

## Ross, Adam

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

**Follow Up Flag:** Follow up  
**Flag Status:** Completed

Dear Mr. Ross,

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

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

In our opinion several issues exist related to the project.

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

Thank you again for allowing us to comment.

Sincerely,

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

## Ross, Adam

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

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

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

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

Hi Teresa,

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

### Adam Ross |City Planner

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

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

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

**Teresa Charles**  
Legal Secretary to Garth E. Pickett

<image001.gif>

**Hopkins & Carley** | A Law Corporation  
San Jose | Palo Alto  
200 Page Mill Road, Suite 200 | Palo Alto, CA 94306  
Direct: 650.804.7615 | Main: 650.804.7600  
Fax: 650.804.7630  
[tcharles@hopkinscarley.com](mailto:tcharles@hopkinscarley.com)  
[hopkinscarley.com](http://hopkinscarley.com)

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August 19, 2020

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

**VIA EMAIL to [designreviewboard@srcity.org](mailto:designreviewboard@srcity.org) and [aross@srcity.org](mailto:aross@srcity.org)**

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

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

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

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

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

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

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

930 Fresno totals six and eighty-seven one-hundredths (6.87) acres and is identified more particularly as Sonoma County Assessor's Parcel Number 035-101-004. Here, the applicant seeks City of Santa Rosa (City) design concept review of sixty-seven (67) attached and detached homes on sixty-seven (67) lots (Project<sup>1</sup>).

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<sup>1</sup> Source: [srcity.org/2970/Developments](http://srcity.org/2970/Developments) or [srcity.org/3349/Cherry-Ranch](http://srcity.org/3349/Cherry-Ranch)

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

August 19, 2020

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

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

Sincerely,

HOPKINS & CARLEY  
A Law Corporation

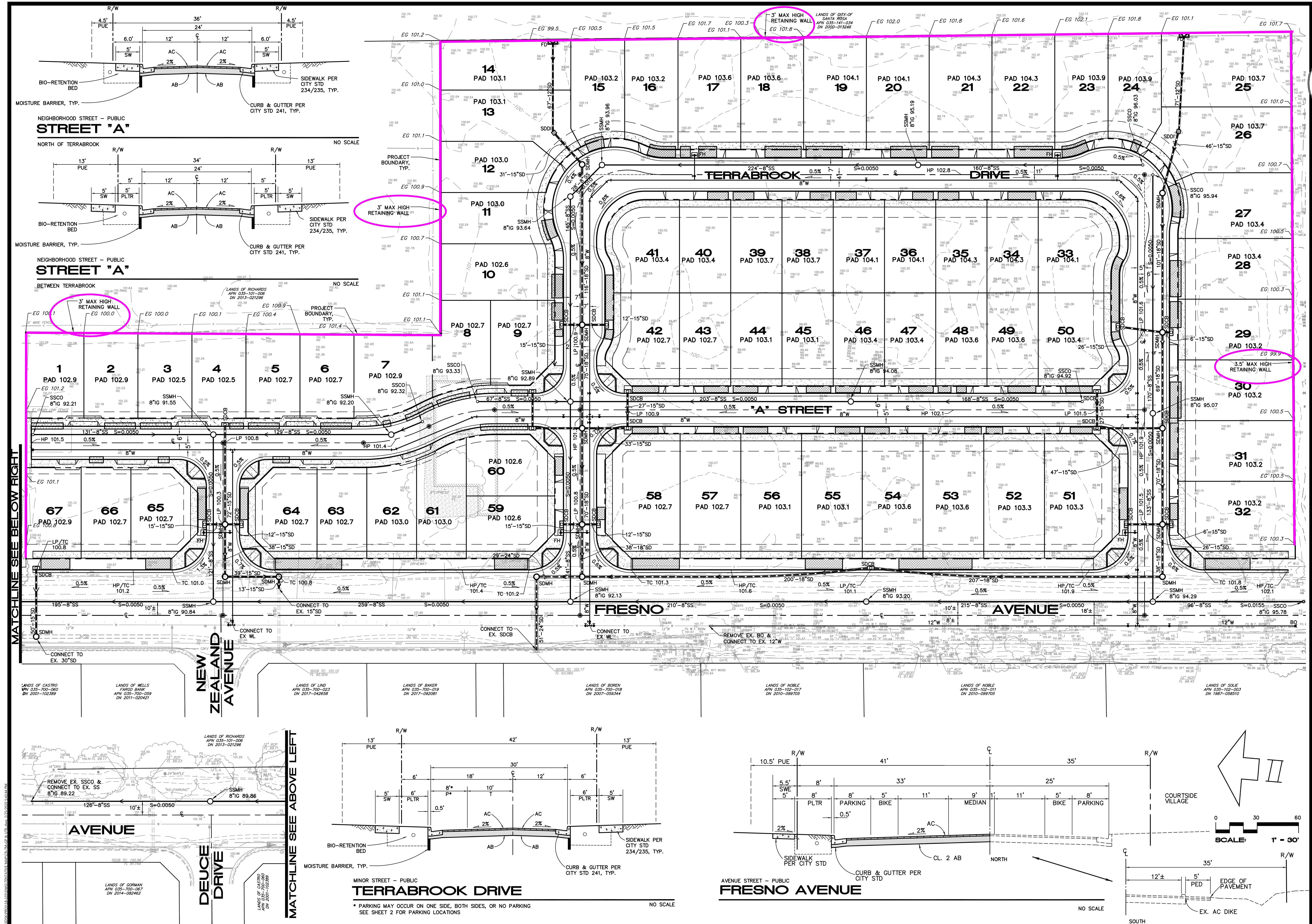
*Garth E. Pickett*

Garth E. Pickett  
GEP/tc

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

Enclosure





MATCHLINE SEE BELOW RIGHT

MATCHLINE SEE ABOVE LEFT

MINOR STREET - PUBLIC  
**TERRABROOK DRIVE**  
\* PARKING MAY OCCUR ON ONE SIDE, BOTH SIDES, OR NO PARKING  
SEE SHEET 2 FOR PARKING LOCATIONS

AVENUE STREET - PUBLIC  
**FRESNO AVENUE**

TENTATIVE MAP - PRELIMINARY GRADING AND UTILITY PLAN

# CHERRY RANCH

9.87 ACRES  
97 LOTS  
FEBRUARY 2020

CIVIL DESIGN CONSULTANTS, INC.  
2000 Range Avenue Suite 204  
Santa Rosa, CA 95403  
(707) 542-4820

APN: 035-101-004

ANDREW BORDESSA  
REGISTERED PROFESSIONAL ENGINEER  
No. 34368  
STATE OF CALIFORNIA  
DATE

