonic.net>; Amber Lichau <lichau.amber@gmail.com>
Subject: [EXTERNAL] Setbacks at 1900 BRUSH CREEK RD, SANTA ROSA, 95404

Hello, Mr. McKeag

This is to follow up on my phone call regarding the setbacks as they are shown on the Final Map for the property at 1900 Brush Creek Rd. AP# 182-140-056

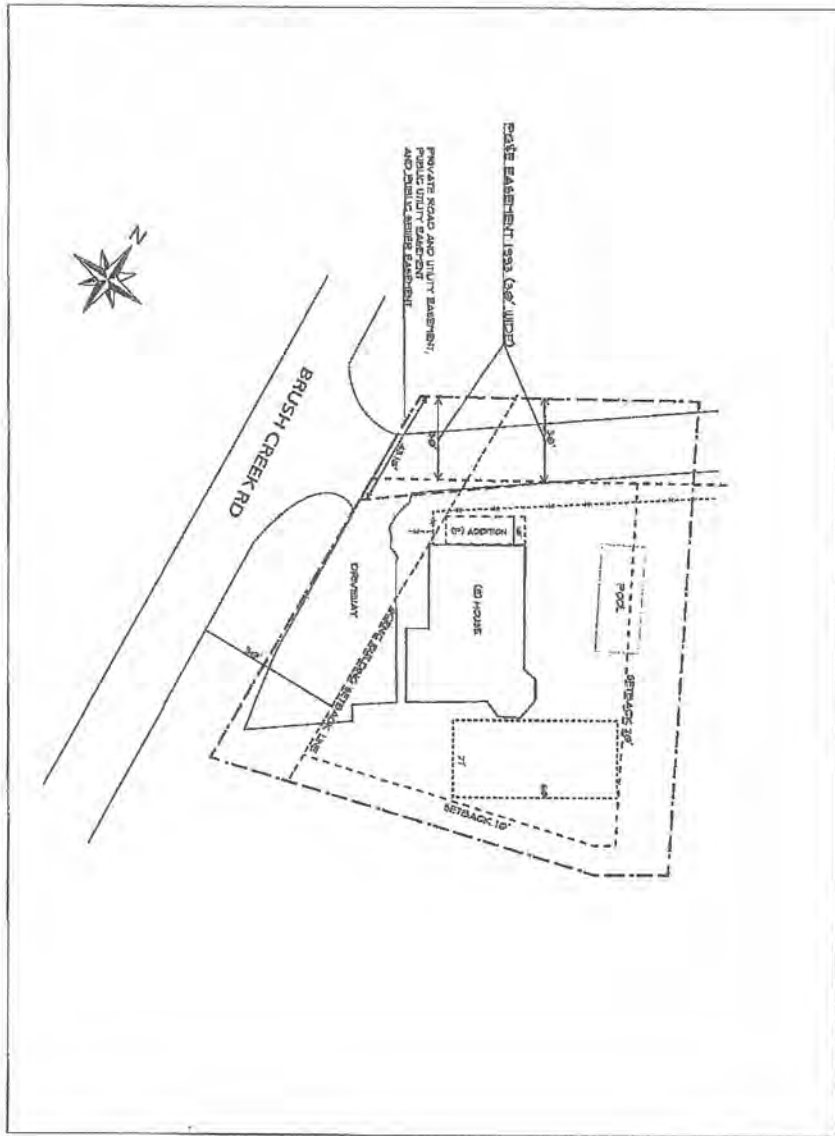
The final map (see link below) shows the private road and utility easement of 30' from the northern property line of the parcel 182-140-056. This setback allows for 10'x29' footprint addition to the northern side of the existing house (see attached Site Plan).

The building envelope, established with the recordation of the final map (see sheet 4 of the Final Map) does not define the distance of its northern boundary from the property line. Final Subdivision Report of June 21, 2000 does not mention this boundary at all. Please advise whether we can proceed with planned improvements as they are shown on the Site Plan, or should we apply for the modification of the building envelopes designated on the parcel .

Here is the link for Final Map: http://imaps.srcity.org/img/PW_Docs/PDF_Combined/2002-0071.pdf
The property is zoned R-1-15-SR (Single Family Residential- Scenic Road).

Sincerely,

Ivan Rezvoy,
415 279 9055



SITE PLAN
SCALE: 1"=20'

COVER SHEET-SITE PLAN-NOTES
 LANDS OF LICHAU
 1900 BRUSH CREEK RD SANTA ROSA, CA 95404

IDR DRAFTING
 1404 OLIVET RD SANTA ROSA CA 95401
 PH. 415 719 9653 FAX 415 719 9654



Exhibit 7

(4 Pages – Heritage Redwood Tree Photographs, before & after)









Exhibit 8

(1 Page – 1st code enforcement complaint filed 2/19/20
by unknown complainant re Action taken. complaints
August - November 2020 by Appellant)

Search... 

Record CE20-0139:
Enforcement Case
Record Status: In Progress

Record Info ▾

Payments ▾

Conditions 1

A notice was added to this record on 10/21/2020.
Condition: READ CBO Message CE20-0139 Severity: Notice
Total Conditions: 1 (Notice: 1)

[View Condition](#)

Location

1900 BRUSH CREEK RD
SANTA ROSA CA 95404

Record Details

Project Description:

Yard debris, gate and driveway construction without a permit.
UPDATE 08/04/2020: Unpermitted home addition extending through the property setbacks. update 10-21-2020 another complaint filed to City Manager regarding the unpermitted addition and tree removal UPDATE 11-2-2020 NEW COMPLAINT; NEIGHBOR INSTALLED EXTERIOR LIGHT FIXTURES AND LIGHT BLEED THROUGH WINDOWS INTO INTERIOR OF NEIGHBORING PROPERTY

▼ **More Details**

📄 **Parcel Information**

Parcel Number:
182140056

[Return to City of Santa Rosa](#)

Exhibit 9

**(1 Page –California State Licensing Board Contractors License
#1065989, 5/22/20)**

[Home](#) | [Online Services](#) | [Personnel Search Results](#) | Personnel License List

▼ Personnel License List for LICHAU, DANIEL PATRICK

Click on the license number to see a more detailed page of information on that person.

Licenses Currently Associated With

License # [1065989](#)
Business Name LIDOLI CORP
City SANTA ROSA
Association Date 05/22/2020
Status ACTIVE

[Back to Top](#) [Conditions of Use](#) [Privacy Policy](#) [Accessibility](#) [Accessibility Certification](#)

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Exhibit 10

(7 Pages –California Secretary of State statement of information for Lidoli Corporation showing Daniel Lichau s construction business located at 1900 Brush Creek Rd., as of 8/2/20 and prior company, P ndustries as of ay 2019)



**California Secretary of State
Electronic Filing**



Corporation - Statement of Information

Entity Name: LIDOLI, CORP.

Entity (File) Number: C4567706

File Date: 08/02/2020

Entity Type: Corporation

Jurisdiction: CALIFORNIA

Document ID: GH46774

Detailed Filing Information

1. Entity Name: LIDOLI, CORP.

2. Business Addresses:
 - a. Street Address of Principal Office in California: 1900 Brush Creek Rd
Santa Rosa, California 95404
United States of America

 - b. Mailing Address: 1900 Brush Creek Rd
Santa Rosa, California 95404
United States of America

 - c. Street Address of Principal Executive Office: 1900 Brush Creek Rd
Santa Rosa, California 95404
United States of America

3. Officers:
 - a. Chief Executive Officer: Daniel Patrick Lichau
1900 Brush Creek Rd
Santa Rosa, California 95404
United States of America

 - b. Secretary: Philip John Downs
1900 Brush Creek Rd
Santa Rosa, California 95404
United States of America

Document ID: GH46774



California Secretary of State Electronic Filing

Officers (cont'd):

- c. Chief Financial Officer: Mikkel Labourdette Libarle
1900 Brush Creek Rd
Santa Rosa, California 95404
United States of America
4. Director: Daniel Patrick Lichau
1900 Brush Creek Rd
Santa Rosa, California 95404
United States of America
- Number of Vacancies on the Board of Directors: 0
5. Agent for Service of Process: Philip John Downs Jr.
57 Elm Ave.
San Anselmo, California 94960
United States of America
6. Type of Business: General Contractor

By signing this document, I certify that the information is true and correct and that I am authorized by California law to sign.

Electronic Signature: Philip John Downs, Jr.

Use bizfile.sos.ca.gov for online filings, searches, business records, and resources.

Document ID: GH46774



California Secretary of State Electronic Filing

Corporation - Attachment to Statement of Information

List of Additional Directors:

1. Philip John Downs
1900 Brush Creek Rd
Santa Rosa, California 95404
United States of America
2. Mikkel Labourdette Libarle
1900 Brush Creek Rd
Santa Rosa, California 95404
United States of America
- 3.
- 4.
- 5.
- 6.
- 7.

Document ID: GH46774

4567706

201912810259



Secretary of State
Articles of Incorporation with Statement of Conversion -
California Limited Liability Company to a California Stock Corporation

CONV LLC-GS

FILED HXV
Secretary of State
State of California

FEB 18 2020

JM

This Space For Office Use Only

IMPORTANT — Read Instructions before completing this form.

Filing Fee - \$150.00

Copy Fees - First page \$1.00; each attachment page \$0.50;
Certification Fee - \$5.00

Note: Most corporations have to pay a minimum \$800 tax to the California Franchise Tax Board each year. For more information, go to <https://www.ftb.ca.gov>.

1. Name of Converted California Corporation (Go to www.sos.ca.gov/business/be/name-availability for general corporate name requirements and restrictions.)

The name of the converted California corporation is LIDOLI, Corp.

2. Business Addresses of the Converted California Corporation (Enter the complete business addresses.)

a. Initial Street Address of Corporation - Do not list a P.O. Box. <u>219 Mirada Ave</u>	City (no abbreviations) <u>San Rafael</u>	State <u>CA</u>	Zip Code <u>94903</u>
b. Initial Mailing Address of Corporation, if different than item 2a.	City (no abbreviations)	State	Zip Code

3. Service of Process (Must provide either Individual OR Corporation.)

INDIVIDUAL - Complete Items 3a and 3b only. Must include agent's full name and California street address.

a. California Agent's First Name (if agent is not a corporation). <u>Philip</u>	Middle Name <u>J</u>	Last Name <u>Davns</u>	Suffix <u>Jr.</u>
b. Street Address (if agent is not a corporation) - Do not enter a P.O. Box. <u>219 Mirada Ave.</u>	City (no abbreviations) <u>San Rafael</u>	State <u>CA</u>	Zip Code <u>94903</u>

CORPORATION - Complete Item 3c. Only include the name of the registered agent Corporation.

c. California Registered Corporate Agent's Name (if agent is a corporation) - Do not complete Item 3a or 3b.

4. Shares (Enter the number of shares the corporation is authorized to issue. Do not leave blank or enter zero (0).)

This corporation is authorized to issue only one class of shares of stock.
The total number of shares which this corporation is authorized to issue is 10 million.

- CONTINUE ON NEXT PAGE -

Articles of Incorporation with Statement of Conversion
California Limited Liability Company to a California Stock Corporation
(Page 2 of 2)

4567706
201912810259

5. Purpose Statement (Do not alter the Purpose Statement.)

The purpose of the corporation is to engage in any lawful act or activity for which a corporation may be organized under the General Corporation Law of California other than the banking business, the trust company business or the practice of a profession permitted to be incorporated by the California Corporations Code.

6. Statement of Conversion for the California Limited Liability Company

6a. The name of the converting California limited liability company is DXP Industries, LLC

6b. The limited liability company's California Secretary of State file number is 201912810259

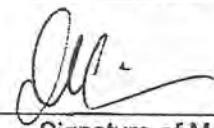
6c. The principal terms of the plan of conversion were approved by a vote of the members, which equaled or exceeded the vote required under California Corporations Code section 17710.03. There is one class of members entitled to vote and the percentage vote required is a majority in interest of the members. The limited liability company is converting into a California stock corporation.

7. Read, Declare and Sign Below. Do not use computer generated signature. (See instructions for signature requirements.)

Additional article provisions set forth on attached pages, if any, are incorporated herein by reference and made part of this Form CONV LLC-GS. (All attachments should be 8 1/2 x 11, one-sided, legible and clearly marked as an attachment to this Form CONV LLC-GS.)

I declare that I am the person who signed this instrument, which is my act and deed.

 Philip John Downs, Jr. Member or Manager of
Signature of Member or Manager Type or Print Name
DXP Industries, LLC and Incorporator.
Enter Name of converting California LLC

 Daniel Patrick Lichau Member or Manager of
Signature of Member or Manager Type or Print Name
DXP Industries, LLC and Incorporator.
Enter Name of converting California LLC



**Secretary of State
Statement of Information**
(Limited Liability Company)

LLC-12

19-C03132

FILED

In the office of the Secretary of State
of the State of California

MAY 24, 2019

IMPORTANT — Read instructions before completing this form.

Filing Fee – \$20.00

Copy Fees – First page \$1.00; each attachment page \$0.50;
Certification Fee - \$5.00 plus copy fees

This Space For Office Use Only

1. Limited Liability Company Name (Enter the exact name of the LLC. If you registered in California using an alternate name, see instructions.)

DXP INDUSTRIES LLC

2. 12-Digit Secretary of State File Number **3. State, Foreign Country or Place of Organization** (only if formed outside of California)

201912810259

CALIFORNIA

4. Business Addresses

a. Street Address of Principal Office - Do not list a P.O. Box 219 Mirada Ave	City (no abbreviations) San Rafael	State CA	Zip Code 94903
b. Mailing Address of LLC, if different than item 4a 219 Mirada Ave	City (no abbreviations) San Rafael	State CA	Zip Code 94903
c. Street Address of California Office, if item 4a is not in California - Do not list a P.O. Box 219 Mirada Ave	City (no abbreviations) San Rafael	State CA	Zip Code 94903

5. Manager(s) or Member(s)

If no managers have been appointed or elected, provide the name and address of each member. At least one name and address must be listed. If the manager/member is an individual, complete items 5a and 5c (leave item 5b blank). If the manager/member is an entity, complete items 5b and 5c (leave item 5a blank). Note: The LLC cannot serve as its own manager or member. If the LLC has additional managers/members, enter the name(s) and addresses on Form LLC-12A (see instructions).

a. First Name, if an individual - Do not complete item 5b Philip	Middle Name John	Last Name Downs	Suffix Jr.
b. Entity Name - Do not complete item 5a			
c. Address 219 Mirada Ave	City (no abbreviations) San Rafael	State CA	Zip Code 94903

6. Service of Process (Must provide either Individual OR Corporation.)

INDIVIDUAL – Complete items 6a and 6b only. Must include agent's full name and California street address.

a. California Agent's First Name (if agent is not a corporation) Pam	Middle Name	Last Name Hym	Suffix
b. Street Address (if agent is not a corporation) - Do not enter a P.O. Box 7864 Bristol Rd	City (no abbreviations) Dublin	State CA	Zip Code 94568

CORPORATION – Complete item 6c only. Only include the name of the registered agent Corporation.

c. California Registered Corporate Agent's Name (if agent is a corporation) – Do not complete item 6a or 6b

7. Type of Business

a. Describe the type of business or services of the Limited Liability Company Disaster response & construction

8. Chief Executive Officer, if elected or appointed

a. First Name Daniel	Middle Name	Last Name Lichau	Suffix
b. Address 6409 Yale St.	City (no abbreviations) Windsor	State CA	Zip Code 95492

9. The information contained herein, including any attachments, is true and correct.

05/24/2019 Philip John Downs Jr Mr.
Date Type or Print Name of Person Completing the Form Title Signature

Return Address (Optional) (For communication from the Secretary of State related to this document, or if purchasing a copy of the filed document enter the name of a person or company and the mailing address. This information will become public when filed. SEE INSTRUCTIONS BEFORE COMPLETING.)

Name: []

Company:

Address:

City/State/Zip: []

Exhibit 11

**(1 Page –Emails from Appellant to Mark
Maystrovich regarding 1900 Brush Creek Rd. code
enforcement complaint, 8/6/2020)**

Re: 1900 Brush Creek Road

From: Kathleen Parnell (kathleendparnell@yahoo.com)

To: mmaystrovich@srcity.org

Date: Thursday, August 6, 2020, 10:36 AM PDT

Hi Mark,

Work continues on this project today (1900 Brush Creek Road). Just a heads up.

Kind regards,
Kathy

On Wednesday, August 5, 2020, 11:10:45 AM PDT, Kathleen Parnell <kathleendparnell@yahoo.com> wrote:

Hi Mark,

It appears that work is in progress at the property now. I just wanted to make you aware.

Thank you,
Kathy

On Wednesday, August 5, 2020, 9:21:10 AM PDT, Kathleen Parnell <kathleendparnell@yahoo.com> wrote:

Hi Mark,

I dropped off a complaint yesterday at the City regarding 1900 Brush Creek Road and understand that you have been assigned to this matter. I live at 1888 Brush Creek Road, which is next door.

I wanted to confirm that you received my complaint, **and** also wanted to let you know that my spouse notified the neighbor at 1900 Brush Creek this morning that I filed a complaint with the City (as he felt it was the right thing to do to so the neighbor wouldn't be surprised). The neighbor was previously not aware, so I wanted to let you know this, in case you have not yet been by the property.

Please let me know what your next steps are and feel free to reach me anytime on my cell (415) 336-8869.

Kind regards,
Kathy Parnell

Exhibit 12

(2 Pages –Email from Mark Maystrovich to Appellant regarding project being "complete" and status of Permits, 8/6/2020

mail from Mark Maystrovich to Wilder stating that he spoke with Tom Lynch licensed contractor and Wilder needs to apply for permits, 8/6/2020)

RE: [EXTERNAL] Re: 1900 Brush Creek Road

From: Maystrovich, Mark (mmaystrovich@srcity.org)

To: kathleendparnell@yahoo.com

Date: Thursday, August 6, 2020, 01:33 PM PDT

Good Afternoon

Thank you for your updates

I was at the property this morning and spoke with the owners. This project is complete and they are now painting the interior. I have also made contact with several other persons involved on this property. They all have been directed to obtain all necessary approvals, permits and inspections for tis project

Mark

Mark Maystrovich |Senior Code Enforcement Officer

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

Tel. (707) 543-3268 | Fax (707) 543-4315 | mmaystrovich@srcity.org

Hello and thank you for your email. Please note: The City of Santa Rosa has closed most of its public counters until further notice to help curb a resurgence of coronavirus infections occurring in Sonoma County and statewide. Access to most City services remains available online, by phone, and in some instances in-person by appointment. For a current list of those services, visit srcity.org/ServiceFinder.

For detailed information about the City of Santa Rosa's ongoing response the coronavirus public health emergency, please visit the City's website at srcity.org/PreventTheSpread



Maystrovich, Mark

From: Maystrovich, Mark
Sent: Thursday, August 6, 2020 3:39 PM
To: daniel_lichau@yahoo.com
Cc: Anderson, Cassidy
Subject: 1900 Brush creek

Hi Daniel

I spoke with Tom Lynch this afternoon. He is the person I believe helped you with the framing of you addition. He also has someone by the name of Ivan who did speak with city staff regarding planning and easement items for the addition. Tom Lynch is familiar with filing for permits online with the city. You need to reach out to Tom Lynch and get the permitting process started

Mark

Mark Maystrovich | Senior Code Enforcement Officer

Planning and Economic Development | 100 Santa Rosa Avenue | Santa Rosa, CA 95404
Tel. (707) 543-3268 | Fax (707) 543-4315 | mmaystrovich@srecity.org

Hello and thank you for your email. Please note: The City of Santa Rosa has closed most of its public counters until further notice to help curb a resurgence of coronavirus infections occurring in Sonoma County and statewide. Access to most City services remains available online, by phone, and in some instances in-person by appointment. For a current list of those services, visit srecity.org/ServiceIndex.

For detailed information about the City of Santa Rosa's ongoing response to the coronavirus public health emergency, please visit the City's website at srecity.org/PreventTheSpread



TOM LYNCH
CONSTRUCTION

707-529-1890

Lic #B-467753
tlynch@sonic.net
P.O. Box 1452, Guerneville, Ca. 95448

Exhibit 13

**(5 Pages –Email from Dan Lichau to Mark Maystrovich regarding
status of permit application, 8/10/2020)**

From: Mister Unknown <daniel_lichau@yahoo.com>
Sent: Monday, August 10, 2020 10:55 AM
To: Maystrovich, Mark
Subject: Re: [EXTERNAL] 1900 Brush Creek

That would be about right I think. Mike Robertson will look over my drawings and help me submit if he doesn't leave on vacation. My backup is Ivan who works for Tom Lynch, who also advised he would help me out.

Thank you for your time.

Dan

Sent from my iPhone

> On Aug 10, 2020, at 10:02 AM, Maystrovich, Mark <MMaystrovich@srcity.org> wrote:

>

> Good Morning Dan

>

> Just keep me in the loop on the progress. I will send you the links for submittals, permits. What are your thoughts? End of August or mid-September to submit?

>

> Mark

>

> Mark Maystrovich | Senior Code Enforcement Officer Planning and
> Economic Development | 100 Santa Rosa Avenue | Santa Rosa, CA 95404
> Tel. (707) 543-3268 | Fax (707) 543-4315 | mmaystrovich@srcity.org

>

> Hello and thank you for your email. Please note: The City of Santa Rosa has closed most of its public counters until further notice to help curb a resurgence of coronavirus infections occurring in Sonoma County and statewide. Access to most City services remains available online, by phone, and in some instances in-person by appointment. For a current list of those services, visit srcity.org/ServiceFinder.

>

> For detailed information about the City of Santa Rosa's ongoing
> response the coronavirus public health emergency, please visit the
> City's website at srcity.org/PreventTheSpread

>

>

>

>

>

>

>

> -----Original Message-----

> From: Mister Unknown <daniel_lichau@yahoo.com>

> Sent: Monday, August 10, 2020 9:44 AM

> To: Maystrovich, Mark <MMaystrovich@srcity.org>

> Subject: [EXTERNAL] 1900 Brush Creek

>

> Hi sir.

>

> My friends father, Mike Robertson, is helping me with the steps I need to take for the permit process. I've started on the drawings and I'm printing out all the photos I have on 8X10s.

> PJC is coming out tomorrow to X-ray the foundation. The hole is dug and ready for them.

>

> I'm going to keep at it and knock out as much as I can. I was wondering if I am under any specific timeline that I need to have things completed by?

>

> Thank you for your time sir.

>

> Dan Lichau

>

> Sent from my iPhone

From: Mister Unknown <daniel_lichau@yahoo.com>
Sent: Friday, August 14, 2020 2:36 PM
To: Anderson, Cassidy
Cc: Ivan Rezvoy;Maystrovich, Mark
Subject: Re: [EXTERNAL] 1900 Brush Creek

Hi there.

So I had Mike Robertson help me with drawing up my plans and measuring setbacks.

The only thing holding me up is I'm waiting for my T-24 report to come in. I'm hoping to turn it all in early next week.

Thank you for your time.

Dan Lichau

(707)953-0699

Sent from my iPhone

On Aug 10, 2020, at 1:42 PM, tlynch <tlynch@sonic.net> wrote:

I have added our associate Ivan Rezvoy to this thread...

Kindly

Tom Lynch

Sent from my Verizon, Samsung Galaxy smartphone

----- Original message -----

From: "Anderson, Cassidy" <cganderson@srcity.org>

Date: 8/10/20 1:24 PM (GMT-08:00)

To: Mister Unknown <daniel_lichau@yahoo.com>

Cc: tlynch@sonic.net, "Maystrovich, Mark" <MMaystrovich@srcity.org>

Subject: RE: [EXTERNAL] 1900 Brush Creek

Hello Mr. Lichau,

Mark got me up to speed on his conversation with you and Mr. Lynch. I wanted reach out to you and give you my contact information and the City of Santa Rosa's Building and Permit Department submittal instructions:

PED In-Person Meeting by Appointment Only

We have limited appointments available between from 8:00 a.m. To 11:45 a.m. Mon. – Fri.

Please comply with all social distancing and hygiene protocols posted near the front door while at the City hall Complex.

Please schedule an appointment before arriving to help maintain social distancing. Instructions are below.

How to Schedule an Appointment:

- Our appointment queuing system (Qless) has a free App that can be downloaded to your mobile device from Google Play or the Apple Store. Once installed, follow the prompts for access and scheduling your City of Santa Rosa Counter Appointment.
- To access Qless via the internet (URL), go to: [SRCity.org/QLess](https://srcity.org/QLess) and follow the system prompts to schedule your City of Santa Rosa Counter Appointment.
- Telephone option - For staff assistance in scheduling an appointment, please leave a voicemail at our appointment request line at (707) 543-4623. Leave contact information so we can advise you of the date/time.

The City has launched a virtual permit counter and is accepting and processing all application types, permits can be submitted online at:

<https://srcity.org/3280/Permitting-Inspections-Entitlements>

Should you have any questions do not hesitate to contact me,

Cassidy Anderson | Code Enforcement Officer

Planning and Economic Development | 100 Santa Rosa Ave. Rm 3 | Santa Rosa, CA 95404

Tel. (707) 543-3229 | Fax (707) 543-3218 | cganderson@srcity.org

The City has launched a virtual permit counter and is accepting and processing all application types, permits can be submitted online at:

<https://srcity.org/3280/Permitting-Inspections-Entitlements>

The City Building Department has received a large volume of applications since opening a virtual counter, with limited resources. Staff will contact you directly with next steps in the process.

To check the status of your project go online to:

<https://citizen.srcity.org/CitizenAccess/Default.aspx>

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

From: Maystrovich, Mark <MMaystrovich@srcity.org>

Sent: Monday, August 10, 2020 10:03 AM

To: Mister Unknown <daniel_lichau@yahoo.com>

Cc: Anderson, Cassidy <cganderson@srcity.org>

Subject: RE: [EXTERNAL] 1900 Brush Creek

Good Morning Dan

Just keep me in the loop on the progress. I will send you the links for submittals, permits. What are your thoughts? End of August or mid-September to submit?

Mark

Mark Maystrovich |Senior Code Enforcement Officer Planning and Economic Development |100 Santa

Rosa Avenue | Santa Rosa, CA 95404 Tel. (707) 543-3268 | Fax (707) 543-4315 |
mmaystrovich@srcity.org

Hello and thank you for your email. Please note: The City of Santa Rosa has closed most of its public counters until further notice to help curb a resurgence of coronavirus infections occurring in Sonoma County and statewide. Access to most City services remains available online, by phone, and in some instances in-person by appointment. For a current list of those services, visit srcity.org/ServiceFinder.

For detailed information about the City of Santa Rosa's ongoing response the coronavirus public health emergency, please visit the City's website at srcity.org/PreventTheSpread

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

From: Mister Unknown <daniel_lichau@yahoo.com>
Sent: Monday, August 10, 2020 9:44 AM
To: Maystrovich, Mark <MMaystrovich@srcity.org>
Subject: [EXTERNAL] 1900 Brush Creek

Hi sir.

My friends father, Mike Robertson, is helping me with the steps I need to take for the permit process. I've started on the drawings and I'm printing out all the photos I have on 8X10s. PJC is coming out tomorrow to X-ray the foundation. The hole is dug and ready for them.

I'm going to keep at it and knock out as much as I can. I was wondering if I am under any specific timeline that I need to have things completed by?

Thank you for your time sir.

Dan Lichau

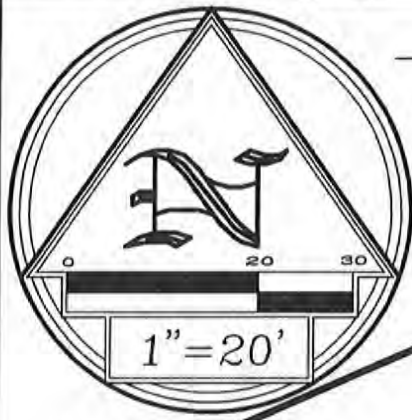
Sent from my iPhone

Exhibit 14

**(1 Page –Ray Carlson & Associates Survey of Build at 1900 Brush
Creek Road, 8/12/2020)**

REFERENCES

R1 PARCEL MAP No. 609
635 MAPS 4-7, SONOMA
COUNTY RECORDS



566°28'43"W 100.59' (R1&M)

ROAD, SEWER, AND PUBLIC
UTILITY EASEMENT PER R1

CP 5000
100.00
CONTROL

LOT 2

S20°09'57"E 170.85' (R1&M)

PARCEL MAP NO. 609
635 MAPS 4-7
BUILDING SETBACK LINE

LOT 3

EXISTING HOUSE

3.45' 8.93' 30.10' 12.13' 11.92' 30.09' 6.87' 8.64'

BRUSH CREEK ROAD

N6°41'30"E 149.77' (R1&M)

BUILDING SETBACK LINE
(ALSO SCENIC BUILDING SETBACK LINE)

LEGEND

- FOUND 1/2" IRON PIPE AND TAG "LS 5092 MIKE BUTI"
- R1&M RECORD AND MEASURED DATA ARE IDENTICAL
- △ SURVEY CONTROL POINT
- ⊠ POST
- X— FENCE
- - - TIE LINE
- //— EDGE OF PAVEMENT
- ▨ BUILDING
- BOUNDARY LINE
- BUILDING OVERHANG

SURVEYOR'S STATEMENT

THIS EXHIBIT WAS PREPARED BY ME OR UNDER MY DIRECTION IN CONFORMANCE WITH THE REQUIREMENTS OF THE PROFESSIONAL LAND SURVEYOR'S ACT ON AUGUST 12, 2020.

Ray C. Carlson
RAY C. CARLSON
LS 3890



EXHIBIT PLAT

1900 BRUSH CREEK RD., SANTA ROSA

RAY CARLSON
AND ASSOCIATES, INC.
Mapping for a Better World™



SURVEYING • MAPPING • GIS • CONSULTING
411 RUSSELL AVENUE SANTA ROSA, CALIFORNIA 95403
(707) 528-7649 • RCMAPS.COM

© 2020, Ray Carlson and Associates, Inc.

August 13, 2020 SHEET NO. 1 OF 1 JOB NO. 2020-067

Exhibit 15

(1 Page – Building Permit Application signed 8/18/2020
not identified as a code enforcement case)



BUILDING PERMIT APPLICATION

PLEASE PRINT CLEARLY

BUILDING PERMIT NO.:
Related Files:
Department Use Only

PROJECT ADDRESS (NOT MAILING ADDRESS) 1900 BRUSH CREEK RD, SANTA ROSA 95404		SUITE/UNIT NO. N/A	DATE 8/18/2020
OWNER DANIEL & AMBER LICHAU		<input checked="" type="checkbox"/> CELL <input type="checkbox"/> HOME <input type="checkbox"/> BUSINESS (707) 953-0699	<input checked="" type="checkbox"/> CELL <input type="checkbox"/> HOME <input type="checkbox"/> BUSINESS (707) 889-6979
OWNER ADDRESS 1900 BRUSH CREEK RD	CITY SANTA ROSA	STATE CA	ZIP 95404
E-MAIL ADDRESS daniel_lichau@yahoo.com			
CONTACT PERSON PLEASE SELECT ONE: <input checked="" type="checkbox"/> OWNER <input type="checkbox"/> LESSEE/TENANT <input type="checkbox"/> DESIGNER <input type="checkbox"/> AGENT FOR OWNER <input type="checkbox"/> CONTRACTOR		<input checked="" type="checkbox"/> CELL <input type="checkbox"/> HOME <input type="checkbox"/> BUSINESS (707) 953-0699	<input checked="" type="checkbox"/> CELL <input type="checkbox"/> HOME <input type="checkbox"/> BUSINESS (707) 889-6979
CONTACT ADDRESS 1900 BRUSH CREEK RD		CITY SANTA ROSA	STATE CA
ZIP 95404		E-MAIL ADDRESS daniel_lichau@yahoo.com	
APPLICANT DANIEL LICHAU		<input checked="" type="checkbox"/> CELL <input type="checkbox"/> HOME <input type="checkbox"/> BUSINESS (707) 953-0699	<input checked="" type="checkbox"/> CELL <input type="checkbox"/> HOME <input type="checkbox"/> BUSINESS (707) 889-6979
APPLICANT ADDRESS 1900 BRUSH CREEK RD		CITY SANTA ROSA	STATE CA
ZIP 95404		E-MAIL ADDRESS daniel_lichau@yahoo.com	
CONTRACTOR'S NAME - IF OWNER/BUILDER - HAS OWNER BEEN GIVEN THE OWNER'S ACKNOWLEDGMENT AND VERIFICATION FORM? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO OWNER/BUILDER			
CONTRACTORS STATE LICENSE NUMBER & CLASSIFICATION		<input type="checkbox"/> CELL <input type="checkbox"/> HOME <input type="checkbox"/> BUSINESS -	<input type="checkbox"/> CELL <input type="checkbox"/> HOME <input type="checkbox"/> BUSINESS -
CONTRACTOR ADDRESS		CITY	STATE
ZIP		E-MAIL ADDRESS	
TYPE OF PERMIT (MARK ALL THAT APPLY) <input checked="" type="checkbox"/> BUILDING <input checked="" type="checkbox"/> ELECTRICAL <input type="checkbox"/> MECHANICAL <input checked="" type="checkbox"/> PLUMBING <input type="checkbox"/> GRADING <input type="checkbox"/> DEMOLITION			
TOTAL SQUARE FOOTAGE OF THIS PROJECT: <input type="checkbox"/> NEW <input checked="" type="checkbox"/> ADDITION <input type="checkbox"/> REMODEL/TENANT IMPROVEMENT <input type="checkbox"/> REPAIR			
COMMERCIAL/INDUSTRIAL: N/A RESIDENCE: 360 GARAGE: N/A DECK: N/A COVERED PORCHES: N/A			
DESCRIPTION OF WORK: 10' x 30' MASTER BATH & BEDROOM ADDITION			
<input checked="" type="checkbox"/> OWNER/BUILDER <input type="checkbox"/> FOR SALE <input type="checkbox"/> FOR RENT		VALUATION OF WORK COVERED BY THIS APPLICATION \$40,000	
I HEREBY CERTIFY THAT THE INFORMATION ON THIS APPLICATION IS TRUE AND CORRECT			
SIGNATURE:		DATE: 8/18/2020	
OCCUPANCY GROUP	TYPE OF CONSTRUCTION Addition	CBC EDITION USED	NO OF STORIES 1
CHANGE OF OCCUPANCY FROM: TO:			
NO. OF DWELLING UNITS 1	PRESENT USE Resd.	PROPOSED USE Resd.	
HIGH FIRE SEVERITY ZONE <input type="radio"/> YES <input checked="" type="radio"/> NO	FIRE SPRINKLERS <input type="radio"/> YES <input checked="" type="radio"/> NO	FIRE ALARM SYSTEMS <input type="radio"/> YES <input checked="" type="radio"/> NO	FIRE STANDPIPES <input type="radio"/> YES <input checked="" type="radio"/> NO
IS THIS A CODE ENFORCEMENT CASE? <input type="radio"/> YES <input checked="" type="radio"/> NO		IF YES, LIST CASE NO.:	
FOR DEPARTMENT USE ONLY			
PLANNING APPROVED: <input type="checkbox"/> YES <input type="checkbox"/> NO		PLANNERS INITIALS:	DATE:
ZONE:	HILLSIDE YES <input type="checkbox"/> NO <input type="checkbox"/>	HISTORIC YES <input type="checkbox"/> NO <input type="checkbox"/>	FRONT SETBACK:
SIDE SETBACK INTERIOR: EXTERIOR:		REAR SETBACK:	

Exhibit 16

(2 Pages – Under submits After the act
Building Permit Application/ submittal,
8/25/2020)

From: daniel lichau <daniel_lichau@yahoo.com>
Sent: Tuesday, August 25, 2020 6:38 PM
To: Permit Submittal
Cc: Maystrovich, Mark;Anderson, Cassidy;Ivan Rezvoy
Subject: [EXTERNAL] 1900 Brush Creek Road Santa Rosa Permit Application
Attachments: Brush Creek Road_1900-Plan Permit Application.pdf; Brush Creek Road_1900-Plan T-24 Report.pdf; Brush Creek Road_1900-Plan Foundations Report.pdf; Brush Creek Road_1900-Plan Engineer Letter.pdf; Brush Creek Road_1900-Plan .pdf; Brush Creek Road_1900-Plan Electronic Disclosure.pdf

To whom it may concern,

Please see attached permit application and supplemental documentation, including plans, for addition on our home at 1900 Brush Creek Road Santa Rosa. Please email or feel free to call with any questions or further required actions. Thank you for your time and we look forward to hearing from you.

Sincerely,
Amber Lichau
(707) 889-6979



BUILDING PERMIT APPLICATION

PLEASE PRINT CLEARLY

BUILDING PERMIT NO.:
Related Files:
Department Use Only

PROJECT ADDRESS (NOT MAILING ADDRESS) 1900 BRUSH CREEK RD, SANTA ROSA 95404		SUITE/UNIT NO. N/A	DATE 8/18/2020
OWNER DANIEL & AMBER LICHAU		<input checked="" type="checkbox"/> CELL <input type="checkbox"/> HOME <input type="checkbox"/> BUSINESS (707) 953-0699	<input checked="" type="checkbox"/> CELL <input type="checkbox"/> HOME <input type="checkbox"/> BUSINESS (707) 889-6979
OWNER ADDRESS 1900 BRUSH CREEK RD	CITY SANTA ROSA	STATE CA	ZIP 95404
E-MAIL ADDRESS daniel_lichau@yahoo.com			
CONTACT PERSON PLEASE SELECT ONE: <input checked="" type="checkbox"/> OWNER <input type="checkbox"/> LESSEE/TENANT <input type="checkbox"/> DESIGNER <input type="checkbox"/> AGENT FOR OWNER <input type="checkbox"/> CONTRACTOR		<input checked="" type="checkbox"/> CELL <input type="checkbox"/> HOME <input type="checkbox"/> BUSINESS (707) 953-0699	<input checked="" type="checkbox"/> CELL <input type="checkbox"/> HOME <input type="checkbox"/> BUSINESS (707) 889-6979
CONTACT ADDRESS 1900 BRUSH CREEK RD		CITY SANTA ROSA	STATE CA
ZIP 95404		E-MAIL ADDRESS daniel_lichau@yahoo.com	
APPLICANT DANIEL LICHAU		<input checked="" type="checkbox"/> CELL <input type="checkbox"/> HOME <input type="checkbox"/> BUSINESS (707) 953-0699	<input checked="" type="checkbox"/> CELL <input type="checkbox"/> HOME <input type="checkbox"/> BUSINESS (707) 889-6979
APPLICANT ADDRESS 1900 BRUSH CREEK RD		CITY SANTA ROSA	STATE CA
ZIP 95404		E-MAIL ADDRESS daniel_lichau@yahoo.com	
CONTRACTOR'S NAME - IF OWNER/BUILDER - HAS OWNER BEEN GIVEN THE OWNER'S ACKNOWLEDGMENT AND VERIFICATION FORM? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO OWNER/BUILDER			
CONTRACTORS STATE LICENSE NUMBER & CLASSIFICATION		<input type="checkbox"/> CELL <input type="checkbox"/> HOME <input type="checkbox"/> BUSINESS -	<input type="checkbox"/> CELL <input type="checkbox"/> HOME <input type="checkbox"/> BUSINESS -
CONTRACTOR ADDRESS		CITY	STATE
ZIP		E-MAIL ADDRESS	
TYPE OF PERMIT (MARK ALL THAT APPLY) <input checked="" type="checkbox"/> BUILDING <input checked="" type="checkbox"/> ELECTRICAL <input type="checkbox"/> MECHANICAL <input checked="" type="checkbox"/> PLUMBING <input type="checkbox"/> GRADING <input type="checkbox"/> DEMOLITION			
TOTAL SQUARE FOOTAGE OF THIS PROJECT: <input type="checkbox"/> NEW <input checked="" type="checkbox"/> ADDITION <input type="checkbox"/> REMODEL/TENANT IMPROVEMENT <input type="checkbox"/> REPAIR			
COMMERCIAL/INDUSTRIAL: N/A RESIDENCE: 360 GARAGE: N/A DECK: N/A COVERED PORCHES: N/A			
DESCRIPTION OF WORK: 12' x 30' MASTER BATH & BEDROOM ADDITION			
<input checked="" type="checkbox"/> OWNER/BUILDER <input type="checkbox"/> FOR SALE <input type="checkbox"/> FOR RENT		VALUATION OF WORK COVERED BY THIS APPLICATION \$40,000	
I HEREBY CERTIFY THAT THE INFORMATION ON THIS APPLICATION IS TRUE AND CORRECT			
SIGNATURE:		DATE: 8/18/2020	
OCCUPANCY GROUP	TYPE OF CONSTRUCTION Addition	CBC EDITION USED	NO OF STORIES 1
CHANGE OF OCCUPANCY FROM: TO:			
NO. OF DWELLING UNITS 1	PRESENT USE Resd.	PROPOSED USE Resd.	
HIGH FIRE SEVERITY ZONE <input type="radio"/> YES <input checked="" type="radio"/> NO	FIRE SPRINKLERS <input type="radio"/> YES <input checked="" type="radio"/> NO	FIRE ALARM SYSTEMS <input type="radio"/> YES <input checked="" type="radio"/> NO	FIRE STANDPIPES <input type="radio"/> YES <input checked="" type="radio"/> NO
IS THIS A CODE ENFORCEMENT CASE? <input type="radio"/> YES <input checked="" type="radio"/> NO IF YES, LIST CASE NO.:			
FOR DEPARTMENT USE ONLY			
PLANNING APPROVED: <input type="checkbox"/> YES <input type="checkbox"/> NO		PLANNERS INITIALS:	DATE:
ZONE:	HILLSIDE YES <input type="checkbox"/> NO <input type="checkbox"/>	HISTORIC YES <input type="checkbox"/> NO <input type="checkbox"/>	FRONT SETBACK:
SIDE SETBACK INTERIOR: EXTERIOR:		REAR SETBACK:	

Exhibit 17

(1 Page–Email correspondence between Cassidy Anderson (Code Enforcement) and Dan Lichau cc. Mark Maystrovich, Ivan Rezvoy confirming Building Permit Application Submittal, 8/26/20)

From: daniel lichau <daniel_lichau@yahoo.com>
Sent: Wednesday, August 26, 2020 9:31 AM
To: Permit Submittal;Anderson, Cassidy
Cc: Maystrovich, Mark;Ivan Rezvoy
Subject: Re: [EXTERNAL] 1900 Brush Creek Road Santa Rosa Permit Application

Great, thank you so much for letting us know. We will look forward to hearing from you all.

On Wednesday, August 26, 2020, 09:25:36 AM PDT, Anderson, Cassidy <cganderson@srcity.org> wrote:

Thank you, the City has received your submittals. We will reach out to you and let you know next steps shortly.
Cassidy

Cassidy Anderson | Code Enforcement Officer
Planning and Economic Development | 100 Santa Rosa Ave. Rm 3 | Santa Rosa, CA 95404
Tel. (707) 543-3229 | Fax (707) 543-3218 | cganderson@srcity.org

Please note: The City of Santa Rosa has closed most of its public counters until further notice to help curb a resurgence of coronavirus infections occurring in Sonoma County and statewide. Access to most City services remains available online, by phone, and in some instances in-person by appointment. For a current list of those services, visit srcity.org/ServiceFinder.

The City of Santa Rosa has launched a virtual permit counter and is accepting and processing all application types, permits can be submitted online at: <https://srcity.org/3280/Permitting-Inspections-Entitlements>

The City Building Department has received a large volume of applications since opening a virtual counter, with limited resources. Staff will contact you directly with next steps in the process.

To check the status of a project you can go online to:

<https://citizen.srcity.org/CitizenAccess/Default.aspx>

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

From: daniel lichau <daniel_lichau@yahoo.com>
Sent: Tuesday, August 25, 2020 6:38 PM
To: Permit Submittal <permitsubmittal@srcity.org>
Cc: Maystrovich, Mark <MMaystrovich@srcity.org>; Anderson, Cassidy <cganderson@srcity.org>; Ivan Rezvoy <irezvoy@gmail.com>
Subject: [EXTERNAL] 1900 Brush Creek Road Santa Rosa Permit Application

To whom it may concern,

Please see attached permit application and supplemental documentation, including plans, for addition on our home at 1900 Brush Creek Road Santa Rosa. Please email or feel free to call with any questions or further required actions. Thank you for your time and we look forward to hearing from you.

Sincerely,
Amber Lichau
(707) 889-6979

Exhibit 18

**(1 Page–Email correspondence from Chief Building Official,
Jesse Oswald to Appellant regarding working with homeowner to
determine pathway to legalize and reference ongoing
"investigation," 9/1/20)**

RE: [EXTERNAL] Deputy Sheriff/Contractor - Illegal Build

From: Oswald, Jesse (joswald@srcity.org)

To: kathleendparnell@yahoo.com

Cc: kmahre@srcity.org

Date: Tuesday, September 1, 2020, 07:07 AM PDT

Good morning Ms. Parnell,

My apologies for delays in response and the difficulties you have endured. Thank you for the detailed information on the matter next door. The details will definitely assist with the investigation.

Since beginning the investigation on the matter, our Code Enforcement and Planning Divisions have worked with the owner of 1900 Brush Creek Rd. to determine a path to legalize the addition. In no instance will any aspect of the project be "rubber-stamped". Any and all projects are required to meet all regulations administered by this department. If any variances are required, appropriate applications for them will be required and that-being an entitlement – will require public notification.

The process is still in infancy with plan development and evaluation by the professionals charged with ensuring compliance with all applicable zoning codes, building codes, and applicable regulations.

The matter of a tree removal without approvals has been referred to our City Attorney's Office for input.

Please feel free to call me with any additional details or concerns.

Regards,

Jesse

Jesse Oswald |Chief Building Official

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

Tel. (707) 543-3249 | Fax (707) 543-3219 | joswald@srcity.org

Exhibit 19

**(1 Page—Email correspondence from Appellant to Chief Building
Official Jesse Oswald regarding continued work at property and
status of Stop Work Order, 9/2/20)**

Re: [EXTERNAL] Deputy Sheriff/Contractor - Illegal Build

From: Kathleen Parnell (kathleendparnell@yahoo.com)

To: joswald@srcity.org

Cc: kmahre@srcity.org; cmoffice@srcity.org

Date: Wednesday, September 2, 2020, 04:18 PM PDT

Jesse,

The windows to the master bathroom and walk-in closet area of the new/illegal build are covered with cardboard (as of today), and hammering could be heard. The windows to the new extra bedroom are not covered and haven't changed.

Per your email, your position is that the City is working with the owner "to determine a path to legalize the (illegal) addition." And it appears that work continues on this illegal build to this day.

Is this illegal build red-tagged?

Thank you,
Kathy

On Tuesday, September 1, 2020, 07:07:53 AM PDT, Oswald, Jesse <joswald@srcity.org> wrote:

Good morning Ms. Parnell,

My apologies for delays in response and the difficulties you have endured. Thank you for the detailed information on the matter next door. The details will definitely assist with the investigation.

Since beginning the investigation on the matter, our Code Enforcement and Planning Divisions have worked with the owner of 1900 Brush Creek Rd. to determine a path to legalize the addition. In no instance will any aspect of the project be "rubber-stamped". Any and all projects are required to meet all regulations administered by this department. If any variances are required, appropriate applications for them will be required and that-being an entitlement – will require public notification.

The process is still in infancy with plan development and evaluation by the professionals charged with ensuring compliance with all applicable zoning codes, building codes, and applicable regulations.

The matter of a tree removal without approvals has been referred to our City Attorney's Office for input.

Please feel free to call me with any additional details or concerns.

Exhibit 20

(1 Page—Email from Appellant to Chief Building Official, Jesse Oswald and cc [redacted] office regarding excavation and removal of dirt off of Brush Creek Road by the homeowner at 1900 Brush Creek Road, 9/9/20)

Dirt Removal on Brush Creek Road (1900 Brush Creek Road)

From: Kathleen Parnell (kathleendparnell@yahoo.com)

To: joswald@srcity.org; cmoffice@srcity.org

Date: Wednesday, September 9, 2020, 10:17 AM PDT

Hi Jesse,

Just making you aware that Dan Lichau at 1900 Brush Creek Road is on his tractor this morning removing (literally) tons of dirt off of Brush Creek Road and loading it into a trailer for removal. Is this with the City's approval?

If he's rebuilding a fence and this is with the City's approval, please ensure the new fence is on the property line and meets height and scenic road requirements. [REDACTED]

Thank you,
Kathy Parnell

Exhibit 21

(1 Page—Email correspondence Dan Lichau to Permit Submittal mailgroup, Mark Maystrovich, Cassidy Anderson regarding updated Building Permit Submittal, 9/16/20)

From: daniel lichau <daniel_lichau@yahoo.com>
Sent: Wednesday, September 16, 2020 6:36 PM
To: Permit Submittal
Cc: Maystrovich, Mark;Anderson, Cassidy
Subject: [EXTERNAL] 1900 Brush Creek Road Santa Rosa Permit Application
Attachments: Brush Creek Road_1900-Plan Permit Application.pdf; Brush Creek Road_1900-Plan T-24 Report.pdf; Brush Creek Road_1900-Plan Foundations Report.pdf; Brush Creek Road_1900-Plan Engineer Letter.pdf; Brush Creek Road_1900-Plan .pdf; Brush Creek Road_1900-Plan Electronic Disclosure.pdf; Brush Creek Road_1900- Plan CALGreen Checklist.pdf; Brush Creek Road_1900- Plan CALGreen Inspection Verification Letter.pdf; Brush Creek Road_1900- Plan Foundation and flooring detail plans.pdf; Brush Creek Road_1900-Plan Foundation detail.pdf; Brush Creek Road_1900-Plan Roof framing and beam connection detail.pdf

To whom it may concern,

Please see attached permit application and supplemental documentation, including plans, for addition on our home at 1900 Brush Creek Road Santa Rosa. Please email or feel free to call with any questions or further required actions. Thank you for your time and we look forward to hearing from you.

Sincerely,
Amber Lichau
(707) 889-6979

Exhibit 22

**(6 Pages—Correspondence between Dan Lichau and Mark
Maystrovich regarding redwood heritage tree violation and Notice
of Violation Letter, 9/17/20)**

From: Mister Unknown <daniel_lichau@yahoo.com>
Sent: Thursday, September 17, 2020 6:54 PM
To: Maystrovich, Mark
Subject: [EXTERNAL] Re: 1900 Brush Creek

Hi sir.

I got your email and I'll start addressing the issue tomorrow.

I'd like to petition the director as described in the attachment you sent. Do you know the best way to contact and petition this? I was told the office was closed due to COVID.

I'd appreciate any help you could give me. And again, I'm sorry to be taking up your time.

Dan Lichau

On Sep 17, 2020, at 6:34 PM, daniel lichau <daniel_lichau@yahoo.com> wrote:

----- Forwarded Message -----

From: Maystrovich, Mark <mmaystrovich@srcity.org>
To: daniel lichau <daniel_lichau@yahoo.com>
Sent: Thursday, September 17, 2020, 04:08:47 PM PDT
Subject: 1900 Brush Creek

Good Evening Daniel

Attached is a letter of violation regarding the removal of a large redwood tree. Please read the letter and all code sections carefully. I will be returning your permit application and plans for the addition you have sent via email.

Mark

Mark Maystrovich |Senior Code Enforcement Officer
Planning and Economic Development |100 Santa Rosa Avenue | Santa Rosa, CA 95404
Tel. (707) 543-3268 | Fax (707) 543-4315 | mmaystrovich@srcity.org

Hello and thank you for your email. Please note: The City of Santa Rosa has closed most of its public counters until further notice to help curb a resurgence of coronavirus infections occurring in Sonoma County and statewide. Access to most City services remains available online, by phone, and in some instances in-person by appointment. For a current list of those services, visit srcity.org/ServiceFinder.

For detailed information about the City of Santa Rosa's ongoing response the coronavirus public health emergency, please visit the City's website at srcity.org/PreventTheSpread



September 17, 2020

Daniel & Amber Lichau
1900 Brush Creek Road
Santa Rosa, CA 95404

NOTICE OF VIOLATION AT: 1900 BRUSH CREEK ROAD

APN: 180-140-056

ZONE: R-1-15-SR

FILE NO. CE20-0139

SANTA ROSA CITY CODE (SRCC) SECTION 17-24.030: TREE ALTERATION,
REMOVAL AND RELOCATION – PERMIT REQUIRED

The Code Enforcement Division has received complaints regarding your property at 1900 Brush Creek Road. The complaints allege, but are not limited to, your removal of a large heritage redwood tree in order to build the addition to your home at that location. A tree removal permit is required to remove trees pursuant to SRCC Sections 17-24.030 et seq. (enclosed for your convenience).

You are hereby notified regarding the above violation. Because the above-referenced tree was removed without a permit, please petition the Director, as outlined in SRCC Section 17-24.130 below, for permission to replace the removed redwood tree with replacement tree(s) as described, **within five (5) days of the date of this letter**. Information may be obtained at the Planning and Economic Development Department, 100 Santa Rosa Avenue, Room 3, from 8:00 a.m. - 4:30 p.m. on Monday, Tuesday & Thursday; 10:30 a.m. - 4:30 p.m. on Wednesday; and 8:00 a.m. - 12:00 p.m. on Friday.

Please carefully read the below Code sections. The recently submitted permits for your addition will be returned to you. Your site plan needs to show location of all structures and all trees on your property. This is to include the redwood tree that had been removed for the addition. In the meantime, **the City is still considering what action(s) it will take concerning these permits, pursuant to Section 17-24.140 below.**

If you have any questions, please contact me at 543-3268. Your assistance in the preservation of our community would be greatly appreciated.



Mark Maystrovich
Senior Code Enforcement Officer
Planning and Economic Development

Enc: SRCC Section 17-24.030 through 17-24.140

cc: File



SANTA ROSA CITY CODE
Section 17-24.030

Tree alteration, removal, relocation – Permit required

No person shall alter, remove or relocate, or permit or cause the alteration, removal or relocation of any tree, including any heritage, protected, or street tree, situated in the City without a permit as provided in this chapter.

- (A) The provision of this section shall not apply to the following:
- (1) The alteration, removal or relocation of a tree, except a protected or heritage tree, situated on “developed property in a R-1, R-1-6, R-1-7.5, R-1-9, PRD, and R-1-PD zoning district,” unless the adopted policy statement for a particular PRD or R-1-PD zoning district states that a permit is required.
 - (2) The trimming or clearing of any tree’s branches or roots from interfering (a) with the lines of any public utility, City water, sewer and storm drain lines and open storm drain channels and City street, sidewalks, curbs and gutters when necessary for the proper maintenance of such facilities, or (b) with the maintenance of adequate lines of sight along City streets and entrances to such streets, including lines of sight to traffic control signs and signals, provided that accepted arboricultural practices are utilized in each instance.
 - (3) A removal or alteration of any tree necessitated by a hazardous or dangerous condition of, or caused by the tree, or a portion thereof, which requires immediate action to protect life or property. Such a tree, including a street, protected, or heritage tree, may be altered or removed by City personnel without a permit, or by the property owner with the prior written permission given by the head of any one of the following City departments: the Police Department, Fire Department, Public Works Department, Utilities Department, Recreation and Parks, Community Development or City Manager. Decision making authority in such situations may be delegated to field personnel by the head of each such Department or by the City manager.
 - (4) Trees, other than heritage trees, situated within City owned parks and other City owned or controlled places when altered, removed, or relocated by City employees or by contractors retained by the City.
 - (5) Exempt Trees. The following species of tree and any additional species, as determined by resolution of the City Council from time to time, are exempt from the provisions of this chapter (except for those that may exist as street trees) and a permit is not required for their alteration, removal or relocation: acacia, silver

maple, poplar, ailanthus, hawthorn, fruitless mulberry, ligustrum, pyracantha, Monterey pine, Monterey cypress, and fruit and nut trees, except walnut trees which are not exempt.

17-24.100 Violation.

Every person who violates any provision of this chapter is guilty of a misdemeanor. (Ord. 3238 § 28 (d), 1996; Ord. 2858 § 1, 1990)

17-24.110 Criminal penalty for violation.

A violation of any provision of this chapter is subject to Chapter 1-28 of the City Code. (Ord. 3699 § 2, 2005; Ord. 2858 § 1, 1990)

17-24.120 Injunctions.

In addition to all other actions and remedies, civil or penal, authorized by law, the City Attorney is authorized to file an action in court seeking injunctive relief to enjoin a violation of any provision of this chapter or to prevent a threatened violation of any provision of this chapter. The injunctive relief sought in any such action may be prohibitory, mandatory, or both. (Ord. 2858 § 1, 1990)

17-24.130 Replacement trees.

In lieu of prosecution under Section 17-24.110, any person who alters, removes, or relocates a tree, or who permits or causes to be altered, removed or relocated any tree in violation of any provision of this chapter, may petition the Director for permission to replace each tree so altered, removed, or relocated, with four replacement trees for each six inches or fraction thereof of the diameter of each tree which was altered, removed or relocated without a permit, each of the same genus and species, each of a minimum 15-gallon container size, to be planted on the property on which the violation was committed. If approved by the City Attorney, the Director may grant the petition, with or without conditions, if he finds that the proposed replacement trees will substantially restore the property environmentally to a condition equal to its condition prior to the violation. Each such replacement tree shall be deemed and considered a “protected tree” under the provisions of this chapter. The conditions imposed by the Director may include requirements for security to insure the tree’s successful establishment and proper care for a stated period of time. The Director may also authorize the planting of a lesser number of larger trees or a larger number of smaller trees than specified if he finds that either adjustment will be more beneficial to the permanency of all trees on the property. (Ord. 3699 § 3, 2005; Ord. 2858 § 1, 1990)



17-24.140 Violation—City approvals.

The owner or occupant of any property on which a violation of the provisions of this chapter was committed, if such violation was committed by the owner or a lawful occupant thereof, or committed with the permission or consent of either such person, shall be denied, for a period of two years from the date of the City's discovery of such violation, any approval or permit which otherwise might have been issued by the City for the development or further improvement of such property. Prohibited approvals or permits shall include, but not be limited to, conditional use permits, variances, and building or demolition permits. The provisions of this section shall not apply to any approval or permit which is needed or required to maintain the health or safety of those occupying existing improvements on the property. If the violation has been established by the final judgment of a court, the Director shall, by appropriate notice to the owner of the property and the pertinent City departments and agencies, implement the provisions of this section. If an alleged violation of this chapter has not been the subject of a court proceeding, the Director, in his or her discretion, may hold a hearing on the alleged violation, giving the property owner reasonable advanced notice thereof and a summary of the facts which indicate a violation has occurred, which notice and summary shall meet any procedural due process requirements that are determined to be applicable. Following the hearing at which the owner shall be allowed to present testimony, argument and evidence and to refute the evidence presented by the City, the Director, based on the evidence presented at the hearing, shall determine in writing whether a violation of this chapter occurred on the property involved, and if so, whether it was committed by the property owner or a lawful occupant of the property, or with the permission or consent of either such person. A copy of the Director's determination shall be immediately mailed or delivered to the property owner. If the Director determines such a violation was committed by the owner or such occupant or with the permission or consent of either, he or she shall implement the provisions of this section by notice as set forth above. Notice of a violation of a provision of this chapter may be recorded in the office of the County Recorder to implement the provisions of this section. (Ord. 2858 § 1, 1990)

Exhibit 23

**(2 Pages—Email from Dan Lichau to Andrew Trippel cc:Rezvoy
regarding heritage tree remediation/letter, 9/20/20)**

From: daniel lichau <daniel_lichau@yahoo.com>
Sent: Sunday, September 20, 2020 3:59 PM
To: Trippel, Andrew
Cc: Ivan Rezvoy
Subject: [EXTERNAL] 1900 Brush Creek Road Santa Rosa, CA 95404 corrective action/permit petition for tree removal
Attachments: 1900 Brush Creek Road Santa Rosa- petition letter to director.docx; Lichau_tree.docx
Follow Up Flag: Follow up
Flag Status: Completed

Hello sir,

My name is Daniel Lichau, I believe you met with my wife, Amber, on Friday regarding the removal of a tree located at our property at 1900 Brush Creek Road Santa Rosa, CA. I have attached the requested documents. We thank you for your time and assistance, and apologize for being a burden. We wish we had been aware of the requirement for a permit for tree removal and could have applied for it in the proper sequence. We greatly appreciate your assistance in remediating our mistake. I also have made an appointment for Monday, September 21, 2020 at 11am at your department in order to ensure that all matters have been addressed prior to the five days from the date of notification, Thursday, September 18, 2020.

Please feel free to contact me via phone or email with any additional questions or requests.

Thank you for your time,
Dan Lichau
(707) 953-0699

Amber and Daniel Lichau
1900 Brush Creek Road
Santa Rosa, CA 95404

September 18, 2020

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

Dear Sir or Madam:

We are the current owners of the property at 1900 Brush Creek Road Santa Rosa, CA 95404, which we purchased in July, 2019. Upon purchase, an immediate concern of ours was the redwood tree located on the north side of our property line. Our initial concerns with the tree were the root system that was encroaching on the existing foundation as well as limbs that were overlaying our roofline and causing damage to the existing shingles. Additionally, the overlaying braches and limbs also posed a foreseeable threat during windy conditions as well as eliminated the defensible space recommendation in an already high-risk fire zone. Due to the aforementioned reasons, it was recommended that we have the tree removed, which was completed in or around October 2019. Secondly, we are in the process of applying for a permit for an addition to our home on this property that also would have required the removal of this tree.

We sincerely apologize for our naïve actions in removing the tree without the proper permit; we were were unaware of this requirement. We are writing this letter to petition to either replant trees to replace the tree and/or pay a donation to the mentioned tree fund to remedy this mistake and obtain the proper permit(s) for our addition.

We appreciate your time and assistance in navigating this uncharted terrain for us. We are looking forward to working with you.

Sincerely,
Amber and Daniel Lichau

Exhibit 24

**(2 Pages—Email correspondence between Dan Lichau and Mark
Maystrovich regarding Site Plan Revision Showing Trees, etc.,
9/22/20)**

From: Mister Unknown <daniel_lichau@yahoo.com>
Sent: Wednesday, September 23, 2020 7:59 AM
To: Maystrovich, Mark
Subject: [EXTERNAL] Re: 1900 Brush Creek

Hi Mark.

I worked on the site plan showing the tree information and detached garage last night. All of the setbacks were measured by an engineer.

I don't have an ADU or converted garage of any sort. I also don't have any sheds or outbuildings.



I hope this will be sufficient.

Thank you for working with me and thank you for your time.

Dan Lichau

Sent from my iPhone

On Sep 22, 2020, at 3:12 PM, Maystrovich, Mark <MMaystrovich@srcity.org> wrote:

Good Afternoon Daniel

Back on September 16, 2020 you had sent me your permit application and plans submittal for the addition at 1900 Brush Creek. I believe your submittal has been returned?

I need to request that you re-submit your site plan only. The new site plan needs to be 100% accurately showing the following

1. Provide location of all trees.
2. Include locations of trees and types of trees that had been removed.
3. Accurately show all building setback lines and easements.
4. Show location of all structures and indicate the use,
5. (E) detached Garage,

6. Indicate the detached garage converted into ADU.
7. (E)house.
8. (E) shed or sheds

Regarding the Redwood Tree removal;

You stated it was recommended to have the tree removed. Please contact the professional tree company that removed.

Please submit following regarding the redwood tree;

- a. submit the arborist report on the health of the redwood tree and why the redwood tree needed to be removed.
- b. Submit any photographs showing before and after photographs of the redwood tree.

Thanks

Mark

Mark Maystrovich | Senior Code Enforcement Officer

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

Tel. (707) 543-3268 | Fax (707) 543-4315 | mmaystrovich@srcity.org

Hello and thank you for your email. Please note: The City of Santa Rosa has closed most of its public counters until further notice to help curb a resurgence of coronavirus infections occurring in Sonoma County and statewide. Access to most City services remains available online, by phone, and in some instances in-person by appointment. For a current list of those services, visit srcity.org/ServiceFinder.

For detailed information about the City of Santa Rosa's ongoing response the coronavirus public health emergency, please visit the City's website at srcity.org/PreventTheSpread

<image002.jpg>

Exhibit 25

(8 Pages–Email correspondence between Amber Lichau and Andrew Trippel regarding tree, photos, individual who cut down tree is ill, etc. 9/22/20)

From: Amber Lichau <lichau.amber@gmail.com>
Sent: Tuesday, September 22, 2020 7:28 PM
To: Trippel, Andrew
Subject: Re: [EXTERNAL] Regarding tree removal at 1900 Brush Creek Road Santa Rosa
Attachments: Tree Removal Site Plan 1900 Brush Creek 1in10 a.pdf

Follow Up Flag: Follow up
Flag Status: Completed

Andrew,

Here's the best before we were able to get and had it placed on a site map for reference. The "after" is also placed below.

Hope this helps.



Google





Sent from my iPhone

On Sep 22, 2020, at 7:16 PM, Trippel, Andrew <atrippel@srcity.org> wrote:

Hi Amber,

Do you have any images of the tree before or during its removal?

Andrew

Andrew Trippel | Acting Supervising Planner – Current Planning

Planning & Economic Development | 100 Santa Rosa Ave Rm 3 | Santa Rosa, CA 95404

Tel. (707) 543-3223 | Fax (707) 543-3269 | atrippel@srcity.org

<image002.jpg>

From: Amber Lichau <lichau.amber@gmail.com>

Sent: Tuesday, September 22, 2020 6:58 PM

To: Trippel, Andrew <atrippel@srcity.org>

Subject: Re: [EXTERNAL] Regarding tree removal at 1900 Brush Creek Road Santa Rosa

Hi Andrew,

Thank you so much for your prompt reply. We weren't sure if the request for the pictures and the health report from Mark were from you in response to what we had submitted or something separate. We absolutely understand about you wanting the info from the tree company that had cut it down. The letter that we submitted to you with the width of the tree at breast height, total height and species of the tree was the document we received directly from the company in response to my request of them for the information you had asked for when I met with you on Monday; they had just addressed the letter with the info to Dan and I. They are stating that the individual that had actually worked with us and cut down the tree is ill and no longer working with the company so I have been speaking to another member of the company. I have reached out to them again today to ask for the additional information but have not yet received a response.

In the event they do not provide us with the requested information beyond the preliminary info of width at breast height, total height, and species of tree, are there alternate steps that we can take in lieu of this to get this all taken care of? We would greatly appreciate any recommendations or advice. We sincerely apologize for being so naive to all of this and causing more work for everyone.

Sincerely,
Amber

On Sep 22, 2020, at 6:33 PM, Trippel, Andrew <atrippel@srcity.org> wrote:

Hi Amber,

Mark included the questions/comments that I had in his email. He states that you should submit following regarding the redwood tree: (1) an arborist report on the health of the redwood tree and why the redwood tree needed to be removed, and (2) any photographs showing before and after photographs of the redwood tree.

The issue I had with what you submitted is that the tree data need to be provided preferably by a certified arborist but at a minimum by the company that removed the tree. I really can't accept tree data submitted by you or your husband. Does that make sense?

Andrew

Andrew Trippel | Acting Supervising Planner – Current Planning

Planning & Economic Development | 100 Santa Rosa Ave Rm 3 | Santa Rosa, CA 95404
Tel. (707) 543-3223 | Fax (707) 543-3269 | atrippel@srcity.org

<image001.jpg>

From: Amber Lichau <lichau.amber@gmail.com>

Sent: Tuesday, September 22, 2020 4:17 PM

To: Trippel, Andrew <atrippel@srcity.org>

Subject: [EXTERNAL] Regarding tree removal at 1900 Brush Creek Road Santa Rosa

Hi Andrew,

I came in and spoke with you regarding the tree removal at our property. We received the following email from Mark today and I wanted to follow up with you to ask if the following requests are in response to the petition and info my husband had emailed to you or if we should also anticipate further follow-up and info from you as well? Sorry to take your time; we just want to make sure we aren't missing anything and are taking care of it all.

Thanks,
Amber

Sent from my iPhone

Begin forwarded message:

From: daniel lichau <daniel_lichau@yahoo.com>

Date: September 22, 2020 at 4:10:18 PM PDT

To: Amber Lichau <Lichau.amber@gmail.com>

Subject: Fw: 1900 Brush Creek

----- Forwarded Message -----

From: Maystrovich, Mark <mmaystrovich@srcity.org>

To: daniel lichau <daniel_lichau@yahoo.com>

Cc: Oswald, Jesse <joswald@srcity.org>; Abel, Adam <aabel@srcity.org>; Trippel, Andrew <atrippel@srcity.org>; Sheikhali, Monet <msheikhali@srcity.org>; Anderson, Cassidy <cganderson@srcity.org>; Sevilla, Lisa <lsevilla@srcity.org>
Sent: Tuesday, September 22, 2020, 03:12:36 PM PDT
Subject: 1900 Brush Creek

Good Afternoon Daniel

Back on September 16, 2020 you had sent me your permit application and plans submittal for the addition at 1900 Brush Creek. I believe your submittal has been returned?

I need to request that you re-submit your site plan only. The new site plan needs to be 100 % accurately showing the following

1. Provide location of all trees.
2. Include locations of trees and types of trees that had been removed.
3. Accurately show all building setback lines and easements.
4. Show location of all structures and indicate the use,
5. (E) detached Garage,
6. Indicate the detached garage converted into ADU.
7. (E)house.
8. (E) shed or sheds

Regarding the Redwood Tree removal;

You stated it was recommended to have the tree removed. Please contact the professional tree company that removed.

Please submit following regarding the redwood tree;

1. submit the arborist report on the health of the redwood tree and why the redwood tree needed to be removed.
2. Submit any photographs showing before and after photographs of the redwood tree.

Thanks

Mark

Mark Maystrovich | Senior Code Enforcement Officer

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

Tel. (707) 543-3268 | Fax (707) 543-4315 |
mmaystrovich@srcity.org

Hello and thank you for your email. Please note: The City of Santa Rosa has closed most of its public counters until further notice to help curb a resurgence of coronavirus infections occurring in Sonoma County and statewide. Access to most City services remains available online, by phone, and in some instances in-person by appointment. For a current list of those services, visit srcity.org/ServiceFinder.

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<image003.jpg>

<image003.jpg>

Exhibit 26

**(1 Page–Unknown Source, Builder Letter Produced from Tree
Company, 9/24/20)**

To: Daniel & Amber Lichau

The Coastal Redwood, *Sequoia sempervirens*, at 1900 Brush Creek Rd. Santa Rosa, CA 95404 was approximately 55 feet in height. DBH was approximately 70 inches.

Exhibit 27

**(3 Pages—Email correspondence between uilder and Mark
Maystrovich regarding tree and unable to produce arborist
report, 10/7/20)**

From: daniel lichau <daniel_lichau@yahoo.com>
Sent: Wednesday, October 7, 2020 9:52 PM
To: Maystrovich, Mark
Subject: [EXTERNAL] Re: 1900 Brush Creek

Hi Mark,

Thank you for the reply email. Hope you are doing well. We have processed a request for the site map to be drawn up professionally and we will get it to you ASAP.

As far as the requested letter for the tree, please excuse us for not getting you the correct document. We are seemingly at a point that we must request for alternative corrective actions than the requested letter. We consulted and hired an individual to cut down the tree and were given the details about the trees that were outlined in the submitted letter at the time. We contacted the individual who cut down the tree to obtain the requested info on the tree and were given the letter without letterhead or a signature. Upon further contact today, we were informed that the individual that cut down the tree was not an arborist nor does he own the tree company for which he works for and therefore drafted the letter with the requested information and sent it to us but without a signature or letterhead. I've had extensive contact with the arborist and owner and although he did write us up the letter with your office's requested information that we had given to you, he's not able to sign his name because he did not personally see the tree prior to it being cut. He said he's willing to talk to whomever regarding the situation but won't be able to sign for the provided information because it was his employee (and father) that cut down the tree. Can you please advise us on how to proceed without an arborist report? We are so sorry for the inconvenience and for taking your time with this. I wish we had known there was a proper protocol and permit needed to remove a tree and we will comply with the corrective action(s) of replanting tree(s) and/or paying a fee/donation that you request in lieu of the arborist report.

We look forward to hearing from you on next steps and will get the site plan to you ASAP. Please contact either of us at with any further questions. I have also made an appointment to come in on Friday to hopefully get things clarified and solicited. Thank you again.

Sincerely,
Amber and Daniel

On Wednesday, October 7, 2020, 02:55:54 PM PDT, Maystrovich, Mark <mmaystrovich@srcity.org> wrote:

Good Afternoon

Please be advised you are requested to have a licensed professional draw up and sign your site plan. We are noticing possible discrepancy in your site plan according to a final map located at the City. Please ensure all easements, including scenic easements, building setback, structures and accessory structures are shown.

The paper work submitted for the removal of the redwood tree is incorrect. The report as to why the redwood tree was removed must be on company letter head, meaning the arborist that had removed the tree needs to have the report on his letter head. This is the second request regarding the tree issue.

Mark

Mark Maystrovich |Senior Code Enforcement Officer

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

Tel. (707) 543-3268 | Fax (707) 543-4315 | mmaystrovich@srcity.org

Hello and thank you for your email. Please note: The City of Santa Rosa has closed most of its public counters until further notice to help curb a resurgence of coronavirus infections occurring in Sonoma County and statewide. Access to most City services remains available online, by phone, and in some instances in-person by appointment. For a current list of those services, visit srcity.org/ServiceFinder.

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To: Daniel & Amber Lichau

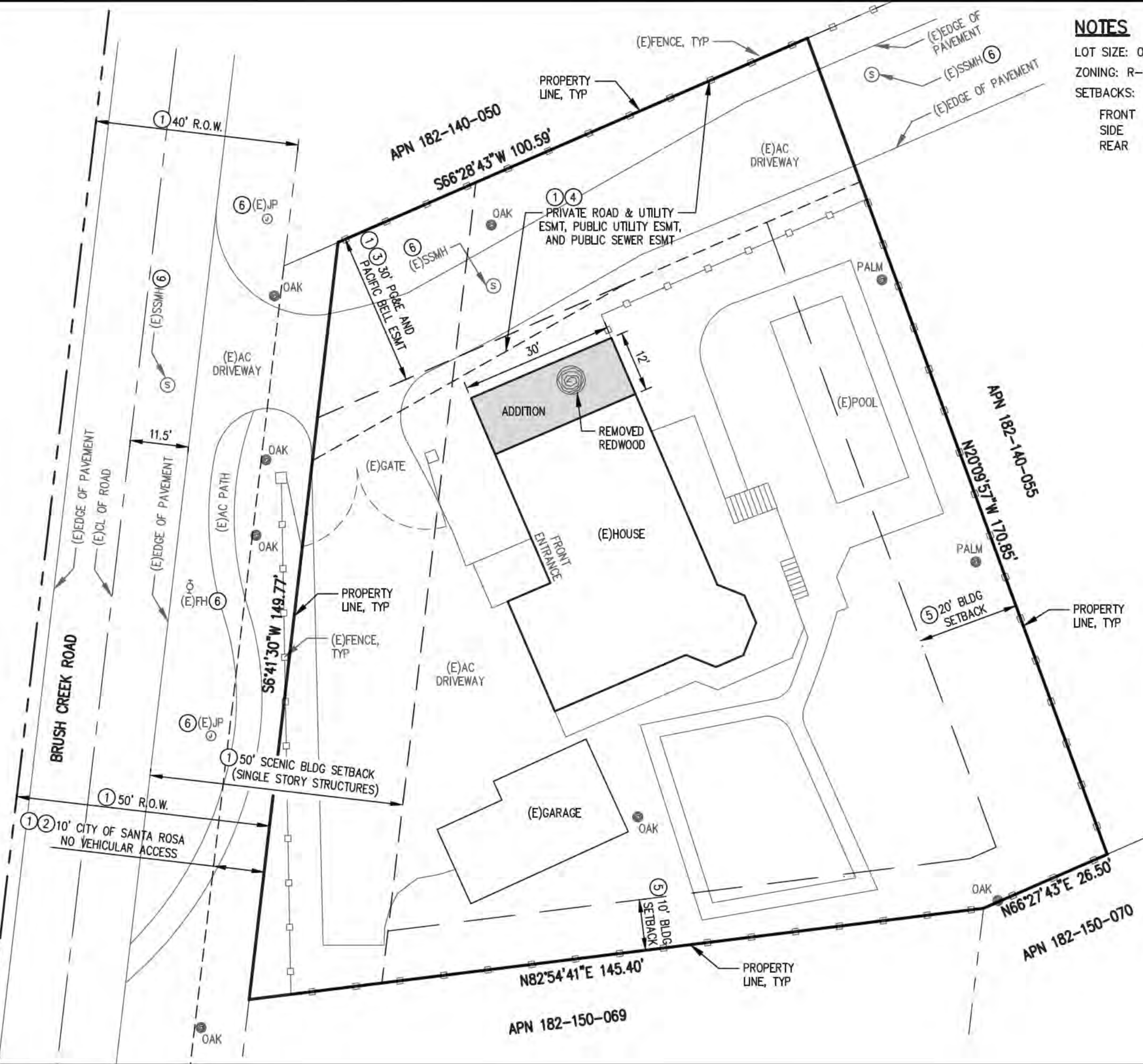
The Coastal Redwood, *Sequoia sempervirens*, at 1900 Brush Creek Rd. Santa Rosa, CA 95404 was approximately 55 feet in height. DBH was approximately 70 inches.

To: Daniel & Amber Lichau

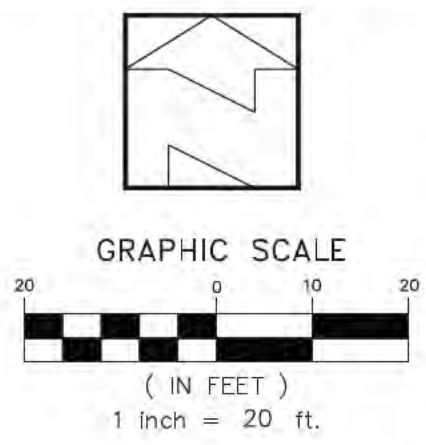
The Coastal Redwood, *Sequoia sempervirens*, at 1900 Brush Creek Rd. Santa Rosa, CA 95404 was approximately 55 feet in height. DBH was approximately 70 inches. The tree was encroaching on the foundation of the house. The tree had previously failed limbs and the drip line was overhanging the roofline posing a fire hazard. This tree was also a co dominant stem with included bark within the first 5-7 feet of the trunk above grade.

Exhibit 28

(1 Page—Robertson Engineering Site Plan, 10/13/20)



NOTES
 LOT SIZE: 0.49 AC
 ZONING: R-1-15-SR
 SETBACKS:
 FRONT = 20'
 SIDE = 10'
 REAR = 20'



REFERENCES

- ① PM NO. 609 BK 635 PGS 4-7
- ② 81-035240 SCR
- ③ 1993-0091035 SCR
- ④ 2001-149532 SCR
- ⑤ CITY SECTION 20-22.050 R-1-15-SR ZONING DISTRICT SETBACKS
- ⑥ CITY OF SANTA ROSA PUBLIC IMPROVEMENT PLANS NO. 2002-30

ABBREVIATIONS

L	ANGLE
⊙	AT
±	PLUS/MINUS
AC	ASPHALT CONCRETE
APN	ASSESSOR PARCEL NUMBER
BK	BOOK
BLDG	BUILDING
CL, C/L	CENTERLINE
EP	EDGE OF PAVEMENT
ESMT	EASEMENT
EX, (E)	EXISTING
FH	FIRE HYDRANT
JP	JOINT UTILITY POLE
PGS	PAGES
MAX	MAXIMUM
MIN	MINIMUM
NTS	NOT TO SCALE
R.O.W	RIGHT OF WAY
RWD	REDWOOD
SCR	SONOMA COUNTY RECORDS
SSMH	SANITARY SEWER MANHOLE
TYP	TYPICAL

ROBERTSON ENGINEERING
 2300 BETHARDS DR, STE L,
 SANTA ROSA, CA 95405
 T 707.523.7490
 office@robertsonengineering.net



10/13/2020

SITE PLAN
 LICHAU RESIDENTIAL ADDITION
 APN 182-140-056
 1900 BRUSH CREEK ROAD
 SONOMA COUNTY
 CALIFORNIA

Exhibit 29

(2 Pages—Mike Robertson letter to Chief Building Official, Jesse Oswald, 10/30/20)

October 30, 2020

CITY OF SANTA ROSA
Mr. Jesse Oswald, Chief Building Official
100 Santa Rosa Avenue, Room #3
Santa Rosa, CA 95404

**RE: 1900 BRUSH CREEK ROAD, SANTA ROSA
REi PROJECT NO. 20056**

Dear Jesse,

I was contacted by Daniel and Amber Lichau of 1900 Brush Creek Road requesting that we prepare a Site Plan that shows the Brush Creek Road frontage right-of-way, easements and the private access driveway easement and public utility easements beside their house. Enclosed with their set of plans is a stamped and signed Site Plan with references to each of the supporting documents that show dimensions, setbacks, and the new house addition with respect to their property. I have enclosed the referenced documents used for the Site Plan.

It is my understanding that they had to remove an existing Coastal Redwood tree. I have reviewed a photograph of that tree. It was a 55' tall tree that was encroaching into the foundation of the house and had failed limbs fall onto the roof where the tree dripline was overhanging. The gentleman that removed the tree felt that it posed a fire hazard and a safety hazard for the existing house and people who may be using the yard. This tree, which had a split trunk was also a co-dominant stem, which included bark within the first 5'-7' of the trunk above the existing ground. The diameters of the split double tree at chest height was approximately 48" and 26" respectively. Attached is a photo of the tree prior to its removal.

We have measured in the field the location of the 12' x 30' addition to the side of the house, and the documents of the easements and zoning setbacks. These are shown accurately on the Site Plan. There is documentation from Monet Sheikhal, City Planner, indicating on October 15, 2020 that "Planning has reviewed your request and it has been determined that the new addition needs to comply with the required setbacks for R-1-15-SR Zoning District per Section 20-22.050. No need to apply the setbacks being shown on the Supplemental Sheet." You will see in the attached supplemental sheet that there are easements adjacent to the northerly side of the house addition and a 50' scenic building setback. Per Monet, the zoning side yard setback of 10' supersedes the setback shown on the Supplemental Sheet. We

City of Santa Rosa
Mr. Jesse Oswald, Chief Building Official
RE: 1900 Brush Creek Road, Santa Rosa
REi Project No. 20056
October 30, 2020

have verified at the property that the addition is located outside each of the road, utility and sewer easements shown on the referenced documents.

Therefore, we have concluded that, in our professional opinion, and based upon our research that the addition meets City requirements.

Sincerely,
ROBERTSON ENGINEERING, inc.



Mike Robertson

MBR/kebr
Enc.

c: Daniel and Amber Lichau



Exhibit 30

(2 Pages –Appellant notes regarding Light Complaint)

NEW SPOTLIGHT DIRECTED INTO APPELLANT'S HOME



New light was installed mid-October on the east-facing deck and directed into my windows and left on 24/7 for weeks beginning in mid-October 2020. The new light fixture was installed between the two sets of French Doors on the deck, which is not the location of the light submitted with the 12/8/2020 provided by Applicant and required by the City for mitigation of the complaint.



NEW SPOTLIGHT DIRECTED INTO APPELLANT'S HOME



Pre-Build location of exterior light on east side of home. This was removed by Applicant

The photo above was included with the Developers' explanation of the bright lights, stating that they simply changed out an old fixture on the east side of the house to make it motion-sensored. **On information and belief, this is a misrepresentation by the Applicant to Building and Code Enforcement. The light shown above is not the light at issue (The light at issue is located between the sets of French doors on the deck, which is a new light as of mid October 2020).**

There was no pre-existing light located in between the two sets of French doors on the deck (below photo). The new light, the basis of the complaint, is located between two sets of French doors and was installed mid-October by the Developer and left on 24/7 for days at a time and directed into our home.



hibit 31

**(3 Pages–Email from Andrew Trippel to Jesse Oswald with
Determination on 1900 Brush Creek Road, cc to Mark
Maystrovich, Bill Rose, Adam Abel, Conor McKay, Monet
Sheikhali, Ashle Crocker, 11/23/20)**

From: [Trippel, Andrew](#)
To: [Oswald, Jesse](#)
Cc: [Maystrovich, Mark](#); [Abel, Adam](#); [Rose, William](#); [Sheikhali, Monet](#); [Crocker, Ashle](#); [McKay, Conor](#)
Subject: RE: 1900 Brush Creek
Date: Monday, November 23, 2020 10:56:00 AM

Hi Jesse,

In response to your questions for Planning:

1. Yes, during Planning review of a building permit, Planning would approve the residential addition as shown on the site plan.

2. Mr. Robertson's letter indicates that a tree image is attached; however, I didn't receive an image of the tree. Could you request that image for the record? In the interim – and lacking an arborist's report specifying that the tree is an imminent hazard – Planning would approve the tree removal as part of the approval of the project and require mitigation of a tree removed in accordance with City Code [Section 17-24.050 Permit category II – Tree alteration, removal, or relocation on property proposed for development – Requirements](#). Based upon my reading of the Tree Ordinance, two circumstances exist with regard to situations where development is approved: (a) a situation where tree removal and development are approved, and (b) a situation where development is approved but tree removal is not. As we discussed, while Planning recommends implementing (a), your discussion with the CE complaint filer may result in (b) being an acceptable suitable alternative.
 - a) In accordance with Subsection 17-24.050(C)(1), for each six inches or fraction thereof of the diameter of a tree **which was approved for removal**, two trees of the same genus and species as the removed tree (or another species, if approved by the Director), each of a minimum 15-gallon container size, shall be planted on the project site, provided however, that an increased number of smaller size trees of the same genus and species may be planted if approved by the Director, or a fewer number of such trees of a larger size if approved by the Director. Mr. Robertson's letter reports that the total diameter of the removed tree is 74 inches (48+26). Under this criteria, the mitigation requirement is planting of 26 Coast Redwood trees, each a minimum of 15-gallon container size ($74 / 6 = 12.33$ 6-inch increments, which rounds up to 13 sections). In accordance with Subsection 17-24.050(C)(3), If the development site is inadequate in size to accommodate the replacement trees, the trees shall be planted on public property with the approval of the Director of the City's Recreation and Parks Department. Upon the request of the developer and the approval of the Director, the City may accept an in-lieu payment of \$100.00 per 15-gallon replacement tree on condition that all such payments shall be used for tree-related educational projects and/or planting programs of the City. The total payment in-lieu fee would be \$2,600.
 - b) In accordance with Subsection 17-24.050(C)(2), for each six inches or fraction thereof of the diameter of a tree **which was not approved for removal**, four trees of the same genus and species as the removed tree (or another species, if approved by the Director), each of a minimum 15-gallon container size, shall be planted on the project site,

provided however, that an increased number of smaller size trees of the same genus and species may be planted if approved by the Director, or a fewer number of such trees of a larger size if approved by the Director. Mr. Robertson's letter reports that the total diameter of the removed tree is 74 inches (48+26); Under this criteria, the mitigation requirement is planting of 52 Coast Redwood trees, each a minimum of 15-gallon container size ($74 / 6 = 12.33$ 6-inch increments, which rounds up to 13 sections). In accordance with Subsection 17-24.050(C)(3), If the development site is inadequate in size to accommodate the replacement trees, the trees shall be planted on public property with the approval of the Director of the City's Recreation and Parks Department. Upon the request of the developer and the approval of the Director, the City may accept an in-lieu payment of \$100.00 per 15-gallon replacement tree on condition that all such payments shall be used for tree-related educational projects and/or planting programs of the City. **The total payment in-lieu fee would be \$5,200.**

Planning would prefer that some number of Coast Redwood mitigation trees be replanted on-site, and it would accept a payment in-lieu fee for the remainder portion of the required mitigation. A tree removal mitigation plan that describes how the property owner intends to mitigate the removal of the Coast Redwood tree is required.

Thanks,

Andrew

Andrew Trippel | Acting Supervising Planner – Current Planning

Planning & Economic Development | 100 Santa Rosa Ave Rm 3 | Santa Rosa, CA 95404
Tel. (707) 543-3223 | Fax (707) 543-3269 | atrippel@srcity.org



From: Oswald, Jesse <JOswald@srcity.org>
Sent: Monday, November 16, 2020 12:09 PM
To: Trippel, Andrew <atrippel@srcity.org>
Cc: Maystrovich, Mark <MMaystrovich@srcity.org>; Abel, Adam <aabel@srcity.org>
Subject: 1900 Brush Creek

Good morning folks,

Apologies for revisiting this one and for the delays. Michael Robertson had executed a letter to accompany the plan enclosed. It had some incorrect info on it so we have the corrected letter here (it took some time for him to revise).

As we discussed in that meeting we had oh-so long-ago; my intent is to verify all the necessary information and talk with the complainant about everything.

My asks:

Planning:

1. Could the addition shown on the site plan be approved?
2. Regarding the removed tree: What will be the mitigation costs? I intend on specifically relaying this to the complainant.

Adam (and realistically Andrew):

1. When I talk to the complainant and explain the realistic approvals – should I explain that when submitted – the application will be approved and no moratorium will be set on the property for two years for applications. If she wishes to appeal this she can to the Director?

I am anticipating a bit of a “conversation” on that.

Thank you in-advance.

Jesse

Jesse Oswald | Chief Building Official

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

Tel. (707) 543-3249 | Fax (707) 543-3219 | joswald@srcity.org



hibit 32

(4 Pages—Email from Jesse Oswald to Appellant to discuss
"various aspects of the case" 11/24/20)

Jesse Oswald | Chief Building Official

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

Tel. (707) 543-3249 | Fax (707) 543-3219 | joswald@srcity.org

From: Kathleen Parnell <kathleendparnell@yahoo.com>

Sent: Friday, December 04, 2020 8:31 AM

To: Oswald, Jesse <JOswald@srcity.org>

Subject: Re: [EXTERNAL] 1900 BRUSH CREEK ROAD / ILLEGAL BUILD / Addi. onal Informa. on for City's Investigation

Hi Jesse,

12 works for me as well. Arnida at the CSLB phoned me last week before Thanksgiving and said that she called you, and the City has approved a pathway forward for Dan. As of yesterday morning, he was out with his worker and a chainsaw at 8:30 trimming trees. If you would like to come over and meet in person today, I'd love to have you. I'm just 5 minutes away.

Thanks,
Kathy

On Thursday, December 3, 2020, 2:24:57 PM PST, Oswald, Jesse <joswald@srcity.org> wrote:

Hi Kathy,

12 would be great.. I'll call you then at 415-336-8869

Thank you so much,

Jesse

Jesse Oswald | Chief Building Official

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

Tel. (707) 543-3249 | Fax (707) 543-3219 | joswald@srcity.org

From: Kathleen Parnell <kathleendparnell@yahoo.com>

Sent: Thursday, December 03, 2020 2:23 PM

To: Oswald, Jesse <JOswald@srcity.org>

Subject: Re: [EXTERNAL] 1900 BRUSH CREEK ROAD / ILLEGAL BUILD / Additional Information for City's Investigation

Hi Jesse,

Would either 12 or 1pm work for you tomorrow?

Thanks,
Kathy

On Monday, November 30, 2020, 9:10:07 AM PST, Oswald, Jesse <joswald@srcity.org> wrote:

Good morning Kathy,

I hope you had a great Thanksgiving. I'm sure catch-up is tough after the holiday.

I'd like to catch up with you regarding 1900 Brush Creek Road and the Code Enforcement case.

I have time today between 10am and 1pm then today from 2:30pm to 3pm.

Friday I'm open most of the day other-than 9am to 10am up-to 3pm.

Let me know if any of these times can work for you.

Thank you,

Jesse Oswald | Chief Building Official

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

Tel. (707) 543-3249 | Fax (707) 543-3219 | joswald@srcity.org

From: Oswald, Jesse

Sent: Wednesday, November 25, 2020 5:23 PM

To: Kathleen Parnell <kathleendparnell@yahoo.com>

Subject: Re: [EXTERNAL] 1900 BRUSH CREEK ROAD / ILLEGAL BUILD / Additional Information for City's Investigation

Hi Kathy

Sorry i missed the chance to talk today. I completely understand being crazy busy.

Let's catch up next week.

Have a great Thanksgiving

Jesse

Sent from my iPhone

On Nov 25, 2020, at 1:12 PM, Kathleen Parnell <kathleendparnell@yahoo.com> wrote:

Hi Jesse,

Thank you for your email. I'm sorry to be getting back to you just now, but it's been a crazy week and I've been on back-to-back calls all day. Would you have me later this afternoon? Best for me would be after 3:30.

Thank you,

Kathy

On Tuesday, November 24, 2020, 1:29:53 PM PST, Oswald, Jesse <joswald@srcity.org> wrote:

Good afternoon Kathy,

Would you be up for a call? I'd like to discuss the various aspects on the case for 1900 Brush Creek.

I'm in the office the rest of today and most of tomorrow.

If you would like to wait until after Thanksgiving, I understand.

Thank you,

Jesse

Jesse Oswald | Chief Building Official

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

Tel. (707) 543-3249 | Fax (707) 543-3219 | joswald@srcity.org

<image001.jpg>

Exhibit 33

(2 Pages –Email from 12/7/2020 by Chief Building Official Jesse Oswald to Appellant summarizing the Planning Determination and providing instructions on Appeal to Planning Commission, as well as confirmation of stop work order from August.)

RE: [EXTERNAL] 1900 BRUSH CREEK ROAD / ILLEGAL BUILD / Additional Information for City's Investigation

From: Oswald, Jesse (joswald@srcity.org)

To: kathleendparnell@yahoo.com

Cc: CMOOffice@srcity.org; KMahre@srcity.org

Date: Monday, December 7, 2020, 10:23 AM PST

Good morning Kathy,

Thank you so-much for the conversation Friday. I'll do my best to summarize the discussion and answer the key points you've provided for us to address.

Primary points to address:

1. Unpermi. ed construc. on over a building setback line
2. Process the applicant will be required to follow to legalize the addi. on
3. Removal of a heritage tree without authoriza. on/permits
4. Candor/Transparency of process and investigation
5. Bias/Collusion with-respect to violator being a Deputy Sherriff
6. Other suspected properties with unpermitted construction
7. Stop Work Order Issuance date
8. Additional violation – bright lights affixed to subject property – shining on adjacent property
9. Appeal path

1. Through Planning staff's research and analysis shows the unpermitted addition can be permitted. The building setback lines placed on the Final Map Supplemental sheet(s) are not enforceable.

2. The applicant will be required to submit plans and specifications adhering to the attached "As-Built" process: <https://www.srcity.org/DocumentCenter/View/2199/-Handout-for-As-Built-Projects-PDF> . The applicant will be required to pay additional fees due to the work without a permit. The fee shall be equal to the permit fee as described on the bottom of page 28 of the fee schedule: <https://srcity.org/DocumentCenter/View/16129/Planning--Economic-Development-Department-Fee-Schedule?bidId=> . They will also be required to pay the Stop Work Order Removal Fee identified on page 43 (near the middle of the page) "Removal of Stop Work Order".

3. Planning staff have determined that had the applicant applied: The tree that was removed without authorization would have been approved for removal in-accordance with the Tree Ordinance. In accordance with Subsection 17-24.050(C)(1), for each six inches or fraction thereof of the diameter of a tree which was approved for removal, two trees of the same genus and species as the removed tree (or another species, if approved by the Director), each of a minimum 15-gallon container size, shall be planted on the project site, provided however, that an increased number of smaller size trees of the same genus and species may be planted if approved by the Director, or a fewer number of such trees of a larger size if approved by the Director. Mr. Robertson's letter reports that the total diameter of the removed tree is 74 inches (48+26).

Under this criteria, the mi. ga. on requirement is planting of 26 Coast Redwood trees, each a minimum of 15-gallon container size ($74 / 6 = 12.33$ 6-inch increments, which rounds up to 13 sections). In accordance with Subsection 17-24.050(C)(3), If the development site is inadequate in size to accommodate the replacement trees, the trees shall be planted on public property with the approval of the Director of the City's Recreation and Parks Department. Upon the request of the developer and the approval of the Director, the City may accept an in-lieu payment of \$100.00 per 15-gallon replacement tree on condition that all such payments shall be used for tree-related educational projects and/or planting programs of the City. The total payment in-lieu fee would be \$2,600.

4. Apologies for the lack of communication on the matter. We discussed our inability to prioritize investigations that are not immediate health/life-safety matters. This project and others have assisted us with adjusting our protocols for notifying complainants of investigative findings and actions.
5. This department provides no bias or special treatment for any violator of and Laws, Ordinances and/or Regulations. As we discussed; I had no knowledge the violation(s) were committed by a law enforcement officer until you provided me that information. Our department will investigate any violator to the fullest-legal extent allowed by adopted codes and Ordinances.
6. If any property within the City Limit jurisdiction of Santa Rosa has suspected Ordinance/code violations; a complaint may be filed via this site: <https://www.srcity.org/FormCenter/Housing-and-Community-Services-14/Code-Investigation-Request-Form-74> Or, by submitting this completed form: <https://www.srcity.org/DocumentCenter/View/21358/Code-Enforcement-Complaint-Form-PDF?bidId=> to code@srcity.org

7. The Stop Work Order was affixed (handed to occupant on-site) on 8/6/2020

8. The additional complaint for bright lights shining on adjacent (yours) properties will be required to be addressed with the building permit submittal.

9. The path to take to appeal the matters regarding Planning determinations would be before the Planning Commission. The application is here: <https://www.srcity.org/DocumentCenter/View/2628/Appeal-Application---Planning-CommissionDesign-Review-BoardCultural-Heritage-Board> . The fee for the appeal is currently \$535.00 (I misspoke on the amount when we talked). At the moment; no application has been made to appeal, but I will notify you when the building permit has been applied-for. Appeals to a Board or Commission are filed through the City Manager's Office: <https://www.srcity.org/246/City-Manager>

Again; thank you for the discussion and your commitment to the vitality of your neighborhood.

Sincerely,

Jesse

Jesse Oswald |Chief Building Official

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

Tel. (707) 543-3249 | Fax (707) 543-3219 | joswald@srcity.org

Exhibit 34

**(5 Pages—Amber Lichau email to Chief Building Official,
Jesse Oswald, cc. Tony Cabrera, Dan Lichau addressing
Light Complaint, 12/7/20)**

From: Amber Lichau <lichau.amber@gmail.com>
Sent: Monday, December 7, 2020 1:57 PM
To: Oswald, Jesse
Cc: daniel_lichau@yahoo.com;Tony
Subject: [EXTERNAL] Re: 1900 Brush Creek Submittal Requirements

Good afternoon Jesse,

First off, we want to sincerely thank you for your time and effort on this. Upon reading your attached letter, I wanted to clarify on how to proceed with complaint of the lights on the back of our house. These motion detection light fixtures were already present upon purchase of the home; we just simply switched the fixtures out from the previous motion detection lights to the Ring brand motion detection/security lights that simply turn with any motion for a duration of 15 seconds from dusk to dawn. I've attached a picture from purchase of the home of the pre-existing fixtures. Would you advise that we attach a letter of explanation with the permit submittal just giving this same information?

Thanks again for your time. We greatly appreciate everything.

Sincerely,
Amber



1:29



🔒 zillow.com



----- Forwarded message -----

From: Oswald, Jesse <JOswald@srcity.org>

Date: Mon, Dec 7, 2020 at 10:51 AM

Subject: 1900 Brush Creek Submittal Requirements

To: daniel_lichau@yahoo.com <daniel_lichau@yahoo.com>

CC: Tony <tony@cabreraassoc.com>, Maystrovich, Mark <MMaystrovich@srcity.org>

Good morning,

To facilitate application for the legalization of the addition, please see the analysis below:

1. Through Planning staff's research and analysis shows the unpermitted addition can be permitted. The building setback lines placed on the Final Map Supplemental sheet(s) are not enforceable.
2. The applicant will be required to submit plans and specifications adhering to the attached "As-Built" process: <https://www.srcity.org/DocumentCenter/View/2199/-Handout-for-As-Built-Projects-PDF> . The applicant will be required to pay additional fees due to the work without a permit. The fee shall be equal to the permit fee as described on the bottom of page 28 of the fee schedule: <https://srcity.org/DocumentCenter/View/16129/Planning--Economic-Development-Department-Fee-Schedule?bidId=> . They will also be required to pay the Stop Work Order Removal Fee identified on page 43 (near the middle of the page) "Removal of Stop Work Order".
3. Planning staff have determined that had the applicant applied: The tree that was removed without authorization would have been approved for removal in accordance with the Tree Ordinance. In accordance with Subsection 17-24.050(C)(1), for each six inches or fraction thereof of the diameter of a tree which was approved for removal, two trees of the same genus and species as the removed tree (or another species, if approved by the Director), each of a minimum 15-gallon container size, shall be planted on the project site, provided however, that an increased number of smaller size trees of the same genus and species may be planted if approved by the Director, or a fewer number of such trees of a larger size if approved by the Director. Mr. Robertson's letter reports that the total diameter of the removed tree is 74 inches (48+26). Under this criteria, the mitigation requirement is planting of 26 Coast Redwood trees, each a minimum of 15-gallon container size ($74 / 6 = 12.33$ 6-inch increments, which rounds up to 13 sections). In accordance with Subsection 17-24.050(C)(3), If the development site is inadequate in size to accommodate the replacement trees, the trees shall be planted on public property with the approval of the Director of the City's Recreation and Parks Department. Upon the request of the developer and the approval of the Director, the City may accept an in-lieu payment of \$100.00 per 15-gallon replacement tree on condition that all such payments shall be

used for tree-related educational projects and/or planting programs of the City. The total payment in-lieu fee would be \$2,600.

4. The additional complaint for bright lights shining on adjacent properties will be required to be addressed with the building permit submittal.

Steps:

1. Prepared a complete submittal utilizing any and all necessary documents sent to you here – following the “as-built” process: <https://www.srcity.org/DocumentCenter/View/2199/-Handout-for-As-Built-Projects-PDF> and the addition/alteration guidance: <https://www.srcity.org/DocumentCenter/View/18246/Construction-Documents-Submittal-Requirements-for-Remodel-and-or-Additions-to-Residential-Projects> (since electronic submittals are required – disregard the # of plan sets required).
2. Complete and submit a building permit application: <https://www.srcity.org/DocumentCenter/View/2614/Building-Permit-Application-PDF>
3. Address the additional lights installed that potentially shine on any neighboring properties
4. Include this email in the submittal
5. Submit to” permitsubmittal@srcity.org If submittals exceed 15mB – provide a drop box or file transfer mechanism.

Regards,

Jesse Oswald | Chief Building Official

Planning & Economic Development | [100 Santa Rosa Avenue, Room 3 | Santa Rosa, CA 95404](https://www.srcity.org/DocumentCenter/View/100/Santa-Rosa-Avenue-Room-3-Santa-Rosa-CA-95404)

Tel. (707) 543-3249 | Fax (707) 543-3219 | joswald@srcity.org

<image001.jpg>

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Exhibit 35

(4 Pages –Public Records Request submitted by Appellant regarding information about 1900 Brush Creek Road, including applications and Stop Work Order, 12/8/20. City

**lerk opened 20 910. top ork rder not provided, o
Planning documents provided for 2020, etc.)**



REQUEST FOR PUBLIC RECORDS

Contact Information of Requester

Name Kathy Parnell
Address 1888 Brush Creek Rd.
City Santa Rosa State CA Zip 95404

Preferred Method of Receiving Documents

check one:

Fax # _____
Phone # 415-336-8869
 Email kathleendparnell@yahoo.com
Use Requester Contact Information

Please be as specific and detailed as possible to enable City staff to identify and locate the documents requested. If known, please indicate in which department(s) the records reside. Also, please provide case number, address of property and any other pertinent information.

Case # n/a Department Planning + Code Enforcement + Permitting
Address 1900 Brush Creek Road, Santa Rosa, CA 95404

Records or Documents Requested (Attach additional pages if needed):

ALL documents (including but not limited to) plans, applications, photos, emails submitted by or on behalf of the owners at 1900 Brush Creek Rd
+ copy of stop work order + documentation pertaining to stop work order
+ copies of documents pertaining to heritage tree removal
release from stop work order

Signature *Kathleen* Date 12/7/2020

Office of the City Clerk
100 Santa Rosa Avenue, Room 10
Santa Rosa, CA 95405
Phone 707-543-3015 Fax 707-543-3030
cityclerk@srcity.org

Request #20-910

CLOSED

3 of 4 filtered by: Open; Closed; Keyword search: 1900 brush creek



As of February 24, 2021, 1:53pm

Details

All documents (including but not limited to) plans, applications, photos, emails submitted by or on behalf of the owners at 1900 Brush Creek Road, copy of stop work order and documentation pertaining to stop work order or release from stop work order, copies of documents pertaining to heritage tree removal.

****12/11 - updated request looking for records submitted in 2020****

See request 20-922

Received

December 8, 2020 via email

Departments

Requester

Kathy Parnell

✉ kathleendparnell@yahoo.com

📍 1888 Brush Creek Road, Santa Rosa, CA 95404

📞 (415) 336-8869

Documents

Public

Requester

Staff

Point of Contact

Timeline

Document(s) Released to Requester

Public

2020-08-03 Photos.pdf

December 23, 2020, 2:03pm

External Message

Requester + Staff

Per your emailed request, the photo document has been moved to a folder viewable by staff and requester only.

December 23, 2020, 2:03pm by Gretchen Emmert, Records Management Technician (Staff)

Request Published

Public

December 22, 2020, 3:40pm

Request Closed

Public

The records you requested and which were determined to be disclosable exist in electronic format and we have provided all responsive non-exempt records to you.

December 22, 2020, 3:40pm

Document(s) Released

Public

December 22, 2020, 3:37pm

Document(s) Released

Public

December 22, 2020, 3:27pm

External Message

Requester + Staff

Hi Kathy - in order to search for email submitted by or on behalf of the owner, we would need to have search terms to include the owner(s) name(s) as well as anyone who would be submitting on the owner(s) behalf. Thank you for providing those search terms.

December 17, 2020, 4:33pm by Sandi Bliss, Administrative Technician (Staff)

External Message

Public

No Responsive Planning Documents.

December 14, 2020, 9:05am by Patti Pacheco Gregg, Administrative Secretary (Staff)

External Message

Requester + Staff

Hi Kathy - Please confirm that you have received this email. Thank you.

December 10, 2020, 2:52pm by Sandi Bliss , Administrative Technician (Staff)

Document(s) Released

Public

December 9, 2020, 2:36pm

External Message

Requester + Staff

The disclosable public Planning records you requested are available in electronic form and are being provided to you at no charge. A further document search will be conducted to determine if there are more responsive Planning documents.

December 9, 2020, 2:36pm by Patti Pacheco Gregg, Administrative Secretary (Staff)

Document(s) Released

Public

BRUSH CREEK RD 1900 (2).pdf

BRUSH CREEK RD 1900 (3).pdf

BRUSH CREEK RD 1900.pdf

B13-5271.pdf

85634.pdf

December 9, 2020, 10:23am

External Message

Public

The disclosable public records you requested from the Building Division are available in electronic form and are being provided to you at no charge.

December 9, 2020, 10:23am by Carrie Wilson, Senior Administrative Assistant (Staff)

External Message

Requester + Staff

Requester + Staff

****Due to the State of Emergency declared by Governor Newsom and the Order of the Health Officer of Sonoma County to Shelter in Place, a response to your request may be delayed. We will respond as circumstances allow.****

December 8, 2020, 12:42pm

Request Opened

Public

Request received via email

December 8, 2020, 12:42pm

Exhibit 36

(1 Page – uilder esponse dated 12/8/2020 to ight
omplaint as equired by swald email to uilder on
12/7/2020)

December 8, 2020

To Whom It May Concern:

This letter is intended to provide information regarding the lights on the external sidings of our home at 1900 Brush Creek Road Santa Rosa. These motion-detection light fixtures were present at time of purchase of the home. We did, however, replace both the rear-facing and south-facing light fixtures with Ring wired motion-detection light fixtures. The specifications from the manufacture are as follows: incandescent wattage equivalent is 125 watts (total of two bulbs for each light at approximately 60 watts each). Both are set to turn on for a 15 second duration with motion detection from dusk until dawn, pointed in a downward direction with no reflection. The rear-facing fixture sits at 10'2" from ground level. The south-facing fixture sits at 11' from ground level and facing our side yard where no adjacent neighboring property resides. Both fixtures are mounted under the eve of the home. Please reach out with any additional questions.

Sincerely,
Amber and Daniel Lichau

Exhibit 37

(4 Pages – Photographs provided by Appellant show lights in a new/different location than described by uilder. nstalled during apparent top ork rder. ights were left on 24/7 for weeks and directed into Appellant s home, not downward on a timer, as described, in uilder letter



Pre-existing
location of light
below eave of
house is left of the
downspout
Sept 2019

PRIOR LOCATION
OF LIGHT / LIGHT
REMOVED





LIGHT INSTALLED MID OCTOBER

**NEW LOCATION OF LIGHT
BETWEEN FRENCH DOORS**



Exhibit 38

(1 Page –Email correspondence between Appellant and Chief Building Official, Jesse Oswald, with cc. to City Manager’s Office and Kali Mahre regarding Site Plan not in file, 12/9/2020)

Re: [EXTERNAL] 1900 BRUSH CREEK ROAD / ILLEGAL BUILD / Additional Information for City's Investigation

From: Kathleen Parnell (kathleendparnell@yahoo.com)

To: joswald@srcity.org

Cc: cmoffice@srcity.org; kmahre@srcity.org

Date: Wednesday, December 9, 2020, 08:58 AM PST

Jesse,

Thank you for speaking with me Friday and for your follow-up email. I do have a few questions for clarification, please.

Regarding point #1, could you please tell me what specific law or ordinance was applied to void enforceability of the property set-back lines (building envelope) for 1900 Brush Creek Road (which is shown on the Supplemental Parcel Map attached to our deeds)?

You stated that property set-backs shown on supplemental deed maps were removed following the Tubbs Fire (to support fire re-builds in Fountaingrove). **When exactly did a law or ordinance removing building envelopes get applied to Scenic Brush Creek Road, and where is this publicly disclosed?** You also stated that building envelopes are currently not enforceable for all properties in the City of Santa Rosa, but where is this located in city law or ordinance?

Also, what about the **Scenic Building Set-backs** that are only shown on the Supplemental Parcel Maps? Brush Creek Road is a designated Scenic Road (-SR) and 1900 Brush Creek is a frontage property. There are two Scenic Building Set-backs that affect 1900 Brush Creek on this map. Are Scenic Building Set-backs also no longer enforceable because they, too, are located on the supplemental parcel map?

With regard to point #3, for clarification, you said because the removal of the heritage tree was within the intended build path at 1900 Brush Creek, you would have approved its removal without issue, but for a permit. In other words, removal of a heritage tree on a frontage Scenic Road would be permitted without issue, notice, etc., provided that it is removed as part of a build and the removed heritage tree is within an intended build path. Is this correct?

Regarding point #8, when was the stop work order removed? I am curious because work has been ongoing on the property since last Thursday morning.

Lastly, I stopped by yesterday to look at the documents submitted by Dan & Amber Lichau. I saw a hand-written Site Plan by Dan Lichau, but didn't see a surveyor report comparable to the one that I submitted from Ray Carlson showing measurements from the easement, etc., that we discussed. Did I miss something? I thought you mentioned there was also a surveyor report submitted by a long-standing, reputable professional similar to Ray Carlson's.

Thanks, again.

Kathy

Exhibit 39

**(8 Pages –Appeal sent 12/9/2020 by Appellant to City
Manager’ Office as instructed in email dated 12/7/2020.
o response to emails sent on 12/9/20, 12/10/2020),
12/11/2020 or 12/14/2020**

Appeal / 1900 Brush Creek Road

From: Kathleen Parnell (kathleendparnell@yahoo.com)

To: cmoffice@srcity.org

Date: Wednesday, December 9, 2020, 03:41 PM PST

Attached please find an appeal application to the Planning Commission as it relates to 1900 Brush Creek Road.

Please let me know if you have any questions and whether there is a fee owed to file the application. I can pay immediately by any means convenient for you.

Kind regards,
Kathy Parnell



K Parnell_Appeal Application_1900 Brush Creek_12.9.20.pdf
953.2kB

Re: Appeal / 1900 Brush Creek Road

From: Kathleen Parnell (kathleendparnell@yahoo.com)

To: cmoffice@srcity.org

Date: Thursday, December 10, 2020, 07:22 PM PST

Just wanted to make sure that you received my appeal sent yesterday, 12/9. Please kindly confirm receipt. Also, if any fee is owed, please let me know.

Thank you very much,
Kathy Parnell

On Wednesday, December 9, 2020, 3:41:40 PM PST, Kathleen Parnell <kathleendparnell@yahoo.com> wrote:

Attached please find an appeal application to the Planning Commission as it relates to 1900 Brush Creek Road.

Please let me know if you have any questions and whether there is a fee owed to file the application. I can pay immediately by any means convenient for you.

Kind regards,
Kathy Parnell

From: Oswald, Jesse<JOswald@srcity.org> on behalf of Oswald, Jesse
Sent on: Friday, December 11, 2020 12:17:26 AM
To: Trippel, Andrew<atrippel@srcity.org>; Abel, Adam<aabel@srcity.org>; Rose, William<WRose@srcity.org>
CC: Osburn, Gabe<GOsburn@srcity.org>
Subject: RE: [EXTERNAL] Appeal / 1900 Brush Creek Road

Redacted

Jesse Oswald | Chief Building Official

Planning & Economic Development | 100 Santa Rosa Avenue, Room 3 | Santa Rosa, CA 95404
Tel. (707) 543-3249 | Fax (707) 543-3219 | joswald@srcity.org



From: Trippel, Andrew <atrippel@srcity.org>
Sent: Thursday, December 10, 2020 4:17 PM
To: Oswald, Jesse <JOswald@srcity.org>; Abel, Adam <aabel@srcity.org>; Rose, William <WRose@srcity.org>
Cc: Osburn, Gabe <GOsburn@srcity.org>
Subject: Re: [EXTERNAL] Appeal / 1900 Brush Creek Road

Redacted

Thanks,
Andrew

From: Oswald, Jesse <JOswald@srcity.org>
Sent: Thursday, December 10, 2020 4:10 PM
To: Abel, Adam <aabel@srcity.org>
Cc: Trippel, Andrew <atrippel@srcity.org>; Osburn, Gabe <GOsburn@srcity.org>
Subject: RE: [EXTERNAL] Appeal / 1900 Brush Creek Road

Redacted

Jesse Oswald | Chief Building Official

Planning & Economic Development | 100 Santa Rosa Avenue, Room 3 | Santa Rosa, CA 95404
Tel. (707) 543-3249 | Fax (707) 543-3219 | joswald@srcity.org



From: Abel, Adam <aabel@srcity.org>
Sent: Thursday, December 10, 2020 4:04 PM
To: Oswald, Jesse <JOswald@srcity.org>
Cc: Trippel, Andrew <atrippel@srcity.org>; Osburn, Gabe <GOsburn@srcity.org>
Subject: Re: [EXTERNAL] Appeal / 1900 Brush Creek Road

Redacted

On Dec 10, 2020, at 3:48 PM, Oswald, Jesse <JOswald@srcity.org> wrote:

FYI

Jesse Oswald | Chief Building Official

Planning & Economic Development | 100 Santa Rosa Avenue, Room 3 | Santa Rosa, CA 95404
Tel. (707) 543-3249 | Fax (707) 543-3219 | joswald@srcity.org

<image002.jpg>

From: Santa Rosa Building Dept <building@srcity.org>
Sent: Thursday, December 10, 2020 3:47 PM
To: Oswald, Jesse <JOswald@srcity.org>
Cc: Santa Rosa Building Dept <building@srcity.org>
Subject: FW: [EXTERNAL] Appeal / 1900 Brush Creek Road

Hi Jesse,

Can you answer this? I believe it is PED, but I do not have much experience with appeals.

Thank you.

~~Eric Christopherson | Senior Administrative Assistant~~

Planning & Economic Development
100 Santa Rosa Ave., Room 3 | Santa Rosa, CA 95404
Tel. (707) 543-4679 | Fax (707) 543-3219
echristopherson@srcity.org
<image003.jpg>

From: City Clerk <cityclerk@srcity.org>
Sent: Thursday, December 10, 2020 2:56 PM
To: Planning Shared <planning@srcity.org>; Santa Rosa Building Dept <building@srcity.org>
Subject: FW: [EXTERNAL] Appeal / 1900 Brush Creek Road

Good afternoon

This appeal was emailed to the City Manager's Office. Please confirm if the appeal should be to a PED Board or Council?

Warmest regards,

Sandi

From: CMOOffice <CMOffice@srcity.org>
Sent: Thursday, December 10, 2020 11:12 AM
To: City Clerk <cityclerk@srcity.org>
Subject: FW: [EXTERNAL] Appeal / 1900 Brush Creek Road

Kali Mahre | Senior Administrative Assistant

City Manager's Office | 100 Santa Rosa Avenue, Room 10 | Santa Rosa, CA 95404
Tel. (707) 543-3011 | Fax (707) 540-3030 | kmahre@srcity.org

Please note, if you do not receive a reply on a Tuesday afternoon, I am assisting with the City Council meeting.

<image001.jpg>

PLEASE NOTE: The City Manager's Office is currently closed to help curb a resurgence of coronavirus infections occurring in Sonoma County and nationwide.

From: **Redacted** >

Sent: Wednesday, December 9, 2020 3:42 PM

To: CMOOffice <CMOffice@srcity.org>

Subject: [EXTERNAL] Appeal / 1900 Brush Creek Road

Attached please find an appeal application to the Planning Commission as it relates to 1900 Brush Creek Road.

Please let me know if you have any questions and whether there is a fee owed to file the application. I can pay immediately by any means convenient for you.

Kind regards,

Redacted

Redacted_Appeal Application_1900 Brush Creek_12.9.20.pdf>

From: Kathleen Parnell <kathleendparnell@yahoo.com>
Sent: Friday, December 11, 2020 10:46 AM
To: City Clerk <cityclerk@srcity.org>
Subject: Re: [EXTERNAL] Re: Request for Public Records/1900 Brush Creek Road

Hi Sandi,

I was able to retrieve the documents yesterday, but they were not what I was looking for. There are documents submitted this year (beginning in August/September) on 1900 Brush Creek Road. Could you provide to me all the documents submitted this year on this property?

Also, I sent the City Manager an Appeal for the Planning Commission. Is there a fee that I need to pay to submit an Appeal? Was it correct to send the appeal form to him directly, or should that go to the City Clerk's office?

Thank you!

Kathy Parnell

Request for Public Records/1900 Brush Creek Road

From: City Clerk (cityclerk@srcity.org)
To: kathleendparnell@yahoo.com
Cc: planning@srcity.org; building@srcity.org
Date: Monday, December 14, 2020, 01:07 AM PST

Hi Kathy

Thank you for following up. Appeals to the Planning Commission are filed with the Planning and Economic Development Department. There is a fee associated with filing an appeal and I have included planning staff on this email so that they can provide you with the fee amount. I forwarded the email where you submitted the application to the Planning and Economic Development Department.

Staff are in the process of searching for records responsive to your request for public records # 20-910. I have updated your current request, as you have narrowed the request to 2020 and have submitted a 2nd request on your behalf to include the building permit application which was submitted after receipt of your initial request. The City's response to the new request #20-922 is December 21.

Sandi

From: Kathleen Parnell <kathleendparnell@yahoo.com>
Sent: Friday, December 11, 2020 10:46 AM
To: City Clerk <cityclerk@srcity.org>
Subject: Re: [EXTERNAL] Re: Request for Public Records/1900 Brush Creek Road

Hi Sandi,

I was able to retrieve the documents yesterday, but they were not what I was looking for. There are documents submitted this year (beginning in August/September) on 1900 Brush Creek Road. Could you provide to me all the documents submitted this year on this property?

Also, I sent the City Manager an Appeal for the Planning Commission. Is there a fee that I need to pay to submit an Appeal? Was it correct to send the appeal form to him directly, or should that go to the City Clerk's office?

Thank you!

Kathy Parnell

 K Parnell_Appeal Application_1900 Brush Creek_12.9.20.pdf

Re: Request for Public Records/1900 Brush Creek Road

From: Kathleen Parnell (kathleendparnell@yahoo.com)

To: cmoffice@srcity.org; kmahre@srcity.org; building@srcity.org; planning@srcity.org

Cc: cityclerk@srcity.org

Date: Wednesday, December 16, 2020, 11:52 AM PST

All,

I am following up on my Appeal for the Planning Commission that I submitted to CMOffice on 12/9 regarding 1900 Brush Creek Road. (Per J.Oswald email with instructions to send the form to CMOffice). Could you please let me know I can pay the fee? You can charge my card below or I can drop off a check today.

Thank you,
Kathy

On Monday, December 14, 2020, 8:44:54 AM PST, Kathleen Parnell <kathleendparnell@yahoo.com> wrote:

Thank you. Please charge the fee for my Appeal to the Planning Commission on my Visa. The card #
Card is in my name and 3-digit code is

Thank you,
Kathy

On Monday, December 14, 2020, 1:07:27 AM PST, City Clerk <cityclerk@srcity.org> wrote:

Hi Kathy

Thank you for following up. Appeals to the Planning Commission are filed with the Planning and Economic Development Department. There is a fee associated with filing an appeal and I have included planning staff on this email so that they can provide you with the fee amount. I forwarded the email where you submitted the application to the Planning and Economic Development Department.

Staff are in the process of searching for records responsive to your request for public records # 20-910. I have updated your current request, as you have narrowed the request to 2020 and have submitted a 2nd request on your behalf to include the building permit application which was submitted after receipt of your initial request. The City's response to the new request #20-922 is December 21.

Sandi



APPEAL APPLICATION

City of Santa Rosa
DEC 14 2020
 Planning & Economic
 Development Department

www.srcity.org

G E N E R A L	LOCATION OF PROJECT (ADDRESS) 1900 Brush Creek Road	Note: This form is for appeals of Department actions only. Appeals of Commission and Board actions are filed in the City Manager's Office.	
	NAME OF PROJECT 1900 Brush Creek Road		
	APPELLANT NAME Kathy Parnell	DAYTIME PHONE (415) 336 - 8869	HOME PHONE (415) 336 - 8869
	APPELLANT ADDRESS 1888 Brush Creek Road	CITY Santa Rosa	STATE CA

To the Chairman and Members of the Planning Commission / Design Review Board/Cultural Heritage Board:

The undersigned: Kathleen Parnell does hereby appeal to the Planning Commission / Design Review Board/Cultural Heritage Board the decision of the Department of Planning and Economic Development made on 12/4/20 (Date)

which approved the application of Dan & Amber Lichau (approved, denied, other) (Name of property owner or developer)

for a 12'x30' home addition over a property set-back and removal of redwood heritage tree (State nature of request made to the Planning and Economic Development Department)

on property situated at 1900 Brush Creek Road, Santa Rosa, CA 95404 (Street address of subject property)

A. The grounds upon which this appeal is filed are: (list all grounds relied upon in making this appeal. Please attach additional sheets if more space is needed.)

1. Per CBO (J.Oswald), the unpermitted home addition on frontage Scenic Brush Creek Rd is now able to be permitted because "building setback lines placed on the Final Map Supplemental sheet are not enforceable." I disagree. This is a zoning code violation, whereby a property set-back (building envelope) is being voided to enable an illegal build.

2. A redwood heritage tree was removed on frontage Brush Creek in a scenic set-back and outside a building envelope to enable illegal build. Per CBO, this "would have been approved for removal in-accordance with the Tree Ordinance." I disagree. (Attachments to follow)

B. The specific action which the undersigned wants the City Planning Commission/Design Review Board/Cultural Heritage Board to take is:

Enforce the building set-backs shown on deed maps for 1900 Brush Creek Rd. Enforce zoning code and heritage tree violations. Require illegal build to be re-built within set-back lines with trees planted and fence returned along shared driveway. (Attachments to follow)

Kathy Parnell
Appellant's signature

12/9/2020
Date

APPEAL

Exhibit 40

(5 Pages –Appellant to Deputy Director Engineering and Development Services Gabe Osburn, J. McKeag and C.Clark re- Concerns about Water Line in Easement and Dirt Removal from Brush Creek Road, emails sent 12/10/20 and 12/11/20 with attachments including photos, parcel map and Ray Carlson survey)

Re: 1900 Brush Creek Road / Water, Sewer & Dirt Removal on Scenic Brush Creek

From: Kathleen Parnell (kathleendparnell@yahoo.com)

To: gosburn@srcity.org; cclark@srcity.org; jmckeag@srcity.org

Date: Friday, December 11, 2020, 01:36 PM PST

Good afternoon, Mr. Osburn,

Attached are photos showing the build at 1900 Brush Creek Road, its proximity to the public utilities easement, the City dirt that was excavated and removed from frontage scenic Brush Creek Road, and the new iron gate that was installed (i.e. the excavation areas).

Please kindly confirm receipt of the attachments and let me know if you have any questions.

Thank you,
Kathy Parnell

On Thursday, December 10, 2020, 8:28:27 AM PST, Kathleen Parnell <kathleendparnell@yahoo.com> wrote:

Hi Mr. Osburn,

I would like to file a formal complaint with the City Engineering Department regarding illegal and unpermitted removal of dirt off of Scenic Brush Creek Road (City property) fronting 1900 Brush Creek. This dirt was removed by the owner at 1900 Brush Creek Road (literally tons of dirt) and dumped offsite. No grading permit or City approval was sought.

Also, the owner at 1900 Brush Creek excavated sewer and water lines and at one point turned the water off to make potential/possible modifications or repairs to the existing sewer and water lines, as he excavated on his property to build an addition. He also excavated to accommodate an iron gate and a 12'x30' concrete pad (beyond building envelope adjacent to public utility easement).

I am concerned that this unauthorized access to the City sewer and water system may have compromised the City's sewer or water system or mine.

I made this complaint to Jesse Oswald months ago and last week by phone he told me that these issues were not within his arena and that I should contact City Engineering.

Therefore, please let this serve as a formal complaint regarding these issues. If you have any question or concerns, please call me anytime. phone: 415-336-8869

Pictures and attachments to follow.

Kind regards,
Kathy Parnell

1888 Brush Creek Road
Santa Rosa, CA 95404



1900 Brush Creek-Attachments for City Engineering.docx
2.1MB



Lot3_1900 Brush Creek Parcel Maps.pdf
1.2MB



SURVEYOR REPORT - EXHIBIT_1900 Brush Creek Addition to Existing House.PDF
768.3kB

1900 Brush Creek Road –*Before view from Brush Creek Rd.*



After view: Property owner built through the building envelope shown on Parcel Map up to the utilities easement/driveway





Home addition is approximately 12 by 30 feet – fence was removed & replaced by bathroom and bedroom along private driveway/public utilities easement. View is facing Brush Creek Road.

Attached survey report (Ray Carlson report) shows the proximity to public utilities easement is approximately 3.5 feet (i.e. 2.5 feet from eaves of house).

Before Photo showing Dirt Between Fence and Sidewalk on Scenic Brush Creek Road



After Unpermitted Excavation of Dirt along Scenic Brush Creek Road



Note: All grass and dirt (City property) was removed by homeowner, flattening/stripping the grassy area completely. Tons of dirt was excavated and removed. View is from Brush Creek Road. It is even more flattened now as more dirt was removed after this photo was taken

Photo of homeowner on his excavator in back yard (~May 2020)



Exhibit 41

(6 Pages –Email from Chief Building Official to Appellant in response to questions regarding Director's termination, 12/10/20. Old "Gap Act" enabled removal of envelope. Appellant inquires about the Plan not available in Public records

RE: [EXTERNAL] 1900 BRUSH CREEK ROAD / ILLEGAL BUILD / Additional Information for City's Investigation

From: Oswald, Jesse (joswald@srcity.org)
To: kathleendparnell@yahoo.com
Cc: cmoffice@srcity.org; kmahre@srcity.org
Date: Thursday, December 10, 2020, 12:45 PM PST

Good afternoon Kathy,

Apologies for the delay.

Regarding point #1, could you please tell me what specific law or ordinance was applied to void enforceability of the property set-back lines (building envelope) for 1900 Brush Creek Road (which is shown on the Supplemental Parcel Map attached to our deeds)?

The Subdivision MAP Act was consulted and interpreted to make these determinations. https://leginfo.ca.gov/faces/codes_displayText.xhtml?lawCode=GOV&division=2.&title=7.&part=&chapter=1.&article=1.

If you would like to discuss the details of the interpretation – I can request a Planning representative contact you. My apologies – this is not my area of expertise.

You stated that property set-backs shown on supplemental deed maps were removed following the Tubbs Fire (to support fire re-builds in Fountaingrove). **When exactly did a law or ordinance removing building envelopes get applied to Scenic Brush Creek Road, and where is this publicly disclosed?** You also stated that building envelopes are currently not enforceable for all properties in the City of Santa Rosa, but where is this located in city law or ordinance?

Lines were not actually removed. The investigation and determination for application of the Law were done during the Tubbs Fire rebuild. The determination(s) apply globally to supplemental information on Final Maps unless supporting elements and/or development requirements are found to have been applied.

The application of this approach is not an ordinance or adopted process. It is applied through interpretation of existing Laws in collaboration with our professional team and the city Attorney.

Also, what about the **Scenic Building Set-backs** that are only shown on the Supplemental Parcel Maps? Brush Creek Road is a designated Scenic Road (-SR) and 1900 Brush Creek is a frontage property. There are two Scenic Building Set-backs that affect 1900 Brush Creek on this map. Are Scenic Building Set-backs also no longer enforceable because they, too, are located on the supplemental parcel map?

As-presented on the site plan developed by Robertson Engineering; the addition does not fall within the scenic road setback area.

With regard to point #3, for clarification, you said because the removal of the heritage tree was within the intended build path at 1900 Brush Creek, you would have approved its removal without issue, but for a permit. In other words, removal of a heritage tree on a frontage Scenic Road would be permitted without issue, notice, etc., provided that it is removed as part of a build and the removed heritage tree is within an intended build path. Is this correct?

Correct in your restatement of what I said. If the application or an addition includes the removal of a Heritage or Protected Tree for development – it would be approved.

Regarding point #8, when was the stop work order removed? I am curious because work has been ongoing on the property since last Thursday morning.

The stop work order was not removed. If work continues on items requiring permits as-described by California Building Code section 105 – that work is a violation.

Lastly, I stopped by yesterday to look at the documents submitted by Dan & Amber Lichau. I saw a handwritten Site Plan by Dan Lichau, but didn't see a surveyor report comparable to the one that I submitted from Ray Carlson showing measurements from the easement, etc., that we discussed. Did I miss something? I thought you mentioned there was also a surveyor report submitted by a long-standing, reputable professional similar to Ray Carlson's.

We have a complete site plan developed by Robertson Engineering signed and stamped with his professional seal and signature. We may have been in transition from the time the actual submission was made to when you viewed that materials.

As a follow up to the additional right of way/utilities areas disturbed; Gabe Osburn, Deputy Director for Engineering Development Services and I are collaborating on the differing jurisdictional areas for public area versus private area and enforcement. Any damage to any utilities if found would be the responsibility of anyone creating the damage. We are working with water/sewer agencies to assess the easement and utilities.

Thank you,

Thanks, again.

Kathy

Jesse Oswald |Chief Building Official

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

Tel. (707) 543-3249 | Fax (707) 543-3219 | joswald@srcity.org

From: Kathleen Parnell <kathleendparnell@yahoo.com>
Sent: Thursday, December 10, 2020 10:18 AM
To: Oswald, Jesse <JOswald@srcity.org>
Cc: CMOOffice <CMOffice@srcity.org>; Mahre, Kali <KMahre@srcity.org>
Subject: Re: [EXTERNAL] 1900 BRUSH CREEK ROAD / ILLEGAL BUILD / Additional Information for City's Investigation

Jesse,

I just wanted to confirm that you received my email below yesterday. Could you possibly respond to my questions about Point #1 today?

Thank you,
Kathy

On Wednesday, December 9, 2020, 8:58:02 AM PST, Kathleen Parnell <kathleendparnell@yahoo.com> wrote:

Jesse,

Thank you for speaking with me Friday and for your follow-up email. I do have a few questions for clarification, please.

Regarding point #1, could you please tell me what specific law or ordinance was applied to void enforceability of the property set-back lines (building envelope) for 1900 Brush Creek Road (which is shown on the Supplemental Parcel Map attached to our deeds)?

You stated that property set-backs shown on supplemental deed maps were removed following the Tubbs Fire (to support fire re-builds in Fountaingrove). **When exactly did a law or ordinance removing building envelopes get applied to Scenic Brush Creek Road, and where is this publicly disclosed?** You also stated that building envelopes are currently not enforceable for all properties in the City of Santa Rosa, but where is this located in city law or ordinance?

Also, what about the **Scenic Building Set-backs** that are only shown on the Supplemental Parcel Maps? Brush Creek Road is a designated Scenic Road (-SR) and 1900 Brush Creek is a frontage property. There are two Scenic Building Set-backs that affect 1900 Brush Creek on this map. Are Scenic Building Set-backs also no longer enforceable because they, too, are located on the supplemental parcel map?

With regard to point #3, for clarification, you said because the removal of the heritage tree was within the intended build path at 1900 Brush Creek, you would have approved its removal without issue, but for a permit. In other words, removal of a heritage tree on a frontage Scenic Road would be permitted without

issue, noise, etc., provided that it is removed as part of a build and the removed heritage tree is within an intended build path. Is this correct?

Regarding point #8, when was the stop work order removed? I am curious because work has been ongoing on the property since last Thursday morning.

Lastly, I stopped by yesterday to look at the documents submitted by Dan & Amber Lichau. I saw a handwritten Site Plan by Dan Lichau, but didn't see a surveyor report comparable to the one that I submitted from Ray Carlson showing measurements from the easement, etc., that we discussed. Did I miss something? I thought you mentioned there was also a surveyor report submitted by a long-standing, reputable professional similar to Ray Carlson's.

Thanks, again.

Kathy

On Monday, December 7, 2020, 10:23:29 AM PST, Oswald, Jesse <joswald@srcity.org> wrote:

Good morning Kathy,

Thank you so-much for the conversation Friday. I'll do my best to summarize the discussion and answer the key points you've provided for us to address.

Primary points to address:

1. Unpermitted construction over a building setback line
2. Process the applicant will be required to follow to legalize the addition
3. Removal of a heritage tree without authorization/permits
4. Candor/Transparency of process and investigation
5. Bias/Collusion with-respect to violator being a Deputy Sheriff
6. Other suspected properties with unpermitted construction
7. Stop Work Order Issuance date
8. Additional violation – bright lights affixed to subject property – shining on adjacent property
9. Appeal path

1. Through Planning staff's research and analysis shows the unpermitted addition can be permitted. The building setback lines placed on the Final Map Supplemental sheet(s) are not enforceable.

2. The applicant will be required to submit plans and specifications adhering to the attached "As-Built" process: <https://www.srcity.org/DocumentCenter/View/2199/-Handout-for-As-Built-Projects-PDF> . The applicant will be required to pay additional fees due to the work without a permit. The fee shall be equal to the permit fee as described on the bottom of page 28 of the fee schedule: <https://www.srcity.org/DocumentCenter/View/16129/Planning--Economic-Development-Department-Fee-Schedule?bidId=> . They will also be required to pay the Stop Work Order Removal Fee identified on page 43 (near the middle of the page) "Removal of Stop Work Order".

3. Planning staff have determined that had the applicant applied: The tree that was removed without authorization would have been approved for removal in accordance with the Tree Ordinance. In accordance with Subsection 17-24.050(C) (1), for each six inches or fraction thereof of the diameter of a tree which was approved for removal, two trees of the same genus and species as the removed tree (or another species, if approved by the Director), each of a minimum 15-gallon container size, shall be planted on the project site, provided however, that an increased number of smaller size trees of the same genus and species may be planted if approved by the Director, or a fewer number of such trees of a larger size if approved by the Director. Mr. Robertson's letter reports that the total diameter of the removed tree is 74 inches (48+26). Under this criteria, the minimum requirement is planting of 26 Coast Redwood trees, each a minimum of 15-gallon container size ($74 / 6 = 12.33$ 6-inch increments, which rounds up to 13 inches). In accordance with Subsection 17-24.050(C)(3), if the development site is inadequate in size to accommodate the replacement trees, the trees shall be planted on public property with the approval of the Director of the City's Recreation and Parks Department. Upon the request of the developer and the approval of the Director, the City may accept an in-lieu payment of \$100.00 per 15-gallon replacement tree on condition that all such payments shall be used for tree-related educational projects and/or planning programs of the City. The total payment in-lieu fee would be \$2,600.

4. Apologies for the lack of communication on the matter. We discussed our inability to prioritize investigations that are not immediate health/life-safety matters. This project and others have assisted us with adjusting our protocols for notifying complainants of investigation findings and actions.

5. This department provides no bias or special treatment for any violator of any Laws, Ordinances and/or Regulations. As we discussed; I had no knowledge the violation(s) were committed by a law enforcement officer until you provided me that information. Our department will investigate any violator to the fullest-legal extent allowed by adopted codes and Ordinances.

6. If any property within the City Limit jurisdiction of Santa Rosa has suspected Ordinance/code violations; a complaint may be filed via this site: <https://www.srcity.org/FormCenter/Housing-and-Community-Services-14/Code-Investigation-Request-Form-74> Or, by submitting this completed form: <https://www.srcity.org/DocumentCenter/View/21358/Code-Enforcement-Complaint-Form-PDF?bidId=> to code@srcity.org

7. The Stop Work Order was affixed (handed to occupant on-site) on 8/6/2020

8. The additional complaint for bright lights shining on adjacent (yours) properties will be required to be addressed with the building permit submission.

9. The path to take to appeal the matters regarding Planning determinations would be before the Planning Commission. The application is here: <https://www.srcity.org/DocumentCenter/View/2628/Appeal-Application---Planning->

[CommissionDesign-Review-BoardCultural-Heritage-Board](#) . The fee for the appeal is currently \$535.00 (I misspoke on the amount when we talked). At the moment; no applicaon` has been made to appeal, but I will nof y you when the building permit has been applied-for. Appeals to a Board or Commission are filed through the City Manager's Office: [hp_s://www.srcity.org/246/City-Manager](http://www.srcity.org/246/City-Manager)

Again; thank you for the discussion and your commitment to the vitality of your neighborhood.

Sincerely,

Jesse

Jesse Oswald | Chief Building Official

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

Tel. (707) 543-3249 | Fax (707) 543-3219 | joswald@srcity.org

Exhibit 42

(2 Pages – Applicant email with city staff confirming payment of fees on Friday evening after close of business so that the permit could officially be opened.

From: daniel lichau <daniel_lichau@yahoo.com>
Sent: Sunday, December 13, 2020 9:24 AM
To: Sevilla, Lisa
Subject: [EXTERNAL] Re: 1900 Brush Creek Rd B20-6871

Follow Up Flag: Follow up
Flag Status: Completed

Good morning,

Thank you for your help! We went ahead and paid the fees that were available to pay on Friday evening, totaling approximately \$1,650.00. I apologize, I just saw the notation to email you once we've paid the fees. My husband, Daniel, has an appt with you all tomorrow morning to try to connect up with you to see if there's anything else we can do to help out at all.

Thanks so much!

Sincerely,
Amber

On Friday, December 11, 2020, 05:05:22 PM MST, Sevilla, Lisa <lsevilla@srcity.org> wrote:

Good Afternoon,

I received your application at the above mentioned property. The plan check fees will need to be paid online to start the review process. Please follow the instructions included in this email. Once fees have been paid you will need to notify me so I can begin to have the plans reviewed.

Thank you,

Lisa Sevilla | CD Technician

Planning & Economic Development Dept | 100 Santa Rosa Ave, Rm 3 | Santa Rosa, CA 95404

lsevilla@srcity.org





All (3)

Building (2)

Planning (0)

Engineering (1)

Fire (0)

Water (0)

Addition

Permit #: B20-6871 (Building)

In Plan Review ?

Applicant: LICHAU DANIEL & LICHAU AMBER

Primary Contractor: OWNER-BUILDER

Permit Type: Addition-Alteration

Permit Description:

Legalization of 360 Sq. Ft addition addressing CE20-0139, ok to take in per M.Maystrovich.

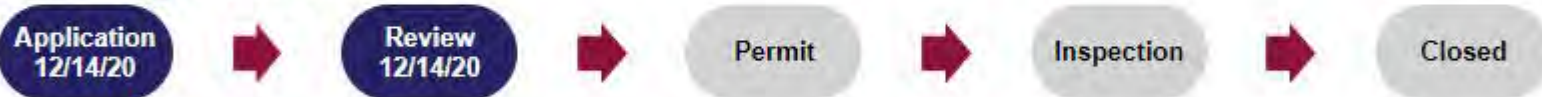
Permit Progress Timeline[Show Detailed Timeline](#)

Exhibit 43

(1 page – Building Permit Application stamped received
12/9/20.

Appellant was told by CBO Oswald that an appeal to the Planning Commission could not be made until the Building Permit Application had been filed, yet it had been in the file for months. In email dated 12/7/2020, Oswald told her that no application had been made as of December 7, 2020

In 12/8/20, Appellant went in person to the Planning Office, where the same Building Permit Application was observed in the file, but with a date stamp "*Received 9/17/20.*" The Building Permit Application had been in the file since August 2020.

In 12/14/20 at approximately 1A, the Building Permit Application dated 12/9/2020 was provided to Appellant in Person

RECEIVED

By E07081 at 6:33 am, Dec 09, 2020



BUILDING PERMIT APPLICATION PLEASE PRINT CLEARLY

BUILDING PERMIT NO.:
Related Files:
Department Use Only

PROJECT ADDRESS (NOT MAILING ADDRESS) 1900 BRUSH CREEK RD, SANTA ROSA 95404
OWNER DANIEL & AMBER LICHAU
CONTACT PERSON DANIEL LICHAU
APPLICANT DANIEL LICHAU
TYPE OF PERMIT BUILDING
TOTAL SQUARE FOOTAGE OF THIS PROJECT: ADDITION
DESCRIPTION OF WORK: 12' x 30' MASTER BATH & BEDROOM ADDITION
VALUATION OF WORK COVERED BY THIS APPLICATION \$40,000
SIGNATURE: [Signature] DATE: 8/18/2020
OCCUPANCY GROUP Addition
NO. OF DWELLING UNITS 1
PRESENT USE Resd.
PROPOSED USE Resd.
HIGH FIRE SEVERITY ZONE YES NO
FIRE SPRINKLERS YES NO
FIRE ALARM SYSTEMS YES NO
FIRE STANDPIPES YES NO
IS THIS A CODE ENFORCEMENT CASE? YES NO
FOR DEPARTMENT USE ONLY
PLANNING APPROVED: YES NO
PLANNERS INITIALS:
DATE:
ZONE: HILLSIDE YES NO HISTORIC YES NO FRONT SETBACK: SIDE SETBACK INTERIOR EXTERIOR REAR SETBACK:

Exhibit 44

**(12 Pages –Chief Building Official to Appellant, cc to City
Manager’s Office responding to 12/11/20 request to view records,
12/14/20)**

RE: [EXTERNAL] 1900 BRUSH CREEK ROAD / ILLEGAL BUILD / Additional Information for City's Investigation

From: Oswald, Jesse (joswald@srcity.org)
To: kathleendparnell@yahoo.com
Cc: cmoffice@srcity.org; kmahre@srcity.org
Date: Monday, December 14, 2020, 03:07 PM PST

Good afternoon Kathy,

It appears we are able to see customers on an appointment basis as we have been for several months. You can set an appointment via our system or call the number to view the docs. The site plan is with all the docs now.

You will be receiving a response from our Planning division soon on the matter regarding the setbacks and trees.

PED In-Person Meeting by Appointment Only

We have limited appointments available between from 8:00 a.m. To 11:45 a.m. Mon. – Fri.

Please comply with all social distancing and hygiene protocols posted near the front door while at the City hall Complex.

[Please schedule an appointment before arriving to help maintain social distancing. Instructions are below.](#)

How to Schedule an Appointment:

- Our appointment queuing system (Qless) has a free App that can be downloaded to your mobile device from Google Play or the Apple Store. Once installed, follow the prompts for access and scheduling your City of Santa Rosa Counter Appointment.
- To access Qless via the internet (URL), go to: [SRCity.org/QLess](https://srcity.org/QLess) and follow the system prompts to schedule your City of Santa Rosa Counter Appointment.
- Telephone option - For staff assistance in scheduling an appointment, please leave a voicemail at our appointment request line at (707) 543-4623. Leave contact information so we can advise you of the date/time.

Jesse Oswald |Chief Building Official

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

Tel. (707) 543-3249 | Fax (707) 543-3219 | joswald@srcity.org

From: Kathleen Parnell <kathleendparnell@yahoo.com>
Sent: Monday, December 14, 2020 9:06 AM
To: Oswald, Jesse <JOswald@srcity.org>
Cc: CMOOffice <CMOffice@srcity.org>; Mahre, Kali <KMahre@srcity.org>
Subject: Re: [EXTERNAL] 1900 BRUSH CREEK ROAD / ILLEGAL BUILD / Additional Information for City's Investigation

Thank you, Jesse. As indicated, I would like to see all documents submitted to the City for 1900 Brush Creek Road (in 2020), and I provided a formal request to the City Clerk last week. With my prior request, I received nothing from 2020 or submitted by the Lichau's. It was all old and unrelated documents. If I am not able to come into your office due to COVID, what is the City's mechanism to enable my ability to view information prior to decisions being made?

Also, could you please follow up on the specifics for the interpretation, reasoning and law applied to this matter whereby the MAP Act is being utilized to void the building envelope at 1900 Brush Creek Rd. in order to legalize this illegal build? *The Subdivision MAP Act was consulted and interpreted to make these determinations.*

I'm not trying to be difficult but would like to understand how this could occur and the reasoning behind it.

Thank you,
Kathy

On Monday, December 14, 2020, 6:22:34 AM PST, Oswald, Jesse <joswald@srcity.org> wrote:

Good morning Kathy,

Apologies that plan wasn't available and that I missed you on Friday. Staff were still processing the materials.

We are still deciphering the latest Health Order and are unsure if we are allowed to have the public in now. I'll be working through that with the executive team today.

Regards,

Jesse Oswald |Chief Building Official

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

Tel. (707) 543-3249 | Fax (707) 543-3219 | joswald@srcity.org

From: Kathleen Parnell <kathleendparnell@yahoo.com>

Sent: Friday, December 11, 2020 10:19 AM

To: Oswald, Jesse <JOswald@srcity.org>

Cc: CMOOffice <CMOffice@srcity.org>; Mahre, Kali <KMahre@srcity.org>

Subject: Re: [EXTERNAL] 1900 BRUSH CREEK ROAD / ILLEGAL BUILD / Additional Information for City's Investigation

Thank you, Jesse. I look forward to hearing from someone with the specifics on the interpretation/reasoning applied to this case.

Also, as the Robertson Engineering plan wasn't available for me to see the other day, may I come by today to see it? I would like to see a copy of what was submitted before the COVID shut-down begins.

Thank you,
Kathy

On Thursday, December 10, 2020, 3:05:55 PM PST, Oswald, Jesse <joswald@srcity.org> wrote:

Good afternoon Kathy,

I have requested the experts provide the details. As I mentioned – this is not my wheelhouse.

Regards,

Jesse Oswald |Chief Building Official

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

Tel. (707) 543-3249 | Fax (707) 543-3219 | joswald@srcity.org

From: Kathleen Parnell <kathleendparnell@yahoo.com>

Sent: Thursday, December 10, 2020 2:52 PM

To: Oswald, Jesse <JOswald@srcity.org>

Cc: CMOOffice <CMOffice@srcity.org>; Mahre, Kali <KMahre@srcity.org>

Subject: Re: [EXTERNAL] 1900 BRUSH CREEK ROAD / ILLEGAL BUILD / Additional Information for City's Investigation

Jesse,

Thank you. Could you please provide me the interpretation/reasoning in writing so there is no ambiguity or misunderstanding in how the Map Act was applied to the illegal build at 1900 Brush Creek Road? Are you referring to Resilient City and applying it to 1900 Brush Creek Road via the Map Act?

This property is not a fire re-build and was not impacted by the Tubbs fire, or any fire, the pandemic, etc. whatsoever. This home was purchased in July 2019 and is simply an expansion of an existing home (i.e. not destroyed and then re-built, such as the homes in Fountaingrove).

Also, the road in question is not public. It's a private road with a public utilities easement.

Lastly, work has continued on this build since August when it was reported.

Thank you,

Kathy

On Thursday, December 10, 2020, 12:45:45 PM PST, Oswald, Jesse <joswald@srcity.org> wrote:

Good afternoon Kathy,

Apologies for the delay.

Regarding point #1, could you please tell me what specific law or ordinance was applied to void enforceability of the property set-back lines (building envelope) for 1900 Brush Creek Road (which is shown on the Supplemental Parcel Map attached to our deeds)?

The Subdivision MAP Act was consulted and interpreted to make these determinations. https://leginfo.ca.gov/faces/codes_displayText.xhtml?lawCode=GOV&division=2.&title=7.&part=&chapter=1.&article=1

If you would like to discuss the details of the interpretation – I can request a Planning representative contact you. My apologies – this is not my area of expertise.

You stated that property set-backs shown on supplemental deed maps were removed following the Tubbs Fire (to support fire re-builds in Fountaingrove). **When exactly did a law or ordinance removing building envelopes get applied to Scenic Brush Creek Road, and where is this publicly disclosed?** You also stated that building envelopes are currently not enforceable for all properties in the City of Santa Rosa, but where is this located in city law or ordinance?

Lines were not actually removed. The investigation and determination for application of the Law were done during the tubs Fire rebuild. The determination(s) apply globally to supplemental information on Final Maps unless supporting entitlements and/or development requirements are found to have been applied.

The application of this approach is not an ordinance or adopted process. It is applied through interpretation of existing Laws in-collaboration with our professional team and the city Attorney.

Also, what about the **Scenic Building Set-backs** that are only shown on the Supplemental Parcel Maps? Brush Creek Road is a designated Scenic Road (-SR) and 1900 Brush Creek is a frontage property. There are two Scenic Building Set-backs that affect 1900 Brush Creek on this map. Are Scenic Building Set-backs also no longer enforceable because they, too, are located on the supplemental parcel map?

As-presented on the site plan developed by Robertson Engineering; the addition does not fall within the scenic road setback area.

With regard to point #3, for clarification, you said because the removal of the heritage tree was within the intended build path at 1900 Brush Creek, you would have approved its removal without issue, but for a permit. In other words, removal of a heritage tree on a frontage Scenic Road would be permitted without issue, notice, etc., provided that it is removed as part of a build and the removed heritage tree is within an intended build path. Is this correct?

Correct in your restatement of what I said. If the application for an addition includes the removal of a Heritage or Protected Tree for development – it would be approved.

Regarding point #8, when was the stop work order removed? I am curious because work has been ongoing on the property since last Thursday morning.

The stop work order was not removed. If work continues on items requiring permits as-described by California Building Code section 105 – that work is a violation.

Lastly, I stopped by yesterday to look at the documents submitted by Dan & Amber Lichau. I saw a hand-written Site Plan by Dan Lichau, but didn't see a surveyor report comparable to the

one that I submitted from Ray Carlson showing measurements from the easement, etc., that we discussed. Did I miss something? I thought you mentioned there was also a surveyor report submitted by a long-standing, reputable professional similar to Ray Carlson's.

We have a complete site plan developed by Robertson Engineering signed and stamped with his professional seal and signature. We may have been in transition from the time the actual submittal was made to when you viewed that materials.

As a follow up to the additional right of way/utilities areas disturbed; Gabe Osburn, Deputy Director for Engineering Development Services and I are collaborating on the differing jurisdictional areas for public area versus private area and enforcement. Any damage to any utilities if-found would be the responsibility of anyone creating the damage. We are working with water/sewer agencies to assess the easement and utilities.

Thank you,

Thanks, again.

Kathy

Jesse Oswald |Chief Building Official

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

Tel. (707) 543-3249 | Fax (707) 543-3219 | joswald@srcity.org

From: Kathleen Parnell <kathleendparnell@yahoo.com>

Sent: Thursday, December 10, 2020 10:18 AM

To: Oswald, Jesse <JOswald@srcity.org>

Cc: CMOOffice <CMOffice@srcity.org>; Mahre, Kali <KMahre@srcity.org>

Subject: Re: [EXTERNAL] 1900 BRUSH CREEK ROAD / ILLEGAL BUILD / Additional Information for City's Investigation

Jesse,

I just wanted to confirm that you received my email below yesterday. Could you possibly respond to my questions about Point #1 today?

Thank you,
Kathy

On Wednesday, December 9, 2020, 8:58:02 AM PST, Kathleen Parnell <kathleendparnell@yahoo.com> wrote:

Jesse,

Thank you for speaking with me Friday and for your follow-up email. I do have a few questions for clarification, please.

Regarding point #1, could you please tell me what specific law or ordinance was applied to void enforceability of the property set-back lines (building envelope) for 1900 Brush Creek Road (which is shown on the Supplemental Parcel Map attached to our deeds)?

You stated that property set-backs shown on supplemental deed maps were removed following the Tubbs Fire (to support fire re-builds in Fountaingrove). **When exactly did a law or ordinance removing building envelopes get applied to Scenic Brush Creek Road, and where is this publicly disclosed?** You also stated that building envelopes are currently not enforceable for all properties in the City of Santa Rosa, but where is this located in city law or ordinance?

Also, what about the **Scenic Building Set-backs** that are only shown on the Supplemental Parcel Maps? Brush Creek Road is a designated Scenic Road (-SR) and 1900 Brush Creek is a frontage property. There are two Scenic Building Set-backs that affect 1900 Brush Creek on this map. Are Scenic Building Set-backs also no longer enforceable because they, too, are located on the supplemental parcel map?

With regard to point #3, for clarification, you said because the removal of the heritage tree was within the intended build path at 1900 Brush Creek, you would have approved its removal without issue, but for a permit. In other words, removal of a heritage tree on a frontage Scenic Road would be permitted without issue, notice, etc., provided that it is removed as part of a build and the removed heritage tree is within an intended build path. Is this correct?

Regarding point #8, when was the stop work order removed? I am curious because work has been ongoing on the property since last Thursday morning.

Lastly, I stopped by yesterday to look at the documents submitted by Dan & Amber Lichau. I saw a hand-written Site Plan by Dan Lichau, but didn't see a surveyor report comparable to the one that I submitted from Ray Carlson showing measurements from the easement, etc., that we discussed. Did I miss something? I thought you mentioned there was also a surveyor report submitted by a long-standing, reputable professional similar to Ray Carlson's.

Thanks, again.

Kathy

On Monday, December 7, 2020, 10:23:29 AM PST, Oswald, Jesse <joswald@srcity.org> wrote:

Good morning Kathy,

Thank you so-much for the conversation Friday. I'll do my best to summarize the discussion and answer the key points you've provided for us to address.

Primary points to address:

1. Unpermitted construction over a building setback line
 2. Process the applicant will be required to follow to legalize the addition
 3. Removal of a heritage tree without authorization/permits
 4. Candor/Transparency of process and investigation
 5. Bias/Collusion with-respect to violator being a Deputy Sherriff
 6. Other suspected properties with unpermitted construction
 7. Stop Work Order Issuance date
 8. Additional violation – bright lights affixed to subject property – shining on adjacent property
 9. Appeal path
-
1. Through Planning staff's research and analysis shows the unpermitted addition can be permitted. The building setback lines placed on the Final Map Supplemental sheet(s) are not enforceable.

 2. The applicant will be required to submit plans and specifications adhering to the attached "As-Built" process: <https://www.srcity.org/DocumentCenter/View/2199/-Handout-for-As-Built-Projects-PDF> . The applicant will be required to pay additional fees due to the work without a permit. The fee shall be equal to the permit fee as described on the bottom of page 28 of the fee schedule: <https://srcity.org/DocumentCenter/View/16129/Planning--Economic-Development-Department-Fee-Schedule?bidId=> . They will also be required to pay the Stop Work Order Removal Fee identified on page 43 (near the middle of the page) "Removal of Stop Work Order".

 3. Planning staff have determined that had the applicant applied: The tree that was removed without authorization would have been approved for removal in-accordance with the Tree Ordinance. In accordance with Subsection 17-24.050(C)(1), for each six inches or fraction thereof of the diameter of a tree which was approved for removal, two trees of the same genus and species as the removed tree (or another species, if approved by the Director), each of a minimum 15-gallon container size, shall be planted on the project site, provided however, that an increased number of smaller size trees of the same genus and species may be planted if approved by the Director, or a fewer number of such trees of a larger size if approved by the Director. Mr. Robertson's letter reports that the total diameter of the removed tree is 74 inches (48+26). Under this criteria, the mitigation requirement is planting of 26 Coast Redwood trees, each a minimum of 15-gallon container size ($74 / 6 = 12.33$ 6-inch increments, which rounds up to 13 sections). In accordance with Subsection 17-24.050(C)(3), If the development site is inadequate in size to accommodate the replacement trees, the trees shall be planted on public property with the approval of the Director of the City's Recreation and Parks Department. Upon the request of the developer and the approval of the Director, the City may accept an in-lieu payment of \$100.00 per 15-gallon replacement tree on condition that all such payments shall be used for tree-related educational projects and/or planting programs of the City. The total payment in-lieu fee would be \$2,600.

 4. Apologies for the lack of communication on the matter. We discussed our inability to prioritize investigations that are not immediate health/life-safety matters. This project and others have assisted us with adjusting our protocols for notifying complainants of investigative findings and actions.

5. This department provides no bias or special treatment for any violator of and Laws, Ordinances and/or Regulations. As we discussed; I had no knowledge the violation(s) were committed by a law enforcement officer until you provided me that information. Our department will investigate any violator to the fullest-legal extent allowed by adopted codes and Ordinances.

6. If any property within the City Limit jurisdiction of Santa Rosa has suspected Ordinance/code violations; a complaint may be filed via this site: <https://www.srcity.org/FormCenter/Housing-and-Community-Services-14/Code-Investigation-Request-Form-74> Or, by submitting this completed form: <https://www.srcity.org/DocumentCenter/View/21358/Code-Enforcement-Complaint-Form-PDF?bidId=> to code@srcity.org

7. The Stop Work Order was affixed (handed to occupant on-site) on 8/6/2020

8. The additional complaint for bright lights shining on adjacent (yours) properties will be required to be addressed with the building permit submittal.

9. The path to take to appeal the matters regarding Planning determinations would be before the Planning Commission. The application is here: <https://www.srcity.org/DocumentCenter/View/2628/Appeal-Application---Planning-CommissionDesign-Review-BoardCultural-Heritage-Board> . The fee for the appeal is currently \$535.00 (I misspoke on the amount when we talked). At the moment; no application has been made to appeal, but I will notify you when the building permit has been applied-for. Appeals to a Board or Commission are filed through the City Manager's Office: <https://www.srcity.org/246/City-Manager>

Again; thank you for the discussion and your commitment to the vitality of your neighborhood.

Sincerely,

Jesse

Jesse Oswald |Chief Building Official

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

Tel. (707) 543-3249 | Fax (707) 543-3219 | joswald@srcity.org

Re: [EXTERNAL] 1900 BRUSH CREEK ROAD / ILLEGAL BUILD / Additional Information for City's Investigation

From: Kathleen Parnell (kathleendparnell@yahoo.com)

To: joswald@srcity.org

Cc: cmoffice@srcity.org; kmahre@srcity.org

Date: Thursday, December 10, 2020, 02:52 PM PST

Jesse,

Thank you. Could you please provide me the interpretation/reasoning in writing so there is no ambiguity or misunderstanding in how the Map Act was applied to the illegal build at 1900 Brush Creek Road? Are you referring to Resilient City and applying it to 1900 Brush Creek Road via the Map Act?

This property is not a fire re-build and was not impacted by the Tubbs fire, or any fire, the pandemic, etc. whatsoever. This home was purchased in July 2019 and is simply an expansion of an existing home (i.e. not destroyed and then re-built, such as the homes in Fountaingrove).

Also, the road in question is not public. It's a private road with a public utilities easement.

Lastly, work has continued on this build since August when it was reported.

Thank you,

Kathy

On Thursday, December 10, 2020, 12:45:45 PM PST, Oswald, Jesse <joswald@srcity.org> wrote:

Good afternoon Kathy,

Apologies for the delay.

Regarding point #1, could you please tell me what specific law or ordinance was applied to void enforceability of the property set-back lines (building envelope) for 1900 Brush Creek Road (which is shown on the Supplemental Parcel Map attached to our deeds)?

The Subdivision MAP Act was consulted and interpreted to make these determinations. https://leginfo.legislature.ca.gov/faces/codes_displayText.xhtml?lawCode=GOV&division=2.&title=7.&part=&chapter=1.&article=1

If you would like to discuss the details of the interpretation – I can request a Planning representative contact you. My apologies – this is not my area of expertise.

You stated that property set-backs shown on supplemental deed maps were removed following the Tubbs Fire (to support fire re-builds in Fountaingrove). When exactly did a law or ordinance removing building envelopes get applied to Scenic Brush Creek Road, and where is this publicly disclosed? You also stated that building envelopes are currently not enforceable for all properties in the City of Santa Rosa, but where is this located in city law or ordinance?

Lines were not actually removed. The investigation and determination for application of the Law were done during the tubs Fire rebuild. The determination(s) apply globally to supplemental information on Final Maps unless supporting entitlements and/or development requirements are found to have been applied.

The application of this approach is not an ordinance or adopted process. It is applied through interpretation of existing Laws in-collaboration with our professional team and the city Attorney.

Also, what about the **Scenic Building Set-backs** that are only shown on the Supplemental Parcel Maps? Brush Creek Road is a designated Scenic Road (-SR) and 1900 Brush Creek is a frontage property. There are two Scenic Building Set-backs that affect 1900 Brush Creek on this map. Are Scenic Building Set-backs also no longer enforceable because they, too, are located on the supplemental parcel map?

As-presented on the site plan developed by Robertson Engineering; the addition does not fall within the scenic road setback area.

With regard to point #3, for clarification, you said because the removal of the heritage tree was within the intended build path at 1900 Brush Creek, you would have approved its removal without issue, but for a permit. In other words, removal of a heritage tree on a frontage Scenic Road would be permitted without issue, notice, etc., provided that it is removed as part of a build and the removed heritage tree is within an intended build path. Is this correct?

Correct in your restatement of what I said. If the application for an addition includes the removal of a Heritage or Protected Tree for development – it would be approved.

Regarding point #8, when was the stop work order removed? I am curious because work has been ongoing on the property since last Thursday morning.

The stop work order was not removed. If work continues on items requiring permits as-described by California Building Code section 105 – that work is a violation.

Lastly, I stopped by yesterday to look at the documents submitted by Dan & Amber Lichau. I saw a hand-written Site Plan by Dan Lichau, but didn't see a surveyor report comparable to the one that I submitted from Ray Carlson showing measurements from the easement, etc., that we discussed. Did I miss something? I thought you mentioned there was also a surveyor report submitted by a long-standing, reputable professional similar to Ray Carlson's.

We have a complete site plan developed by Robertson Engineering signed and stamped with his professional seal and signature. We may have been in transition from the time the actual submittal was made to when you viewed that materials.

As a follow up to the additional right of way/utilities areas disturbed; Gabe Osburn, Deputy Director for Engineering Development Services and I are collaborating on the differing jurisdictional areas for public area versus private area and enforcement. Any damage to any utilities if-found would be the responsibility of anyone creating the

damage. We are working with water/sewer agencies to assess the easement and utilities.

Thank you,

Thanks, again.

Kathy

Jesse Oswald |Chief Building Official

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

Tel. (707) 543-3249 | Fax (707) 543-3219 | joswald@srcity.org

Exhibit 45

(6 pages –12/16/10 Email from Planner Andrew Trippel to Appellant acknowledging receipt of Appeal and states there is now a “Stay” on the matter. 12/17/20 Email from Appellant to Andrew Trippel with Amended Appeal)

Planning Commission appeal of 1900 Brush Creek Rd. Code Enforcement Violation

From: Trippel, Andrew (atrippel@srcity.org)

To: kathleendparnell@yahoo.com

Cc: cmoffice@srcity.org; kmahre@srcity.org; building@srcity.org; planning@srcity.org; cityclerk@srcity.org; wrose@srcity.org; joswald@srcity.org; mmaystrovich@srcity.org; chartman@srcity.org

Date: Wednesday, December 16, 2020, 05:42 PM PST

Good afternoon,

My name is Andrew Trippel and I am the project planner who will be preparing your appeal for review by the Planning Commission. Going forward, please direct all communications to me. If others need to be brought into a conversation, I will do so. Please know that I have participated in issues analyses since the Code Enforcement violation was logged and the case was opened. As a result, I am fully informed about the issues and have been included on or been forwarded the majority of emails about the project. Below are the next steps in processing your appeal.

1. The appeal has been entered into our record system. The record number is ST20-003.
2. The appeal fee has been charged to your credit card. The receipt is attached.
3. In accordance with Zoning Code Section 20-62.030(D), this written appeal "shall automatically stay all proceedings associated with the matter subject to the appeal (e.g., issuance of a Certificates of Occupancy, Building or Grading Permit, etc.), and put in abeyance all permits or approvals which may have been granted, and neither the applicant nor any enforcing agency may rely upon the approval, decision, denial, or other action, until the appeal has been resolved."
4. Planning staff will notify the property owner that the appeal has been filed.

On the Appeal Application, you note that "(Attachments to follow)"; however, I have not received any attachments. Please submit all attachments to me. If no attachments are submitted, then the appeal will consider the ground provided on the Appeal Application form.

I am available if you have any questions, and it's best to reach out to me via email first. I will provide additional information about scheduling of the Planning Commission public hearing early next week.

Best,

Andrew

Andrew Trippel | Acting Supervising Planner – Current Planning

Planning & Economic Development | 100 Santa Rosa Ave Rm 3 | Santa Rosa, CA 95404

Tel. (707) 543-3223 | Fax (707) 543-3269 | atrippel@srcity.org

Re: Planning Commission appeal of 1900 Brush Creek Rd. Code Enforcement Violation

From: Kathleen Parnell (kathleendparnell@yahoo.com)

To: atrippel@srcity.org

Date: Thursday, December 17, 2020, 08:32 AM PST

Andrew,

Thank you so much for your email. I didn't know that you were going to accept my appeal because I hadn't heard from anyone after submitting it. That said, how long do I have to submit attachments regarding this appeal? What are the specific timelines?

Second, I have not been told what law or reasoning was applied, or is being applied, to 1900 Brush Creek Road in order to remove the building envelope, whereby voiding the zoning code violation. I need this information in order to properly complete my attachments and present information to the Planning Commission. I have asked for this information repeatedly, and I was told that Planning had researched this issue at 1900 Brush Creek Road and were the experts. What law and reasoning did Planning apply to 1900 Brush Creek Road to remove the building envelope after I reported the violation, who made the decision, and when was this decision made?

Lastly, please confirm the issue before the Planning Commission will be the Zoning Code Violation, wherein the owners of 1900 Brush Creek Road built a 12x30' addition, with 9'x30' over their building envelope.

Kind regards,

Kathy

On Wednesday, December 16, 2020, 5:42:03 PM PST, Trippel, Andrew <atrippel@srcity.org> wrote:

Good afternoon,

My name is Andrew Trippel and I am the project planner who will be preparing your appeal for review by the Planning Commission. Going forward, please direct all communications to me. If others need to be brought into a conversation, I will do so. Please know that I have participated in issues analyses since the Code Enforcement violation was logged and the case was opened. As a result, I am fully informed about the issues and have been included on or been forwarded the majority of emails about the project. Below are the next steps in processing your appeal.

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and neither the applicant nor any enforcing agency may rely upon the approval, decision, denial, or other action, until the appeal has been resolved.”

4. Planning staff will notify the property owner that the appeal has been filed.

On the Appeal Application, you note that “(Attachments to follow)”; however, I have not received any attachments. Please submit all attachments to me. If no attachments are submitted, then the appeal will consider the ground provided on the Appeal Application form.

I am available if you have any questions, and it’s best to reach out to me via email first. I will provide additional information about scheduling of the Planning Commission public hearing early next week.

Best,

Andrew

Andrew Trippel | Acting Supervising Planner – Current Planning

Planning & Economic Development | 100 Santa Rosa Ave Rm 3 | Santa Rosa, CA 95404

Tel. (707) 543-3223 | Fax (707) 543-3269 | atrippel@srcity.org

Re: Planning Commission appeal of 1900 Brush Creek Rd. Code Enforcement Violation

From: Kathleen Parnell (kathleendparnell@yahoo.com)

To: atrippel@srcity.org

Date: Thursday, December 17, 2020, 06:20 PM PST

Andrew,

Attached is an updated, amended Appeal, which I believe is much cleaner. I am going to send an attachment for this Appeal, and certainly do not want the record to close. When does the record close?

I am very confused about the timeline of my Appeal because I have not heard back yet regarding the timeline for deliverables, including attachments, etc.

With the City being closed to the public due to the current Stay at Home Order, I cannot just stop by to get my questions answered. I am not trying to be difficult, but just trying to figure this out.

Lastly, I cannot draft the attachments completely unless I know what law and reasoning was applied to remove the building envelope, when it was applied and by whom. I do not want to be sending multiple drafts.

Thank you,
Kathy

On Thursday, December 17, 2020, 8:32:19 AM PST, Kathleen Parnell <kathleendparnell@yahoo.com> wrote:

Andrew,

Thank you so much for your email. I didn't know that you were going to accept my appeal because I hadn't heard from anyone after submitting it. That said, how long do I have to submit attachments regarding this appeal? What are the specific timelines?

Second, I have not been told what law or reasoning was applied, or is being applied, to 1900 Brush Creek Road in order to remove the building envelope, whereby voiding the zoning code violation. I need this information in order to properly complete my attachments and present information to the Planning Commission. I have asked for this information repeatedly, and I was told that Planning had researched this issue at 1900 Brush Creek Road and were the experts. What law and reasoning did Planning apply to 1900 Brush Creek Road to remove the building envelope after I reported the violation, who made the decision, and when was this decision made?

Lastly, please confirm the issue before the Planning Commission will be the Zoning Code Violation, wherein the owners of 1900 Brush Creek Road built a 12x30' addition, with 9'x30' over their building envelope.

Kind regards,

Kathy

On Wednesday, December 16, 2020, 5:42:03 PM PST, Trippel, Andrew <atrippel@srcity.org> wrote:

Good afternoon,

My name is Andrew Trippel and I am the project planner who will be preparing your appeal for review by the Planning Commission. Going forward, please direct all communications to me. If others need to be brought into a conversation, I will do so. Please know that I have participated in issues analyses since the Code Enforcement violation was logged and the case was opened. As a result, I am fully informed about the issues and have been included on or been forwarded the majority of emails about the project. Below are the next steps in processing your appeal.

1. The appeal has been entered into our record system. The record number is ST20-003.
2. The appeal fee has been charged to your credit card. The receipt is attached.
3. In accordance with Zoning Code Section 20-62.030(D), this written appeal “shall automatically stay all proceedings associated with the matter subject to the appeal (e.g., issuance of a Certificates of Occupancy, Building or Grading Permit, etc.), and put in abeyance all permits or approvals which may have been granted, and neither the applicant nor any enforcing agency may rely upon the approval, decision, denial, or other action, until the appeal has been resolved.”
4. Planning staff will notify the property owner that the appeal has been filed.

On the Appeal Application, you note that “(Attachments to follow)”; however, I have not received any attachments. **Please submit all attachments to me.** If no attachments are submitted, then the appeal will consider the ground provided on the Appeal Application form.

I am available if you have any questions, and it's best to reach out to me via email first. I will provide additional information about scheduling of the Planning Commission public hearing early next week.

Best,

Andrew

Andrew Trippel | Acting Supervising Planner – Current Planning

Planning & Economic Development | 100 Santa Rosa Ave Rm 3 | Santa Rosa, CA 95404

Tel. (707) 543-3223 | Fax (707) 543-3269 | atrippel@srcity.org





APPEAL APPLICATION

www.srcity.org

G E N E R A L	LOCATION OF PROJECT (ADDRESS) 1900 Brush Creek Road	Note: This form is for appeals of Department actions only. Appeals of Commission and Board actions are filed in the City Manager's Office.	
	NAME OF PROJECT 1900 Brush Creek Road		
	APPELLANT NAME Kathy Parnell	DAYTIME PHONE (415) 336 - 8869	HOME PHONE (415) 336 - 8869
	APPELLANT ADDRESS 1888 Brush Creek Road	CITY Santa Rosa	STATE CA

To the Chairman and Members of the Planning Commission / Design Review Board/Cultural Heritage Board:

The undersigned: Kathleen Parnell does hereby appeal to the Planning Commission / Design Review Board/Cultural Heritage Board the decision of the Department of Planning and Economic Development made on 12/4/20 (Date)

which approved the application of Dan & Amber Lichau (approved, denied, other) (Name of property owner or developer)

for a 12'x30' home addition with 9'x30' through their building envelope (State nature of request made to the Planning and Economic Development Department)

on property situated at 1900 Brush Creek Road, Santa Rosa, CA 95404 (Street address of subject property)

A. The grounds upon which this appeal is filed are: (list all grounds relied upon in making this appeal. Please attach additional sheets if more space is needed.)

1. Zoning code violation - Home addition of 12'x30' with 9'x30' through a building envelope. Per CBO (J.Oswald), the building envelope was removed by the City to enable the legalization of the unpermitted build and removal of a heritage tree.

Attachments to follow

2. _____

B. The specific action which the undersigned wants the City Planning Commission/Design Review Board/Cultural Heritage Board to take is:

Enforcement of building envelope shown on deed maps for 1900 Brush Creek Road.

Require illegal build to be re-built within the building envelope with trees planted and fence returned along the shared driveway.

Appellant's signature

12/17/20

Date

**A
P
P
E
A
L**

Exhibit 46

(9 Pages – mail from Planner Andrew Rippel to Appellant on 12/23/20 with justifications for the Director's determination in the A permitting

Appellant requested this information multiple times since December 7, 2020)

RE: [EXTERNAL] Re: Planning Commission appeal of 1900 Brush Creek Rd. Code Enforcement Violation

From: Trippel, Andrew (atrippel@srcity.org)

To: kathleendparnell@yahoo.com

Date: Wednesday, December 23, 2020, 04:21 PM PST

Good afternoon,

Thank you for your patience. Please consider the information below in which I provide an update to the Appeal process and respond to outstanding questions. If you would like to schedule a phone meeting, I am currently available as listed below. If we need to identify other date/time opportunities for a meeting, please let me know.

- Monday, December 28 – 11:00 AM, 4:00 PM
- Tuesday, December 29 – 10:00 AM, 2:00 PM
- Wednesday, December 30 – 8:00 AM, 9:00 AM, 3:00 PM

Appeal Process Update

Planning staff has had the opportunity to further consider the appeal process and notes that that Zoning Code [Section 20-62.030\(E\)\(4\)](#) only requires a public hearing of an appeal if (1) A public hearing was required before making the decision appealed from; or (2) The review authority deems a public hearing desirable. The subject of the Appeal application (attached) is the Planning Director's determination following Planning review of Building Permit B20-6871 for which no public hearing was held. Therefore, the appeal will move forward to Planning Commission as a report item, as opposed to a public hearing, and **a Public Hearing fee is not required**. Both the property owner and appellant will be provided the opportunity to speak during Planning Commission review. Additionally, any information submitted to Planning staff will be included in the meeting item.

Planning staff are working to gather information and prepare required materials for review by the Planning Commission. The next regularly scheduled meeting of the Planning Commission is January 14, 2021. Planning staff is attempting to meet the necessary deadline to have this item included on the January 14, 2020 agenda; however, you have clearly communicated that you have additional information to provide. If you agree, Planning staff can schedule Planning Commission review of the appeal on January 28, 2020. **Please let us know which date you would like to target.**

Outstanding Questions

Planning is responding the following outstanding questions:

- What law and reasoning did Planning apply to 1900 Brush Creek Road to remove the building envelope as reported the violation, who made the decision, and when was this decision made? **See Residential Addition Approval below.**
- Please confirm the issue before the Planning Commission will be the Zoning Code Violation, wherein the owners of 1900 Brush Creek Road built a 12x30' addition, with 9' x30' over their building envelope. **See Residential Addition Approval below.**
- Could you please get back to me with the reasoning and law applied that removed the building envelope in order to permit this illegal build? **See Residential Addition Approval below.**
- Please confirm the issue before the Planning Commission will be the Zoning Code Violation, wherein the owners of 1900 Brush Creek Road built a 12x30' addition, with 9' x30' over their building envelope. **You have filed an appeal of a Planning Director determination and cited specific grounds for that appeal. Planning**

Commission will consider your appeal of the Planning Director's determination made during Planning review of Building Permit B20-6871.

In Appeal Applications (attached) dated received by Planning and Economic Development on December 14, 2020, and December 17, 2020, you indicate that the grounds upon which the appeals are filed are:

1. The unpermitted home addition on the frontage Scenic Brush Creek Road is now able to be permitted because "building setback lines placed on the Final Map Supplemental Sheet are not enforceable." The property setback (building envelope) is being voided to enable to an illegal build.
2. A redwood heritage tree was removed on frontage Brush Cree in a scenic setback and outside the building envelope to enable illegal build.
1. Zoning code violation – Home addition of 12' x30' with 9'x30' through a building envelope.

On November 23, 2020, Acting Supervising Planner Andrew Trippel informed Chief Building Official Jesse Oswald that Planning would (1) approve Planning review of the residential addition as shown on the Site Plan (Exhibit Plat dated August 13, 2020, prepared by Ray Carlson and Associates, Inc, attached), and (2) approve the tree removal and require tree mitigation in accordance with City Code Section 17-24.050 Permit category II (11-23-2020-Trippel-Planning determination, attached). Planning staff's conclusion about a project's compliance with applicable codes is referred to as the "Planning Director's Determination." In the case of B20-6871, the Planning Director determined that (1) the residential addition complies with all applicable Zoning Code regulations, and (3) the tree removal is allowed subject to mitigation. Analysis is provided below.

Residential Addition Approval (grounds 1 and 1 above) – During Planning Review, Planning staff reviewed the stamped and signed Site Plan against [Parcel Map No. 609](#) (Final Map) to which the property is subject. The property addressed as 1900 Brush Creek Drive (subject parcel) is referred to as Lot 3 on the Final Map. In addition to parcel lines, the Final Map shows a Road, Sewer and Public Utility Easement recorded against the property. **The Final Map does not show any required setback lines.** The subject parcel is zoned [R-1-15-SR](#), and the required setbacks for this parcel are: Front = 20 feet, Side Corner = 15 feet, Side Interior = 10 feet, and Rear = 20 feet, except that [Scenic Road \(-SR\) combining district](#) zoning requires a minimum setback of 50 feet measured from edge of pavement to a one-story structure with a maximum height not exceeding 25 feet for parcels fronting Brush Creek Road. This required Building Setback Line is shown on the Site Plan, and the residential addition is located outside of the required 50-foot setback. The project plan set accepted by Building Division for Building Permit application B20-6871 shows a maximum building height of 15-feet, 6-inches (B20-6871-Plan Set, attached). **Based upon its review of the project plan set against applicable Zoning Code requirements, the Planning Director determined that the residential addition complies with applicable development standards and approved Planning Review for B20-6871.**

The appellant contends that "The property setback (building envelope) is being voided to enable an illegal build." The Final Map's "Supplemental Information Affixing" sheet (Supplemental Sheet) (Sheet 4 of 4) displays a dash-dot-dot-dash line labeled "Scenic Building Setback Line...Single Story Building" and a dashed line on Lot 3 that is similar to dashed lines on Lots 1 and 2, which are labeled as Building Setbacks. **Planning staff assumes that the "property setback (building envelope)" that the appellant refers to are these lines displayed on the Supplemental Sheet. Planning staff finds that:**

1. Supplemental Sheet Note (1) states that "This sheet is for information purposes only, describing conditions as of filing and is not intended to affect recording interest."
2. CA [Gov Code § 66434.2](#) states that "On or after January 1, 1987, a city or county may, by ordinance, require additional information to be filed or recorded simultaneously with a final or parcel map. The additional information shall be in the form of a separate document or an additional map sheet which shall indicate its relationship to the final or parcel map, and shall contain a statement that the additional information is for informational purposes, describing conditions as of the date of filing, and is not intended to affect recordable interest. The document or additional map sheet may also contain a notation that the additional information is

derived from public records or reports, and does not imply the correctness or sufficiency of those records or reports by the preparer of the document or additional map sheet.”

3. Santa Rosa [City Code § 19-28.200](#) states that “Additional information, as set forth in this section, shall be required to be submitted on an additional map sheet which shall be identified as the information sheet and which shall indicate its relationship to the final or parcel map, and shall contain a statement that the additional information is for informational purposes, describing conditions as of the date of filing, and is not intended to affect record title interest. The information sheet shall contain the following:
 - A. The full title block;
 - B. A graphic scale;
 - C. A north arrow;
 - D. All required notes and all required additional survey and map information, including but not limited to, building setback lines, building envelopes, flood hazard zones, seismic lines and setbacks, geologic mapping, archeological sites, creek setback lines, and applicable fees. The additional information need not be provided at the same scale as on the map if, in the opinion of the City Engineer, the result is plain and readily legible. In no case, shall a scale of greater than one inch to 100 feet be utilized. Typical representations may also be utilized if, in the opinion of the City Engineer, they adequately communicate the desired information. (Ord. 3396 § 1, 1998; Ord. 2622 § 1, 1987)
4. The Final Subdivision Committee Report (MIN99-006 – LANDS OF DEHNERT, attached) providing Conditions of Approval for the subdivision of a 1.3 acre site into 3 single family residential lots at 199 Brush Creek Road dated June 21, 2000, states that “Building setbacks shall be shown on the local agency sheet of the final map. Front setbacks for one story structures shall be 50 feet from the Brush Creek Road pavement and 100 feet for the two story portion of the structure” (Condition #3). No other setbacks are required by the Final Subdivision Committee Report.

Based on items 1-3 above, Planning has determined that any information listed on the supplement sheet cannot affect record title interest and is not intended to create enforceable development standards. The City will not enforce any information provided on the Supplement Sheet, unless the information is consistent with other municipal code requirements in effect at the time of building permit submission. As previously stated, the Planning Director has determined that the residential addition complies with all current applicable code requirements pertaining to building setbacks. Additionally, Planning concludes that Final Subdivision Committee Report Condition #3 is enforced through application of the -SR combining district Brush Creek Road required setback for a one-story structure with a maximum height not exceeding 25 feet.

Heritage Tree Removal (grounds 2 above) – For those projects for which a Planning discretionary entitlement is not required, Planning & Economic Development policy is to review tree removal and require mitigation during Planning review of a Building Permit. Consistent with this longstanding policy, Planning reviewed the removal of the Redwood Heritage Tree during Planning review of B20-6871.

In accordance with City Code [Section 17-24.050](#) Permit category II – Tree alteration, removal, or relocation on property proposed for development – Requirements. In accordance with Subsection 17-24.050(C)(1), for each six inches or fraction thereof of the diameter of a tree which was approved for removal, two trees of the same genus and species as the removed tree (or another species, if approved by the Director), each of a minimum 15-gallon container size, shall be planted on the project site, provided however, that an increased number of smaller size trees of the same genus and species may be planted if approved by the Director, or a fewer number of such trees of a larger size if approved by the Director. Robertson Engineering Inc. letter dated October 30, 2020 (attached) reports that the total diameter of the removed tree is 74 inches (48+26).

- In accordance with the mitigation formula provided above, the mitigation requirement is planting of 26 Coast Redwood trees, each a minimum of 15-gallon container size ($74 / 6 = 12.33$ 6-inch increments, which rounds up to 13 trees).
- In accordance with Subsection 17-24.050(C)(3), If the development site is inadequate in size to accommodate the replacement trees, the trees shall be planted on public property with the approval

of the Director of the City's Recreation and Parks Department.

- Upon the request of the developer and the approval of the Director, the City may accept an in-lieu payment of \$100.00 per 15-gallon replacement tree on condition that all such payments shall be used for tree-related educational projects and/or planning programs of the City. The total payment in-lieu fee would be \$2,600.

Best Regards,

Andrew

Andrew Trippel | Acting Supervising Planner – Current Planning

Planning & Economic Development | 100 Santa Rosa Ave Rm 3 | Santa Rosa, CA 95404

Tel. (707) 543-3223 | Fax (707) 543-3269 | atrippel@srcity.org

From: Kathleen Parnell <kathleendparnell@yahoo.com>

Sent: Friday, December 18, 2020 12:27 PM

To: Trippel, Andrew <atrippel@srcity.org>

Subject: Re: [EXTERNAL] Re: Planning Commission appeal of 1900 Brush Creek Rd. Code Enforcement Violation

Andrew,

Thank you. I appreciate your response yesterday and certainly respect your need to manage your workload. I simply would like to ensure that I don't miss any critical dates or timelines and more, as I do plan to include an attachment to my Appeal.

I will circle back with possible meeting times next week, and will also follow up with a corrected Timeline Summary, as there are errors below. Unfortunately, I've got back-to-back work meetings this afternoon and won't be able to make corrections until a later time.

Kind regards,

Kathy

On Thursday, December 17, 2020, 8:01:10 PM PST, Trippel, Andrew <atrippel@srcity.org> wrote:

Good evening,

Please provide me with several day/week options next week so that I can schedule a phone meeting with you to discuss the contents of this email and the appeal process. In the interim, please know that I am doing my best to provide you with information about the appeal process and respond to your questions given the meager resources available to me and the other professional commitments to which I must attend. *I kindly ask you to respect me and my need to manage my workload by patiently waiting for me to respond to an email from you before sending additional emails.*

Timeline Summary

- On February 19, 2020, Code Enforcement Case CE20-0139 was opened against the property at 1900 Brush Creek Road in response to a Code Enforcement complaint citing unpermitted tree removal and unpermitted construction in the form of an addition to the primary dwelling unit.
- On December 7, 2020, the property owner of 1900 Brush Creek Rd. was informed of the Planning Director's determination in response to Jesse Oswald's request for review of the unpermitted tree removal and unpermitted construction.
- On or about December 7, 2020, you were informed by Jesse Oswald of the Planning Director's determination concerning the unpermitted tree removal and unpermitted construction.
- On December 11, 2020, Building Permit application B20-6871 was submitted to legalize the unpermitted tree removal and unpermitted construction.
- On December 14, 2020, Planning and Economic Development received Appeal Application S T20-003 appealing the Planning Director's determination.
- On December 17, 2020, the Building Permit applicant/property owner was informed that an appeal of the Planning Director's determination was filed and that the applicant/property owner will have to pay a Planning Commission Public Hearing fee of \$2,362 in order for the appeal to be heard by Planning Commission.

Scheduling of Planning Commission Appeal Public Hearing

- Zoning Code [Section 20-62.030 Filing and processing of appeals](#) requires that a hearing on the appeal shall be scheduled for the earliest regular meeting following the date on which the appeal was accepted as filed; however, we will not schedule a public hearing until the Planning Commission public hearing fee is paid.
- The next regular meeting of the Planning Commission is scheduled for January 14, 2021, and meeting items for that meeting are due on December 22, 2020. If the fee is not paid by close of business December 21, 2020, then the next regular meeting of the Planning Commission is scheduled for January 28, 2021, and the meeting items are due on January 5, 2021.
- Planning staff will not schedule a Planning Commission public hearing without first confirming your availability.

Submission of additional Appeal in form

In your Appeal Application dated received by Planning and Economic Development on 12/14/2020, you indicated on the Appeal Application that attachments will follow. On 12/17/2020, you submitted an amended Appeal Application and

similarly indicated that attachments will follow. We encourage you to prepare and submit the information that you would like to include with your appeal as quickly as you are able to do so.

Specific issues for Planning Commission review

The Planning Commission appeal public hearing Staff Report will:

- Provide background information about the issue(s),
- Refer to the Appeal Applicant's grounds for appeal and the specific action which the appellant wants the Planning Commission to take;
- Provide details about Planning's review of the issue and the Planning Director's analysis and determination; and
- Recommend action to Planning Commission.

The Staff Report will be supported by, and the meeting packet will include:

- Application materials and other City records;
- Information provided by the applicant/property owner;
- Information provided by the appellant;
- Information gathered by City staff;
- Written correspondence between the applicant/property owner, appellant, and City staff; and
- Any other information that Planning staff deems necessary for the Planning Commission to be fully informed.

The Staff Report, Planning Commission resolution or consideration, and supporting materials will be available for public review and comment at least 10 days prior to the scheduled Planning Commission appeal public hearing.

Outstanding questions

1. In your email dated 12/17/2020 @ 6:20 PM you asked: When does the record close?

Response: To file an appeal, an Appeal Application is submitted and the appellant provides any information he or she feels is necessary to support the request for appeal. Additional information may be submitted anytime during the appeal process, and Planning staff will provide all information to the Planning Commission as part of the meeting packet; however, information received after the Staff Report is prepared may not be analyzed in the Staff Report. At this time, Planning Staff does not have an estimated meeting time for completion of the Staff Report.

2. In your email dated 12/17/2020 @ 8:32 AM you asked: how long do I have to submit attachments regarding this appeal? What are the specific timelines?

Response: Please refer to the response to Queson` #1.

3. What law and reasoning did Planning apply to 1900 Brush Creek Road to remove the building envelope after I reported the violaon, who made the decision, and when w as this decision made?

Response: I will provide you with a response to this queson no laàter than 12:00 PM on Wednesday, December 23, 2020.

4. Please confirm the issue before the Planning Commission will be the Zoning Code Violaon, wher ein the owners of 1900 Brush Creek Road built a 12x30' addion, with 9' x30' over their building envelope.

Response: I will provide you with a response to this queson no laàter than 12:00 PM on Wednesday, December 23, 2020.

5. In your email dated 12/16/2020 @ 10:41 AM you asked: Could you please get back to me with the reasoning and law applied that removed the building envelope in order to permit this illegal build?

Response: I will provide you with a response to this queson no laàter than 12:00 PM on Wednesday, December 23, 2020.

Best Regards,

Andrew

Andrew Trippel | Acng Super vising Planner – Current Planning

Planning & Economic Development | 100 Santa Rosa Ave Rm 3 | Santa Rosa, CA 95404

Tel. (707) 543-3223 | Fax (707) 543-3269 | atrippel@srcity.org

From: Kathleen Parnell <kathleendparnell@yahoo.com>

Sent: Thursday, December 17, 2020 8:32 AM

To: Trippel, Andrew <atrippel@srcity.org>

Subject: [EXTERNAL] Re: Planning Commission appeal of 1900 Brush Creek Rd. Code Enforcement Violaon

Andrew,

Thank you so much for your email. I didn't know that you were going to accept my appeal because I hadn't heard from anyone after submitting it. That said, how long do I have to submit attachments regarding this appeal? What are the specific timelines?

Second, I have not been told what law or reasoning was applied, or is being applied, to 1900 Brush Creek Road in order to remove the building envelope, whereby voiding the zoning code violation. I need this information in order to properly complete my attachments and present information to the Planning Commission. I have asked for this information repeatedly, and I was told that Planning had researched this issue at 1900 Brush Creek Road and were the experts. What law and reasoning did Planning apply to 1900 Brush Creek Road to remove the building envelope after I reported the violation, who made the decision, and when was this decision made?

Lastly, please confirm the issue before the Planning Commission will be the Zoning Code Violation, wherein the owners of 1900 Brush Creek Road built a 12x30' addition, with 9' x30' over their building envelope.

Kind regards,

Kathy

On Wednesday, December 16, 2020, 5:42:03 PM PST, Trippel, Andrew <atrippel@srcity.org> wrote:

Good afternoon,

My name is Andrew Trippel and I am the project planner who will be preparing your appeal for review by the Planning Commission. Going forward, please direct all communications to me. If others need to be brought into a conversation, I will do so. Please know that I have participated in issues analyses since the Code Enforcement violation was logged and the case was opened. As a result, I am fully informed about the issues and have been included on or been forwarded the majority of emails about the project. Below are the next steps in processing your appeal.

1. The appeal has been entered into our record system. The record number is ST20-003.
2. The appeal fee has been charged to your credit card. The receipt is attached.
3. In accordance with Zoning Code Section 20-62.030(D), this written appeal "shall automatically stay all proceedings associated with the matter subject to the appeal (e.g., issuance of a Certificates of Occupancy, Building or Grading Permit, etc.), and put in abeyance all permits or approvals which may have been granted, and neither the applicant nor any enforcing agency may rely upon the approval, decision, denial, or other action, until the appeal has been resolved."
4. Planning staff will notify the property owner that the appeal has been filed.

On the Appeal Application, you note that "(Attachments to follow)"; however, I have not received any attachments. Please submit all attachments to me. If no attachments are submitted, then the appeal will consider the ground provided on the Appeal Application form.

I am available if you have any questions, and it's best to reach out to me via email first. I will provide additional information about scheduling of the Planning Commission public hearing early next week.


Best,


Andrew


Andrew Trippel | Acng Super Planning Planner – Current Planning


Planning & Economic Development | 100 Santa Rosa Ave Rm 3 | Santa Rosa, CA 95404

Tel. (707) 543-3223 | Fax (707) 543-3269 | atrippel@srcity.org

 St20-003-Appeal Application w Amended Application.pdf
1.8MB

 11-23-2020-Trippel-Planning determination.pdf
156kB

 ST20-003-Site Plan.pdf
771.9kB

 B20-6871-Plan Set.pdf
5.9MB

 MIN99-006 - LANDS OF DEHNERT.pdf
3.5MB

 Robertson Engineering Inc-10-30-2020.pdf
777.4kB

Exhibit 47

(1 Page – Wilder submits After the act ree
Petition on 1/4/2021 regarding n ieu ee
Payment to the A Permit submittal,
12/11/2021. Note this was accepted and
approved by Planning after an Appeal stay was in
effect)

Note: Date should read January 3, 2021, not 2020

January 3, 2020

To Whom It May Concern:

As the property owners of 1900 Brush Creek Road in Santa Rosa, please accept this letter as a response to the permit submittal requirements outlined by Jesse Oswald in his letter dated December 7, 2020. After receiving the tree removal requirements, we contacted Urban Tree Farm in seeking expert evaluation regarding the feasibility of planting the requested number of replacement redwood trees on our property based on their professional recommendation of necessary distance between adjacent planted redwood trees in order to ensure we have adequate space and optimal conditions for their growth. Upon discussion, we were advised to plant each redwood a minimum of eight feet apart from one another due to their expansive root systems with optimal spacing being fifteen feet apart. Additionally, our property has multiple trees as well as bushes planted along the perimeter fence line as well as a large concrete area surrounding our pool located at the East/rear side of our property line. The recommendation of spacing between planted trees as well as the limited physical area available for planting, has severely limited the number of redwood trees that we would be able to plant on our property.

In seeking an alternative to the redwood tree species, as outlined as an option in the submittal requirements, we also inquired about a similar species that may allow for the maintenance of the tree canopy on our property but perhaps with a smaller spacing requirement between each planted tree. The recommendation of a close alternate with a less expansive/invasive root system was the Western Red Cedar. Although still an evergreen and native Californian conifer, the recommendation for spacing was six to eight feet between each tree rather than the eight to fifteen feet spacing recommendation for the redwood and are also available in fifteen gallon containers.

After much consideration and expert evaluation of our property, we would like to opt/request to pay the stated in-lieu fee outlined in the removal requirements in place of planting replacement trees due to planting space limitations on our property. We hope this may allow the city to utilize the funds where it deems it necessary to allow replanting of trees in an area where they may flourish and not be restricted by property size and/or use for tree educational programs. In addition, we have made a voluntary monetary donation to the Redwood Forest Foundation, providing the foundation the funds to plant ten redwood trees in one of Northern California's redwood forests.

Thank you for your time and consideration.

Sincerely,
Amber and Daniel Lichau

City of Santa Rosa
JAN 04 2021
Planning & Economic
Development Department

Exhibit 48

(12 Pages – Appellant's 2 requests to
Planning for Additional time to obtain
information and to receive Pending Public
records

Rippel emails Appellant on 1/4/21 at 4:32 pm
demanding reply by 1/5/21 at noon regarding
availability for 1/28/21 Planning Commission
meeting. Appellant responds at earliest
opportunity on 1/6/21 at 8:07 am with request
for later meeting date due to having received
reasoning/justification for Director's
termination on 12/23/20

Rippel emails Appellant on 1/19/21 regarding
availability for 2/25/21 meeting date and sends
follow up email on 2/4/21. Appellant replied
on 2/10/21 requesting postponement of
meeting date due to pending records requests.
Rippel denies request. Appellant's attorney
replies on 2/22/21 requesting a continuance of
2/25/21 meeting due to still pending records
requests and new information provided in Staff
Report Attachments not previously provided
under P/A requests

Planning Staff mails regarding Appellant's
requests

1900 Brush Creek Appeal public meeting on January 28, 2021

From: Trippel, Andrew (atrippel@srcity.org)
To: kathleendparnell@yahoo.com
Cc: WRose@srcity.org
Date: Monday, January 4, 2021, 04:32 PM PST

Good afternoon,

An Appeal of Director determinations made during Planning Review of Building Permit B20-6871, which is an application to legalize an addition to an existing residence at 1900 Brush Creek Road, is tentatively scheduled for review by the Planning Commission during its regularly scheduled public meeting on Thursday, January 28, 2021, at or after 4:00 PM. This public meeting will be a virtual Zoom public meeting. Both the applicant and the appellant will have the opportunity to speak during review of the Appeal.

By no later than Wednesday – January 5, 2021 at Noon, please confirm by responding to this email if you will be available to participate in the Planning Commission public meeting on January 28, 2021 at or after 4:00 PM.

1. If both the applicant and the appellant are available on January 28, Planning staff will email you confirmation that the Appeal has been scheduled this Planning Commission public meeting.
2. If the applicant and appellant are not available on January 28, then Planning staff will tentatively schedule the meeting for the next regularly scheduled Planning Commission public meeting on February 11, 2021, and notify you via email.

Thank you,

Andrew

Andrew Trippel | Acting Supervising Planner – Current Planning

Planning & Economic Development | 100 Santa Rosa Ave Rm 3 | Santa Rosa, CA 95404

Tel. (707) 543-3223 | Fax (707) 543-3269 | atrippel@srcity.org

Re: 1900 Brush Creek Appeal public meeting on January 28, 2021

From: Kathleen Parnell (kathleendparnell@yahoo.com)

To: atrippel@srcity.org

Cc: wrose@srcity.org

Date: Wednesday, January 6, 2021, 08:07 AM PST

Andrew,

Unfortunately, January 28 will not work for me because I'll need more time to prepare my attachment for the Planning Commission, in light of the fact that I received the reasoning applied to legalize the addition on December 23rd. Let's please target late February or more preferably, early March, so that I can have sufficient time to prepare my attachment for the Planning Commission.

Kind regards,
Kathy

On Monday, January 4, 2021, 04:32:25 PM PST, Trippel, Andrew <atrippel@srcity.org> wrote:

Good afternoon,

An Appeal of Director determinations made during Planning Review of Building Permit B20-6871, which is an application to legalize an addition to an existing residence at 1900 Brush Creek Road, is tentatively scheduled for review by the Planning Commission during its regularly scheduled public meeting on Thursday, January 28, 2021, at or after 4:00 PM. This public meeting will be a virtual Zoom public meeting. Both the applicant and the appellant will have the opportunity to speak during review of the Appeal.

By no later than Wednesday – January 5, 2021 at Noon, please confirm by responding to this email if you will be available to participate in the Planning Commission public meeting on January 28, 2021 at or after 4:00 PM.

1. If both the applicant and the appellant are available on January 28, Planning staff will email you confirmation that the Appeal has been scheduled this Planning Commission public meeting.
2. If the applicant and appellant are not available on January 28, then Planning staff will tentatively schedule the meeting for the next regularly scheduled Planning Commission public meeting on February 11, 2021, and notify you via email.

Thank you,

Andrew

Andrew Trippel | Acting Supervising Planner – Current Planning

Planning & Economic Development | 100 Santa Rosa Ave Rm 3 | Santa Rosa, CA 95404

Tel. (707) 543-3223 | Fax (707) 543-3269 | atrippel@srcity.org



Re: Planning Commission 1900 Brush Creek appeal hearing on February 25, 2021

From: Kathleen Parnell (kathleendparnell@yahoo.com)

To: atrippel@srcity.org

Cc: wrose@srcity.org

Date: Wednesday, February 10, 2021, 01:54 PM PST

Good afternoon, Andrew,

As there are some public records that I have requested and would like to obtain for my attachment to the Planning Commission, could you kindly reschedule the meeting date of my Appeal from February 25th to a later meeting? Late March or early April would be more preferable.

Best regards,
Kathy

On Thursday, February 4, 2021, 06:02:08 PM PST, Trippel, Andrew <atrippel@srcity.org> wrote:

Good afternoon,

Planning Commission will review an Appeal of Director determinations made during Planning Review of Building Permit B20-6871, which is an application to legalize an addition to an existing residence at 1900 Brush Creek Road, during its regularly scheduled public meeting on Thursday, February 25, 2021, at or after 4:00 PM. This public meeting will be a virtual Zoom public meeting. Both the property owner and the appellant will have the opportunity to speak during review of the Appeal.

Information about the scheduled Planning Commission public meeting, including accessing the meeting via Zoom, will be available at <https://srcity.org/1339/Planning-Commission>. The staff report and associated information will be published for public review at least 7 days prior to the meeting. I will email the agenda when it is published.

Best Regards,

Andrew

Andrew Trippel | Acting Supervising Planner – Current Planning

Planning & Economic Development | 100 Santa Rosa Ave Rm 3 | Santa Rosa, CA 95404

Tel. (707) 543-3223 | Fax (707) 543-3269 | atrippel@srcity.org

Planning Commission 1900 Brush Creek appeal hearing on February 25, 2021

From: Trippel, Andrew (atrippel@srcity.org)
To: kathleendparnell@yahoo.com
Cc: WRose@srcity.org
Date: Tuesday, January 19, 2021, 06:49 PM PST

Good evening,

Planning staff will be prepared to present an Appeal of Director determinations made during Planning Review of Building Permit B20-6871, which is an application to legalize an addition to an existing residence at 1900 Brush Creek Road, for review by the Planning Commission during its regularly scheduled public meeting on Thursday, February 25, 2021, at or after 4:00 PM. This public meeting will be a virtual Zoom public meeting. Both the applicant and the appellant will have the opportunity to speak during review of the Appeal.

Please advise if you will be available to participate in the meeting scheduled on February 25, 2021.

Thank you,

Andrew

Andrew Trippel | Acting Supervising Planner – Current Planning

Planning & Economic Development | 100 Santa Rosa Ave Rm 3 | Santa Rosa, CA 95404

Tel. (707) 543-3223 | Fax (707) 543-3269 | atrippel@srcity.org

From: Trippel, Andrew
Sent: Tuesday, January 19, 2021 6:50 PM
To: Kathleen Parnell <kathleendparnell@yahoo.com>
Cc: Rose, William <WRose@srcity.org>
Subject: Planning Commission 1900 Brush Creek appeal hearing on February 25, 2021

Good evening,

Planning staff will be prepared to present an Appeal of Director determinations made during Planning Review of Building Permit B20-6871, which is an application to legalize an addition to an existing residence at 1900 Brush Creek Road, for review by the Planning Commission during its regularly scheduled public meeting on Thursday, February 25, 2021, at or after 4:00 PM. This public meeting will be a virtual Zoom public meeting. Both the applicant and the appellant will have the opportunity to speak during review of the Appeal.

Please advise if you will be available to participate in the meeting scheduled on February 25, 2021.

Thank you,

Andrew

Andrew Trippel | Acting Supervising Planner – Current Planning

Planning & Economic Development | 100 Santa Rosa Ave Rm 3 | Santa Rosa, CA 95404

Tel. (707) 543-3223 | Fax (707) 543-3269 | atrippel@srcity.org

RE: [EXTERNAL] Re: Planning Commission 1900 Brush Creek appeal hearing on February 25, 2021

From: Trippel, Andrew (atrippel@srcity.org)
To: kathleendparnell@yahoo.com
Cc: wrose@srcity.org
Date: Wednesday, February 10, 2021, 05:44 PM PST

Good afternoon,

Thank you for your email. As I have presented in previous emails, Planning staff is processing the Appeal Application (and amended Appeal Application) in accordance with Zoning Code [Section 20-62.030 Filing and processing of appeals](#). Subsections (E)(1)(b) and (E)(2) direct scheduling of the appeal review at the earliest regular meeting following the date on which the appeal was accepted as filed. Therefore, **Planning staff will continue to prepare for review of the appeal by Planning Commission at its scheduled February 25, 2021, meeting.** As I have previously indicated, materials may be submitted for inclusion in the review packet at any time prior to the meeting. Parties to the appeal could present new information to the Planning Commission during review. Subsection (E)(1)(b) grants the review authority permission to “continue the hearing from time to time until its determination on the appeal.” Therefore, should new information be presented, the Planning Commission has the authority to continue the hearing to allow time for consideration of new information should it choose to do so.

Planning staff has completed the meeting item packet and it will be publicly available [online](#) on February 18, 2021. As is standard procedure, after the meeting item is published for public review, additional information provided by parties to the appeal will be published as Late Correspondence items until the date of the hearing. Information received on the date of the hearing will be distributed to Planning Commissioners, summarized during the hearing for the public record, and permanently retained in the public record. Information in addition to that provided at the time of Appeal Application and amended Appeal Application submittal should be provided to Planning staff for distribution and recordation.

Please feel free to contact with any questions about this response or to provide additional information to be added to your Appeal Application.

Best,

Andrew

Andrew Trippel | Acting Supervising Planner – Current Planning

Planning & Economic Development | 100 Santa Rosa Ave Rm 3 | Santa Rosa, CA 95404

Tel. (707) 543-3223 | Fax (707) 543-3269 | atrippel@srcity.org



From: Kathleen Parnell <kathleendparnell@yahoo.com>
Sent: Wednesday, February 10, 2021 1:54 PM
To: Trippel, Andrew <atrippel@srcity.org>
Cc: Rose, William <WRose@srcity.org>
Subject: [EXTERNAL] Re: Planning Commission 1900 Brush Creek appeal hearing on February 25, 2021

Good afternoon, Andrew,

As there are some public records that I have requested and would like to obtain for my attachment to the Planning Commission, could you kindly reschedule the meeting date of my Appeal from February 25th to a later meeting? Late March or early April would be more preferable.

Best regards,

Kathy

On Thursday, February 4, 2021, 06:02:08 PM PST, Trippel, Andrew <atrippel@srcity.org> wrote:

Good afternoon,

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Information about the scheduled Planning Commission public meeting, including accessing the meeting via Zoom, will be available at <https://srcity.org/1339/Planning-Commission>. The staff report and associated information will be published for public review at least 7 days prior to the meeting. I will email the agenda when it is published.

Best Regards,

Andrew

Andrew Trippel | Acting Supervising Planner – Current Planning

Planning & Economic Development | 100 Santa Rosa Ave Rm 3 | Santa Rosa, CA 95404

Tel. (707) 543-3223 | Fax (707) 543-3269 | atrippel@srcity.org

From: Trippel, Andrew

Sent: Tuesday, January 19, 2021 6:50 PM

To: Kathleen Parnell <kathleendparnell@yahoo.com>

Cc: Rose, William <WRose@srcity.org>

Subject: Planning Commission 1900 Brush Creek appeal hearing on February 25, 2021

Good evening,

Planning staff will be prepared to present an Appeal of Director determinations made during Planning Review of Building Permit B20-6871, which is an application to legalize an addition to an existing residence at 1900 Brush Creek Road, for review by the Planning Commission during its regularly scheduled public meeting on Thursday, February 25, 2021, at or after 4:00 PM. This public meeting will be a virtual Zoom public meeting. Both the applicant and the appellant will have the opportunity to speak during review of the Appeal.

Please advise if you will be available to participate in the meeting scheduled on February 25, 2021.

Thank you,

Andrew

Andrew Trippel | Acting Supervising Planner – Current Planning

Planning & Economic Development | 100 Santa Rosa Ave Rm 3 | Santa Rosa, CA 95404

Tel. (707) 543-3223 | Fax (707) 543-3269 | atrippel@srcity.org

RE: [EXTERNAL] 11900 Brush Creek Appeal

From: McGlynn, Sean (smcglynn@srcity.org)
To: chris@landlawllp.com; CMOOffice@srcity.org
Cc: atrippel@srcity.org; kathleendparnell@yahoo.com; CHartman@srcity.org
Date: Wednesday, February 24, 2021, 01:50 PM PST

Thanks for your inquiry, Chris. The Planning and Economic Development Department will be recommending the item be continued, as outlined in the attached memo which has already been forwarded to the Planning Commission.

All the best,

Sean

From: Chris Skelton <chris@landlawllp.com>
Sent: Monday, February 22, 2021 11:26 AM
To: CMOOffice <CMOOffice@srcity.org>
Cc: Trippel, Andrew <atrippel@srcity.org>; McGlynn, Sean <smcglynn@srcity.org>; Kathleen Parnell <kathleendparnell@yahoo.com>
Subject: [EXTERNAL] 11900 Brush Creek Appeal

Mr. McGlynn,

My name is Chris Skelton and I am working with Kathy Parnell regarding the pending appeal of 1900 Brush Creek's retroactive building permit and zoning conformance determination as well as the illegal heritage tree removal permit. I tried to reach your office but the call went to the general VM with a COVID message about limited working and response time. Therefore, I am writing to follow up on my earlier call attempt.

I understand that Kathy reached out to Mr. Trippel to request an extension of the appeal on February 10. That request was summarily denied based on the justification that the City was processing the appeal in compliance with the strict language of the code to "schedule the appeal review at the earliest regular meeting following the date on which the appeal was accepted as filed."

I am writing to you to respectfully request that the appeal hearing be continued to a date certain in March. Certainly, February 25 was not the "earliest regular meeting" following the filing of the appeal the first week in December when this action could have been heard. Further, the controversy has existed since February 2020 (substantively since at least August 2020). There is no detriment to either the property owner or the City in continuing the hearing. Lastly, I understand that the property owner continues to reside at the property, so there is no urgency from a construction standpoint to accommodate the hearing on Thursday as compared to next month.

On the other hand, there are public records that City still needs to respond to and may be in violation of the CPRA. Further, there are substantive inaccuracies in the staff report that would benefit from further conversations to clarify the record in advance of the public hearing.

Please notify me before end of business today whether staff will unilaterally amend the public notice and continue the hearing to a date certain in March.

Respectfully,

Chris

Chris A. Skelton

Attorney

Land Law LLP

1010 B Street, Suite 200 | San Rafael, CA | 94901

O. 415.483.0050 | M. 415.272.4336 | Chris@landlawllp.com

www.landlawllp.com

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Memo-Continuance Recommendations for Items 10.1 and 10.2.pdf

139.3kB



image001.png

30.5kB

From: Trippel, Andrew
Sent: Tuesday, January 19, 2021 6:50 PM
To: Kathleen Parnell <kathleendparnell@yahoo.com>
Cc: Rose, William <WRose@srcity.org>
Subject: Planning Commission 1900 Brush Creek appeal hearing on February 25, 2021

Good evening,

Planning staff will be prepared to present an Appeal of Director determinations made during Planning Review of Building Permit B20-6871, which is an application to legalize an addition to an existing residence at 1900 Brush Creek Road, for review by the Planning Commission during its regularly scheduled public meeting on Thursday, February 25, 2021, at or after 4:00 PM. This public meeting will be a virtual Zoom public meeting. Both the applicant and the appellant will have the opportunity to speak during review of the Appeal.

Please advise if you will be available to participate in the meeting scheduled on February 25, 2021.

Thank you,

Andrew

Andrew Trippel | Acting Supervising Planner – Current Planning

Planning & Economic Development | 100 Santa Rosa Ave Rm 3 | Santa Rosa, CA 95404

Tel. (707) 543-3223 | Fax (707) 543-3269 | atrippel@srcity.org

Redacted

Redacted

Redacted

From: Hartman, Clare <CHartman@srcity.org>

Sent: Tuesday, February 2, 2021 10:19 AM

To: Rose, William <WRose@srcity.org>; Trippel, Andrew <atrippel@srcity.org>

Subject: RE: [EXTERNAL] 1900 Brush Creek Road Appeal

Yes I agree with Bill. But please let Ashle know of our decision and also next time, be sure to include a deadline upon which both applicant and appellant are to respond by. That acts serves advance notice that inaction won't stall the timeline.

Clare Hartman, AICP | Interim Assistant City Manager

Community Development & Engagement

100 Santa Rosa Avenue | Santa Rosa, CA 95404

Tel. (707) 543-3185 | Chartman@srcity.org



From: Rose, William <WRose@srcity.org>

Sent: Tuesday, February 2, 2021 10:14 AM

To: Trippel, Andrew <atrippel@srcity.org>; Hartman, Clare <CHartman@srcity.org>

Subject: RE: [EXTERNAL] 1900 Brush Creek Road Appeal

Andrew,

Thanks for this background. In light of the circumstances, I would like to move forward with the 2/25 PC meeting date

and provide confirmation to all parties. Non-response and no availability by the appellant at some point becomes punitive to the applicant.

Clare,
Your thoughts?
Bil

From: Trippel, Andrew <atrippel@srcity.org>
Sent: Tuesday, February 2, 2021 9:41 AM
To: Hartman, Clare <CHartman@srcity.org>; Rose, William <WRose@srcity.org>
Subject: FW: [EXTERNAL] 1900 Brush Creek Road Appeal

Good morning,

Two weeks ago, we discussed working with the appellant to determine a Planning Commission public hearing date. On Jan. 19th, I emailed both the property owner and the appellant (email attached) to ask if they would be available for a PC public hearing on February 25th, which would have been 5 weeks into the future. The property owner immediately confirmed, but I've not yet received a response from the appellant. In the interim, I've drafted the staff report and prepared the meeting item. While connecting with both Jesse and Mark M. during preparation of the staff report, they indicated that the property owner has been forthcoming and prompt in responses to requests for information or to take action to resolve the CE case. Completion of the building permit application process would resolve the CE violation.

Attached is the draft staff report, and the meeting item folder is available in the Planning Commission's 02.25 meeting folder. With your permission, I would like to proceed with informing both the property owner and appellant that the appeal will be reviewed by Planning Commission on February 25th. However, I do anticipate that the appellant will respond that she's not available.

Would we fully commit to a 2/25 review date even if the appellant is not available? The Code doesn't specify that any party has to be available.

Thanks,
Andrew

Andrew Trippel | Acting Supervising Planner – Current Planning

Planning & Economic Development | 100 Santa Rosa Ave Rm 3 | Santa Rosa, CA 95404
Tel. (707) 543-3223 | Fax (707) 543-3269 | atrippel@srcity.org



From: Tony <tony@cabreraassoc.com>
Sent: Monday, February 1, 2021 9:22 PM
To: Trippel, Andrew <atrippel@srcity.org>; Rose, William <WRose@srcity.org>
Cc: Daniel ♥ <daniel_lichau@yahoo.com>; Amber Lichau <lichau.amber@gmail.com>; RZoia@andersonzeigler.com
Subject: [EXTERNAL] 1900 Brush Creek Road Appeal

Good evening Andrew. Thanks for getting us an update. So we haven't heard from the appellant regarding any additional information or her availability for the 25th PC Meeting; the staff report is about 90% complete; & you and Bill will be deciding your next steps. This update brings up some obvious questions for us.

- 1) When is the staff report due in order to get onto the 25th agenda? When will we get to see what is going to be in front of the Commission?
- 2) What do you and Bill have to decide about your next steps?

3) How long will you wait for the appellant to respond? If her lack of response causes a postponement, it would be unfair and prejudicial to Dan and Amber.

4) If she fails to respond, will the appeal be heard by the Commission or will it be automatically denied?

5) If any additional information is submitted by the appellant, can we see it immediately? We would like time to review the information prior to the meeting. We would like time to prepare a response to the information submitted in case the Commission asks a question of us directly.

Andrew, all of this waiting, postponing and moving the meeting date back is very stressful to Dan & Amber. They have been extremely responsive to any request made by the City. They both have taken time off from work for the February 11th and the 25th anticipating we would be on the agenda. They are not, in any way, holding up or delaying the process. All they want is to complete their project and have the City sign off on it. It seems like the only one holding up the process is the appellant. I say this because we want to be in front of the Commission on February 25th and no later. We wanted to be on the agenda for the 11th, but from what I recall, the appellant wasn't available. We have acquiesced and accommodated the appellant more than enough. Can we get a commitment that we will be on the agenda for the 25th?

Thank you,

Tony

Cabrera and Associates

Redacted

Redacted

From: Hartman, Clare

Sent: Tuesday, February 23, 2021 8:18 AM

To: McGlynn, Sean <smcglynn@srcity.org>

Subject: RE: [EXTERNAL] 11900 Brush Creek Appeal

I can craft a response for you. I will check with CAO to see if there are multiple appeal paths available since this is more of an appeal of a staff/Director determination and not a planning or building permit action. I believe Ashle has been involved all along to provide counsel to staff in the process.

Clare Hartman, AICP | Interim Assistant City Manager

Community Development & Engagement

100 Santa Rosa Avenue | Santa Rosa, CA 95404

Tel. (707) 543-3185 | Chartman@srcity.org



From: McGlynn, Sean <smcglynn@srcity.org>
Sent: Tuesday, February 23, 2021 7:57 AM
To: Hartman, Clare <CHartman@srcity.org>
Subject: RE: [EXTERNAL] 11900 Brush Creek Appeal

Ok. I believe I understand. My only question would be is there an official CM (or designee) appeal path here? If not, then can someone craft a response for me that addresses the issues?

Since the correspondence is coming from their legal counsel do we need our team involved at all?

From: Hartman, Clare <CHartman@srcity.org>
Sent: Monday, February 22, 2021 5:55 PM
To: McGlynn, Sean <smcglynn@srcity.org>
Subject: FW: [EXTERNAL] 11900 Brush Creek Appeal

The Planning Commission appeal hearing is scheduled for this Thursday at 4pm. An option before the Commission is to continue the item; another option is to hear the item and act.

The appellant would like a continuance to have more time to prepare for the hearing. The applicant does not want a continuance and is ready to move forward. Staff cites a lack of responsiveness on the part of the appellant and recommends that the Commission hear the item on Thursday.

See Bill's and Andrew's message below.

Clare Hartman, AICP | Interim Assistant City Manager

Community Development & Engagement
100 Santa Rosa Avenue | Santa Rosa, CA 95404
Tel. (707) 543-3185 | Chartman@srcity.org



From: Rose, William <WRose@srcity.org>
Sent: Monday, February 22, 2021 2:21 PM
To: Trippel, Andrew <atrippel@srcity.org>; Hartman, Clare <CHartman@srcity.org>
Subject: RE: [EXTERNAL] 11900 Brush Creek Appeal

Clare,
It is my understanding that the applicant (represented by Tony Cabrera and Rose Zoia) has been quite diligent in their efforts to remedy this case and promptly responded to staff direction. The appeal hearing is the next step and they are eager to move forward. The appellant has been non-responsive to staff requests for information and input on potential dates. The appeal date was determined and adhered to pursuant to regulations in the Zoning Code and lack of responses from the appellant.

Bill

From: Trippel, Andrew <atrippel@srcity.org>
Sent: Monday, February 22, 2021 2:17 PM
To: Hartman, Clare <CHartman@srcity.org>; Rose, William <WRose@srcity.org>
Subject: RE: [EXTERNAL] 11900 Brush Creek Appeal

The building permit would resolve a Code Enforcement case. We are seeking to balance the needs of the property owner and the desires of the appellant. Planning Commission can continue the review if it feels that the appellant has additional information that should be considered. To date, the appellant hasn't provided any additional information. Additionally, my understanding is that after an appeal has been filed, we typically haven't allowed additional information to be added to the appeal. In this case, we have allowed her 8 weeks to contribute additional information.

Andrew Trippel | Acting Supervising Planner – Current Planning

Planning & Economic Development | 100 Santa Rosa Ave Rm 3 | Santa Rosa, CA 95404
Tel. (707) 543-3223 | Fax (707) 543-3269 | atrippel@srcity.org



From: Chris Skelton <chris@landlawllp.com>
Sent: Monday, February 22, 2021 11:26 AM
To: CMOOffice <CMOffice@srcity.org>
Cc: Trippel, Andrew <atrippel@srcity.org>; McGlynn, Sean <smcglynn@srcity.org>; Kathleen Parnell <

kathleendparnell@yahoo.com>

Subject: [EXTERNAL] 11900 Brush Creek Appeal

Mr. McGlynn,

My name is Chris Skelton and I am working with Kathy Parnell regarding the pending appeal of 1900 Brush Creek's retroactive building permit and zoning conformance determination as well as the illegal heritage tree removal permit. I tried to reach your office but the call went to the general VM with a COVID message about limited working and response time. Therefore, I am writing to follow up on my earlier call attempt.

I understand that Kathy reached out to Mr. Trippel to request an extension of the appeal on February 10. That request was summarily denied based on the justification that the City was processing the appeal in compliance with the strict language of the code to "schedule the appeal review at the earliest regular meeting following the date on which the appeal was accepted as filed."

I am writing to you to respectfully request that the appeal hearing be continued to a date certain in March. Certainly, February 25 was not the "earliest regular meeting" following the filing of the appeal the first week in December when this action could have been heard. Further, the controversy has existed since February 2020 (substantively since at least August 2020). There is no detriment to either the property owner or the City in continuing the hearing. Lastly, I understand that the property owner continues to reside at the property, so there is no urgency from a construction standpoint to accommodate the hearing on Thursday as compared to next month.

On the other hand, there are public records that City still needs to respond to and may be in violation of the CPRA. Further, there are substantive inaccuracies in the staff report that would benefit from further conversations to clarify the record in advance of the public hearing.

Please notify me before end of business today whether staff will unilaterally amend the public notice and continue the hearing to a date certain in March.

Respectfully,

Chris

Chris A. Skelton

Attorney

Land Law LLP

1010 B Street, Suite 200|San Rafael, CA|94901

O. 415.483.0050|M. 415.272.4336|Chris@landlawllp.com

www.landlawllp.com



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Exhibit 49

(2 pages –Public records confirming other properties conformed to the building envelope requirement detailed on subdivision map)



REQUEST FOR PUBLIC RECORDS

Contact Information of Requester

Name Kathy Parnell
Address 1888 Brush Creek Road
City Santa Rosa State CA Zip 95404

Preferred Method of Receiving Documents check one:

Fax # n/a
Phone # 415-336-8869
Email kathleendarnell@yahoo.com
 Use Requester Contact Information

Please be as specific and detailed as possible to enable City staff to identify and locate the documents requested. If known, please indicate in which department(s) the records reside. Also, please provide case number, address of property and any other pertinent information.

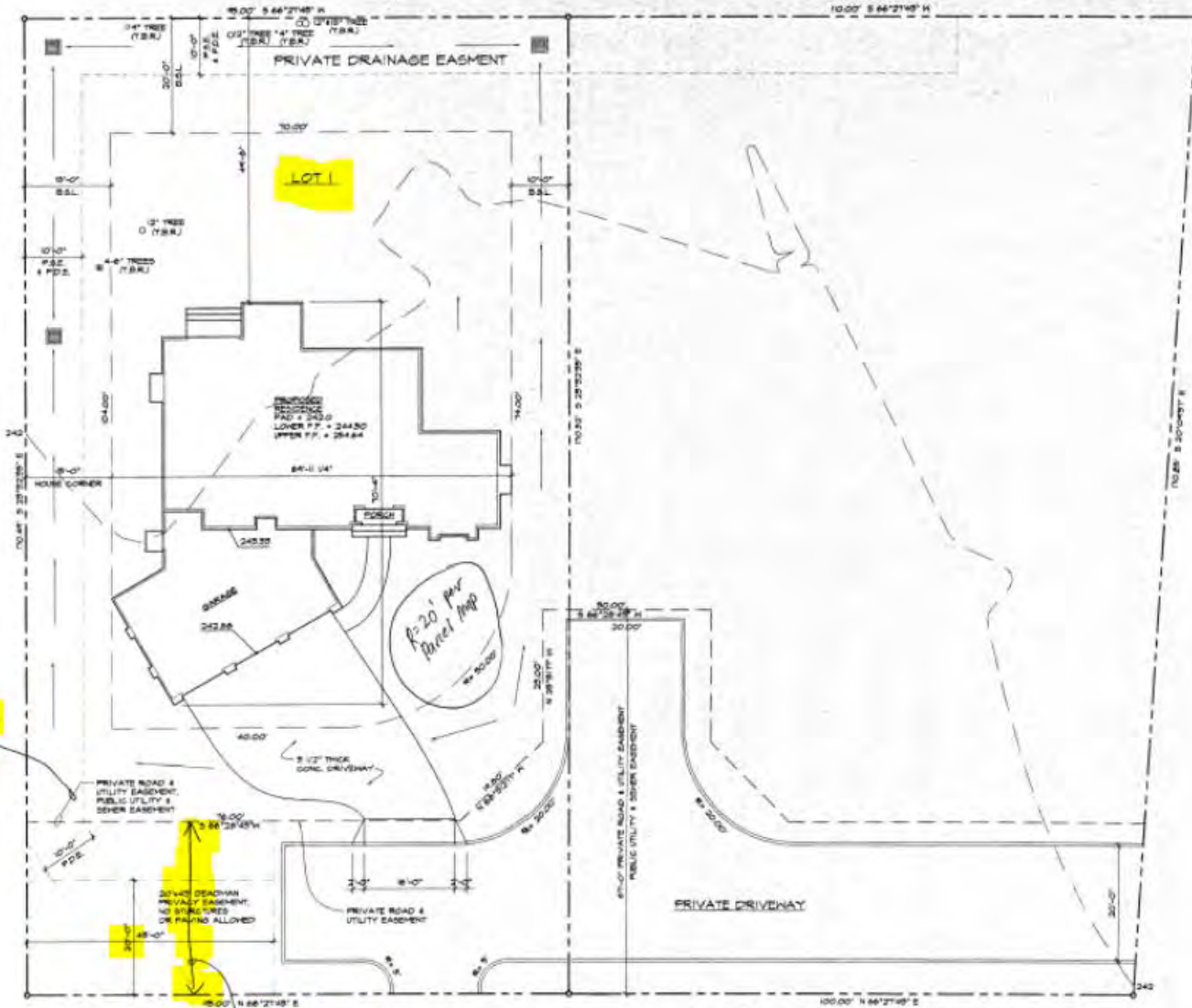
Case # _____ Department _____
Address _____

Records or Documents Requested (Attach additional pages if needed):

All records for 1888 Brush Creek Rd, 1896 Brush Creek Rd. and 1908 Brush Creek Rd prior to 08/2020

Signature  Date 2/19/2021

Office of the City Clerk
100 Santa Rosa Avenue, Room 10
Santa Rosa, CA 95405
Phone 707-543-3015 Fax 707-543-3030
cityclerk@srcity.org



CONTRACTOR SHALL VERIFY ALL DIMENSIONS ON TO EXISTING CONSTRUCTION TO BE CONFORMANT TO THE CITY OF SAN JOSE SPECIFICATIONS FOR CONSTRUCTION OF A CLOSED CONDUIT DRAIN IN DISCHARGING INTO DRAINAGE INLET.

NOTES:

1. SITE GRADINGS IS TO BE AS SHOWN.
2. REMOVE EXCESS EARTH TO AN APPROVED SITE.
3. CONTRACTOR SHALL PROVIDE APPROACH TO CONTAIN STREET AND GUTTER FLOWS.
4. SLOPE GRADE 1/4" PER FOOT FOR 4'-0" MIN. AWAY FROM BUILDING.
5. PROVIDE POSITIVE DRAINAGE TO PREVENT POOLING OF WATER AT DOWN SLOPE AREA. USE 3" x 8" SCH. 40 OR BOW BY DRAIN PIPE THROUGH TYP. FOOTING AT LOWEST CORNER AS 1/8" MIN. SLOPE DISCHARGING TO APPROPRIATE AREA.
6. CONTRACTOR TO CHECK & VERIFY ALL DIMENSIONS AND BE RESPONSIBLE FOR SAME.
7. ALL DOWN SPOUTS ARE TO BE CONNECTED TO A CLOSED CONDUIT DRAIN IN DISCHARGING INTO DRAINAGE INLET.
8. PROVIDE PER. DRAINS @ UPPER SIDE OF FOUNDATION.
9. THE DRAIN LINES SHOULD CONSIST OF TRENCHES WHICH EXTEND 6" BELOW LOWEST ADJACENT INTERIOR GRADE. INSTALLATION IS DRAINING AND WHICH ARE FILLED WITH DRAIN ROCK. A FOUR INCH DIAMETER RIBBED-REINFORCED PVC OR HDPE PIPE SHOULD BE PLACED NEAR THE BOTTOM OF THE TRENCHES WITH PERFORATIONS DOWN. THE PIPE SHOULD BE SCHEDULE 40 OR HAVE AN SDR OF 35 OR BETTER. THE PIPE SHOULD BE SLOPED TO DRAIN BY GRAVITY TO SOLID WIRE MESH SCREEN OUTLETS INTO APPROVED DRAINAGEWAYS. THE DRAIN ROCK SHOULD BE HEAVED COMPLETELY IN A FILTER FABRIC SUCH AS WHEATY MESH TO PREVENT SOIL FROM MOVING INTO THE DRAIN ROCK. THE UPPER 6" OF THE TRENCH SHOULD BE BACKFILLED WITH COMPACTED CLAY SOIL TO EXCLUDE SURFACE WATER FROM THE ROOF DOWNSPOUTS AND SURFACE DRAINAGE INLETS SHOULD NOT BE CONNECTED TO SURFACE DRAINING.
10. ALL EXISTING TREES ARE SHOWN.

SITE PLAN
SCALE: 1" = 10'-0"
NORTH



Exhibit 50

(1 pages – Email from Gabe Osburn to Appellant on 2/24/2021 regarding Appellant’s 12/10/20 complaint regarding water line near build in easement and dirt excavation on Brush Creek Road;
Reply also sent to C.Dugas, J.McKeag and CC: C. Lozada

Appellant had filed a Public Records Request for information regarding the disposition the complaint on Feb. 10, 2021.

Mr. Osburn states the private water line is an issue for Code Enforcement. The issue was raised to Code Enforcement and and never addressed; when Appellant asked CBO Oswald about it on December 4, 2020, she was told she needed to raise it to City Engineering department

Re: [EXTERNAL] 1900 Brush Creek Road / Water, Sewer & Dirt Removal on Scenic Brush Creek

From: Osburn, Gabe (gosburn@srcity.org)

To: kathleendparnell@yahoo.com; CDugas@srcity.org; JMcKeag@srcity.org

Cc: CLozada@srcity.org

Date: Wednesday, February 24, 2021, 04:01 PM PST

Hi Kathleen,

I apologize for the delay associated with this one. The Water Department typically handles the investigation when the potential impacts are associated with the public sewer and water systems. Your complaint was forwarded to the Water team and we recently received the results of the investigation.

The City owns and maintains the public sewer main that extends through the shared driveway. Individual 4" sewer laterals connect to the main and serve each individual property. The sewer laterals are owned and maintained by the property owner and are not part of the public system. The public water system terminates at the back of the water meter boxes located along Brush Creek. The City owns and maintains the plumbing entering the meter box from the street and the meter itself. The plumbing connecting each individual home to the back of the water meter is the property owner's responsibility. Any impacts to sections of the utility services that are owned and maintained by the property owner are typically investigated through the code enforcement complaint.

The Water Department's inspector did not see any evidence of damage to the existing water meter boxes or the meters. The inspector also did not see any indication of leaks on any sections of underground plumbing around the meter box. It does not look as if the construction project exposed the existing water lines or performed any excavations in close proximity to the public water system.

The sewer main is protected by the paved driveway and there is no evidence of any excavations around the main that may have impacted the functionality of the pipe.

I've included Caryn Lozada, the Water Department's Development Review Coordinator, on the email string. Caryn can assist with any follow up questions you may have.

Gabe Osburn |Deputy Director of Development Services

Planning and Economic Development Department | 100 Santa Rosa Ave | Santa Rosa, CA 95404

Desk: (707) 543-3853 | Cell: (707) 328-7066 | Fax: (707) 543-3936 | Email: gosburn@srcity.org

Exhibit 51

(7 pages – Photos of GPRS technician on 3/16/21 tracing private water line using Ground Penetrating Radar from Brush Creek Road in the easement;

Similarly, the Parcel Improvement Plan for private road and utilities dated 2/21/2002 by Dan Wright shows the planned placement of private water line in the same area of private utility easement (i.e. area now between the new addition and the private road easement)

Appellant's Notes regarding Location of New Build to Private Water Lines in Easement



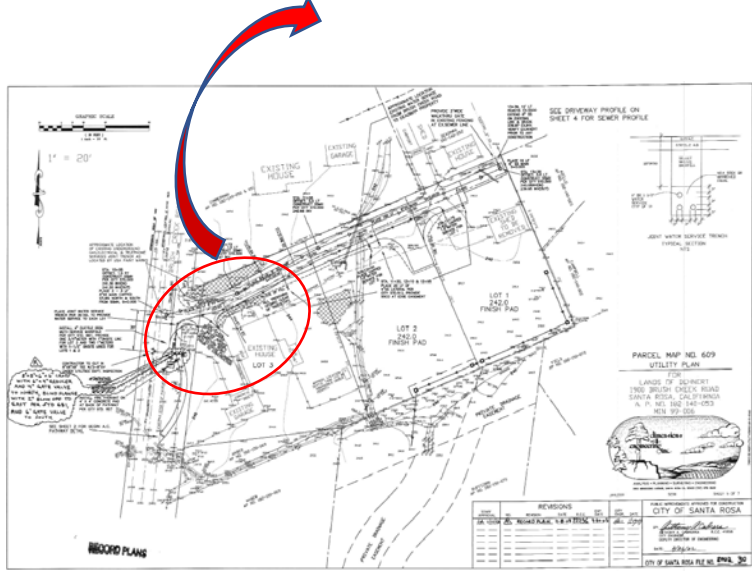
GPRS hired to trace private water line(s) from road. Water line traces along 1900 Brush Creek Fence



Water line(s) to other homes on private road appear to travel from Brush Creek Rd through 1900 Brush Creek driveway and along-side the new build in the easement and down the 1900 Brush Creek fence line



Location of Private Water per Improvement Plan 2002





Job Summary

Job Date : 3/16/2021

Customer	Residential - West Coast Region	Phone Number	(415) 336-8869
Billing Address	City	State	Zip
15252 Transistor Lane	Huntington Beach	CA	92649
Job Details			
Jobsite Location	1888 BRUSH CREEK		
City	SANTA ROSA		
State	CA		
WA Number	253270		
Job Num	NEED payment		
PO Num			
Lead Technician	FLORES, MANUEL	Phone	510-570-6934
		Email	manuel.flores@gprsinc.com
Thank you for using GPRS on your project. We appreciate the opportunity to work with you. If you have questions regarding the results of this scanning, please contact the lead GPRS technician on this project.			
EQUIPMENT USED			
The following equipment was used on this project:			
<ul style="list-style-type: none"> Underground Scanning GPR antenna. Typically capable of detecting objects up to 8' deep or more in ideal conditions but maximum effective depth can vary widely and depends on site and soil conditions. Depth penetration is most commonly limited by moisture and clay/conductive soils. Depths provided should always be treated as estimates as their accuracy can be affected by multiple factors. Electromagnetic Pipe and Cable Locator. Detects electromagnetic fields. Used to actively trace conductive pipes and tracer wires, or passively detect power and radio signals traveling along conductive pipes and utilities. Depths provided should always be treated as estimates as their accuracy can be affected by multiple factors. 			
Work Performed			
Ground Penetrating Radar Systems performed the following work on this project:			
Underground Utility			
The scope of work included scanning the specified area to locate underground utilities. A tracer signal was sent along any accessible metallic utility or tracer wire, and the area was scanned with GPR to locate any additional targets. The locations of any detected utilities and anomalies were marked directly at the site with paint, flags, stakes, or other appropriate means, and results were reviewed with onsite personnel unless otherwise noted.			
<ul style="list-style-type: none"> The total length of path scanned was approximately 150 feet. Scan path from the street to residential home in search for waterline. The effective depth of GPR will vary throughout a site depending on surface and soil conditions. In this area, the maximum effective GPR depth was approximately 3 feet. 			

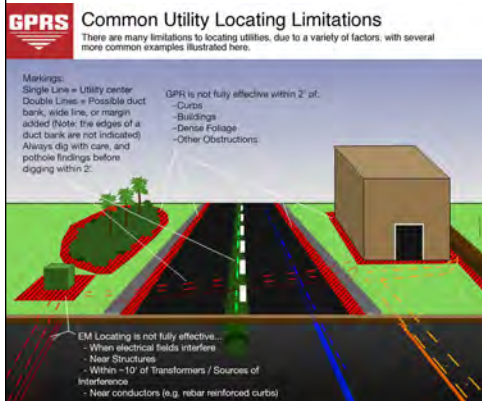


Job Summary

Job Date : 3/16/2021

- Possible evidence of water line was found and communicated to site contact. Attempted to trace multiple water meters. Signal was lost due to plastic water lines. Water meter with the strongest signal suggested that the water line was located between the common driveway and the property closest to the main road. Signal running along the edge of the residence continued along the fence line and eventually into backyard of the private residence of 1900 brush creek rd.

Pictures



Utility Limitations

TERMS & CONDITIONS

<http://www.gprsinc.com/termsandconditions.html>

SIGNATURE

Contact Name

Kathy Parnell (415) 336-8869 KathleenDparnell@yahoo.com



Job Summary

Job Date : 3/16/2021



1 866 914 4718 GPRSINC.COM



UTILITY LOCATING

To ensure the overall timely success of your project, utility detection is critical to any construction project where subsurface excavation is planned. If this critical first step is ignored, the risk for injury increases, budget overruns can multiply and your schedule can be delayed.

VIDEO PIPE INSPECTION

Video Pipe Inspection (CCTV) is a service used to inspect underground water, sewer and lateral pipelines. VPI is a great tool for investigating cross-bores, structural faults and damages, and lateral line inspection.

CONCRETE SCANNING

With new build construction and renovation projects, the likelihood of needing to cut or core concrete is high. There is an inherent risk of striking rebar, conduits, and post tension cables during the cutting or coring process. Our Industry-leading concrete scanning services can mitigate the risks associated with saw cutting and core drilling concrete slabs.

REPORTS & DRAWINGS

The goal of the GPRS Deliverables Department is to deliver clear and understandable findings with each of our outputs from field markings to field sketches, KMZ files, or CAD drawings that provide 2D site plans or even 3D CAD models. In addition, upon the completion of every project, our customers receive a job summary that includes job scope information, site photos, description of site conditions, equipment used, and notes from the project.



NATIONWIDE SERVICE

With team members located in every major metropolitan area in the U.S., we're just a short drive away from any project. Our footprint allows us to service all of your projects, nationwide.



RAPID RESPONSE

Time is always critical in any construction project. We understand this and have, accordingly, developed and perfected our operations to quickly and efficiently respond to our customers within 24-48 hours, or less.



CONSULTATIVE APPROACH

Our Project Managers are trained to ask questions and provide you with answers. This project-specific consultative approach - a GPRS trademark - helps us hone in on your subsurface issues and ensure we provide valuable problem-solving solutions to keep your job moving.



PROVEN RESULTS

GPRS deploys the best equipment, operated by skilled Project Managers, who know how to solve your subsurface locating issues. Since our inception, GPRS has completed hundreds of thousands of projects in North America. Our accuracy rate on these projects? Over 99%.



The SIM Specification standard is the industry-leading, metrics-based guideline for the underground locating and concrete scanning industries. SIM includes these three main elements:



SIMSPEC.ORG

Exhibit 48

**(3 Pages –Appellant to Chief Building Official, Jesse Oswald,
City’s Determination and how relates to Tubbs Fire Rebuild,
12/10/20)**

MIKE BUTI

LAND SURVEYOR

280 PERKINS ST. - SONOMA, CALIFORNIA - 95476 - (707) 996-1877

March 23, 2021

Ms. Kathleen Parnell
1880 Brush Creek Road
Santa Rosa, CA 95404

RE: Surveyor Statement Clarifying Application of Building Envelopes

Ms. Parnell:

I am writing to you to share my experience in preparation of Parcel Map 609 titled Lands of Michael G. Dehnert and Sharon T. Dehnert that was recorded on June 11, 2002 in Book 635 of Maps at Page 4-7. I am the licensed land surveyor who prepared this map and worked with the Dehnerts to satisfy the City of Santa Rosa's substantive and procedural requirements relative to the Subdivision Map Act and local municipal code.

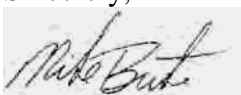
You shared with me that the City is refusing to enforce the building envelop restriction that was imposed as part of the original subdivision process. This does not make any sense to me unless there was a subsequent amended map filed with the City. As a party to the original process, I am confirming that the building envelope depicted on sheet 4 of 4 of the map was intended to apply to all three lots subject to the subdivision. As of the late 80's the State of California allowed Cities and Counties to add supplemental information that they may require to subdivision maps. Furthermore the State of California required that this information be by separate document of on a separate map sheet. It is common practice in Sonoma County to add required supplemental information to the subdivision map as a separate map sheet. As I recall the building setbacks were required to be shown on the Parcel Map.

I have refreshed my recollection of the Municipal Code and take note of 19-08.040, which defines "building envelope" within the subdivision chapter. This code section appears to have last been amended in 1998, so it has not changed since I filed the Dehnert Map. The Code specifically requires that building envelopes be "delineated on the information sheet of the final/parcel map and so designated". As you can see from this specific requirement in the Code, it makes sense that the City required me to depict the building envelope on the Supplemental Sheet.

Even if a decision maker were to unjustifiably ignore the building envelope on the map, the project was conditioned on maintaining certain setbacks from the driveway/access easement area. I believe the Municipal Code also maintains specific requirements for setbacks from these types of easement features.

Again, I was surprised to learn that the City is disregarding the Dehnert Map requirements, requirements of the Subdivision Map Act, and requirements of the Municipal Code in facilitating an after-the-fact building permit that violates all three regulatory tools. I welcome the opportunity to share these opinions with the City Engineer or other decision makers.

Sincerely,



Mike Buti



RAY CARLSON

AND ASSOCIATES, INC.

Mapping for a Better World

February 22, 2021

Ms. Kathleen Parnell
1880 Brush Creek Road
Santa Rosa, CA 95404

RE: Surveyor Statement Clarifying Application of Building Envelopes

Ms. Parnell:

At your request, I am sharing this letter to outline my professional qualifications and experience related to the Subdivision Map Act, City of Santa Rosa subdivision procedures, and general surveying knowledge. You are welcome to share this letter with the City in connection with your appeal of staff's determination that an after-the-fact building permit at 1900 Brush Creek Road conforms with the City's Municipal Code. If necessary and appropriate, I will make myself available to speak directly to the City and/or Planning Commission to further explain my personal observations and conclusion regarding this issue.

Qualifications

I have been a licensed surveyor in California since 1971. In 1976 I founded Ray Carlson & Associates, Inc. I have been providing surveying and mapping services throughout the North Bay, for over 50 years. During that time, I have had the pleasure of working thousands of projects that touch and concern the Subdivision Map Act. Included in that count are dozens of parcel maps and subdivisions map in Sonoma County and Santa Rosa specifically. I am proud to run my business in Santa Rosa and have worked collaboratively with the City for decades.

City's determination that building envelopes don't apply is incorrect.

In 1985, the state legislature amended the Subdivision Map Act under to add Government Code §66434.2 that allowed for additional survey and map information. This enabled greater local control over subdivision of real property. I note the first sentence of that provision reads, "On or after January 1, 1987, a city or county may, by ordinance, require additional information to be filed or recorded simultaneously with a final or parcel map." Perhaps not coincidentally, the City of Santa Rosa adopted Ordinance 2622 in 1987 that embodied this addition to state law. Hence, the City availed itself of the authority to require additional information on subdivision maps. This information is to warn the buyer as well as protect them and the adjoining.

Land divisions are less common over the past 10-15 years since there are fewer and fewer parcels capable of either major or minor subdivisions. However, if the City reviewed parcel maps from the 1980s, 1990s, and early 2000s I believe it would discover that a

majority of those maps included building envelope restrictions in connection with the entitlement and final map approval and recording process. Based on my brief inquiry into this point, there are 5 maps along Brush Creek that are consistent with my opinion stated above. These maps include:

1. Parcel Map 435 found at Book 421 of Maps 6-8 (recorded 8/3/88);
2. Brush Creek Park found at Book 426 of Maps 46-49 (recorded 11/15/88);
3. Parcel Map 566 found at Book 564 of Maps 7-10 (recorded 4/29/97);
4. Parcel Map 586 found at Book 616 of Maps 22-26 (recorded 12/22/00);
5. Parcel Map 618 found at Book 635 of Maps 40-44 (recorded 6/24/02); and
6. Parcel Map 639 found at Book 694 of Maps 1-5 (recorded 5/2/06);

As applied to present conditions

On or around August 12, 2020, we performed survey work to determine the relationship of the property lines, site improvements, and easement areas based on the public records. As a result, I produced the survey exhibit enclosed. This exhibit reveals that the home addition along the northern side of 1900 Brush Creek Road extends beyond the parcel map building envelope restrictions. Further, the exhibit reveals that the addition fails to conform to the condition of approval setback (i.e. 10-feet from edge of pavement), or the development standard setback requirements as measured from the easement boundary.

In conclusion, I cannot reconcile how the City Staff determined that the retroactive building permit application materials comply with the City standards, which should include the restrictions memorialized on the parcel map. In my professional opinion, to eliminate the building envelope restriction on the map, an amended map or certificate of modification would need to be filed and processed by the City. This process requires a public hearing so the adjoiningers can address the changes.

Please contact me with any questions or concerns.

Sincerely,



Ray Carlson PLS 3890
President
Ray Carlson & Associates, Inc
411 Russell Ave
Santa Rosa, Ca 95403
Job 2020-067
February 22, 2021

Good afternoon Chair Weeks and commissioners;

My name is Dan Lichau, my wife Amber and I own the property of 1900 Brush Creek Road. I would like to start out by stating that I am embarrassed by being in this position and recognize that we did not adhere to the proper building procedures by building our addition prior to completing the application process.

We purchased our home in July of 2019 with the recognition that it was the least desirable home on the drive, and that it would inevitably take time, money, and a lot of work to make it our dream home for my family. Shortly after moving in, we began planning on how we could add square footage for our growing family. We contacted local contractors and associates of ours, as well as the City of Santa Rosa's planning division to assist us. We sent the city a site plan for the addition and inquired about any and all setbacks. We specifically pointed out the enveloped line on the supplemental sheet of the final map.

In October of 2019, six months before the addition was started, a city planner emailed back stating that the planning department determined that there is, "no need to apply the setbacks shown of the supplemental sheet" This documentation of this correspondence has been provided. Utilizing this proactive clearance by the planning department, we hired a tree professional to safely remove a redwood tree.

At this point we had gathered the information from the city to know the location of our addition, but we did not have the funds at the time to finance the build. Contractors were also in extremely high demand during this time and their expertise was very expensive. We decided to hold off and save up some more money. Shortly following the beginning of the unprecedented COVID pandemic, however, we were unexpectedly made aware that many of our contractor friends were suddenly out of work, and therefore we were advised we could save money on much of the work, but only if started quickly.

We then spoke to numerous local construction professionals and we were advised that city staff was out of the office, possibly working remotely from home. We were told that getting a permit at that time was impossible. Additionally, we spoke to a few contractors and we were advised that an alternate approach to the build during this time was to complete the build to code, and take as many pictures as we could along the way of the entire building process. I was told I would be able to apply for a permit secondly as an owner/builder and get the addition permitted after the completion of the build.

Using the aforementioned information, my wife and I applied for and received a personal loan to finance the build, which we started in May of 2020. We subsequently documented every step of the build with nearly 200 pictures during the foundation, framing, plumbing, electrical, sheetrock, painting, and roofing. Many of these pictures have been submitted to the city.

In August of 2020, while we neared completion of the exterior and had painted the interior, we were contacted by the city's code enforcement. The senior code enforcement officer advised us that there would be some "hoops to jump through", but that he did not see any reason why we couldn't get the addition permitted. From that point on, my wife and I have fully complied and cooperated with the city's requirements and requests in a timely and thorough manner.

The addition passed all of the city's required inspections up to this point. The windows, lighting, and insulation is all high efficiency. The siding is more modern and fire resistant. Although the addition is only a small one story, the foundation is over-built to code for a two story.

I hired a local, seasoned, and reputable engineer who surveyed my property, city maps, all setbacks, inspected the construction, and submitted plans and site maps to the city for the addition. Additionally, the site maps and addition have been surveyed and inspected by numerous engineering and construction professionals who are all in 100% agreeance with the city that the addition is well within all required setbacks.

The appellant refers to an envelope, only shown on the supplemental sheet, with no description of purpose. The supplemental does read, however, in paragraph 5, "NO SURFACE STRUCTURE INCLUDING BUT NOT LITMITED TO ROOF EAVES, DECKS, OR POOLS MAY ENCROACH INTO THE EASMENT. FOOTING AND FOUNDATIONS MAY ENCROACH INTO THE ONE TO ONE LINE FROM THE PEPE DEPTH TO THE TOP OF GRADE IF APPROVED IN WRITING BY THE CHIEF BUILDING OFFICIOAL AND THE DIRECTOR OF UTILITIES." This states that building up to the easement is allowed, and even allows footings and foundations to encroach into the easement. The addition is an estimated 4 - 5 feet away from the easement. The appellant accuses the city of reactively ignoring the supplemental envelope to the addition, when in fact we had received approval by the city six months prior to the foundation being dug.

The appellant has provided an appeal with many egregious inaccuracies and complete fabrications:

First, the appellant falsely describes me as a contractor, owning a contracting company, and conducting some sort of "land grab". The truth is, two of my friends (one of which has a contractor license) and I have recently begun to form a company aimed at contracting water trucks and fire cleanup with Cal Fire. We haven't finished forming the company and haven't conducted any business. My friend/business partner added me to his license for business purposes only and is the qualifying individual for the company, which is listed when you utilize the contractor's license provided by the appellant in the Contractor's State Licensing Board website. I have never taken any contractor's license classes or tests to obtain a license, constructed any sort of building or have had previous knowledge or experience with the permit process to do so.

The appellant filed two claims against me with the Contractor's State License Board. Both claims were investigated and were both quickly determined to be invalid and were thrown out.

The appellant filed complaints and falsely claimed that I accessed and/or tampered with city water and sewer lines. This complaint was investigated by the Water Department's inspector who came to the property, inspected, and reported "it does not look as if the construction project exposed the existing water lines or performed any excavations in close proximity to the public water system".

Another complaint from the appellant was one in which she wrongly accused me of, "illegally removing dirt off of Scenic Brush Creek Road". I was approached by Santa Rosa Code Enforcement while in front of my home shortly after dismantling a large planter box and moving the dirt into my trailer. A Code Enforcement Officer conducted an investigation, took pictures, and quickly determined that I had not removed dirt from city property, did not need a permit for the task.

The appellant falsely claims that the addition has impeded the accessibility of the driveway through my property when in fact, we have increased accessibility by more than feet feet by removing the previous deteriorating fence.

I replaced two gate posts at the entrance to my driveway, and installed a gate where one had existed before. The preexisting gate posts that were in place when we purchased the property can be seen in the Google Earth pictures of the home that were provided by the appellant. The appellant filed a complaint about this as well.

The appellant has recorded me on numerous occasions while I was in my own backyard, doing anything from planting roses (as evidenced by the photos submitted by the appellant of me on my excavator along the back fence line), trimming palm leaves, and doing simple yardwork.

Unfortunately, the appellant has also recently turned her attention to her other neighbors, opposing and hindering the construction of their pool.

Numerous contractors, engineers, real estate agents, and half dozen or more surrounding neighbors have complimented the addition and the quality of the build. Additionally, my wife and I have had seasoned real estate agents state that the addition would not only increase the value of our home, but the surrounding properties as well. (In her appeal, the appellant estimates the added value at \$175,000.)

In closing, I would like to reiterate that while I do recognize that I failed to obtain a building permit for the addition prior to its build, my intent to obtain one is evidenced by the significant documentation of the building process as well as the proactive determination made by the city staff, 6 months before construction was started, to abide by the required setbacks, excluding the envelope only documented on the supplemental sheet. We agree with the city's recommendation that the addition has met all city zoning code requirements and can be permitted. We hope that we can move forward, finish the addition and enjoy our home once and for all, in peace.