



City of Sonoma
City Council
Agenda Item Summary

City Council Agenda Item: 6A

Meeting Date: 10/03/16

Department

Planning and Community Services

Staff Contact

David Goodison, Planning Director

Agenda Item Title

Discussion, consideration and possible action on an appeal of the Design Review and Historic Preservation Commission's decision to approve the application of Studio 101 Designs for design review of two commercial buildings and a trash enclosure at 19366 and 19370 Sonoma Highway.

Summary

On July 14, 2005, the Planning Commission approved a Planned Development Permit and Use Permit for a mixed-use development at 19370 Sonoma Highway, now known as Villas de Lunas. The approved project consisted of two commercial buildings placed toward Sonoma Highway with ±6,936 square feet of gross commercial floor area, eight attached townhomes in the middle of the site, and seven single-family homes to the east. Construction of the residential elements of the project began in 2006. The public improvements, residential buildings, and associated landscaping were substantially completed, as was a portion of the parking lot associated with the commercial component. However, the property fell into foreclosure and construction was halted prior to final building permit sign off. In 2012, the project was acquired by Kibby Road, LLC, which proceeded to bring the residential portion of the project to completion.

Following the completion and sale of the residential units, Kibby Road turned their attention to the commercial portion of the development. On May 31, 2016, the Design Review and Historic Preservation Commission (DRHPC) considered an application for design review of two commercial buildings, consistent with the 2005 approval, and an associated landscape plan. The initial design concept was not accepted by the DRHPC and the Commission also wanted the applicant to consider modifications to the landscaping plan to respond to neighbor requests for improved screening between the commercial parking lot and adjoining townhomes. In response to the feedback received from the DRHPC, the applicant worked to modify the building designs and the landscaping plan, including consultations with interested neighbors.

A revised proposal was developed and considered by the DRHPC at a public meeting held on August 16, 2016. The revised design review submittal addressed the architectural detailing, colors, and materials of two 2-story commercial buildings with a combined 5,969 square feet of gross floor area, a reduction of 967 square feet relative to the maximum allowed by the 2005 Use Permit. The design employs a Mission-style architecture with stucco siding, double-hung windows, and a clay tile roof. Ultimately, the DRHPC voted 5-0 to approve the building design and the design of the trash enclosure, subject to the condition that the trash enclosure trellis incorporate a solid fence. On August 30, 2016, a number of residents of Villas de Luna filed an appeal of the DRHPC's decision to approve the design of the commercial buildings. Further details are provided in the attached Supplemental Report.

Recommended Council Action

Deny the appeal, thereby upholding the decision of the Design Review and Historic Preservation Commission.

Alternative Actions

Council discretion. Based on the direction given by the City Council, staff will return on the following Council meeting with a Resolution formalizing the Council's decision, including the necessary findings.

Financial Impact

N.A.

Environmental Review

- Environmental Impact Report
- Negative Declaration
- Exempt
- Not Applicable

Status

- Approved/Certified
- No Action Required
- Action Requested

Alignment with Council Goals

N.A.

Compliance with Climate Action 2020 Target Goals:

N.A.

Attachments:

1. Supplemental Report
2. Findings for Design Review Approval
3. Location Map
4. 2005 Use Permit Approval: Site Plan and Elevations
5. DRHPC Staff Report, dated August 16, 2016 (includes approved building elevations)
6. Minutes of the DRHPC meeting of August 16, 2016
7. Appeal Submittal
8. Developer Submittal

cc: Sonoma Highway Neighbor List (via email)

Alicia Hansel, Kibby Road (via email)

SUPPLEMENTAL REPORT

Discussion, consideration and possible action on an appeal of the Design Review and Historic Preservation Commission's decision to approve the application of Studio 101 Designs for design review of two commercial buildings and a trash enclosure at 19366 and 19370 Sonoma Highway

For the City Council meeting of October 3, 2016

Property Description

The project site is composed of two adjoining parcels with a combined area of 12,654 square feet (0.29 acres). The property fronts Sonoma Highway and is bounded by Lyon Street on the north. The site is currently vacant except for a partially-completed parking lot intended for the future commercial development of the site. Adjoining uses are as follows:

North: Single Family homes/Housing Opportunity

South: Single-family homes/Mixed Use Residential

East: Multi-family homes/Mixed Use Residential

West: Vineyard, limited commercial, and a single-family residence/Mixed Use Residential

The site is designated Medium Density Residential by the General Plan and has a corresponding R-M zoning.

Background

On July 14, 2005, the Planning Commission approved a Planned Development Permit and Use Permit for a mixed-use development at 19370 Sonoma Highway. (At that time, the development was known as "Sonoma Village West" and "Orchard Park", but the residential component is now called "Villas de Luna".) The approved project consisted of two commercial buildings placed toward Sonoma Highway with $\pm 6,936$ square feet of gross commercial floor area, eight attached townhome condominiums in the middle of the site, and seven single-family homes to the east. Site circulation is provided by a 28-foot wide public street off of Sonoma Highway that transitions into an 18-foot wide private road connecting to the stub of Palou Street on the east side of the site. A gate marks the transition of the public and private road section and is in place to prevent cut-through traffic.

Construction of the residential elements of the project began in 2006. The public improvements, residential buildings, and associated landscaping were substantially completed, as was a portion of the parking lot associated with the commercial component. However, the property fell into foreclosure and construction was halted prior to final building permit sign off. In 2012, the project was acquired by Kibby Road, LLC, which proceeded to bring the residential portion of the project to completion. To facilitate this process, in 2012, Kibby Road applied for and received Planning Commission approval for amendments in the use permit conditions of approval addressing the number of affordable units and the removal of a requirement for a play

structure in one of the two open space areas within the project. In approving these revisions, the Planning Commission required the following: 1) the planting of three oak trees along the Sonoma Highway property frontage; 2) the planting of trees within the undeveloped portion of the commercial property as a form of temporary visual screening; and 3) the placement of picnic tables/seating within one of the open space areas in lieu of the play structure. As part of this action, the Planning Commission accepted the landscaping of the two open space areas as complete. Contrary to assertions in the appeal materials, the conditions of approval were implemented and are in place.

In November 2012, Kibby Road filed new building permits to complete the residential units, which received final inspection sign-off in March 2013. Following the completion and sale of the residential units, Kibby Road turned their attention to the commercial portion of the development. In August of 2015, the developer came before the Planning Commission in a study session with a proposal to modify the approved commercial component by scaling it back to a single 2-story building with 2,547 feet of ground-floor commercial space and three upper-floor condominium units. However, this proposal lacked neighbor support and Kibby Road ultimately decided to proceed with the commercial component as allowed for under the 2005 use permit.

Status of Project Approvals

Prior to acquiring the project, Kibby Road asked about the status of the project approvals. After conferring with the City Attorney's Office and the Building Official, planning staff responded as follows:

Use Permit. The City Attorney's Office concluded that the Use Permit for the entirety of project remained valid, based on the following factors: 1) the Use Permit and Planned Development permit addressed the project as whole, encompassing both the residential and the commercial elements; 2) building permits had been issued for the residential units and the construction of the residential elements of the project were substantially complete; 3) site and public improvements associated with the entirety of the project—including the commercial component—had been implemented, including frontage improvements on Sonoma Highway, the construction of the public and private street, the grading of the commercial parcels, and the construction of a portion of the commercial parking lot.

Building Permits. The building permits for the residential units had expired and new building permits were required demonstrating conformance with current code standards.

Design Review/Landscaping Plan for Commercial Component. The design review approval for the two commercial buildings and the landscaping plan for the commercial lots, both of which were granted in 2005 following the use permit approval, were deemed to have expired and Kibby Road was advised that they would need to re-apply for these approvals.

Design Review and Historic Preservation Commission Review

On May 31, 2016, the Design Review and Historic Preservation Commission (DRHPC) considered an application for design review of two commercial buildings, and an associated

landscape plan. The initial design concept was not accepted by the DRHPC and the Commission also wanted the applicant to consider modifications to the landscaping plan to respond to neighbor requests for improved screening between the commercial parking lot and adjoining townhomes. Based on these concerns, the item was tabled, with direction given to the applicant on suggested changes.

In response to the feedback received from the DRHPC, the applicant worked to modify the building designs and the landscaping plan, including consultations with interested neighbors. A revised proposal was developed and was considered by the DRHPC at a public meeting held on August 16, 2016. The revised design review submittal addressed the architectural detailing, colors, and materials of two 2-story commercial buildings with a combined 5,969 square feet of gross floor area, a reduction of 967 square feet relative to the maximum allowed by the Use Permit. As described in the project narrative and elevations (attached as part of the DRHPC packet), the design employs a Mission-style architecture with stucco siding, double-hung windows, and a clay tile roof. Detailing includes wood-timber balconies, wrought-iron guardrails with insets, and wood brackets. Exterior colors consist of off-white, light sand stucco siding, chocolate brown painted wood members, windows, and doors, and dark bronze wrought-iron guardrails and light fixtures.

The DRHPC discussion focused on the design of the two commercial buildings, the trash enclosure, and the landscaping plan. Ultimately, the DRHPC voted 5-0 to approve the building design and the design of the trash enclosure, subject to the condition that the trash enclosure trellis incorporate a solid fence. The landscaping plan, however, was denied, as the DRHPC felt that it was still not adequate with respect to providing screening for the adjoining townhomes. The findings associated with the DRHPC approval of the commercial elevations are attached.

Limitations on the Scope of Design Review

Since the appellants are requesting substantial changes in the commercial component, it is important to have a clear understanding of the scope of design review, as that is the action which has been appealed. The Use Permit/Planned Development Permit for the Sonoma Village West/Villas de Luna project, which includes both the commercial buildings and the two residential components, was approved by the Planning Commission in 2005. The conditions of approval (attached) include condition #24, which reads as follows:

“The development shall be subject to the review and approval of the Design Review Commission (DRC). This review shall encompass site plan adjustments as required by these conditions or as deemed necessary by the DRC (except no modifications substantially altering the approved site plan or at variance with the conditions of approval shall be made), and building elevations, colors, and materials.”

In staff’s view, this condition remains valid as part of the 2005 Use Permit approval, meaning that in its review of the design of the commercial buildings, the DRHPC did not have the latitude to require significant changes in the approved site plan, such as those requested by the appellant. If, as staff believes, that limitation applied the DRHPC in its review of the commercial building elevations, then it also applies to the City Council in its review of the appeal of the decision to

approve the building elevations. As a staff interpretation, this is a legitimate subject of an appeal, but the condition of approval seems quite clear. Staff would add that this condition of approval is consistent with the City's general procedures in the review of projects that require a land use permit from the Planning Commission followed by a design review approval from the DRHPC, as set forth in section 19.54.080.D.2 of the Development Code. The purpose of this limitation is to assure continuity and consistency in the review process.

Issues Raised in the Appeal and Requested Actions

On August 30, 2016, a number of residents of Sonoma Villas de Luna filed an appeal of the DRHPC's decision to approve the design review of the commercial buildings. As noted in the attached appeal letter, the appellants assert that the approval will have an adverse effect on parking, that the development is too intense, that a landscape buffer should be required along the edge of the parking lot adjoin the townhomes, and that certain required improvements associated with the development are incomplete or longer working correctly. As outcomes of the appeal, the appellants request that the size of the commercial buildings be reduced, that the development incorporate underground parking, that a landscape plan be required, that the gate on Lyon Street be repaired, and that the site be used for open space purposes instead of commercial development. Staff's assessment of the issues raised in the appeal is as follows:

- *Parking/Size of Commercial Buildings:* The appellants state in the appeal letter that parking problems already exist in the area as a result of the Sonoma Valley Oaks affordable development, a project that shares access with Lyon Street and that was under construction at the time that the residences within Villas de Luna were first put on the market. To address this issue, the appellants request that the size of the commercial buildings be substantially reduced (or eliminated altogether) or that underground parking be utilized. As discussed above, it is staff's view that substantial changes to the site plan, such as those suggested by the appellants, are outside of the scope of design review for the commercial buildings, which is generally confined to colors, materials, and architectural details pursuant to the conditions of approval as well as section 19.54.080.D.2 of the Municipal Code, which reads as follows:

For projects subject to discretionary review by the planning commission, the planning commission shall be responsible for reviewing and acting upon the project site plan, building massing and elevation concepts to the extent it deems necessary. Subsequent review by the design review and historic preservation commission shall be limited to elevation details, colors and materials, landscaping (including fences and walls), lighting, site details (such as the placement of bike racks and trash enclosures), and any issues specifically referred to the DRHPC by the planning commission.

Staff would also note that: 1) the applicant has voluntarily reduced the area of commercial buildings by nearly 1,000 square feet; 2) the number of parking spaces provided for the commercial buildings complies with the City's parking standards; and, 3) in 2015, the applicant proposed a less intense development alternative, featuring a reduced commercial area and three upper floor residences within a single building, but it was not supported by neighbors.

- *Landscape Buffer:* The appellants state that a landscape buffer should be provided between the commercial parking lot and the adjoining townhomes on the east. As noted above, the revised landscaping plan reviewed by the DRHPC at the August 16, 2016 meeting was denied. Because the landscaping plan was denied, it is outside of the scope of the DRHPC's approval of the commercial building design, which is the decision that has been appealed. In addition, due to the denial, the applicant is already required to develop and submit a new landscaping plan. The applicant has consulted with interested neighbors on a revised plan intended to resolve the screening issue, which is scheduled for review by the DRHPC on October 18, 2016. While there continues to be disagreement as to whether the latest solution proposed by the applicant is adequate, the City Council cannot take action on that matter until after the DRHPC review process has been completed and then only if an appeal of the final decision is made.

As a related issue, the appellants raise the issue of landscaping in planter wells associated with the townhomes. According to the 2005 landscaping plan, one 5-gallon dwarf strawberry tree (an evergreen shrub that typically grows to a height of six feet) and one 1-gallon sage leaf rockrose (a low, spreading shrub) was called for in each of the planter wells built into the townhomes. These wells were left unplanted with the completion of the townhomes in 2013, because the planters were not designed with automatic irrigation and staff was concerned that any plantings might not survive through the sale of the homes. Therefore, they were left open for future homeowners to plant as they saw fit, which is what has happened. If fully satisfying this condition is a concern, then Kibby Road could provide each townhome with a dwarf strawberry tree and a sage leaf rockrose and they have stated that they are willing to do so upon homeowner request. However, these planter wells were never presented as being able to accommodate actual trees.

- *Gate:* The appeal application states that the gate on Lyon Street, required as a means of preventing cut-through traffic, should be repaired or upgraded by the applicant, as it was installed with an electric motor that no longer functions. Since the gate is an existing feature, installed in conjunction with the residential components of the project, it was not an element in the design review application for the commercial buildings and is therefore, in staff's view, outside of the DRHPC's scope of review of the design of the commercial buildings. That said, regardless of the outcome of this appeal, staff will continue to work with the residents and the applicant to facilitate a solution to this matter in conformance with the project approvals.
- *Use of the Property as Open Space:* As discussed above, it is staff's view that the use permit for the project—including the commercial component—remains valid. Therefore, the applicant has the right to proceed with the development of the two commercial buildings, consistent with the requirements and limitations set forth in the Use Permit conditions of approval, including design review and the submittal of building plans.

In summary, it is staff's view that issues raised in the appeal have little connection to the subject of the appeal: namely, the approval by the DRHPC of the design, colors, and materials of two commercial buildings that are consistent with the Use Permit approval for the project granted by the Planning Commission in 2005.

Revoking or Modifying a Use Permit

The appellants suggest that the 2005 Use Permit for the commercial component of the project could be revoked or modified pursuant to section 19.90.090.A of the Development Code. This section of the Development Code is found in the “Enforcement” Chapter and would normally be invoked as part of an enforcement action of some kind. With respect to the Sonoma Village West/Villas de Luna project, the City is not engaged in any enforcement action. While it is possible, as an example, that the City could bring an enforcement action with respect to the gate, this is not the type of issue that rises to a level where the revocation a use permit would be considered. The revocation or modification of a Use Permit is a significant legal action that should not be undertaken lightly. A Use Permit confers a land use entitlement on a property and to subsequently revoke or scale back a previously approved entitlement may raise a taking issue susceptible to legal challenge. While the appellants note that the Use Permit was modified in 2012, that occurred not as an enforcement action but as a result of an application initiated by the property owner. In any event, this process is not an appeal remedy as it is entirely unrelated to the decision of the DRHPC to approve the design of the commercial buildings.

Recommendation

The issues raised by the appellants as well as their proposed remedies fall outside of the scope of the DRHPC’s review of the design of the commercial buildings, which is the action that has been appealed. Therefore, staff recommends that the City Council uphold the decision of the DRHPC, thereby denying the appeal. Based on Council direction, a resolution will be prepared implementing the City Council’s decision, for adoption as a consent calendar item at the meeting of October 17, 2016.

Note: Although in staff’s view this appeal does not provide an opportunity to require significant changes to the commercial component as allowed for in the 2005 use permit, staff will continue to work with neighbors and the developer to achieve a resolution of issues such as landscape buffer adjoining the townhomes and the gate.

Findings for Design Review Approval

In approving the architectural design of the commercial buildings, the DRHPC had to make three findings. These findings, along with staff's analysis of them are set forth below. Staff would emphasize that these findings are limited to the architectural design, colors, and materials of the commercial buildings, as that was the scope of the design review application heard by the DRHPC.

1. *The project complies with applicable policies and regulations, as set forth in this development code (except for approved variances and exceptions), other city ordinances, and the general plan.*

The architectural design, colors, and materials of the two commercial buildings do not raise any issues with respect to consistency with the General Plan and The Development Code.

For the project as a whole, this finding was made in the 2005 approval of the Use Permit and the Planned Development permit. The proposed building setbacks are consistent with the site plan approved in 2005 and the buildings themselves comply with limitations on height, coverage, and Floor Area Ratio. The amount of parking provided for the commercial buildings complies with Development Code standards.

2. *On balance, the project is consistent with the intent of applicable design guidelines set forth in this development code.*

The design guidelines for commercial development in the West Napa/Sonoma Highway Corridor are as follows:

- a. *Buildings should reinforce the scale, massing, proportions and detailing established by other significant historic buildings in the vicinity (if any).*

The architectural design, colors, and materials of the two commercial buildings do not raise any issues with respect to scale and massing as these elements were established by the 2005 Use Permit/Planned Development permit. (Note: The most notable historic building in the vicinity of the site is an adobe, formerly a residence but now used for commercial purposes, located on a property across the street at 19343 Sonoma Highway. This building is a low, one-story structure, but because it is set well back from the street and is almost entirely screened by vegetation, it does not establish a visual precedent for Sonoma Highway.)

- b. *The massing of larger commercial and mixed use buildings (5,000 square feet or greater) should be broken down to an appropriate scale through the use of storefronts and breaks in the facade.*

As noted above, the architectural design, colors, and materials of the two commercial buildings do not raise any issues with respect to scale as this aspect of the project was

established by the 2005 Use Permit/Planned Development permit. That said, the commercial area of the project has been divided into two buildings each having an area of less than 5,000 square feet.

- c. *Architectural styles and details that reflect the Sonoma vernacular should be used.*

The architectural design of the commercial buildings employs Mission-style features traditional to Sonoma, while avoiding a faux historic appearance.

- d. *Site design and architectural features that contribute to pedestrian comfort and interest, such as awnings, recessed entrances, paseos, alleys, and patios, are encouraged.*

The commercial buildings feature sheltered entrances facing Sonoma Highway that are directly accessible from the public sidewalk.

- e. *Potential impacts on adjacent residential uses shall be considered and addressed through the site planning of new commercial and mixed use development.*

The east elevations of the two commercial buildings face the adjoining townhomes. The lower levels of the two buildings are parking courts, which is consistent with the 2005 Use Permit approval. The upper floors are detailed with windows, doors, balconies, and trim details intended to provide architectural interest and a level of quality and detailing that is consistent with the street face of the buildings. The commercial buildings are set back approximately 62 feet from the face of the townhomes and while they are two-story structures, they are not as tall as the townhomes. In an enhancement from the original approval, the developer is creating a four-foot landscaped strip along the east edge of the parking lot that is proposed to be completed with a trellis and trees. This application is pending before the DRHPC.

- f. *In renovations involving historic buildings, authentic details should be preserved and any new detailing and materials should be compatible with those of the existing structure. Pre-existing alterations that diminish a building's historic qualities should be removed when the opportunity arises. (See Chapter 19.42 SMC, Historic Preservation and Infill in the Historic Zone.)*

Not applicable.

3. *The project responds appropriately to the context of adjacent development, as well as existing site conditions and environmental features.*

With regard to their architectural design and detailing, the commercial buildings will be clad in stucco, which is compatible with the townhomes, and will feature high-quality wooden detailing. While the commercial buildings are differentiated from the townhomes in their design, the architectural styles do not clash with one another. The site is largely vacant, but partially improved with a parking lot.

Vicinity Map

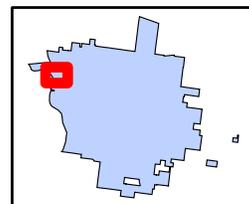


Zoning Designations

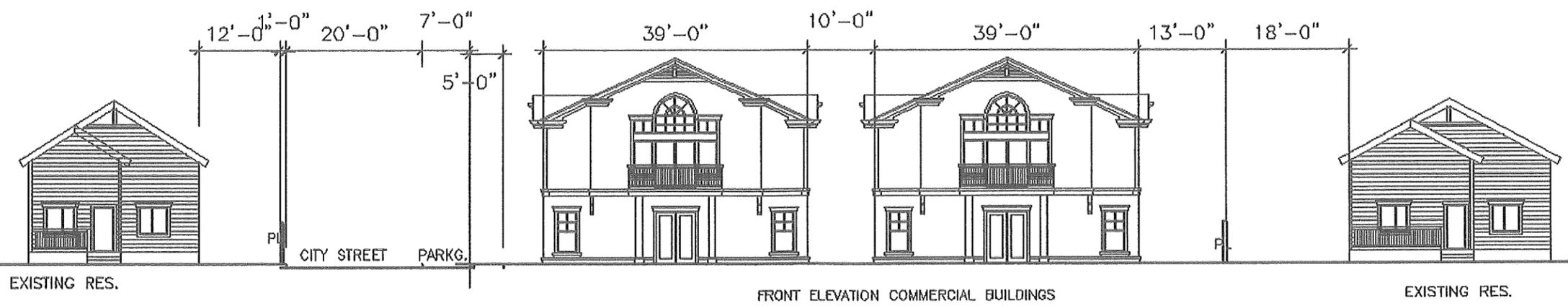
- R-HS Hillside Residential (1 D.U./10acres, maximum)
- R-R Rural Residential (2 D.U./acre, maximum)
- R-L Low Density Residential (2-5 D.U./acre)
- R-S Sonoma Residential (3-8 D.U./acre)
- R-M Medium Denisty Residential (6-10 D.U./acre)
- R-H High Density (9-12 D.U./acre)
- R-O Housing Opportunity (15-20 D.U./acre)
- R-P Mobile Home Park (7 D.U./acre, maximum)
- MX Mixed Use (12 D.U./acre, maximum)
- C Commercial (15 D.U./acre, maximum)
- C-G Commercial-Gateway (15 D.U./acre, maximum)
- W Wine Production
- P Public Facility
- Pk Park
- A Agriculture

Project Summary

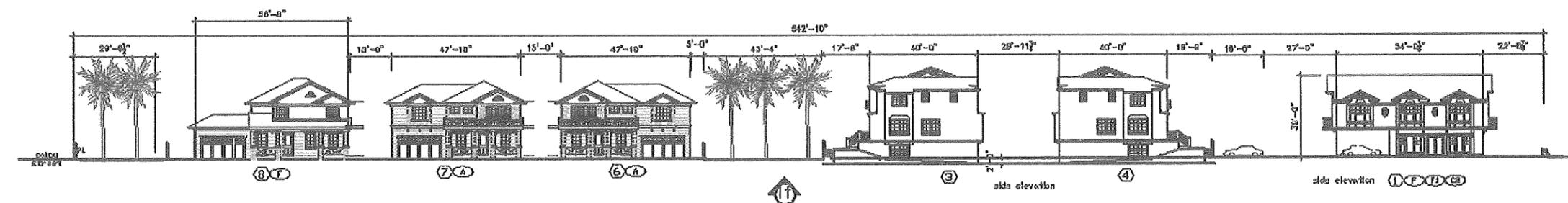
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| <i>Project Name:</i> | Studio 101 Designs |
| <i>Property Addresses:</i> | 19366 and 19370 Sonoma Highway |
| <i>Applicant:</i> | Studio 101 Designs |
| <i>Property Owner:</i> | Kibby Road, LLC |
| <i>General Plan Land Use:</i> | Mixed Use |
| <i>Zoning - Base:</i> | Mixed Use |
| <i>Zoning - Overlay:</i> | None |
| <i>Summary:</i> | Discussion, Consideration and Possible Action on an Appeal |



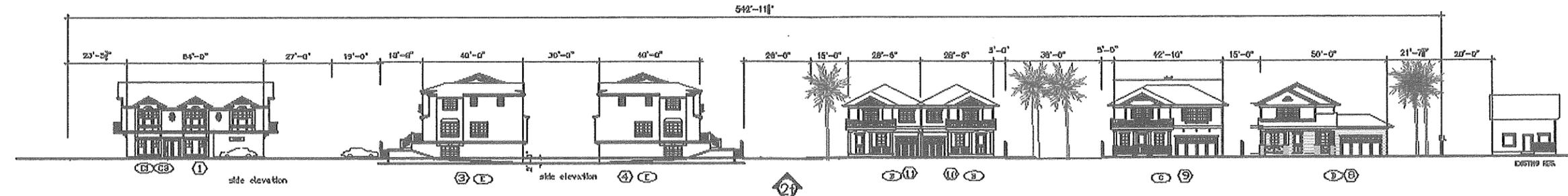
1 inch = 200 feet



FRONT ELEVATION (WEST) 3 SCALE = 1/8" = 1'-0"



FRONT ELEVATION (SOUTH) 1 SCALE = 1" = 20'-0"



FRONT ELEVATION (NORTH) 2 SCALE = 1" = 20'-0"

PC Approved 7/14/05

RECEIVED
JUL 05 2005
CITY OF SONOMA

PROPOSED SITE IMPROVEMENT FOR SONOMA VILLAGE WEST
 10070 SONOMA HIGHWAY, SONOMA CALIFORNIA
 APR 187-508-11

GEORGE BRILEY & ASSOCIATES, INC.
 ARCHITECTS & PLANNERS
 652 PLYMOUTH AVE. SEASIDE, CA
 PHONE: 707.583.8777 FAX: 707.583.6718

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DRAWING NO. **A1.2**

SHEET 3 OF 17



City of Sonoma
***Design Review and Historic
Preservation Commission***
Agenda Item Summary

DRHPC Agenda Item: 1
Meeting Date: 08/16/16

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| Applicant Studio 101 Designs | Project Location 19366 and 19370 Sonoma Highway |
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Historical Significance

- Listed on National Register of Historic Places, including Sonoma Plaza district (Significant)
- Listed on California Register of Historic Resources (Significant)
- Listed within Local Historic Resources Survey (Potentially Significant)
- Over 50 years old (Potentially Significant)

Request

Consideration of design review for two commercial buildings, a trash enclosure, and a landscape plan located at 19366 and 19370 Sonoma Highway.

Summary

Background: On July 14, 2005, the Planning Commission approved a Use Permit and a Planned Development Permit for the property located at 19370 Sonoma Highway (see attached Final Conditions of Project Approval). On September 20, 2005, the Design Review Commission (DRC) approved building elevations and exterior materials for a mixed-use project on the properties. On March 21, 2006, the DRC approved a landscape plan and on April 18, 2006 approved a revised landscape plan. On September 13, 2007, the Planning Commission approved a revision to the Planned Unit Development. On September 18, 2007 the DRC approved modifications to the landscape plan. The approved landscaping associated with the two commercial buildings was not completely installed.

On May 31, 2016, the Design Review and Historic Preservation Commission (DRHPC) considered design review for two commercial buildings and continued the item to a future meeting. In addition, the DRHPC encouraged the developer to attend the next meeting, make a good faith effort to work with the neighborhood to come up with a revised development solution, return with a full landscape plan that addresses buffering with the existing development, highway frontage, and Lyon Street frontage, and strongly encourage repairs be made to the gate.

In an attempt to address issues raised by the DRHPC at the May meeting, staff has provided the following feedback:

1. The City Attorney's Office verified that the Use Permit for the project had not expired based on the fact that building permits had been issued and that the residential elements of the project were substantially complete, as were the public improvements associated with the entirety of the project--including the commercial component--the use permit and Planned Development permit were deemed to have been exercised. In addition, because the approved site plan associated with the use permit and Planned Development permit encompassed the entirety of the project, the commercial component could be built out in accordance with those approvals (see attached legal opinion).
2. For projects subject to discretionary review by the Planning Commission, the Planning Commission shall be responsible for reviewing and acting upon the project site plan, building massing and elevation concepts to the extent it deems necessary. Subsequent review by the DRHPC shall be limited to elevation details, colors and materials, landscaping (including fences and walls), lighting, site details (such as the placement of bike racks and trash enclosures), and any issues specifically referred to the DRHPC by the planning commission. That said, the DRHPC does not have the discretion to require changes in the form of additional parking spaces or an increased landscape buffer strip.
3. Condition of Approval number 4.c. (attached) required a wall/fence at the discretion of the City Engineer. This COA did not require an electric gate; therefore, the DRHPC may not require the gate to be electric.

Proposed Project: At this time the applicant is proposing a revised proposal for the two, two story commercial buildings on the properties. According to the applicant, the proposal consists of Mission-style architecture. The applicant is proposing stucco siding, double-hung windows (see attached manufacture specification sheet), and a 2-piece clay tile roof material (see attached manufacturer specification sheet). Detailing includes wood timber balconies, wrought-iron guardrails with inset, and wood brackets. Proposed exterior colors consist of off-white light sand stucco siding, chocolate brown painted wood members and windows and doors, and dark bronze wrought-iron guardrails and light fixtures (see attached color board).

Trash Enclosure: A wooden trellis structure is proposed be constructed around the refuse enclosure on the south side of the

southern building.

Outdoor lighting is proposed in the form of eight each Craftmade wall mounted (Z3724-92) light fixtures (see attached manufacture specification sheet) 4 each on the west facing elevation and 2 each on the north and south facing elevations.

Findings for Project Approval: The DRHPC may approve an application for architectural review, provided that the following findings can be made (§19.54.080.G):

1. The project complies with applicable policies and regulations, as set forth in this Development Code, other City ordinances, and the General Plan.
2. On balance, the project is consistent with the intent of applicable design guidelines set forth in the Development Code.
3. The project responds appropriately to the context of adjacent development, as well as existing site conditions and environmental features.

Landscape Plan: Landscape plans have been provided (Sheets L-1.0, L-1.1, L-2.0, and L-3.0) including a comprehensive plant list identifying trees, grasses, ferns, vines/groundcovers, and succulents.

Tree Plantings: The landscape plan indicates that eleven trees would be planted on the site (a combination of red alder and eastern redbud both 24-inch box size). *Note:* the applicant shall indicate the number of each tree proposed to be planted at the DRHPC meeting.

The Planning Commission Condition of Approval #27 (see attached) states that the project shall be constructed in accordance with the following requirements related to tree preservation, mitigation and replacement:

- a. Trees removed from the project site shall be replaced on-site at a ratio of 2:1, with a minimum box size of 24 inches.
- b. The fruiting olive trees shall be relocated from the site and replaced in quantity on-site with non-fruiting olives.
- c. The developer shall adhere to the tree protection measures and pruning guidelines presented in the arborist report.
- d. Four street trees, with a minimum box size of 48 inches, shall be planted along the Sonoma Highway frontage.
- e. The 15-in DBH coast live oak located in the center of the site (identified as tree No. 36 in the arborist report) shall be preserved if feasible.

Street Trees: Three existing coast live oaks are located in the planter strip along Sonoma Highway. The Design Review Commission approved the reduction in number and the location of the street trees in March 2006 due to inadequate room in the planter area for the required number of trees and the necessary utilities.

Water Budget Calculations: In compliance with the Water Efficient Landscape Ordinance, Hydrozone and Maximum Applied Water Allowance (MAWA) forms have been provided. Calculations on the MAWA form indicate that the project would use 31,586 gallons or 99% of the annual water allowance of 31,602 gallons. *Note:* the applicant shall provide a written statement at the DRHPC meeting, which describes the irrigation methods and design action that will be employed to meet the irrigation specifications in the State of California Model Water Efficient Landscape Ordinance (section 472.7).

Discussion of Project Issues: The members of the HOA of Sonoma Villas de Luna have expressed concern about the opaque barrier. Specifically, they would like to see trees mixed in with the trellis on the east portion of the property. To address this issue the developer has stated that she would be willing to install trees in the trellis area to minimize visual impacts from the townhouses on the proposed buildings. The DRHPC may discuss this issue and provide feedback to the applicant. The members of the HOA of Sonoma Villas de Luna have also requested that the developer re-seal the asphalt on Palou Street. This issue may not be considered by the DRHPC as it is a civil matter between the property owners.

Other permits required: In addition to the requirements of this title, the project shall be in conformance with applicable requirements of the 2013 California Building Code and where required by the 2013 California Building Code, shall obtain a building permit prior to installation.

Commission Discussion

Design Review and Historic Preservation Commission Action

Approved Disapproved Referred to: _____ Continued to: _____

Roll Call Vote: _____ Aye _____ Nay _____ Abstain _____ Absent

DRHPC Conditions or ModificationsAttachments

1. *Project narrative*
2. *Correspondence*
3. *Minutes from the September 20, 2005 Design Review Commission Meeting*
4. *Conditions of Project Approval and Mitigation Monitoring Program for Sonoma Village West Mixed-Use project 19370 Sonoma Highway*
5. *Window manufacture specification sheet*
6. *Roof manufacturer specification sheet*
7. *Lighting manufacturer specification sheet*
8. *Rendering*
9. *Trash enclosure drawing*
10. *Water Efficient Landscape Worksheet*
11. *Legal opinion*
12. *Site plan*
13. *Floor plans*
14. *Building elevations*
15. *Building cross section*
16. *Color board*

cc: Studio 101 Designs
 101 H Street Ste., C
 Petaluma, CA 94952

Kirby Road LLC
541 Wes Main Street
Merced, CA 95340

Kirby Road LLC
2269 Chestnut Street # 242
San Francisco, CA 94123-2600

Joan Jennings, via email

Jack Ding, via email

Nick Dolata, via email

Maria Pecavar, via email

Brian Rowlands, via email

Steve Jennings, via email

Project Narrative

7/18/2016

19366 + 19370 SONOMA HIGHWAY - COMERCIAL DEVELOPMENT PROPOSAL

Assessor's Parcel Number: 127-760-001 & 002
Project Sponsor: Alicia Hansel, Kibby Road LLC
Architect: Studio 101 Designs

The proposal includes the construction of two identical 2,987 SF, two story commercial buildings at 19366 and 19370 Sonoma Highway. The Design Review Board approved a previous rendition of this project on 09/20/05. Our proposal complies with all of the current Development Code and General Plan regulations and design guidelines. Our proposal also maintains nearly all aspects of the previously approved version (i.e. massing, building height, setbacks, green space and parking placement). After the initially proposed agrarian-inspired structures (submitted and discussed at the DRHPC May 31, 2016 meeting) were met with some resistance, we have revised the submittal after subsequent meetings with neighbor representatives. Our new proposal draws upon other local examples of Mission-style architecture. The massing and roof plan remain virtually unchanged, but detailing and materials now read as Mission Revival. Our detailing (i.e. wood timber balconies, wrought-iron guardrails with inset, and wood brackets) reinforces the compatibility with the neighboring structures while staying true to the architectural style. The color palette, which includes primarily off-white light sand stucco siding with 2-piece clay tile roofing and chocolate brown painted wood members and windows/doors and dark bronze wrought-iron guardrails and light fixtures, reinforces the concept as well. Keeping a roof overhang at the first floor transition allows us to reduce the perceived mass of the 2-story structure and mask the additional width required to accommodate parking at the rear of the first floor. Landscaping will include engineered bioretention facilities along the front and side yards to meet the city's storm water management requirements. In addition, the proportions of the structures were revised somewhat to allow for a 4' landscape buffer zone (with a proposed wood arbor) between the rear residential neighbors and the parking lot.

JUL 18 2016

RECEIVED

JUL 28 2016

CITY OF SONOMA

July 28, 2016

Alicia Razzari
Kibby Road
Merced, California

Members of the DRHPC
City of Sonoma

David Goodison
Planning Director
City of Sonoma

Dear Ms. Razzari, Members of the Commission, and Mr. Goodison:

We approve the new, mission-style building design, and the developer has agreed to put in a four-foot landscaped barrier. Now, we want to move the ball forward.

The only thing left to decide is the type of opaque barrier. Because the existing cement wall and wrought iron fence are about seven feet tall, we agree that we do not need another wall or fence. But there should be several trees planted in the buffer yard that will reach up through the trellis and help create the first level of the opaque barrier between the homes and the commercial buildings. The other part of the barrier should be suitable trees, something like Japanese maples perhaps, in the planters. This two-tiered, leafy barrier would ensure privacy and protection for the town homes.

Nothing much more needs to be said about this design because it sells itself.

We understand the enhanced paving, signage, and picnic table arbor are no longer required by the city, and we are not pursuing these items. However, we are requesting that the developer re-seal the asphalt which is a constant problem for the neighborhood.

We hope you will agree with our minimized requests.

Respectfully,

Members of the HOA of Sonoma Villas de Luna

July 18, 2016

Alicia Razzari
Kibby Road, LLC
2334 M Street, Suite 2101
Merced, California 95344

Dear Alicia,

The City has taken a neutral position in this matter, and they have commissioned the residents and the developer to meet and resolve their differences.

We have met twice, and we have made some progress. This has brought us closer together, but there are still matters that are very, very important to us that have not been settled. These matters are listed below.

Enhanced Paving.

This was promised by the original developer and approved by the City. But it was not installed, and the asphalt that was not properly sealed has made our lives very hard. We have been struggling with this for three years. Every time it rains or the weather is very hot, the tar on the asphalt melts or liquefies and it comes off on our driveways and on our shoes and on the feet of our pets. This problem has become a torment to us.

Sonoma Villas de Luna Sign. This was promised and approved.

Trees in the planters on the west side of the town homes. These were similarly approved, and they form part of the landscaped buffer.

Landscaped buffer yard between the town homes and the commercial buildings.

A well-established legal principle of privacy rights says: "A man's house is his castle; his home his safest refuge." The word "refuge" implies security and protection. The Sonoma Municipal Code takes this basic tenet into account and provides for it by requiring an opaque barrier (a wall or fence) as well as trees between commercial and residential areas. The residents of the town homes are entitled to such privacy. They do not want someone looking into their living rooms or bedrooms or kitchens. To fail to provide an adequate opaque barrier amounts to the same thing as moving the town homes themselves to a different location. Just as that would never be permitted, failing to provide the buffer is not permitted.

The trellises are a nice start, but to provide adequate screening and buffering, a wall and additional trees are required as well. And to accomplish this buffer yard contemplated by the code, the landscaped area should be four and one-half to five feet wide.

The necessity of providing a buffer between commercial and residential uses runs through the code. Because you are very familiar with the code, the references that follow are intended only as reminders. The code contains provisions specific to each planning area. In our area, the West Napa/Sonoma Highway Corridor, the code recognizes that there will often be a union of commercial and residential uses. Code section 19.36.010(B) provides, in part, that “[b]ecause much of the corridor backs onto residential development, site plan relationships must be carefully evaluated. Ideally, new commercial uses should be designed to relate to the extent feasible with adjacent residential development; at a minimum, adequate screening and buffering are required” (Emphasis added). And specifically with regard to commercial parking, section 19.36.020(A)(5) states that “[c]ommercial development shall require screening and buffering of parking areas.”

Unfortunately, one mandate of the code has not been followed in the planning process. Section 19.40.060(D)(1)(b) provides that “[l]andscaping shall be planned as an integral part of the overall project design and not simply located in left over space after parking areas and structures have been planned.” The piecemeal submission of building plans, parking, design, and, finally, a landscape plan, has not fulfilled this mandate.

Section 19.48.090(F) requires that between non-residential and residential uses there shall be a buffer yard with a minimum six-foot wall of wood or masonry. There are to be trees every 30 feet at a minimum. The wall must provide an opaque screen and shall be architecturally treated on both sides (Section 19.40.100(a)(1)(2).) This code section does not specify a width. However, a closely related provision offers guidance. Section 19.48.090(E) mandates a five-foot wide buffer between a parking lot and an adjoining public street. Given that the code requires “at a minimum, adequate screening and buffering,” the five-foot width provides a useful standard for the buffer yard.

Our suggestion is that the wall be placed on the commercial building side, five feet west into the existing parking lot. This is because the raised porches of the town homes already feature a substantial retaining wall, and placing the buffer yard wall near it will create a narrow alley of a foot or two between the walls. Furthermore, in order for the town homes to enjoy the maximum buffering effect, both visually and with regard to sound, the wall should stand five feet west into the parking lot. That way, the town homes, rather than the commercial property, can enjoy the beautiful landscaping.

We envision the buffer yard to include the six- to seven-foot wall required by the code with trees set, at a minimum, every 30 feet on the town home side of the wall, and shrubs and flowers in the spaces between the trees. As to the initial planting, the code requires

that trees be 15 gallons and shrubs five gallons so that there is substantial landscaping from the very beginning. (Section 19.40.060(D)(2)(a).) Some of the shrub species may be selected with an eye to having them grow to the height of the wall.

The question may arise as to how to harvest the necessary five feet for the buffer yard. We believe one answer is to move the commercial buildings four and one-half feet forward toward Sonoma Highway; that is, move them from the currently designed 22.5-foot setback to a setback line of 18 feet. At the DRC meeting, two of the commissioners suggested this themselves. Commissioner Johnson expressed a concern for an adequate buffer zone and suggested pushing the buildings forward. Commissioner Essert advocated moving the buildings toward Highway 12 to provide more room for the buffer. Mr. Essert also discussed the option of underground parking to make room for the buffer. He explored this concept with your architect who ultimately conceded that underground parking was feasible. Furthermore, an 18-foot setback is within the contemplation of the City. In Mr. Goodison's staff report to the Planning Commission regarding your 2015 application, he stated that an 18-foot setback could apply to the buildings then envisioned as part commercial, part residential. An 18-foot setback is a win-win for you as well as the neighborhood. You can maintain the current square footage of your commercial spaces as well as supplying the parking necessary to serve them. The residents will enjoy a five-foot wide, well-landscaped, opaque buffer with beautiful trees and shrubs, creating privacy. Commercial and residential uses can co-exist harmoniously.

We are enclosing two photographs of an example of a landscaped buffer design which seems to adequately comply with the code requirements. It is part of a business called The Edge, located at 139 East Napa Street. There are architectural features on both sides of the fence. The fence is consistent with the exterior of the building itself. We looked all around town at buffer yards: all of them have a width of about four and one-half to five feet; all have trees in the strip, and there is room for the trees; all have an opaque barrier. We saw such yards at Derringer's own building on First Street West (which also has beautiful and clean enhanced paving); Williams-Sonoma; Readers' Books, Plaza del Sol, etc.

Following our suggestions, you can make Sonoma Villas de Luna an outstanding development--something that Sonoma will always be proud to claim.

Sincerely,

The Residents and Owners of Sonoma Villas de Luna


Maria Pecora
Brian Rowlands
Claire Buell-Rowlands


Stephen A. Johnson

Joan Jensen

M. S. R.
Sagames

hsiao d lieu <hdlieu@yahoo.com>

Thu, Jul 14, 2016 at 5:37 PM

Reply-To: hsiao d lieu <hdlieu@yahoo.com>

To: Joan Jennings <joanjennings99@gmail.com>, "hmlieu@yahoo.com" <hmlieu@yahoo.com>

Dear Joan,

I approve and aligned with the HOA position.

Thank you.

Best,
Hsiao Dee Lieu, MD
853 Palou St, Sonoma

From: Joan Jennings <joanjennings99@gmail.com>
To: hsiao d lieu <hdlieu@yahoo.com>; hmlieu@yahoo.com
Sent: Thursday, July 14, 2016 3:42 PM
Subject: Your approval of the letter to Alicia

[Quoted text hidden]

hmlieu@yahoo.com <hmlieu@yahoo.com>
To: Joan Jennings <joanjennings99@gmail.com>
Cc: hsiao d lieu <hdlieu@yahoo.com>

Fri, Jul 15, 2016 at 3:02 AM

Hi Joan, I approve the letter and the position of the HOA.

Hsiao-Mei Lieu
862 Palou st.

Sent from my iPhone

<https://mail.google.com/mail/u/0/?ui=2&ik=d805b12633&view=pt&q=h&search=query&t...> 7/24/2016

Laurie Oharatorres <laurieoharatorres@hotmail.com>

Sun, Jul 10, 2016 at 3:38 PM

To: Steve Jennings <stevejennings98@gmail.com>

Cc: Joan Jennings <joanjennings99@gmail.com>, Nicholas <ndolata@hotmail.com>, Brian Rowlands <browlands@fsrivet.com>, "tom.elster" <tom.elster@aol.com>, Maria Pecavar <maria.pecavar@gmail.com>, Jack Ding <jack@unicomtax.com>, hsiao d lieu <hdlieu@yahoo.com>, hmlieu@yahoo.com, frosty here <snowmanic13@yahoo.com>

I agree. A barrier to code is the minimum.

Thank you,

Laurie O'Hara

415-779-5626

Sent from my iPhone

[Quoted text hidden]

<https://mail.google.com/mail/u/0/?ui=2&ik=d805b12633&view=pt&q=lauri&search=quer...> 7/14/2016









TIGU

Comm. Fiske asked about the truck routes through Bel Terreno to the production building. Paul Bergna, Sebastiani Vineyards, said trucks would enter Bel Terreno through the easement on Lovell Valley Road but exit through San Lorenzo Court, emphasizing that the disclosure to potential buyers was required as a condition of approval. **Seeing there were no additional comments, Chair Carlson closed the public hearing.**

Comm. Cribb said the site plan lacked the normal listing of plant quantities and container size. Assistant Planner Thériault said the number of plantings could be determined from the site plan graphics and suggested that the tree size be specified as 15 gallon rather than 24-inch containers since there are significant mature trees on the property.

It was moved by Bernard, to approve the application as presented. Comm. Cribb amended the motion adding: 1) accept the colors as submitted, and 2) specified that all plant material shown on the site plan shall be 15 gallon sizes, with the same quantities as shown graphically on the site plan. The amended motion was seconded by Comm. Carlson. **The motion carried unanimously.**

ITEM #6 –Design Review: Consideration of building elevations and exterior materials for a mixed-use project (Sonoma Village West); 19370 Sonoma Highway.

Applicant: Richard Deringer

Associate Planner Gjestland presented staff's report.

Chair Carlson opened the public hearing. Rick Deringer presented an overview of the mixed-use project including site plan, building elevations, and exterior materials.

Comm. Fiske asked whether Palou Street would provide egress for the development. Mr. Deringer referred to lengthy discussions between neighbors and the Planning Commission that decided ultimately to restrict traffic and impacts to the neighborhood by only allowing residents of the SFD's access through Palou Street via a locked gate; commercial tenants and residents of the town homes would not have access to Palou Street. **Seeing there were no additional comments, Chair Carlson closed the public hearing.**

Chair Carlson asked what kind of tenant would occupy the commercial building, whether window coverings would be provided, and what kind of signage was proposed. Mr. Deringer said the commercial space would be mostly office space with some retail use. Signage would be presented later but he anticipating that only a monument sign would be needed. He said window coverings would be provided.

It was moved by Cribb, seconded by Comm. Bernard, to accept the application for building elevations and exterior materials as presented **The motion carried unanimously.**

ITEM #7 –Discussion Item: Information item of new state law applicable to design review of solar panel installations.

Associate Planner Gjestland said that the DRC would no longer be reviewing applications for solar panel installations, following a clarification that the City of Sonoma's Development Code (Section 19.40.100) conflicts with State law and therefore unenforceable. Staff is looking into whether jurisdiction of solar panels could still apply in the historical districts.

ITEM #8 –Discussion Item: Consideration of new City regulations pertinent to projects that include partial demolition of historic structures.

Associate Planner Gjestland presented the background for design review of demolitions and recent concerns involving renovations that raised the question of whether the current policy is effective in protecting the historic character of Sonoma.

Staff's report included in a chart, "Potential Thresholds for the Design Review of Single-family Residences" listing types of repairs or remodeling that would not require design review and a list of changes, demolition, and remodeling that might trigger design review by the DRC.

City of Sonoma Planning Commission
**CONDITIONS OF PROJECT APPROVAL AND
MITIGATION MONITORING PROGRAM**
Sonoma Village West Mixed-Use Project (Use Permit & Planned Development Permit)
19370 Sonoma Highway

July 14, 2005

1. A Tentative Map shall be submitted in conformance with the approved site plan. The project shall be designed as a common interest subdivision.

Enforcement Responsibility: Planning Administrator; Public Works; Building Division;
Timing: Prior to acceptance of the Final Map

2. The following are required by the City and other affected agencies prior to the issuance of the Final Map.
 - a. A Final Map shall be prepared and submitted to the City Engineer for approval. Upon approval and acceptance by the City of all required dedications, the map shall be filed at the office of the Sonoma County Recorder.
 - b. All required sidewalk, street, storm drainage, water, sewer, access and public utility easements shall be dedicated to the City of Sonoma or to other affected agencies of jurisdiction, as required.
 - c. Three-quarter inch iron pipe monuments shall be set at all tract corners and one-half inch iron pipe monuments shall be set at all lot corners, unless otherwise approved by the City Engineer. Street centerline monuments shall be set as directed by the City Engineer. All monuments must be approved by the City Engineer.

Enforcement Responsibility: Planning Administrator
Timing: Prior to acceptance of the Final Map

3. A grading and drainage plan and an erosion and sediment control plan shall be prepared by a registered civil engineer and submitted to the City Engineer and the Sonoma County Water Agency for review and approval. The required plan shall be approved prior to the issuance of a grading permit. The erosion control measures specified in the approved plan shall be implemented during construction. Water draining offsite shall drain directly into the street with a minimum 1% grade unless otherwise approved by the City Engineer. Retaining walls (concrete or masonry) or 2:1 cut and fill slopes shall be constructed if required to compensate for grade differences onsite. Grade differences between lots will not be permitted unless separated by properly designed concrete or masonry retaining walls. This requirement may be modified or waived at the discretion of the City Engineer. The required plans shall be approved prior to the issuance of a grading permit and/or recordation of the final map. An NPDES permit shall be required. Applicable erosion control measures shall be identified on the erosion control plan and shall be implemented during the construction phase of the project:
 - a. Soil stabilization techniques such as hydroseeding and short-term biodegradable erosion control blankets or wattles.
 - b. Silt fences and/or some kind of inlet protection at downstream storm drain inlets.
 - c. Post-construction inspection of all facilities for accumulated sediment.
 - d. Post-construction clearing of all drainage structures of debris and sediment.

Enforcement Responsibility: City Engineer; Public Works
Timing: Prior to acceptance of the Final Map

4. The following improvements shall be required as deemed necessary by the Public Works Division, City Engineer and/or other applicable department or agency. All public improvement plans shall be prepared by a registered civil engineer and must be approved by the City Engineer prior to recording of the Final Map. All drainage improvements shall be designed in accordance with the Sonoma County Water Agency "Flood Control Design Criteria." Plans and engineering calculations for drainage improvements, and plans for sanitary sewer facilities, shall be submitted to the Sonoma County Water Agency for review and approval.

- a. New public and private streets as shown on the approved site plan, including related improvements such as curbs, gutters, and sidewalks.
- b. Construction of curb, gutter, planting strip and sidewalk along the Sonoma Highway frontage of the project site. The repair or reconstruction, as deemed necessary by Caltrans or the City Engineer, of the Sonoma Highway street section along the frontage of the project site.
- c. Modifications may be required at the interface of the private street and Palou Street in terms of the configuration of the roadways, sidewalks, and adjacent planting areas, subject to the discretion of the City Engineer. In addition, a sound wall or other specific fencing may be required on the eastern project boundary adjacent to APN 127-504-001, specifically in the area directly east of the private road. The ultimate design, location and height of this wall/fence shall be subject to the discretion of the City Engineer.
- d. Storm drains and related facilities, including off-site storm drain facilities as necessary to connect to existing storm drain facilities.
- e. Sewer mains, laterals and appurtenances, including off-site sewer mains and facilities as required by the Sonoma County Water Agency; water conservation measures installed and/or applicable mitigation fees paid as determined by the Sonoma County Water Agency. The sanitation design for the project shall be in compliance with the Sonoma County Water Agency's "Design and Construction Standards for Sanitation Facilities" and "Sanitation Code."
- f. Water mains and appurtenances in all streets within the subdivision including service laterals to all lots.
- g. All major grading, including all swales, etc., shall be performed between April 1st and October 15th of any year, unless otherwise approved by the City Engineer.
- h. Fire hydrants in the number and at the locations specified by the Fire Chief and the City Engineer. Fire hydrants shall be operational prior to beginning combustible construction.
- i. Private underground utility services, including gas, electricity, cable TV and telephone, to all residential lots/units in the subdivision.
- j. Street lighting as required by the City Engineer.
- k. Traffic control signs and pavement markings as required by the City Engineer.
- l. Street trees as required by the Planning Division and the City Engineer. All street trees shall be planted concurrently with completion of street construction and shall be consistent with the City's Tree Planting Program, including the District Tree List. The developer shall provide for irrigation of the trees until occupancy of houses on a lot by lot basis within the project.
- m. Address numbers shall be posted at the public street, and on the individual structures in a manner visible from the public street.

Enforcement Responsibility: City Engineer; Public Works; Building Division; Planning Department; Fire Department; County Public Works

Timing: Prior to the issuance of any grading, building, or occupancy permits, as determined by the applicable division or agency.

5. The development shall be constructed in substantial conformance with the approved site plan, square foot schedule and elevation concepts, except as modified by these conditions and the following:
 - a. The 4.5-foot wide planting strip located at the eastern end of the private road shall be increased to seven feet in width by shifting the entire southern tier of detached homes two feet to the west with a two-foot reduction in the common open space area.
 - b. A red curb "No Parking" zone shall be painted from the access road driveway to 21 feet west of the driveway, the equivalent of one parking space.
 - c. A planting strip with a minimum width of 5 feet shall be provided on the north side of the guest parking area, in front of any private yard fencing.

Enforcement Responsibility: Public Works; Planning Division; Public Works
Timing: Prior to the recordation of the final map, issuance of building permits or final occupancy as applicable

6. The project shall contribute its fair share toward widening Sonoma Highway from West Napa Street to West Spain Street, as determined by the City Engineer and consistent with recommendations in the Environmental Impact Report for the Proposed City of Sonoma General Plan (Sonoma, 1995).

Enforcement Responsibility: Planning Division; Public Works; Building Division
Timing: Prior to final occupancy

7. An encroachment from the Department of Transportation (Caltrans) shall be required for all work within the Sonoma Highway right-of-way, including the proposed roadway connection to SR 12.

Enforcement Responsibility: Planning Division; Public Works; Building Division
Timing: Prior to the issuance of any building permit

8. The applicant shall be required to pay for all inspections prior to the acceptance of public improvements, or within 30 days of receipt of invoice; all plan checking fees at the time of the plan checks; and any other fees charged by the City of Sonoma, Caltrans, the Sonoma County Water Agency or other affected agencies with reviewing authority over this project, except those fees from which any designated affordable units are specifically exempted.

Enforcement Responsibility: Public Works; Building Division; Affected agency
Timing: Prior to the acceptance of public improvements, or plan check, or within 30 days of receipt of invoice, as specified above

9. No structures of any kind shall be constructed within the public easements dedicated for public use, except for structures for which the easements are intended.

Enforcement Responsibility: Planning Division; Public Works
Timing: Prior to the issuance of any building permit; Ongoing

10. A soils and geotechnical investigation and report, prepared by a licensed civil engineer, shall be required prior to the issuance of a grading permit and/or approval of the improvement plans, as determined by the City Engineer. Recommendations identified in the report shall be incorporated into the construction plans for the project and into the building permits.

Enforcement Responsibility: Public Works; Building Division; City Engineer
Timing: Prior to issuance of a grading permit or recording of the Final Map

11. Best Management Practices to control the quality of surface water runoff from the site shall be used throughout the site to capture and filter surface runoff prior to its leaving the site or entering the storm drainage system. Methods of capturing and filtering water pollution, including the use of filters, grease traps, interceptors and biotechnical solutions (grass-lined swales and filtering basins in landscaped areas surrounding parking areas) shall be implemented as feasible. The civil engineer for the project shall incorporate these measures into the engineering plans for the project site and shall be subject to the approval of the City Engineer. In addition, the applicant shall prepare and implement a Stormwater Pollution Prevention Plan as normally required.

Enforcement Responsibility: Planning Division; City Engineer
Timing: In contracts of construction contractors prior to issuance of a grading permit and throughout construction and operation of the project.

12. Access for construction traffic associated with development of the project shall be limited to Sonoma Highway. Provisions shall be made to provide for temporary parking of construction related vehicles and equipment on or adjacent to the project site, and not in the adjacent neighborhoods, to be approved by the City of Sonoma Building, Planning, and Public Works Department. The contractors shall be required to maintain traffic flow on all affected roadways adjacent to the project site during non-working hours, and to minimize traffic restrictions during construction. The contractors shall notify all appropriate City of Sonoma and Sonoma County emergency service providers or other affected agencies of planned construction schedules and roadways affected by construction in

writing at least 48 hours in advance of any construction activity that could involve road closure or any significant constraint to emergency vehicle movement through the project area.

Enforcement Responsibility: Building, Planning & Public Works Divisions; Police & Fire Department
Timing: Ongoing during construction

13. Parking and drive surfaces shall be surfaced with an approved surface material as approved by the City Engineer and the Building Official. In all cases, driveways shall be paved a minimum of 20 feet from the edge of the sidewalk.

Enforcement Responsibility: Public Works; Building Division; Fire Department
Timing: Prior to the issuance of any occupancy permit

14. Any septic systems on the site shall be removed or closed in place, consistent with the permit requirements of the Sonoma County Department of Environmental Health.

Enforcement Responsibility: Sonoma County Department of Environmental Health; Engineering Division
Timing: Prior to issuance of any grading permit

15. Any wells on the site shall be closed in place or equipped with a back-flow prevention device as approved by the City Engineer.

Enforcement Responsibility: Engineering Division
Timing: Prior to acceptance of the Final Map

16. An approved all-weather emergency vehicle access road to within 150 feet of all portions of all structures shall be provided prior to beginning combustible construction.

Enforcement Responsibility: Fire Department
Timing: Prior to issuance of any building permit

17. During the earth disturbing activities of construction, if any archaeological deposits are encountered, an archaeologist shall be summoned on-site to document and monitor all subsurface prehistoric or historic deposits. All activities in the area should cease and the archaeologist should inspect the discovery and prepare a recommendation for a further course of action. In the event that human remains are discovered, there shall be no disposition of such human remains, other than in accordance with the procedures and requirements set forth in the California Health and Safety Code Section 7050.5 and Public Resources Code Section 5097.98. These code provisions require notification of the County Coroner and the Native American Heritage Commission, who in turn must notify those persons believed to be most likely descended from the deceased Native American for appropriate disposition of the remains. Excavation or disturbance may continue in other areas of the project site outside the area affected by such discovery. All costs associated with resource discovery and mitigation shall be the responsibility of the applicant.

Enforcement Responsibility: Building Division; Public Works
Timing: In contracts of construction contractors prior to issuance of grading permits, and throughout construction.

18. The following agencies must be contacted by the applicant to determine permit or other regulatory requirements of the agency prior to issuance of a building permit, including the payment of applicable fees:

- a. Sonoma County Water Agency [For sewer connections and modifications and interceptor requirements, and for grading, drainage, and erosion control plans.]
- b. Sonoma County Department of Public Health [For closure and removal of septic tanks]
- c. Sonoma Valley Unified School District [For school impact fees]
- d. Caltrans [For encroachment permits and frontage improvements on State Highway 12/Sonoma Highway]

Enforcement Responsibility: Building Division; Public Works; City Engineer
Timing: Prior to the issuance of any building permit

19. A sewer clearance shall be provided to the City of Sonoma Building Division verifying that all applicable sewer fees have been paid prior to the issuance of any building permit. **Note: Substantial fees may apply for new sewer connections and/or the use of additional ESDs from an existing sewer connection. The applicant is encouraged to check with the Sonoma County Water Agency immediately to determine whether such fees apply.**

Enforcement Responsibility: Building Division
Timing: Prior to the issuance of any building permit

20. All Fire Department and Building Code requirements shall be satisfied, including any code modifications effective prior to the date of issuance of any building permit. In addition, the following shall be required:
- All structures shall be protected by approved automatic fire sprinkler systems.
 - Parking shall be allowed only in designated parking places as approved on the site plan. All other areas shall be posted clearly with "No Parking" signs and/or markings (red curbs).
 - Additional requirements and/or recommendations from the Fire Department may result from a review of detailed project plans and specifications.

Enforcement Responsibility: Fire; Public Works; Building Division
Timing: Prior to the issuance of any building permit

21. Dust control measures shall be implemented as necessary during the construction phase of the project. All exposed soil areas shall be watered twice daily or as required by the City's construction inspector. All exposed soil areas (i.e. building sites, unpaved access roads, parking or staging areas) shall be watered at least twice daily or as required by the City's construction inspector. Exposed soil stockpiles shall be enclosed, covered, or watered twice daily. The portion of Sonoma Highway and Palou Street in proximity to the project site shall be swept daily, if visible soil material is deposited onto the road.

Enforcement Responsibility: Public Works; Building Division
Timing: In contracts of construction contractors prior to issuance of grading permits, and throughout construction

22. Construction activities and material deliveries shall be restricted to the hours between 8a.m. and 6p.m. Monday through Friday, and 9:00a.m. to 5:00p.m. on Saturdays. Construction activities shall be prohibited on Sundays and all holidays recognized by the City of Sonoma. All construction vehicles or equipment powered by internal combustion engines shall be properly muffled and maintained. Stationary construction equipment, such as compressors, shall be situated as far as possible from inhabited areas, and vehicles or equipment not actively in use shall be shut down to reduce unnecessary noise.

Enforcement Responsibility: Public Works; Planning Division; Police
Timing: In contracts of construction contractors prior to issuance of grading or building permits, and throughout construction

23. A minimum of four (4) units within the development shall be designated as affordable units for moderate-income households. As identified by the applicant, the affordable units include the two southernmost townhome units (identified as unit type E1 on the site plan) and the two units within the duplex (identified as unit type B on the site plan). The affordable units shall be recorded against the deeds of the lots on which they lie, with a standard City agreement subject to review and approval of the Planning Administrator, and the Housing Administrator. The developer shall enter into a contract with the City assuring the continued affordability of the designated units for a minimum period of 30 years and establishing maximum rents, maximum sale prices, and resale restrictions. The affordable units shall be constructed in conjunction with construction of the market rate units.

Enforcement Responsibility: Planning Administrator; Housing Administrator; Building Division
Timing: Prior to recording of Final Map

24. The development shall be subject to the review and approval of the Design Review Commission (DRC). This review shall encompass site plan adjustments as required by these conditions or as deemed necessary by the DRC (except no modifications substantially altering the approved site plan or at variance with the conditions of approval shall be made), and building elevations, colors, and materials.

Enforcement Responsibility: Planning Division; DRC
Timing: Prior to the issuance of any building permit

25. A landscape plan shall be prepared by a licensed landscape architect. The plan shall be subject to the review and approval of the Design Review Commission (DRC). The plan shall address site landscaping, including fencing/walls, hardscape improvements, and required tree plantings, including street trees. The required seven-foot landscape strip at

the east end of the private street shall include shrub and tree plantings that will provide effective screening upon installation. Solid board fencing with a minimum height of 6 feet shall be required on the northern boundary of the project, and similar replacement fencing may be required at the DRC's discretion along the south and east boundaries of the project site. A sound wall and additional landscaping may be required to buffer the adjoining residence at the southeast corner of the site (APN 127-580-011). The landscape plan shall comply with City of Sonoma's Water Efficient Landscaping Ordinance (Municipal Code §14.32).

Enforcement Responsibility: Planning Division; DRC
Timing: Prior to any occupancy permit

26. Onsite lighting shall be addressed through a lighting plan, subject to the review and approval of the Design Review Commission (DRC). All proposed exterior lighting for the site shall be indicated on the lighting plan and specifications for light fixtures shall be included. The lighting shall conform with the standards and guidelines set forth in Section 19.40.030 of the Development Code (Exterior Lighting). No light or glare shall be directed toward, or allowed to spill onto any offsite areas. All exterior light fixtures shall be shielded to avoid glare onto neighboring properties, and shall be the minimum necessary for site safety and security. Light standards shall not exceed a maximum height of 15 feet.

Enforcement Responsibility: Planning Division; DRC
Timing: Prior to issuance of an occupancy permit

27. The project shall be constructed in accordance with the following requirements related to tree preservation, mitigation and replacement:
- a. Trees removed from the project site shall be replaced on-site at a ratio of 2:1, with a minimum box size of 24 inches.
 - b. The fruiting olive trees shall be relocated from the site and replaced in quantity on-site with non-fruiting olives.
 - c. The developer shall adhere to the tree protection measures and pruning guidelines presented in the arborist report.
 - d. Four street trees, with a minimum box size of 48 inches, shall be planted along the Sonoma Highway frontage.
 - e. The 15-inch DBH coast live oak located in the center of the site (identified as tree No. 36 in the arborist report) shall be preserved if feasible

Enforcement Responsibility: Planning Division; Public Works; City Engineer
Timing: Prior to the issuance of an occupancy permit; throughout construction

28. A Homeowner's Association shall be created for this project, along with appropriate Covenants, Conditions, and Restrictions (CC&Rs). The CC&Rs shall provide for maintenance of the private roadway and parking areas; private storm drains, and any other common areas and facilities. The CC&Rs shall be subject to review and approval of the Director of Planning, Building, and Public Works and, if necessary, the City Attorney. The agreement shall contain a provision acknowledging that the City shall have the ability to enforce any violations of applicable City regulations or conditions of approval, and charge any necessary work and enforcement penalties to the Homeowner's Association.

Enforcement Responsibility: Planning Division; City Engineer; Public Works
Timing: Prior to the issuance of any occupancy permit.

JUL 18 2018



A-SERIES
WINDOWS • DOORS



Double-Hung Windows

Andersen® A-Series double-hung windows provide the authentic appearance of the traditional architecture, including a tall bottom rail, a spoon-style lock and the look of mortise-and-tenon joints. A-Series double-hung windows are available with all of our energy-efficient glass options. Their exteriors are virtually maintenance-free and a sophisticated one-touch release allows their sash to tilt in for easy glass cleaning from inside your home.



DURABLE

- Virtually maintenance-free
- Exterior finish never needs painting and won't flake, rot, blister, peel or corrode*
- Exteriors are protected by a Fibrex material and fiberglass to protect against the elements

ENERGY-EFFICIENT

- Weather-resistant construction for greater comfort and energy efficiency
- Weatherstripping is designed to seal out drafts, wind and water
- Many A-Series double-hung windows have options that achieve ENERGY STAR® Version 6.0 certifications in all 50 states¹

BEAUTIFUL

- Eleven exterior color options and six wood species, three painted and six finished interior options
- Extensive hardware selection, grilles, between-the-glass art glass or patterned glass



*Visit andersenwindows.com/warranty or contact your Andersen supplier for details on the A-Series Limited Warranty.
¹Visit andersenwindows.com to verify that the product and glass type are ENERGY STAR® certified in your area.
ENERGY STAR is a registered trademark of the U.S. Environmental Protection Agency.

Andersen.

OPTIONS & ACCESSORIES

- Four Low-E glass options
- Four patterned glass options
- 13 exclusive art glass designs that are placed between the glass
- Available with Stormwatch® protection for coastal areas
- Variety of grille styles and sizes
- Wide variety of hardware styles and finishes
- Exterior trim options

HARDWARE FINISH OPTIONS



EXTERIOR COLOR OPTIONS



TRIM STYLE OPTIONS



INTERIOR OPTIONS

Wood Species



Interior Finish Options

Shown on Pine. Available on Pine, Maple and Oak only.



HARDWARE OPTIONS

Traditional



- Antique Brass
- Black
- Bright Brass
- Brushed Chrome
- Distressed Bronze
- Distressed Nickel
- Gold Dust
- Oil Rubbed Bronze
- Polished Chrome
- Satin Nickel**
- Stone
- White

* African wood (mahogany) is a semi-arid tropical species of mahogany, grown in Africa, with color and grain characteristics of American mahogany.

Product limitations (wood and color) apply to all windows and replicational finishes. See your Andersen supplier for actual color and finish samples. Naturally occurring variations (e.g. color and texture of wood) may be visible on each window pane of a unit. All wood substrates are primed (i.e. for a painted surface) only.

"ENERGY STAR" is a registered trademark of the U.S. Environmental Protection Agency. "EcoLogic" and all other marks are the trademarks of Andersen Corporation. ©2012 Andersen Corporation. All rights reserved. SW-099 11/13 MS1311_3000



For more information visit andersenwindows.com/a-series

For help finding an Andersen product or dealer near you, please call us at 877.577.7655 or visit andersenwindows.com.

Madera Blend  59%

tops: 1UADU3107 / pans: 1UBDU6078



Red  59%

tops: 1UADU7025 / pans: 1UBDU7025



CRRC ID# – 0942-0129
Reflectance: 0.42 / Emittance: 0.85 / SRI: 46

El Camino Blend  59%

tops: 1UADU6073 / pans: 1UBDU7025



CRRC ID# – 0942-0138a
Reflectance: 0.28 / Emittance: 0.84 / SRI: 27

Carmel Blend  49%

tops: 1UADU0075 / pans: 1UBDU0073



Tuscany Blend  59%

tops: 1UADU6075 / pans: 1UBDU6075



CRRC ID# – 0942-0156a
Reflectance: 0.22 / Emittance: 0.86 / SRI: 20

Palermo Blend  59%

tops: 1UADU6081 / pans: 1UBDU7025



Mallorca  49%

tops: 1UADU6080 / pans: 1UBDU6080



CRRC ID# – 0942-0130
Reflectance: 0.53 / Emittance: 0.86 / SRI: 61

Fire Flash  59%

tops: 1UADU6074 / pans: 1UBDU7025



CRRC ID# – 0942-0157a
Reflectance: 0.25 / Emittance: 0.85 / SRI: 23

Newport Blend  59%

tops: 1UADU7040 / pans: 1UBDU6075



CRRC ID# – 0942-0160a
Reflectance: 0.19 / Emittance: 0.86 / SRI: 16

Craftmade

INTERIORS **EXTERIORS** INTERIORS INTERIORS



EXTERIORS

OUTDOOR LIGHTING by Craftmade

Brand: Exteriors

SKU: Z3724-92

Name: 1 Light Large Wall Mount

Finish: Oiled Bronze

Collection: Riviera

UPC: 647881086299

PRODUCT DETAILS

| | | | |
|----------------------------|-------------------------------|-------------------|-------------------|
| Product ID: | 218679 | Max Watts: | 100 |
| Light Source: | A-Type | Material: | Die Cast Aluminum |
| Glass: | Clear Seeded/Frosted Amber | Warranty: | 1 Year |
| Backplate Dimension | 11.25 H x 7.5 W | Location: | Wet |
| String: | | Mounting: | Wall Mount |
| Height: | 17.25" | Shipping: | L:11.22" |
| Width: | 8" | | |
| Extends: | 10.1" | | |
| Bulbs: | 1 | | |
| Bulb Base: | Medium | | |

ADDITIONAL PRODUCT INFORMATION

- 52" Union Galvanized Finish
- Light Kit Integrated
- 6 Speed Reversible Motor
- 125x30 Motor Size
- Ulus Wet Rated
- 14 Degree Blade Pitch
- DC Remote and Wall Controls Included
- 2-13 Watt CFL Bulbs Included
- 8" Downrod Included

Z3724-92 - Exteriors

Craftmade Brands is proud to present this oiled bronze finished outdoor wall light, by Exteriors. The Z3724-92 is made from premium materials, this Outdoor Wall Light offers great function and value for your home. This fixture is part of Exteriors's decorative Riviera Collection, so make sure to check out other styles of fixtures to accessorize your room.

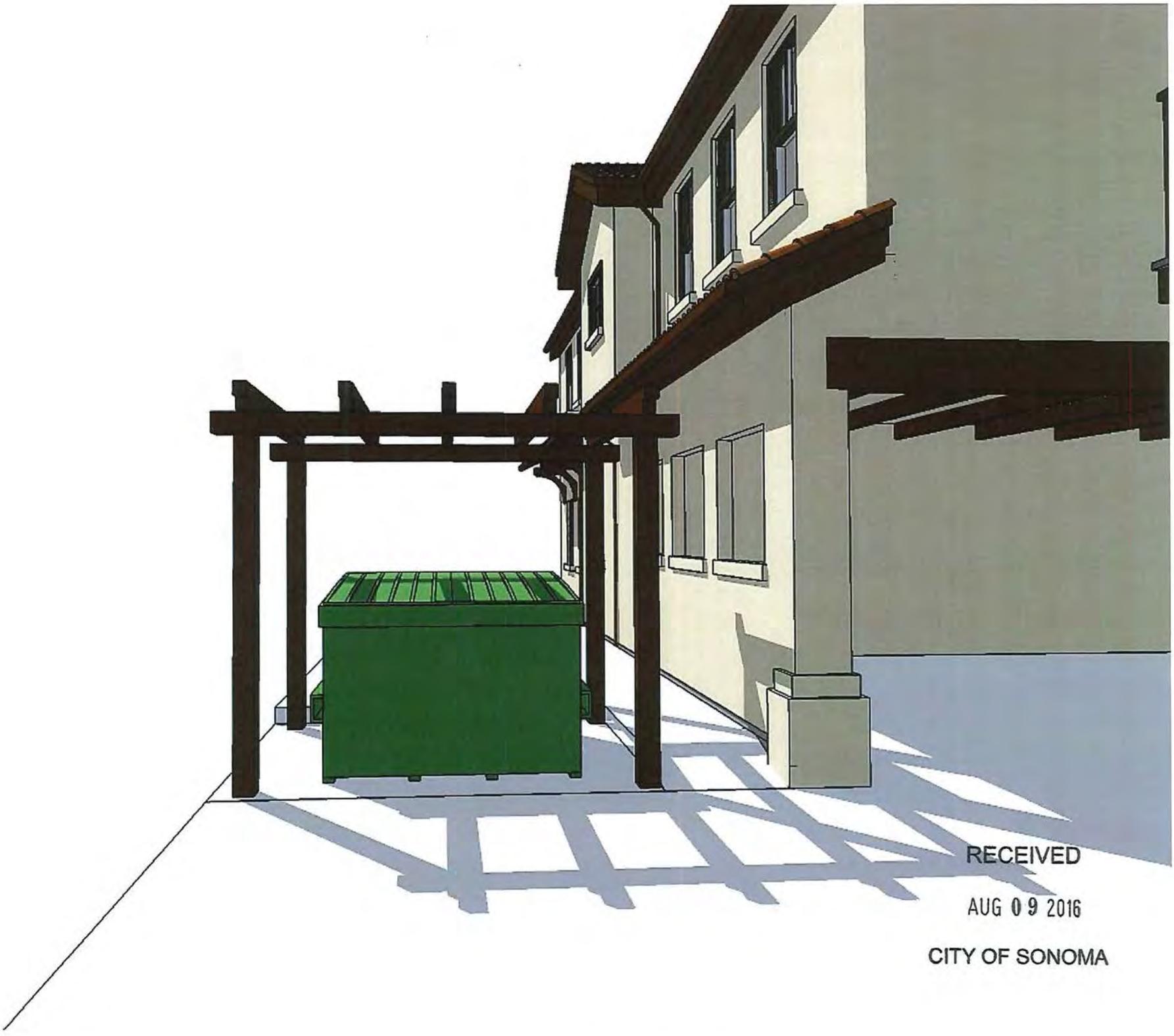
Exteriors Outdoor Lighting is a new brand encompassing Craftmade's extensive array of lighting fixtures meant for outdoor use. Lanterns, pendants, pocket lanterns, post heads, poles and other accessories provide lighting professionals with fresh new designs, including several series that are ENERGY STAR®-certified and Title 24-compliant. Selected designs coordinate with outdoor fans from Ellington Fans and Craftmade Fans, and pushbuttons from Teiber Products. Most every series in the Exteriors line has three sizes of lanterns, a hanging pendant and a post head. Built for beauty and years of maintenance-free use, Exteriors Outdoor Lighting is made of die-cast and sand-cast aluminum components that offer superior durability against the elements. The finishes are treated with a UV guard that impedes fading. Back plate designs make for easy installation, a feature contractors especially appreciate. Re-lamping is designed to be a snap, too. As demand for fashion-driven exterior lighting has grown, the market is awash in product, but few lines compare to Exteriors Outdoor Lighting and all it has to offer lighting professionals. Retail display programs, employee training and national brand advertising are among the benefits of selling Exteriors Outdoor Lighting from Craftmade.

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City of Sonoma
 No. 1 The Plaza, Sonoma, CA
 95476

WATER EFFICIENT LANDSCAPE WORKSHEET

Prepared 12/1/15

This worksheet is filled out by the project applicant and it is a required element of the Landscape Documentation Package.

Reference Evapotranspiration (ETo) 46.1

| Hydrozone # /Planting Description ^a | Plant Factor (PF) | Irrigation Method ^b | Irrigation Efficiency (IE) ^c | ETAF (PF/IE) | Landscape Area (sq. ft.) | ETAF x Area | Estimated Total Water Use (ETWU) ^e |
|--|-------------------|--------------------------------|---|--------------|--------------------------|---|---|
| Regular Landscape Areas | | | | | | | |
| 1 - Very Low Water | .1 | Drip | .81 | .12 | 220 sf | 26.4 | 755 |
| 2 - Low Water (Drip) | .3 | Drip | .81 | .37 | 1,060 sf | 392.2 | 11,210 |
| 3 - Low Water (Spray) | .3 | Spray | .75 | .225 | 430 sf | 96.75 | 2,765 |
| 4 - Medium Water | .4 | Drip | .81 | .49 | 1,050 sf | 514.5 | 14,705 |
| | | | | Totals | 2,760 sf | 1,029 | 29,435 |
| Special Landscape Areas | | | | | | | |
| | | | | 1 | | | |
| | | | | 1 | | | |
| | | | | 1 | | | |
| | | | | Totals | (C) | (D) | |
| | | | | | | ETWU Total | |
| | | | | | | Maximum Allowed Water Allowance (MAWA)^e | 29,435 |

^aHydrozone #/Planting Description
 E.g
 1.) front lawn
 2.) low water use plantings
 3.) medium water use planting

^bIrrigation Method
 overhead spray
 or drip

^cIrrigation Efficiency
 0.75 for spray head
 0.81 for drip

^dETWU (Annual Gallons Required) =
 $Eto \times 0.62 \times ETAF \times Area$
 where 0.62 is a conversion factor that converts acre-inches per acre per year to gallons per square foot per year.

^eMAWA (Annual Gallons Allowed) = $(Eto) (0.62) [(ETAF \times LA) + ((1-ETAF) \times SLA)]$
 where 0.62 is a conversion factor that converts acre-inches per acre per year to gallons per square foot per year, LA is the total landscape area in square feet, SLA is the total special landscape area in square feet, and ETAF is .55 for residential areas and 0.45 for non-residential areas.

Plant Factor (PF)
 0 to 0.1 Very Low Water Use Plants
 0.1 to 0.3 Low Water Use Plants
 0.4 to 0.6 Moderate Water Use Plants
 0.7 to 1.0 High Water Use Plants
 Plant factors cited are derived from the publication "Water Use classification of Landscape Species".

ETAF Calculations

Regular Landscape Areas

| | |
|---------------------|-------|
| Total ETAF x Area | 1,029 |
| Total Area | 2,760 |
| Average ETAF | .37 |

Average ETAF for Regular Landscape Areas must be 0.55 or below for residential areas, and 0.45 or below for non-residential areas.

All Landscape Areas

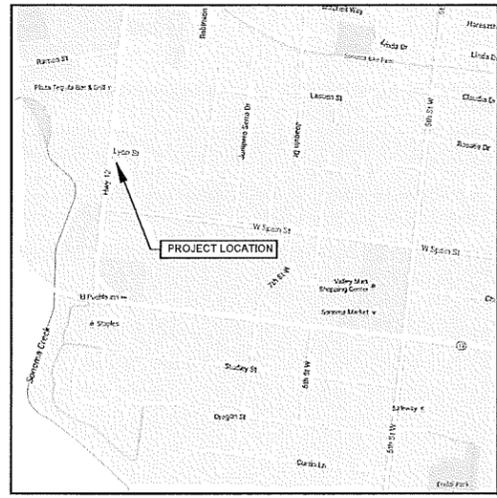
| | |
|----------------------|-------|
| Total ETAF x Area | 1,029 |
| Total Area | 2,760 |
| Sitewide ETAF | .37 |

JUL 27 2016

Status of Use Permit. Per the Development Code, a use permit expires after one year, unless it is either extended by the Planning Commission or exercised. Under the law, a use permit is usually considered to be exercised once building permit permits have been issued and public improvements have been completed. The Sonoma Village West development was approved by the Planning Commission on July 14, 2005 as a Planned Development. The approved site plan included both the residential component and the commercial component. Construction on the residential portion of the project began in 2006. The public improvements, residential buildings and associated landscaping were substantially completed, but the property fell into foreclosure and construction was halted prior to final building permit sign off. In 2012, Kibby Road LLC, approached the City to discuss the status of the project and what it would take to bring it to completion. Staff reviewed the circumstances of the project with the City Attorney's office, who advised as follows:

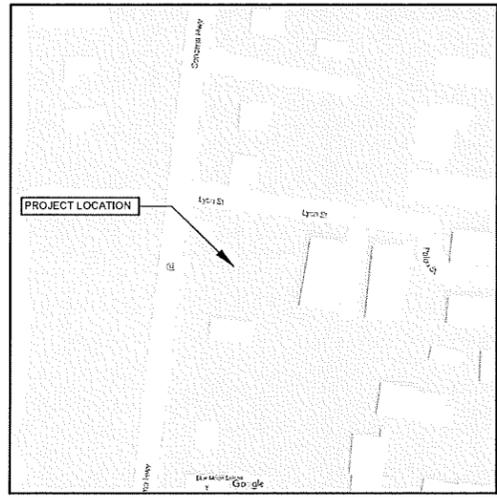
1. Based on the fact that building permits had been issued and that the residential elements of the project were substantially complete, as were the public improvements associated with the entirety of the project--including the commercial component--the use permit and Planned Development permit were deemed to have been exercised.
2. Because the approved site plan associated with the use permit and Planned Development permit encompassed the entirety of the project, the commercial component could be built out in accordance with those approvals.

These findings were subsequently reported out to the Planning Commission at its meetings of June 14 and July 2012 when it reviewed a request by Kibby Road to modify the conditions of conditions of approval. Staff would also note that the Planning Commission approved revisions of the conditions approval, including accepting the open space areas as installed, rather than requiring a play structure as called for in the original approval.



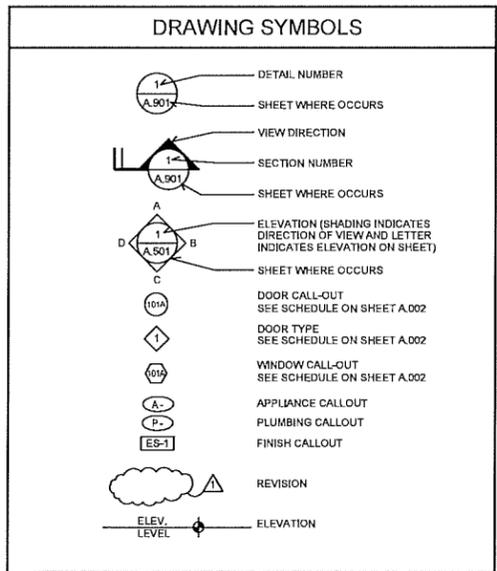
VICINITY MAP

NOT TO SCALE



VICINITY MAP

NOT TO SCALE



ABBREVIATIONS

| | | | |
|------------|---------------------------|------------|---------------------------|
| ADJ. | Adjacent | ADJ. | Adjacent |
| A.F.F. | Above Finish Floor | ALUM. | Aluminum |
| ALUM. | Aluminum | ANOD. | Anodized |
| ANOD. | Anodized | ATT. | Attenuation |
| ATT. | Attenuation | B. | Board |
| B. | Board | BD. | Between |
| BD. | Between | BLKG. | Blocking |
| BLKG. | Blocking | BM. | Beam |
| BM. | Beam | B.O. | Blockout |
| B.O. | Blockout | BSMT. | Basement |
| BSMT. | Basement | B.U.R. | Built-Up Roof |
| B.U.R. | Built-Up Roof | C.B.B. | Cement Backer Bd. |
| C.B.B. | Cement Backer Bd. | CEM. | Cement |
| CEM. | Cement | C.I.P. | Cast In Place |
| C.I.P. | Cast In Place | CIV. | Civil |
| CIV. | Civil | C.J. | Control Joint |
| C.J. | Control Joint | CL. | Center Line |
| CL. | Center Line | CLNG. | Ceiling |
| CLNG. | Ceiling | CLR. | Clear |
| CLR. | Clear | C.M.U. | Concrete Masonry Unit |
| C.M.U. | Concrete Masonry Unit | COL. | Column |
| COL. | Column | CONC. | Concrete |
| CONC. | Concrete | CONSTR. | Construction |
| CONSTR. | Construction | CONT. | Continuous |
| CONT. | Continuous | DBL. | Double |
| DBL. | Double | D.G. | Double Glazed |
| D.G. | Double Glazed | DIM. | Dimension |
| DIM. | Dimension | DN. | Down |
| DN. | Down | DR. | Door |
| DR. | Door | DTL. | Detail |
| DTL. | Detail | DWG. | Drawing |
| DWG. | Drawing | EA. | Each |
| EA. | Each | EL. | Elevation |
| EL. | Elevation | E.J. | Expansion Joint |
| E.J. | Expansion Joint | ELEC. | Electrical |
| ELEC. | Electrical | ELEV. | Elevator |
| ELEV. | Elevator | EQ. | Equal |
| EQ. | Equal | EQUIP. | Equipment |
| EQUIP. | Equipment | EXP. | Expansion |
| EXP. | Expansion | EXT. | Exterior |
| EXT. | Exterior | (E) | Existing |
| (E) | Existing | F.C. | Fiber Cement |
| F.C. | Fiber Cement | F.E.C. | Fire Extinguisher Cabinet |
| F.E.C. | Fire Extinguisher Cabinet | F.F.L. | Finish Floor Level |
| F.F.L. | Finish Floor Level | FLR. | Floor |
| FLR. | Floor | FLUOR. | Fluorescent |
| FLUOR. | Fluorescent | FIN. | Finish |
| FIN. | Finish | FNDN. | Foundation |
| FNDN. | Foundation | F.O. | Face of |
| F.O. | Face of | F.O.S. | Face of Stud |
| F.O.S. | Face of Stud | F.O.W. | Face of Wall |
| F.O.W. | Face of Wall | FURR. | Furring |
| FURR. | Furring | F.V. | Foundation Vent |
| F.V. | Foundation Vent | GA. | Gauge |
| GA. | Gauge | G.S.M. | Galvanized Sheet Metal |
| G.S.M. | Galvanized Sheet Metal | GALV. | Galvanized |
| GALV. | Galvanized | GLAZ. | Glazing |
| GLAZ. | Glazing | GR. | Grade |
| GR. | Grade | G.W.B. | Gypsum Wall Board |
| G.W.B. | Gypsum Wall Board | GYP. BD. | Gypsum Board |
| GYP. BD. | Gypsum Board | H.C. | Hollow Core |
| H.C. | Hollow Core | H.D. | Hot Dipped |
| H.D. | Hot Dipped | H.M. | Hollow Metal |
| H.M. | Hollow Metal | HR. | Hour |
| HR. | Hour | HT. | Height |
| HT. | Height | INS. | Insulation |
| INS. | Insulation | INT. | Interior |
| INT. | Interior | JT. | Joint |
| JT. | Joint | LEV. | Level |
| LEV. | Level | LT. | Location |
| LT. | Location | LOC. | Location |
| LOC. | Location | M.U. | Masonry Unit |
| M.U. | Masonry Unit | MAX. | Maximum |
| MAX. | Maximum | MECH. | Mechanical |
| MECH. | Mechanical | MEMB. | Member |
| MEMB. | Member | MFR. | Manufacturer |
| MFR. | Manufacturer | MIN. | Minimum |
| MIN. | Minimum | MTD. | Mortared |
| MTD. | Mortared | MTL. | Metal |
| MTL. | Metal | MOD. | Module |
| MOD. | Module | N.I.C. | Not In Contract |
| N.I.C. | Not In Contract | NO. | Number |
| NO. | Number | (N) | New |
| (N) | New | O.A. | Overall |
| O.A. | Overall | O.D. | On Center |
| O.D. | On Center | OPNG. | Opening |
| OPNG. | Opening | OPP. | Opposite |
| OPP. | Opposite | PRE-FIN. | Pre-Finished |
| PRE-FIN. | Pre-Finished | PL. | Property Line |
| PL. | Property Line | PLAS. | Plaster |
| PLAS. | Plaster | PLAS. LAM. | Plastic Laminate |
| PLAS. LAM. | Plastic Laminate | PLY. | Plywood |
| PLY. | Plywood | PT. | Point |
| PT. | Point | RAD. | Radius/Radii |
| RAD. | Radius/Radii | R.W.L. | Rain Water Leader |
| R.W.L. | Rain Water Leader | R.D. | Roof Drain |
| R.D. | Roof Drain | RDWD. | Redwood |
| RDWD. | Redwood | RE. | Refer to |
| RE. | Refer to | REFR. | Refrigerator |
| REFR. | Refrigerator | RES. | Resistant |
| RES. | Resistant | RESIL. | Resilient |
| RESIL. | Resilient | REQD. | Required |
| REQD. | Required | RGD. | Rigid |
| RGD. | Rigid | RM. | Room |
| RM. | Room | R.O. | Rough Opening |
| R.O. | Rough Opening | R.O.D. | Rolling Overhead Door |
| R.O.D. | Rolling Overhead Door | S.C. | Solid Core |
| S.C. | Solid Core | SCHED. | Schedule |
| SCHED. | Schedule | SECT. | Section |
| SECT. | Section | SHT. | Sheet |
| SHT. | Sheet | SIM. | Similar |
| SIM. | Similar | SKD. GD. | Skid Guard |
| SKD. GD. | Skid Guard | ST. STL. | Stainless Steel |
| ST. STL. | Stainless Steel | STD. | Standard |
| STD. | Standard | STRUC. | Structural |
| STRUC. | Structural | SUSP. | Suspended |
| SUSP. | Suspended | THK. | Thick |
| THK. | Thick | THRU. | Through |
| THRU. | Through | T.O. | Top of |
| T.O. | Top of | T.O.C. | Top of Concrete |
| T.O.C. | Top of Concrete | T.O.STL. | Top of Steel |
| T.O.STL. | Top of Steel | T.O.W. | Top of Wall |
| T.O.W. | Top of Wall | TRANSF. | Transformer |
| TRANSF. | Transformer | T.S. | Typical |
| T.S. | Typical | U.O.N. | Unless Otherwise Noted |
| U.O.N. | Unless Otherwise Noted | UND. | Underlayment |
| UND. | Underlayment | VEN. | Veneer |
| VEN. | Veneer | VEST. | Vestibule |
| VEST. | Vestibule | VER. | Verify |
| VER. | Verify | w/ | With |
| w/ | With | WD. | Wood |
| WD. | Wood | W.P. | Water Proofing |
| W.P. | Water Proofing | W.R. | Water Resistant |
| W.R. | Water Resistant | WT. | Weight |
| WT. | Weight | | |

COMMERCIAL DEVELOPMENT

19366 & 19370 SONOMA HIGHWAY
SONOMA, CA 95476
APN: 127-760-001 & 002

GENERAL NOTES

- ALL INFORMATION SHALL COMPLY WITH THE 2013 CALIFORNIA BUILDING, PLUMBING, MECHANICAL AND ELECTRICAL CODES, AND ALL OTHER APPLICABLE NATIONAL, STATE, AND LOCAL CODES, RULES AND REGULATIONS HAVING JURISDICTION.
- DO NOT SCALE DRAWINGS FOR DIMENSIONS.
- ALL DIMENSIONS ARE TO FACE OF STUDS UNLESS OTHERWISE NOTED.
- INSULATION SHALL MEET CALIFORNIA ENERGY COMMISSION QUALITY STANDARDS AND BE CERTIFIED BY THE MANUFACTURER.
- ALL WINDOWS AND DOORS SHALL BE DOUBLE GLAZED U.O.N.
- ALL GLAZING IN DOORS, WITHIN 24" OF DOORS AND ADJACENT TO BATHTUBS AND SHOWERS, SHALL BE TEMPERED PER CBC.
- GENERAL LIGHTING IN KITCHENS AND BATHS SHALL HAVE AN EFFICIENCY OF 40 LUMENS PER WATT.
- ALL TOILETS ARE TO BE ULTRA LOW FLOW 1.8 GALLONS MAXIMUM FLUSH CAPACITY.
- SHOWERS: WALLS TO BE NONABSORBENT TO MIN. 72" ABOVE DRAIN. FINISH FLOOR SLOPE TO BE 1/4" TO 1/2" PER FT. PAN LINER TO ROLL OVER TOP OF ROUGH THRESHOLD CURB AND FASTEN TO OUTSIDE EDGE. WHERE NO CURB, PAN LINER TO LAP UNDER ADJACENT FLOOR BACKER BOARD MIN. 1" O.P. WEEP HOLES REQUIRED AT DRAIN; WEEP HOLES TO REMAIN CLEAR AND UNOBSTRUCTED BY MORTAR.
- SMOKE DETECTORS SHALL BE INTERCONNECTED AND "HARD" WIRED IN CEILINGS NEAR ALL SLEEPING AREAS AS PER CBC 314.
- ALL WATER PIPING TO BE COPPER PIPE.
- ALL DRAINAGE PIPING TO BE ABS SCHEDULE 40.

SCOPE OF WORK

THE PROPOSAL INCLUDES THE CONSTRUCTION OF TWO IDENTICAL 2,987 SF, TWO-STORY BUILDINGS. PROPOSED OCCUPANCY IS 'GROUP B' COMMERCIAL.

OPEN SPACE IS ACHIEVED THROUGH HARDSCAPE AND PLANTED LANDSCAPE SET WITHIN THE FRONT YARD SETBACK.

LANDSCAPING WILL INCLUDE ENGINEERED BIORETENTION FACILITIES IN THE FRONT AND SIDE YARDS TO MEET THE CITY'S STORMWATER MANAGEMENT REQUIREMENTS.

EXTERIOR FINISHES:

- PAINTED BOARD AND BATTEN SIDING
- DARK BRONZE ANODIZED DOORS AND WINDOWS
- METAL RAILINGS
- STANDING SEAM METAL ROOFING

CODE REFERENCE

| | |
|---|----------|
| BUILDING DESIGNED TO MEET THE FOLLOWING CODES: | |
| CALIFORNIA RESIDENTIAL CODE: | 2013 CRC |
| CALIFORNIA BUILDING CODE: | 2013 CBC |
| CALIFORNIA MECHANICAL CODE: | 2013 CMC |
| CALIFORNIA ELECTRICAL CODE: | 2013 CEC |
| CALIFORNIA PLUMBING CODE: | 2013 CPC |
| CALIFORNIA FIRE CODE: | 2013 CFC |
| CALIFORNIA ENERGY CODE: | 2013 CEC |
| TITLE 24 CALIFORNIA ENERGY EFFICIENCY STANDARDS | 2013 |

PROJECT INFO.

| | |
|---|--------------------------|
| PARCEL NUMBER: | A.P.N. 127-760-001 & 002 |
| COMBINED LOT AREA: | 12,654 SF |
| BASE ZONING: | C |
| COMBINING DISTRICT: | NONE |
| CONSTRUCTION TYPE: | V-1 |
| OCCUPANCY GROUP: | B |
| BUILDING USE: | COMMERCIAL |
| FIRE SPRINKLERS: | Y |
| FLOOR AREA (EA): | |
| OPEN GARAGE: | 798 S.F. |
| FIRST FLOOR: | 1,130 S.F. |
| SECOND FLOOR: | 1,854.5 S.F. |
| GROSS FLOOR AREA (EA): | 2,984.5 S.F. |
| TOTAL GROSS FLOOR AREA: | 5,969 S.F. |
| ZONING 'C' COMMERCIAL: | |
| ALLOWABLE FAR: 80% (OR 10,124 S.F.)...PROPOSED: 47% | |
| MAX. SITE COVERAGE: 70% (OR 8,857 S.F.)...PROPOSED: 69% | |
| MIN. OPEN SPACE REQUIREMENT: 7% (OR 886 S.F.)...PROPOSED 32% | |
| PARKING: | |
| 1 SPACE PER 300 S.F. OR 5,744 S.F. = 20 SPACES REQUIRED...PROPOSED: 21 SPACES | |
| MAX. 30% (OR 8 SPACES) CAN BE COMPACT | |
| 1 H.C. STALL REQUIRED WITH 1 VAN SIZED ADJACENT UNLOADING SPACE | |

CODE ANALYSIS

| | |
|---|----------|
| BUILDING DESIGNED TO MEET THE FOLLOWING CODES: | |
| CALIFORNIA RESIDENTIAL CODE: | 2013 CRC |
| CALIFORNIA BUILDING CODE: | 2013 CBC |
| CALIFORNIA MECHANICAL CODE: | 2013 CMC |
| CALIFORNIA ELECTRICAL CODE: | 2013 CEC |
| CALIFORNIA PLUMBING CODE: | 2013 CPC |
| CALIFORNIA FIRE CODE: | 2013 CFC |
| CALIFORNIA ENERGY CODE: | 2013 CEC |
| TITLE 24 CALIFORNIA ENERGY EFFICIENCY STANDARDS | 2013 |

CONTACTS

| | |
|--------------------------|--|
| OWNER: | ALICIA HANSEL KIBBY ROAD LLC 415-215-8356 ALICIA@KIBBYROAD.COM |
| ARCHITECT / OWNER AGENT: | SCOTT LANDRY STEVEN MOSELEY STUDIO 101 DESIGNS 101 H STREET, SUITE C PETALUMA, CA 94952 707-778-0101 SCOTT@STUDIO101DESIGNS.COM STEVEN@STUDIO101DESIGNS.COM |

SHEET INDEX

| | |
|----------------------|--|
| T.001 | COVER SHEET - VICINITY MAP, GENERAL INFORMATION, SHEET INDEX |
| ARCHITECTURAL | |
| A.101 | PROPOSED SITE PLAN |
| A.211 | FIRST & SECOND FLOOR PLANS |
| A.221 | ROOF PLAN |
| A.301 | EXTERIOR ELEVATIONS |
| A.401 | BUILDING SECTIONS |
| LANDSCAPE | |
| L1.0 | LANDSCAPE PLAN |
| L1.1 | PLANTING IMAGERY |

studio 101 designs
101 H St., SUITE C, Petaluma, CA 94952
ph: 707.778.0101
www.studio101designs.com

NOT FOR CONSTRUCTION

COMMERCIAL DEVELOPMENT
19366 & 19370 SONOMA HWY, SONOMA CA (APN: 127-760-001 & 002)

COVER SHEET

| Rev | By | Description | Date |
|-----|----|-------------------|----------|
| | SM | DRHPC SUBMITTAL | 03/10/16 |
| | SM | DRHPC RESUBMITTAL | 07/16/16 |

| | |
|--------------|----------|
| Designer: | SM |
| Drawn By: | SM |
| Date: | 03/10/16 |
| Project No.: | 101509 |
| Scale: | AS SHOWN |

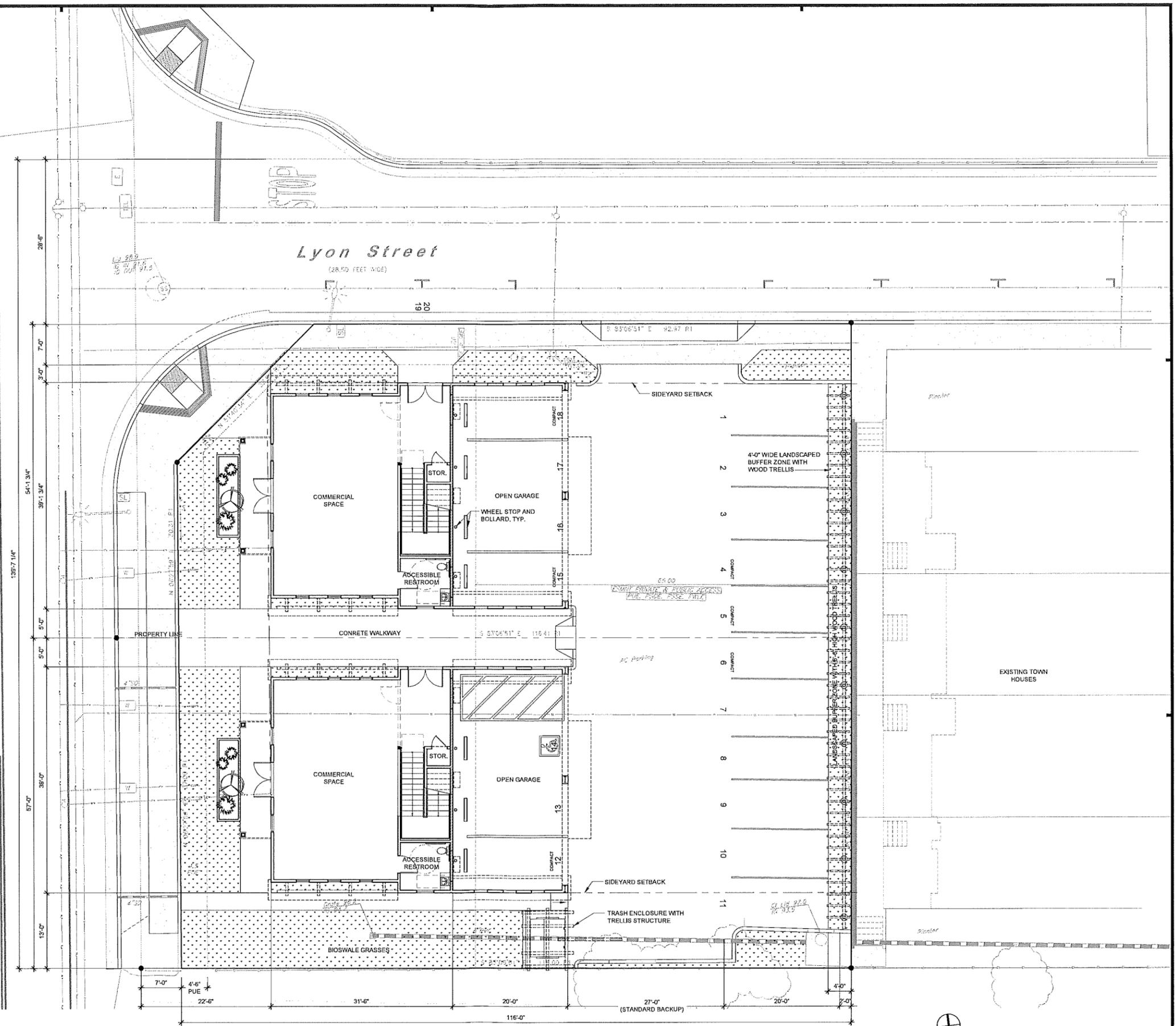
T.001

Sheet:

As Shown (As of 1/1/20)

Sonoma Highway

(67 FEET WIDE, APNES)



PROPOSED SITE PLAN

SCALE: 1/8" = 1'-0"

studio 101 designs
 101 H St., SUITE C, Petaluma, CA 94952
 ph. 707 778 0101
 www.studio101designs.com

NOT FOR CONSTRUCTION

Project: COMMERCIAL DEVELOPMENT
 19366 & 19370 SONOMA HWY, SONOMA CA (APN: 127-760-001 & 002)
 Title: PROPOSED SITE PLAN

| Rev | By | Description | Date |
|-----|----|-----------------|----------|
| | SM | DRHPC SUBMITTAL | 03/10/16 |

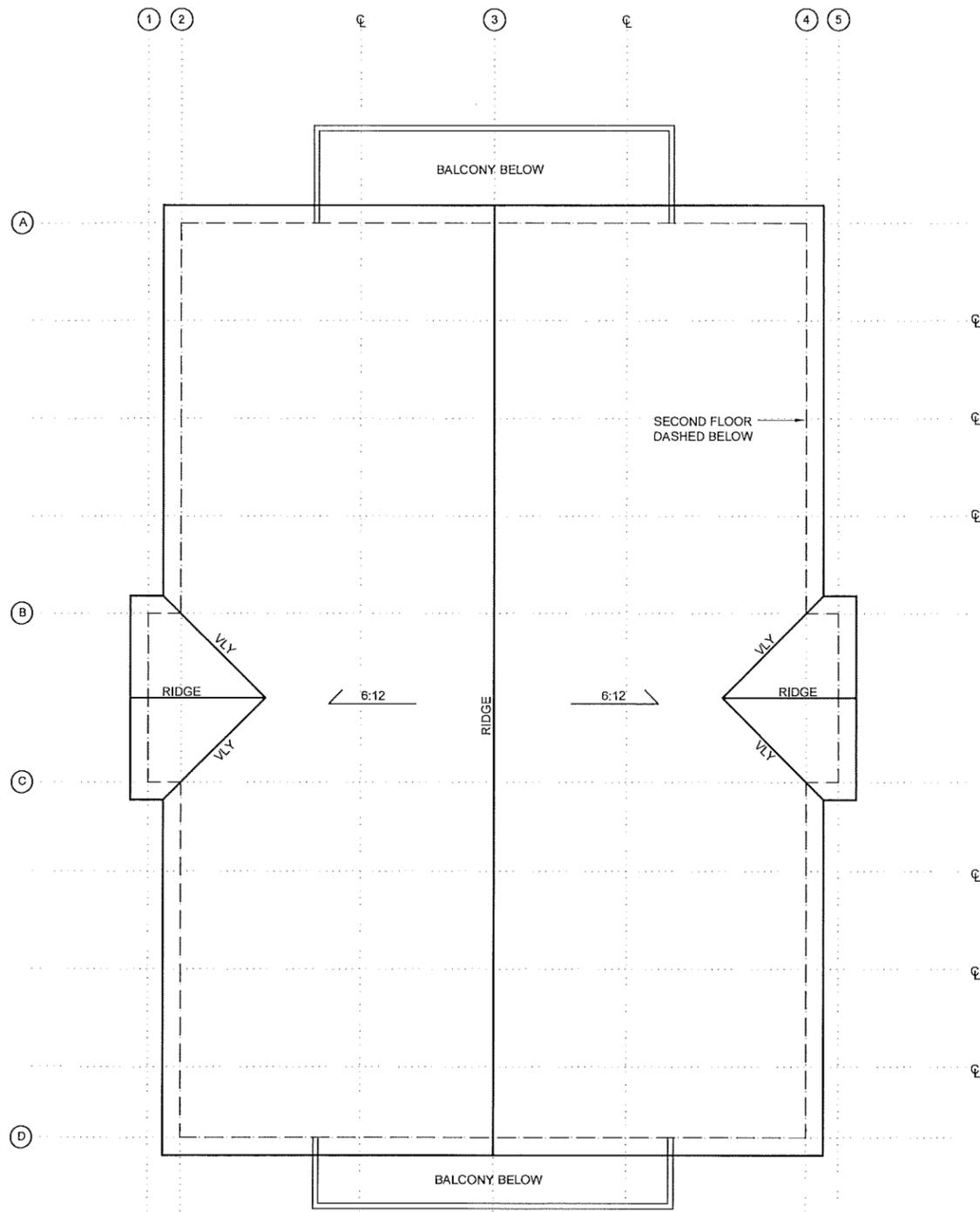
| | |
|--------------|----------|
| Designer: | SM |
| Drawn By: | SM |
| Date: | 03/10/16 |
| Project No.: | 101509 |
| Scale: | AS SHOWN |

Sheet: A.101

ROOF PLAN



SCALE: 1/4" = 1'-0"



Sheet:
A.221

| | |
|--------------|----------|
| Designer: | SL |
| Drawn By: | SM |
| Date: | 03/10/16 |
| Project No.: | 101509 |
| Scale: | AS SHOWN |

| Rev | By | Description | Date |
|-----|----|-------------------|----------|
| | SM | DRHPC SUBMITTAL | 03/10/16 |
| | SM | DRHPC RESUBMITTAL | 07/18/16 |
| | | | |
| | | | |

Project:
COMMERCIAL DEVELOPMENT
19366 & 19370 SONOMA HIWY, SONOMA CA (APN: 127-760-001 & 002)

Title:
PROPOSED ROOF PLAN

NOT FOR CONSTRUCTION

studio **101** designs
101 H St., SUITE C, Petaluma, CA 94952
ph: 707 778 0101
www.studio101designs.com



NORTH (STREET SIDE) ELEVATION

SCALE: 1/4"=1'-0"

A



WEST (STREET SIDE) ELEVATION

SCALE: 1/4"=1'-0"

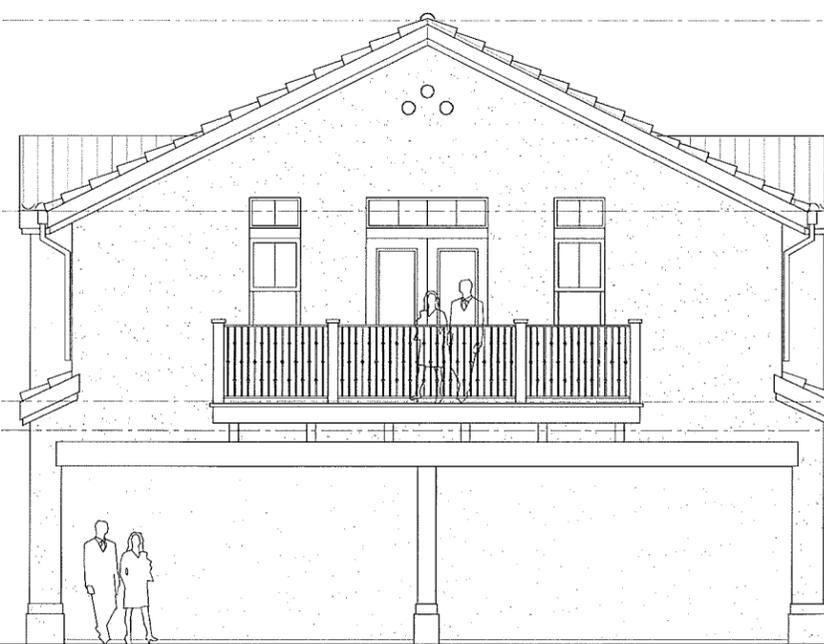
B



SOUTH (INTERIOR SIDE) ELEVATION

SCALE: 1/4"=1'-0"

C



EAST (PARKING SIDE) ELEVATION

SCALE: 1/4"=1'-0"

D

studio 101 designs
 101 H St., SUITE C, Petaluma, CA 94952
 ph. 707 778 0101
 www.studio101designs.com

NOT FOR CONSTRUCTION

Project: COMMERCIAL DEVELOPMENT
 19366 & 19370 SONOMA HIWY, SONOMA CA (APN: 127-760-001 & 002)
 Title: PROPOSED EXTERIOR ELEVATIONS

| Rev | By | Description | Date |
|-----|----|-------------------|----------|
| | SM | DRHPC SUBMITTAL | 03/01/16 |
| | SM | DRHPC RESUBMITTAL | 07/18/16 |

| | | |
|--------------|----------|----------|
| Designer: | SL | SM |
| Drawn By: | 03/01/16 | 101559 |
| Date: | | AS SHOWN |
| Project No.: | | |
| Scale: | | |

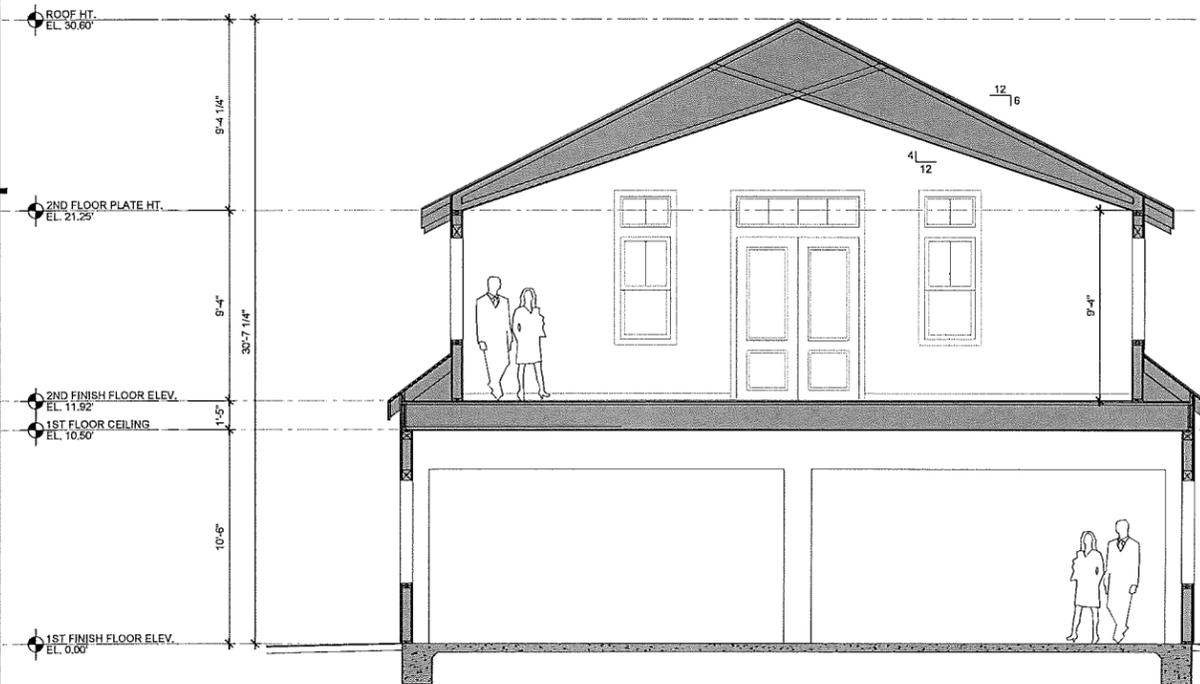
Sheet: A.301



LONGITUDINAL BUILDING SECTION

SCALE: 1/4"=1'-0"

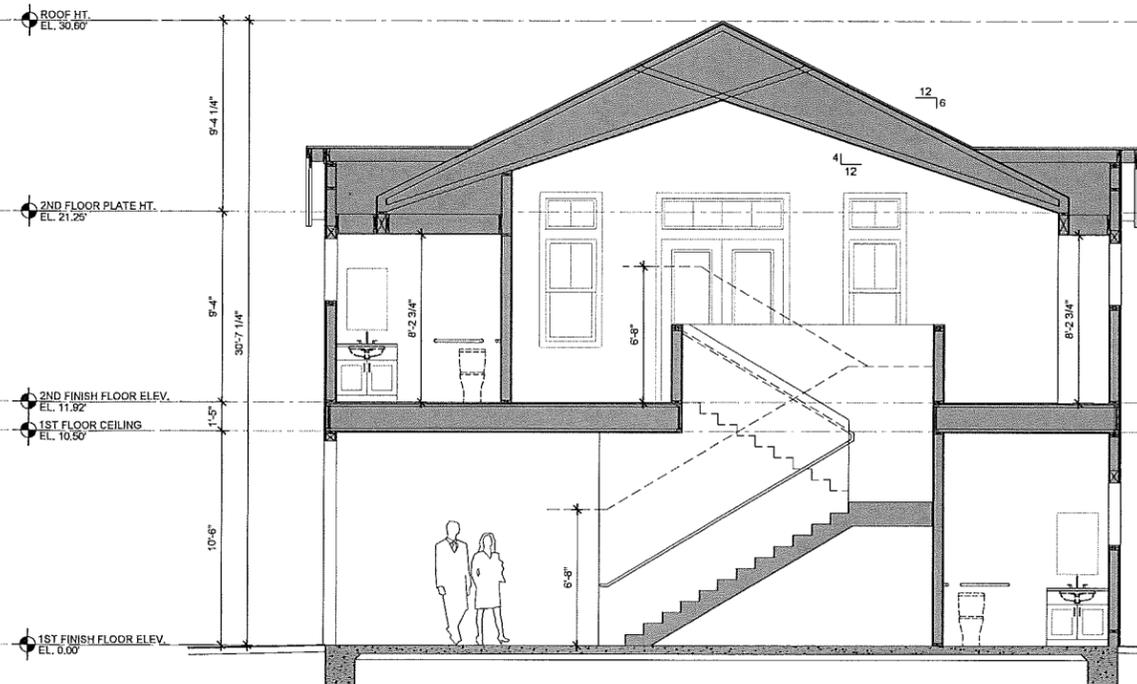
C



BUILDING CROSS SECTION

SCALE: 1/4"=1'-0"

A



BUILDING CROSS SECTION

SCALE: 1/4"=1'-0"

B

studio 101 designs
 101 H St., SUITE C, Petaluma, CA 94952
 ph. 707 778 0101
 www.studio101designs.com

NOT FOR CONSTRUCTION

Project: COMMERCIAL DEVELOPMENT
 19366 & 19370 SONOMA HIWAY, SONOMA CA (APN: 127-760-001 & 002)

Title: PROPOSED BUILDING SECTIONS

| Rev | By | Description | Date |
|-----|----|-------------------|----------|
| | SM | DRHPC SUBMITTAL | 03/10/16 |
| | SM | DRHPC RESUBMITTAL | 07/18/16 |

| | | |
|--------------|----------|--------|
| Designer: | SL | SM |
| Drawn By: | 03/10/16 | 101569 |
| Date: | AS SHOWN | |
| Project No.: | | |
| Scale: | | |

Sheet: A.401

Commercial Development
19366 & 19370 Sonoma HWY
Sonoma, Ca 95476

Owner: _____

| | |
|-----------|-------|
| △ | _____ |
| △ | _____ |
| △ | _____ |
| △ | _____ |
| Revisions | Date |

Landscape

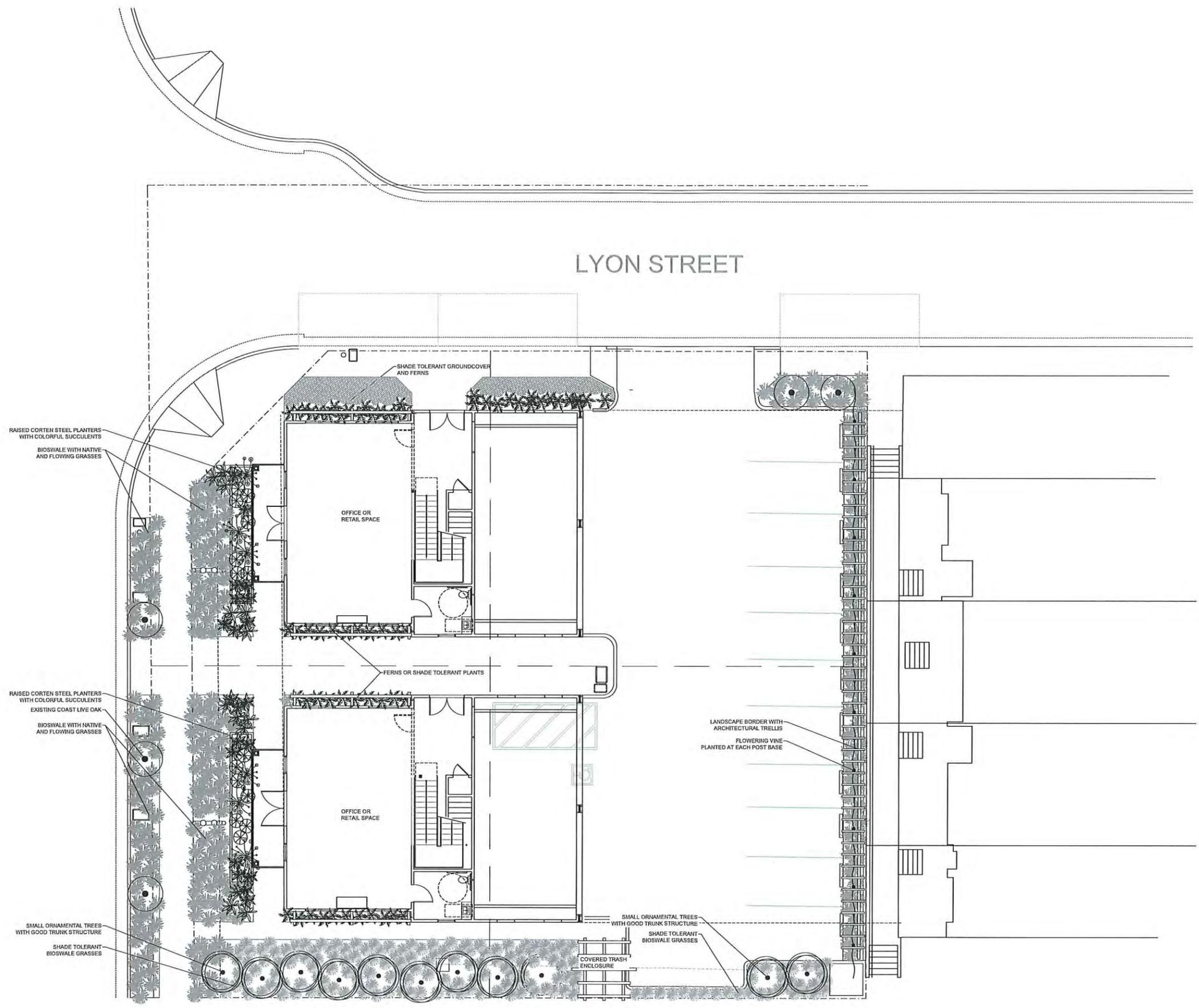
Job #: SON101
Issue Date: 06.29.2016
Drawn By: hf

Landscape Plan

Scale: 1/8"=1'-0"
Sheet: _____

SONOMA HIGHWAY 12

LYON STREET



1 **LANDSCAPE PLAN**
SCALE: 1/8"=1'-0"

PLAN





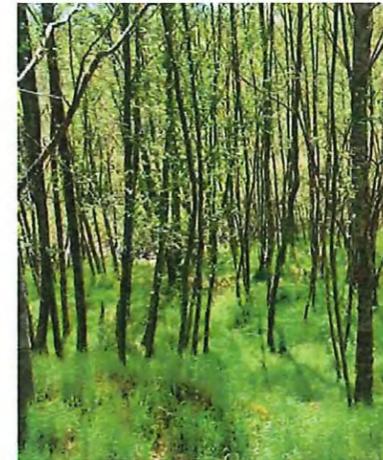
Clematis armandii "Evergreen Clematis"



Trachelospermum jasminoides "Star Jasmine"



Cercis canadensis "Eastern Redbud"



Alnus rubra "Red Alder"



Vines for Trellis

Small Ornamental Trees



Delta Blue Grass Bioswale Mix



Muhlenbergia rigins "Deer Grass"



Festuca rubra "Red Fescue"



Carex divulsa "Berkeley Sedge"



Polystichum minutem "Western Sword Fern"

Bioswale Grasses

Shade Plants



Aloe stricta



Agave attenuata



Yucca "Bright Star"



Aloe "Blue Glow"



Bulbine frutescens



Echeveria imbricata



Echeveria "Afterglow"

Succulents

Commercial Development
19366 & 19370 Sonoma HWY
Sonoma, Ca 95476

Owner:

| | |
|-----------|-------|
| △ | _____ |
| △ | _____ |
| △ | _____ |
| △ | _____ |
| Revisions | Date |

Landscape

Job #: _____ SON101

Issue Date: _____ 06.09.2016

Drawn By: _____ hf

Plant Palette

Scale: _____ nts

Sheet: _____

Commercial Development
19366 & 19370 Sonoma HWY
Sonoma, Ca 95476

Owner: _____

| | |
|-----------|-------|
| △ | _____ |
| △ | _____ |
| △ | _____ |
| △ | _____ |
| Revisions | Date |

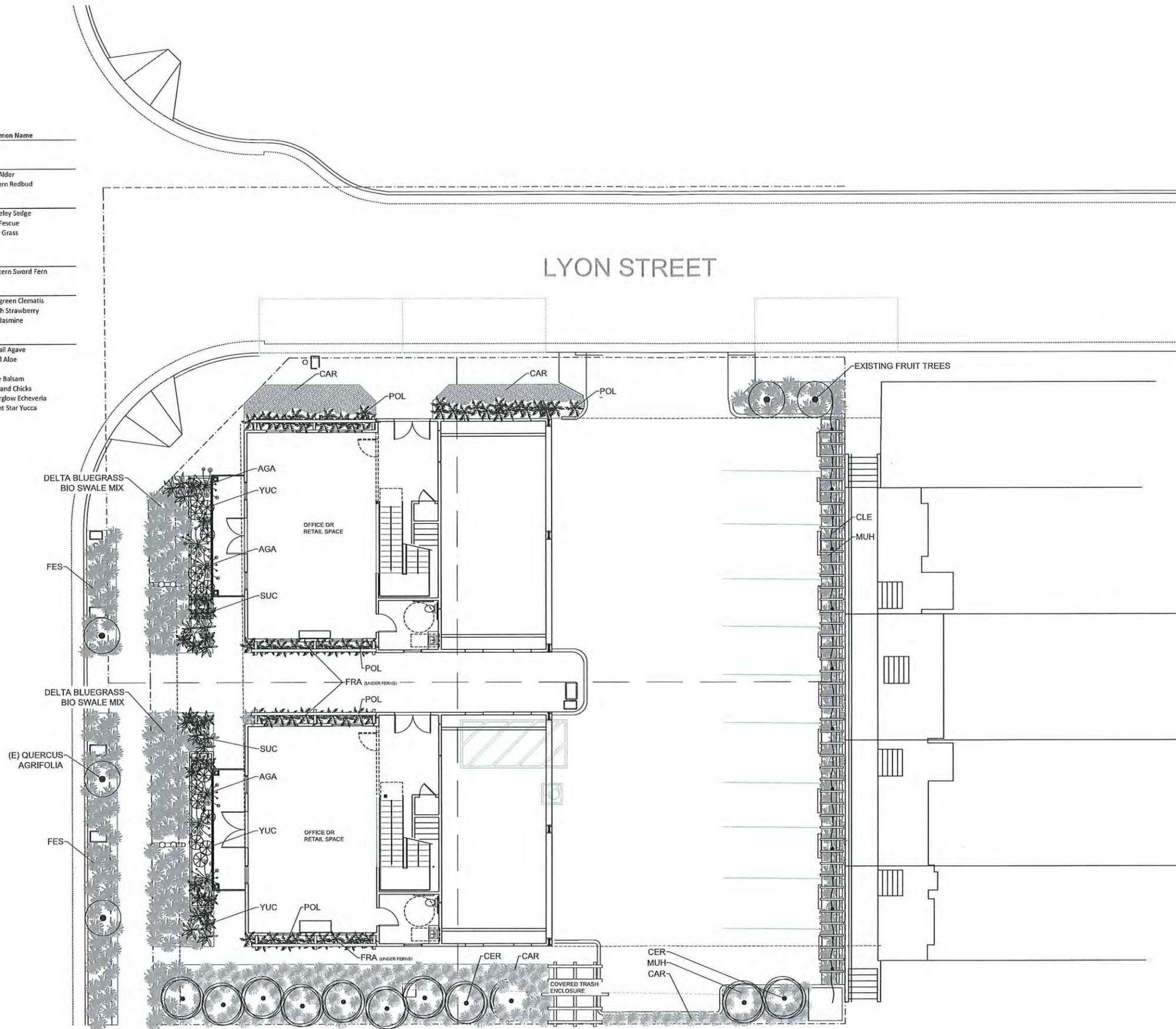
Landscape

Job #: _____ SON101
Issue Date: _____ 06.29.2016
Drawn By: _____ hf

Planting Plan

Scale: _____ 1/8"=1'-0"
Sheet : _____

| Symbol | Latin Name | Common Name |
|--------------------------|------------------------------------|---------------------|
| Trees | | |
| ALN | <i>Alnus rubra</i> | Red Alder |
| CER | <i>Cercis canadensis</i> | Eastern Redbud |
| Grasses | | |
| CAR | <i>Carex divulsa</i> | Berkeley Sedge |
| FES | <i>Festuca rubra</i> | Red Fescue |
| MUH | <i>Muhlenbergia rigens</i> | Deer Grass |
| DELTA | Delta Blue Grass Bioswale Mix | |
| Ferns | | |
| POL | <i>Polystichum munitum</i> | Western Sword Fern |
| Vines/Groundcover | | |
| CLE | <i>Clematis armandii</i> | Evergreen Clematis |
| FRA | <i>Fragaria chiloensis</i> | Beach Strawberry |
| TRA | <i>Trachelospermum jasminoides</i> | Star Jasmine |
| Succulents | | |
| AGA | <i>Agave attenuata</i> | Foxtail Agave |
| ALE | <i>Aloe striata</i> | Coral Aloe |
| SUC | <i>Aloe "Blue Glow"</i> | NCN |
| SUC | <i>Bulbine frutescens</i> | Cape Balsam |
| SUC | <i>Echeveria "Imbricata"</i> | Hen and Chicks |
| SUC | <i>Echeveria "Afterglow"</i> | Afterglow Echeveria |
| YUC | <i>Yucca "bright star"</i> | Bright Star Yucca |



1 PLANTING PLAN
SCALE: 1/8"=1'-0"

PLAN



Commercial Development
19366 & 19370 Sonoma HWY
Sonoma, Ca 95476

Owner:

| | |
|-----------|-------|
| △ | _____ |
| △ | _____ |
| △ | _____ |
| △ | _____ |
| Revisions | Date |

Landscape
Job #: _____ SON101
Issue Date: _____ 06.29.2016
Drawn By: _____ hf

Hydrozone Layout

Scale: _____ 1/8"=1'-0"
Sheet: _____

WATER EFFICIENT LANDSCAPE WORKSHEET
Prepared 12/1/15
This worksheet is filled out by the project applicant and is a required element of the Landscape Documentation Package

Reference Evapotranspiration (ET₀) 46.1

| Hydrozone # (Planting Description) | Plant Factor (PF) | Irrigation Method ² | E _{tc} (ET ₀ x PF) | ETAF (E _{tc}) | Landscape Area (sq. ft.) | ETAF x Area | Estimated Total Water Use (ETWU) ³ |
|--|----------------------|-----------------------------------|---|----------------------------|-----------------------------|---|---|
| Regular Landscape Areas | | | | | | | |
| 1 - Very Low Water | .1 | Drip | .32 | .32 | 220 sf | 26 | 755 |
| 2 - Low Water (Drip) | .3 | Drip | .37 | .37 | 1,060 sf | 392 | 11,210 |
| 3 - Low Water (Spray) | .3 | Spray | .75 | .225 | 430 sf | 96.75 | 2,765 |
| 4 - Medium Water | .4 | Drip | .49 | .49 | 1,050 sf | 515 | 14,705 |
| Totals | | | | | 2,760 sf | 1,029 | 29,435 |
| Special Landscape Areas | | | | | | | |
| | | | | | 1 | | |
| | | | | | 1 | | |
| | | | | | 1 | | |
| Totals | | | | | (C) | (D) | |
| | | | | | | ETWU Total | |
| | | | | | | Maximum Allowed Water Allowance (MAWA) ⁴ | 29,435 |

ETAF Calculations

Regular Landscape Areas

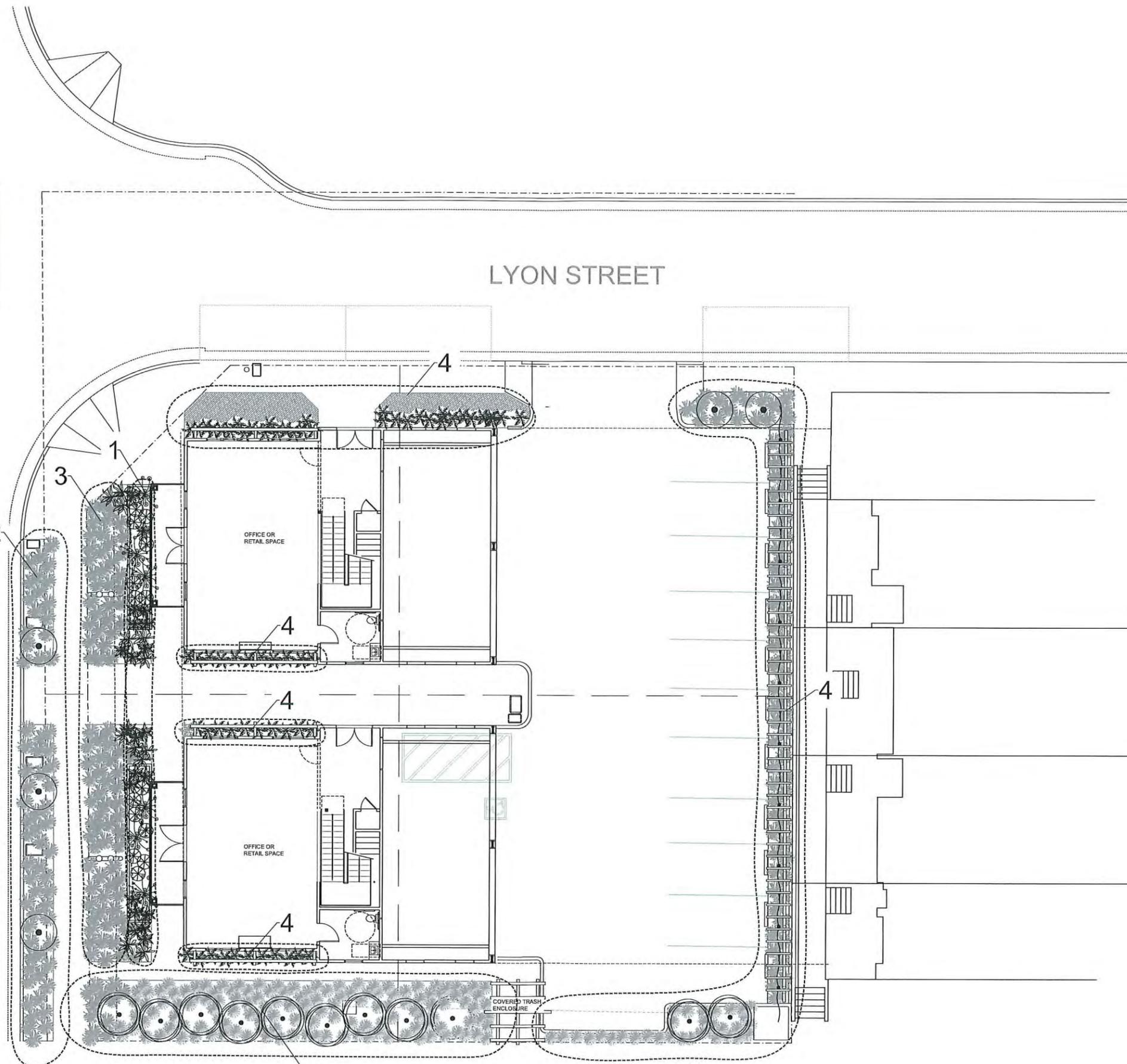
| | |
|-------------------|-------|
| Total ETAF x Area | 1,029 |
| Total Area | 2,760 |
| Average ETAF | .37 |

All Landscape Areas

| | |
|-------------------|-------|
| Total ETAF x Area | 1,029 |
| Total Area | 2,760 |
| Sidewalk ETAF | .37 |

SONOMA HIGHWAY 12

LYON STREET



1 HYDROZONE LAYOUT
SCALE: 1/8"=1'-0"

PLAN



RENDERING

19366+19370 SONOMA HIGHWAY



MISSION STYLE TILES
(COLOR A)

STUCCO
(COLOR B)

EXTERIOR LIGHTING
(COLOR C)

ORNAMENTAL METAL
RAILING
(COLOR C)

WINDOWS & DOORS
(COLOR D)

GUARDRAIL POSTS
PAINTED TO MATCH
(COLOR D)

DOWNSPOUTS
PAINTED TO MATCH
(COLOR D)

COLUMNS
PAINTED TO MATCH
SIDING
(COLOR D)



JUL 18 2016

COLOR BOARD

19366+19370 SONOMA HIGHWAY

COLOR

A



EL CAMINO BLEND
BORAL ROOFING

COLOR

B



BM "SWISS COFFEE" OC-45
LT. SAND STUCCO TEXTURE

COLOR

C



OIL RUBBED BRONZE

COLOR

D



COCOA BEAN
ANDERSEN WINDOWS



JUL 18 2016

**CITY OF SONOMA
DESIGN REVIEW AND HISTORIC PRESERVATION COMMISSION
REGULAR MEETING
August 16, 2016
Community Meeting Room, 177 First Street West, Sonoma, CA
Draft MINUTES**

Chair Randolph called the meeting to order at 6:30 p.m.

Present: Chair Randolph, Comms. Essert, Barnett, Johnson, Tippell, Cory (Alternate)

Absent:

Others Present: Associate Planner Atkins, Administrative Assistant Morris

Chair Randolph stated that no new items would be heard after 10:30 p.m. unless the Design Review and Historic Preservation Commission so decides. Any decisions made tonight can be appealed within 15 days to the City Council. She reminded everyone to turn off cell phones and pagers.

COMMENTS FROM THE PUBLIC: Patricia Cullinan, resident, questioned if the plan approved by the DRHPC is the same project under construction at 158-172 West Napa Street and whether a demolition permit was approved for the Hawker House. She distributed a letter to the commissioners.

Associate Planner Atkins will report back after review of the building permits.

Comm. Essert made a motion to approve the minutes of July 19, 2016, as submitted. Comm. Johnson seconded. The motion was unanimously approved 5-0.

Correspondence: Late mail was received on Item #1 from Stephen Moseley, Henry Fleishman, Alicia Razzari, and Item #4 from Willy North.

Item 1- Continued consideration of design and landscaping review for two commercial buildings at 19366 and 19370 Sonoma Highway.

Applicant: Studio 101 Designs

Associate Planner Atkins presented the staff report.

Steve Moseley, project manager/Studio 101 Designs, said the developer was not able to attend the meeting but two productive meetings with the neighbors resulted in project modifications consisting of a new stucco building design, a clay tile roof. Landscape plan revision include an increased landscape buffer on the east side of the property containing a vine trellis to mask the guard rail and wall, which will eventually provide a visual barrier. Mr. Moseley presented a proposed design which includes a series of cypress trees intermixed in the trellis in an attempt to mask some of the second story windows. The property owner is doing everything she can to see that the gate becomes automated.

Comm. Barnett confirmed with Mr. Moseley that the cypress trees were recommended by the landscape architect.

Chair Randolph opened the item to public comment.

Brian Rowlands, 880 Lyon Street, is concerned with parking, garbage service, and the broken gate. He discussed many non-compliance issues with the conditions of approval including landscaping, pavement markings, and park development. He would like to see detailed plans including landscaping, parking spaces, and building dimensions. In addition, he would like the gate to be automated and the trash enclosure fully enclosed.

Steve Jennings, 868 Palou Street, is not satisfied with the revised site plan. He concurred with his neighbors that the gate is a defective common feature and parking and trash enclosures must comply with City standards. He requested the developer provide for more plants in the townhome area to provide a privacy buffer and fix the gate. On a positive note Mr. Jennings stated that none of the residents of the Villas de Luna are opposed to the commercial building and were pleased with the revised design.

Jack Ding, 859 Palou Street, appreciated the commission's recommendation for more dialogue between the developer and residents that proved productive. He would like the developer to do more research on trees that use less water than redbuds. He is also concerned with Valley Oak residents parking in Villas de Luna resident parking areas.

Nick Dolata, 856 Palou Street and Villas de Luna/HOA board member, is pleased with the ongoing discussions between the developer and HOA members. He is concerned with the garage and would like to see an enclosed garbage area utilizing garbage cans rather than a dumpster. He wants to have a meeting with the City of Sonoma and the Valley Oaks manager to discuss issues such as widening Lyon Street. He would like to see flowering trees mixed in with the trellis on the east portion of the property.

Maria Pecavar, resident, (900 and 904 Lyon St.) is mainly concerned with parking.

Nick Dolata, neighbor, stressed the importance of a functional electric gate.

Chair Randolph closed the item to public comment.

Comm. Johnson inquired if the landscape plan described is the final rendering.

Chair Randolph reopened the item to public comment.

Comm. Essert confirmed details with Mr. Moseley of the buffer area and confirmed that the applicant would be open to considering adding shrubs to the area.

The developer met with Associate Planner Atkins and Planning Director Goodison to review the tree placement/landscape plan and parking plan.

Comm. Essert confirmed with staff that 21 parking spaces were proposed.

Steve Jennings, resident, disagreed with the applicant's statement that an agreement was made with the residents regarding the cypress trees.

Chair Randolph closed the item to public comment.

Comm. Johnson agreed with Comm. Barnett that an opaque wall is necessary and water usage is critical. He would like to see an enclosed trash area.

Comm. Tippell is satisfied with the architectural features, roof materials, and color scheme. She does not support the cypress trees and recommended a tree with a canopy for privacy screening. She recognized that parking and the gate are huge issues and should be addressed.

Comm. Barnett concurred with Comms. Tippell and Johnson's comments and said many concerns expressed are not under the DRHPC's purview. He liked the new design and that it was compatible with the surrounding area. He felt the landscape plan required more work. The gate and the parking issues are outside of the DRHPC's purview. He indicated that some speakers had eluded to an appeal and maybe these other issues can be addressed by the City Council. Work still needs to be done on the landscape plan. He wanted to be on the record of stating there is something wrong with the parking in this area.

Comm. Essert agreed with his fellow commissioner's comments and is impressed with the building details and trellis. He liked the details of the building design and the elegant roof. He thought the trellis element is a nice addition and would like to see the addition of trees.

Chair Randolph applauded the efforts made but was disappointed that neither the owner nor the landscape architect were present.

Associate Planner Atkins said the commission's discretion is limited to design review of the commercial buildings, trash enclosure, and the landscape plan.

Comm. Barnett confirmed that 2005 State water standards did not apply and a variance is not an option.

Chair Randolph reopened the item to public comment.

Brian Rowlands, resident, requested the developer install irrigation to the planter strips on the townhome properties and the gate be electrified.

Steve Moseley, project manager, confirmed that the DRHPC was in support of the design of the commercial buildings and the landscape plan in general with the exception of the landscape buffer area. He pointed out that the site plan approved by the Planning Commission did not include a buffer area. He felt that the developer was being penalized for working with the neighbors on a solution.

Nick Dolato, neighbor, requested more landscaping consideration for the residents to the south.

Chair Randolph closed the item to public comment.

Comm. Barnett is satisfied with additional trees.

Associate Planner Atkins offered the following options: 1) Approve the design review of the commercial buildings and continue the review of the landscape plan to a future meeting; 2) Deny the entire application; 3) Continue the entire application to a future meeting; or, 4) Approve the design review of the commercial buildings and the landscape plan (with or without modifications) with conditions of approval including fully enclosing the trash enclosure area.

Comm. Tippell asked if the design review could be approved and the landscape plan denied?

Comm. Barnett made a motion to approve the architectural renderings and design as submitted with a condition of approval that the trash enclosure area be fully enclosed and deny the landscape proposal as submitted. Comm. Johnson seconded. The motion carried unanimously (5-0).

Item 2- Consideration of site design and architectural review of an addition to a residence at 277 Fourth Street East.

Applicant: Sutton Suzuki Architects

Associate Planner Atkins presented the staff report.

Comm. Essert questioned the setback requirements

Associate Planner Atkins responded there is a minimum front and rear setback of 30 feet. The neighbor's property is a further distance away.

Peter Sealey, property owner/Sealey Mission Vineyard, proposed a 1,500 square foot addition.

Comm. Barnett reviewed the historic report and questioned the historic integrity of the building.

Mr. Sealey discussed the relevance of questioning the Historic report from 2010 and construction history for the site. He clarified the address of 249 Fourth Street East is on the frontage road and 247 Fourth Street East is setback.

Comm. Barnett explained his reasoning for asking the questions is that if the home was Historic in 2010, even though it was remodeled, then renovations made today must meet the standards.

Chair Randolph opened the item to public comment.

Shawn Beatty, property caretaker of reconverted main house is referred to as the main house.

Alice Duffee, ADP Preservation, discussed the merits of the historic report. She stated that exterior modifications of a historic structure come under the review of the DRHPC.

Chair Randolph closed the item to public comment.

Comm. Johnson recommended more clarification before making a decision.

Comm. Tippell did not want to penalize the applicant by delaying a decision but respected the consensus of her fellow commissioners.

Comm. Barnett is convinced there might have been some information in 2010 that would assist in his evaluation.

Comm. Essert sympathized with the project team's concern about postponing the item but in his opinion the role of the commission is to preserve the historic integrity of sites.

Comm. Barnett made a motion to continue the item to a future meeting after staff confirmed the background in 2010, and that addresses locations. Comm. Essert seconded. The motion was unanimously approved (5-0).

Item 3- Demolition Review of a single-family residence and detached garage at 630 Austin Avenue.

Applicant: Jeanne Montague and Chad Overway

Associate Planner Atkins presented the staff report.

Chad Overway, owner, hired Alice Duffee to prepare the Historic report. He will hand demolish the building and recycle the materials.

Chair Randolph opened the item to public comment.

Patricia Cullinan, resident, supported the demolition and applauded the applicant.

Joe Aaron, neighbor, said the new home will add value.

Fred Gilbert, neighbor, felt the demolition will upgrade the community.

Kathy Obert, neighbor, is pleased with the hand demolition process since there will be less disturbance for the neighbors.

Chair Randolph closed the item to public comment.

Comm. Barnett made a motion to approve the demolition of the single-family residence and detached garage with the following condition of approval: Photo-documentation of the buildings shall be submitted to the Sonoma League for Historic Preservation and to the City of Sonoma prior to demolition. Comm. Johnson seconded. The motion was unanimously approved (5-0).

Item 4- Design Review- Consideration of design review for a new single-family residence and detached garage and detached guesthouse at 630 Austin Avenue.

Applicant: Jeanne Montague and Chad Overway

Associate Planner Atkins presented the staff report.

Jeanne Montague, homeowner, received positive feedback from neighborhood outreach.

Comm. Essert questioned if the high reflectivity of the glass windows was discussed.

The applicant responded that with the existing westerly exposure the resulting reflectivity would be less than 20 percent. Landscape screening on the south and north property lines will be blocked by new and existing landscaping.

Chair Randolph opened the item to public comment.

Joe Aaron, neighbor, supported the plan and viewed it as an improvement.

Comm. Johnson appreciated the low profile of the modern structure.

Comm. Tippell appreciated the contemporary single story home and congratulated the homeowner for successfully working with the neighbors.

Comm. Barnett appreciated the complete package and enthusiastically supported the project.

Comm. Essert concurred with his fellow commissioner's comments.

Chair Randolph was satisfied with the site design.

Patricia Cullinan, resident, supported the demolition and applauded the applicant.

Joe Aaron, neighbor, is impressed with the quality craftsmanship of the homes built by Chad Overway AIA, RIBA.

Fred Gilberd, neighbor, supported the proposal.

Pam Gilberd, neighbor, is pleased with the creativity of the fence.

Jeanne Montague, homeowner, said the majority of the landscaping will remain.

Chair Randolph closed the item to public comment.

Comm. Essert supported the project.

Comm. Barnett appreciated the hand demolishing process for building green.

Comms. Tippell, Johnson and Chair Randolph concurred with their fellow commissioners. Comm. Essert made a motion to approve the project as submitted. Comm. Tippell seconded. The motion was unanimously approved (5-0).

Issues Update:

A Draft Water Efficiency Landscape Ordinance will be heard at the next meeting.

The City Council will hear an appeal of the DRHPC decision to approve the project at 314-324 Second Street East on August 15th.

The Planning Commission will continue the review of the Downtown Sonoma Preservation Design Guidelines on September 8th.

The City Council will review the Downtown Sonoma Preservation Design Guidelines in October.

Comments from the Commission:

Adjournment: Chair Randolph made a motion to adjourn at 9:30 p.m. to the next regular meeting scheduled for 6:30 p.m. on Tuesday, September 20, 2016.

I HEREBY CERTIFY that the foregoing minutes were duly and regularly adopted at a regular meeting of the Design Review and Historic Preservation Commission on the day of 2016.

Approved:

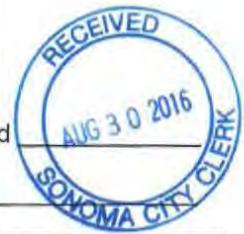
Cristina Morris, Administrative Assistant

Item 6A:
Appeal Regarding 19366 and 19370 Sonoma Highway

**Appellant
Submittal**

City of Sonoma Appeal Application Form

For City Use
Date Received _____
By _____



- A copy of the rights of appeal and the City's appeal procedures may be found on the reverse of this form
 - The fee to file an appeal must accompany this form
 - Appeals must be filed with the **City Clerk** within **fifteen (15) calendar days** of the action
 - Appeals must address issues raised or decisions made at previous hearings. Appeal hearings cannot be used as a forum to introduce new issues
 - In order for your appeal to be valid this form must be filled out completely.
- Feel free to attach additional sheets or supporting documentation as may be necessary.**

APPELLANT INFORMATION: (Please Print)

Name: Joan Jennings and
Address: 868 Palou St
Phone: (916) 214-4646

Name: Residents of Sonoma Villas de Luna
Address: Lyons + Palou
Phone: _____

I/We the undersigned do hereby appeal the decision of the:

- Planning Commission Design Review Commission
 City Planner or Department Staff Other: _____

Regarding: Development by Kibby Road, LLC, of commercial lots
(Title of project or application)

Located at: 19366 + 19370 Sonoma Highway
(Address)

Made on: August 17, 2016
(Date decision was made)

I/We hereby declare that I/We are eligible to file an appeal because:
(Refer to Section 19.84.30-A, Eligibility, on the reverse)

We are owners and residents of the Sonoma Villas de Luna HOA.

We have appeared and argued before a study session of the Planning Commission in August 2015 and before two DRHPC meetings in 2016.
The facts of the case and basis for the appeal are:

See attached letter dated August 30, 2016.

The issues involve parking, density, landscaped buffer, and incomplete development by Kibby Road.

I/We request that the Appeal Body take the following specific action(s):

Reduce commercial building size; underground parking; require a final landscape plan; order gate repair; consider an open area instead of commercial buildings.

Signed:

Joan Jennings 8/30/16
Signature Date
Vice President, Sonoma Villas de Luna HOA
Signature Date

August 30, 2016

Sonoma City Council
1 The Plaza
Sonoma, California 95476

Re: Appeal of the decision of the Design Review and Historic Preservation Society
August 17, 2016, **19366 and 19370 Sonoma Highway**

Members of the City Council:

We, the residents and neighbors of Sonoma Villas de Luna, are appealing the decision of the DRHPC approving the building design for the commercial lots at 19366 and 19370 Sonoma Highway. Putting 6,000 square feet of commercial space and 21 parking spaces on a lot that is barely larger than a lot for a single family dwelling would exacerbate density and parking problems in an area that is already in crisis.

This project was approved in 2005, before the 43 units of affordable housing, Valley Oaks, were built. Valley Oaks, by itself, created problems of density and parking that have never been addressed. The area cries out for an open space.

The neighbors have made their cry to the developer, to the Planning Commission, and to the Design Review Commission. Conversations and a search for solutions to the problem of "prior approval" have been going on for nearly two years. Even attempts to mitigate the harm have not worked. Proposal after proposal, including underground parking or an open area, have all been turned down by the developer. Because the developer enjoys the backing of city planners, the real problems have not been addressed. Few city planners have even come out to survey the site. Those commissioners who have seen it agree that the area is too dense and that this is a matter for the City Council.

When people work on something this long and cannot find a solution, it often indicates that something is wrong. In this case a great deal is wrong. Putting these large buildings on a space that is scarcely larger than a single family lot, where there is already super density, will not work.

This appeal is critical. The area is in danger of becoming a slum. The problem must be addressed before ground is broken.

Sincerely,

Joan Jennings, for

Joan Jennings
Brian and Christy Rowlands
Nicholas and Kelly Dolata
Jack, and Jenny Ding

Stephanie Wesolek
Drs. H.M. and H.D. Lieu
~~Laurie O'Hara Torres~~

Signature

Stephen Jennings
Maria Pecavar
Stan Pecavar

Signature
Maria Pecavar
Signature

MSR

Jack Wuy

Brian Rowlands

Signature



Joan Jennings <joanjennings99@gmail.com>

Appeal to City Council SONOMA VILLAS DE LUNA

hmlieu@yahoo.com <hmlieu@yahoo.com>
To: hsiao d lieu <hdlieu@yahoo.com>
Cc: Joan Jennings <joanjennings99@gmail.com>

Sat, Sep 24, 2016 at 2:27 AM

Dear Joan:

I am in support of the Appeal to city council.

Regards,
Hsiao Mei Lieu MD
862 Palou street
Sonoma CA

Sent from my iPhone

[Quoted text hidden]



Joan Jennings <joanjennings99@gmail.com>

Appeal to City Council SONOMA VILLAS DE LUNA

hsiao d lieu <hdlieu@yahoo.com>

Fri, Sep 23, 2016 at 8:35 PM

Reply-To: hsiao d lieu <hdlieu@yahoo.com>

To: Joan Jennings <joanjennings99@gmail.com>, "hdlieu@yahoo.com" <hdlieu@yahoo.com>

Dear Joan,

I am in support of your effort to appeal.

Best,
Hsiao Dee Lieu, MD
Michelle Torres, MD
853 Palou street, Sonoma CA.
Sept 23, 2016

From: Joan Jennings <joanjennings99@gmail.com>
To: hsiao d lieu <hdlieu@yahoo.com>; hmlieu@yahoo.com
Sent: Friday, September 23, 2016 6:04 PM
Subject: Appeal to City Council SONOMA VILLAS DE LUNA
[Quoted text hidden]

September 26, 2016

City Council
Number 1 The Plaza
Sonoma, California 95476

Re: 19366 and 19370 Sonoma Highway

Members of the City Council:

You are part of a growing number of people who are asking us, "Why are you here? You got what you wanted! You got a landscaped barrier between residential and commercial."

It should be obvious why we are here. And every reasonable person should be here with us. We are trying to prevent the city from making a worse mistake and marring other lives.

Now, we will repeat what the mistake was: authorizing two large commercial buildings, with 6,000 square feet of space and a parking lot for 18 cars, on a lot that is no larger than an ordinary single family lot.

The city relies on its professionals to know the law, but they have not protected the citizens in this case. They have not protected us from gargantuan mistakes that once made, cannot be corrected.

If we saw you heading full speed for the edge of a cliff, we would try to stop you. And this is what we are trying to do right now.

The City is violating the law and seems unaware of it. The conditions of the conditional use permit of 2012 were not met before occupancy permits were issued, as required. These conditions have never been met, and so the use permit is not valid and should be revoked.

So, what do we want?

- A 21st century plan for this corner that is consistent with the 2005 Sonoma General Land Use Plan.
- A development that is truly mixed-use and that invites a pedestrian presence by the creation of walkways, benches, planters, shops, boutiques, etc. that provide services for the adjacent residential area. In other words, “**office buildings with attractive public spaces in the interior**”— not a parking lot, 50 feet from our homes, with billing offices and dialysis clinics on our front porches, as is being proposed.

Can we modify the existing plan that was approved in 2005?

Yes, we can.

- The plan is not valid because the conditions of the modification of 2012 have not been met.
- The plan was modified in July 2012 and the amenities of landscaping that had been approved in 2006 were eliminated, such as trellised picnic area; play structure; architecturally designed sound wall; and the landscaping for the “new park.” Some new conditions were imposed. These conditions were never met, yet occupancy permits were issued, in contravention of the use permit.
- In his July 12, 2012, memo to the Planning Commission, the director expressed that “staff is sympathetic to the applicant’s requests and believes the City [should] make reasonable accommodations to work with the applicant to complete the project.” Reasoning that it would be too costly to the developer to put a landscaped barrier in front of the townhouses, the director recommended three live oaks to be planted in the planter strip along Sonoma Highway, with Italian Cypress directly behind them. Somehow, although these trees would be more than 100 feet from the townhomes, they were considered adequate to shelter the townhouses from the commercial buildings, which were right in front of them. These would indeed be supernatural trees! This plan was accepted by the Planning Commission (condition 27). But even this inadequate provision

was never done by the developer. This modification was to be fulfilled prior to the issuance of occupancy permits for any of the residential units. But it was not done. (See 7/12/12 Modified Use Permit).

- Furthermore, the 2012 modification to the permit issued in 2005 did not remove the requirement for trees in the planters in front of the townhomes. Yet they were never installed. That, too, is a violation of the conditional use permit. An additional violation is the failure to put in the vehicular enhanced paving in the driveways of the townhouses and the special paving at the entries of the townhouses. None of this was done.
- Under *Malibu Mountains Recreation, Inc. v. County of Los Angeles* (1998), 67 Cal. App.4th 359, violation of conditions attached to a grant of a conditional use permit may lead to revocation of the permit. Therefore, the conditional use permit should be revoked.

Conclusion

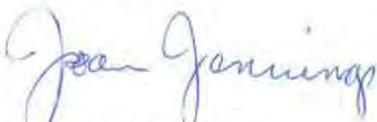
It has taken us a long time to investigate this and to understand it because the tracks have been well covered. But we understand it now, and we ask you to understand it as well.

These are the reasons that Mr. Barnett of the DRHPC recommended that we take this matter to the City Council.

This explains why we are here. We are here to ensure that Sonoma does not compound the error and make this corner unsafe, crowded, and ugly.

This should go back to the planning commission for redesign in accordance with new urbanism, smart growth, and the 2005 general land use plan of Sonoma which was prepared by professional urban designers.

Sincerely,



Joan Jennings

September 26, 2016

City Council

Number 1 The Plaza

Sonoma, California 95476

RE: 19366 and 19370 Sonoma Highway

Members of the City Council:

We are before you for a number of reasons some of which are within the Design Review Commission's (DRC) jurisdiction and some of which are not. The DRC encouraged us to appeal to you so that all our issues may be addressed.

First, the conditional use permit for this project remains subject to modification for several reasons. A builder does not obtain a vested right to enforce the particulars of a conditional use permit until a building permit is issued and construction has begun. (*Garavetti v. Fairfax Planning Commission* (1971) 22 Cal.App.3d 145m 147.) These conditions do not exist in this case. In addition, as mentioned in the letter of this date by Joan Jennings to the Council, the violation of certain conditions of the permit may support a revocation of the permit and a return to square one of the planning process before the Planning Commission. Moreover, important policy considerations favor local governments retaining the ability to impose conditions for the protection of the community as late as possible in the development process. (*Hock Investment Company v. City and County of San Francisco* (1989) 215 Cal.App.3d 438, 447-448.)

In addition, the Sonoma Municipal Code (SMC) provides for modification of conditional use permits. SMC section 19.90.090 (A)(5) supports modification or revocation of a permit if the improvement previously permitted is detrimental to the public health safety or welfare. Here, the volume of traffic exiting from Lyons Street onto Sonoma Highway without a traffic control signal presents a clear and present danger. Currently residents face a long wait time to turn onto Highway 12. Left turns are a particular hazard. The appellants recommend that a traffic study be completed to document the number of trips through this intersection on an average day to determine if a traffic control signal is warranted. In our experience, it is.

The SMC in section 19.90.090 (A)(1) also supports the revocation of modification of an existing conditional use permit if one of the required findings supporting the initial grant of the permit can no longer be made. In other words, changed circumstances may require the review of the initial permit. SMC section 19.54.030 (3) requires a finding that the location, size, design, and operational characteristics of the proposed use are compatible with the existing and future

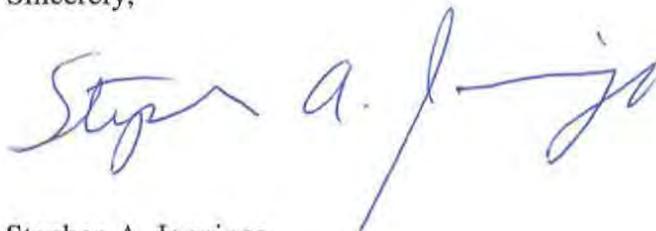
conditions of the neighborhood. Here, the arrival of Valley Oaks after the grant of this permit has made a large commercial development with 6,000 square feet of commercial space and the need for 21 parking spaces drawing an undetermined number of vehicle trips per day not compatible with the neighborhood. There is too much pressure on the available parking and there will be too much traffic trying to exit Lyons Street onto Highway 12. If that finding can no longer be made, and we submit it can not, then the permit should be modified.

Finally, we know the conditions can be modified because they WERE modified for the benefit of the developer in August, 2012. Interestingly, in her application for modification, the developer represented that the traffic gate would be motorized and remotely controlled, some thing she has since repeatedly attempted to walk away from. After four (4) years the gate remain inoperable and is secured by a rope.

The requirement for a landscape buffer yard between the townhomes and the current parking lot is another issue important to us. Unfortunately, the City did not follow SMC 19.40.060 (D)(1)(b) which directs that landscaping should be planned as an integral part of a project and not added as an after-thought after buildings and parking lots are sited. Now some portion of the asphalt parking lot must be removed to obtain the four-foot wide buffer that the developer has committed to. Neither the City nor the developer has responded to our position that SMC 19.48.090 must be followed. The Code section requires that parking lots of more than seven spaces must devote 12 per cent of the lot area to landscaping. We have the Code for a reason. Why not follow it?

In our view, the source of the many of the problems with this project is its size. More square footage requires more parking, which squeezes the space available for landscaping. Also the commercial character of the project will drive more vehicle trips per day than residential would require. We advocated for residential only before the Planning Commission Study session which was our first foray into our citizen involvement in the planning process. Commission Essert of the DRC observed that because the commercial buildings are the last piece of the development process, arriving after the residential component and after the siting of Valley Oaks, development of the commercial lots may be more expensive than anticipated by the developer. It may also be less lucrative for the developer in order to harmonize the interests of the community and the developer. A smaller project with fewer square feet might represent a reasonable meeting point.

Sincerely,

A handwritten signature in blue ink that reads "Stephen A. Jennings". The signature is written in a cursive style with a long, sweeping underline.

Stephen A. Jennings

Talibah Chiku
875 Lyon Street, #31, Bldg. 6
Sonoma, CA 95476

July 27, 2015

Planning Commission
Sonoma City Hall, No. 1
The Plaza
Sonoma, CA 95476

RECEIVED

JUL 27 2015

CITY OF SONOMA

Re: Application of G&C Auto Body

→ Mixed-Use Building, 19366-19370 Sonoma, Highway (Kibby Homes)

If one of these projects is on the corner of Lyon and Sonoma Highway, please ensure some traffic controls are placed near/on Lyon Street from which 50+cars come and go daily from Lyon street. The traffic is such that residents sometimes wait 10-15 minutes or more before safely entering Sonoma Highway to proceed either left or right while attempting to take a lane to reach Napa or Railroad! The traffic is non-stop, especially doing some peak morning, afternoon and evening traffic.

Any project of the scope, size and commercial use is a potential detriment to residents entering the Highway from Lyon Street with traffic no control. Safety is essential. Please do not overlook this need. Those living behind the gate further down Lyon come out through Lyon Street because they can or they exit down their "private street" which is off-limits from we living in the Valley Oak apartments off Lyon!

I'm moving and still, this issue demands consideration. Thank you.

Ms. Talibah Chiku

September 20, 2016

Design Review and Historical Preservation Commission
One Sonoma Plaza
Sonoma, California

RE: 19366/19370 Sonoma Hwy. Landscape Design

Members of the Commission:

The facts of this case are these:

1. On January 22, 2015, we began to try to work with the developer on what to do about the lots. We presented our thoughts at an HOA meeting and confirmed them in an attachment to Board minutes.
2. Throughout 2015, we continued to try to talk about the lots with the developer. In August 2015, we appeared before the Planning Commission at a study session.
3. The P.C. encouraged the developer to reconfigure her design in light of the fact that the lots were the front porches of the townhomes. The PC liked vertical mixed-use. The PC believed a reduction in building mass should be considered. They encouraged the developer to work with the community. They suggested that she respond to the HOA's offers to purchase the lots.
4. The developer chose not to return to the Planning Commission. Instead, she decided to develop the lots not as vertical mixed use but as entirely commercial.
5. The developer then sought review of her new commercial design by the DRHPC. The meeting was on May 31, 2016. It, too, became a study session. Again, the developer was directed to work with the community on a building and landscape design.
6. Three months ago, on June 20, 2016, we met with the developer. We presented our vision of the opaque, two-tiered barrier, with trees in planters and trees/trellises. We gave her the pictures enclosed here. (See enclosed photos: Trellis 1 and Trellis 2). It should be noted: **the**

trees in the planters was part of the original landscape design, approved in 2005.

7. On July 8, we met again with the developer. She gave us her design: a continuous trellis, **but without trees and without planters** (Enclosed Photo: Trellis with ~~out~~ Vine). Again, we explained our concept, including trees in the planters. We hoped to meet with the developer again.
8. The developer did not want to meet with us again. She told us she was taking her design directly to the DRHPC.
9. There was another DRHPC meeting on August 16. The developer presented trellises with four Italian Cypress trees sticking up. It was not an opaque barrier. Nothing was submitted about the planters. The design was rejected by the DRHPC.
10. On August 17 we again sent letters to the DRHPC, to the City, and to the developer, again enclosing our photos of the trellis and trees.
11. Tonight, the developer presents a mutilated trellis, in sections, with only 8 trees. Again, the planters are not included.

In other words, after three months of writing and talking and commission meetings, we still do not have a plan for an opaque barrier, as required by the Municipal Code.

Sincerely,

Joan Jennings on behalf of
The residents of SVL



TRAVIS I



TRAVIS



Trellis with Vine Only
Kibby Road's Proposal of 7-18-16



Joan Jennings <joanjennings99@gmail.com>

Kelso Barnett

1 message

Joan Jennings <joanjennings99@gmail.com>
To: Steve Jennings <stevejennings98@gmail.com>

Sat, Sep 24, 2016 at 12:26 PM

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

From: **Kelso Barnett** <kelsogbarnett@gmail.com>
Date: Friday, August 19, 2016
Subject: Trees and Trellises
To: Joan Jennings <joanjennings99@gmail.com>

Thank you, Joan, for the email. I think these are good examples of a tree/trellis combination.

While the commission recognized there was room for improvement when it came to the landscape plan, instead of continuing the item, we denied their landscape plan. We figured our decision would be appealed, so that the neighborhood could have a forum before the city council, as many of the issues being raised (gate, parking, setbacks, etc.) were beyond the scope of our authority. **Your group has raised many, many important issues that the City Council should hear.**

Best,
Kelso Barnett

> On Aug 18, 2016, at 6:43 PM, Joan Jennings <joanjennings99@gmail.com> wrote:
>
> Dear Alicia,
>
> Here are some photos of trees and trellises from the Derringer project on First Street West. We showed these to you on June 30 at our meeting, but they are worth looking at again.
>
> The trellises are beautiful and well made, and the trees project up nicely through the interstices.
> We think something like this would accomplish the desired endl.
>
> Could you share these photos with Henry Fleischmann?
>
> If we did something like this, then a vine would be superfluous. We would also need some kind of box hedge, shrub, or other hedge to cover the cement wall in the back. It would be important to get trees that grow to the right height. Because redbuds are colorful and a good height, we don't think they should be ruled out. There are all kinds of redbud trees, big and small.
>
> Looking forward to our meeting with you.
>
> Sincerely,
>
>
> Joan Jennings for Members of HOA, SVL
> <trellis 1.JPG><trellis 2.JPG>



Joan Jennings <joanjennings99@gmail.com>

Finding a Solution

2 messages

Joan Jennings <joanjennings99@gmail.com>

Wed, Aug 17, 2016 at 4:37 PM

To: Alicia Razzari <alicia@kibbyroad.com>, David Goodison <davidg@sonomacity.org>, Wendy Atkins <WendyA@sonomacity.org>**Cc:** Steve Jennings <stevejennings98@gmail.com>, Brian Rowlands <browlands@fsirivet.com>, Nicholas <ndolata@hotmail.com>, Laurie O'Hara <laurieoharatorres@hotmail.com>, frosty here <snowmanic13@yahoo.com>, Jack Ding <jack@unicomtax.com>, Maria Pecavar <maria.pecavar@gmail.com>, hmlieu@yahoo.com, hsiao d lieu <hdlieu@yahoo.com>, Stephanie Wesolek <Swesolek@gmail.com>**Bcc:** Abbie Jennings <AbigailLouiseJennings@gmail.com>, Allie Jennings <AllisonMJennings@gmail.com>, Joan Jennings <joanjennings99@gmail.com>

Enclosed is our response.

 **Alicia Razzari August 17, 2016.doc**
34K**Alicia Razzari** <alicia@kibbyroad.com>

Wed, Aug 17, 2016 at 4:44 PM

To: Joan Jennings <joanjennings99@gmail.com>**Cc:** David Goodison <davidg@sonomacity.org>, Wendy Atkins <WendyA@sonomacity.org>, Steve Jennings <stevejennings98@gmail.com>, Brian Rowlands <browlands@fsirivet.com>, Nicholas <ndolata@hotmail.com>, Laurie O'Hara <laurieoharatorres@hotmail.com>, frosty here <snowmanic13@yahoo.com>, Jack Ding <jack@unicomtax.com>, Maria Pecavar <maria.pecavar@gmail.com>, hmlieu@yahoo.com, hsiao d lieu <hdlieu@yahoo.com>, Stephanie Wesolek <Swesolek@gmail.com>

Thank you Joan.

I copied both you and Nick on an email exchange with our landscape architect just a short while ago. I've requested that he provide recommendations on trees that can provide the effect you've suggested. I will also forward on the response you attached to this email thread for his reference. Please look for Henry's suggestions which we can then discuss. He is traveling through Monday so I do not expect we will hear from him until sometime next week.

Alicia

> On Aug 17, 2016, at 4:37 PM, Joan Jennings <joanjennings99@gmail.com> wrote:

>

> Enclosed is our response.

> <Alicia Razzari August 17, 2016.doc>

August 17, 2016

Alicia Razzari
Kibby Road, LLC
Alicia@kibbyroad.com

Dear Alicia,

We are genuinely looking for a solution. We do not enjoy communicating endlessly about a subject that is very easy to understand and very easy to resolve.

First: Italian cypress are not beautiful; they are funereal. Your plan last night showed no clustering of trees; it showed only four trees.

Second: We do need a large canopy of leaves. This is a two-tiered design. The canopy of leaves will be higher than the wrought iron fence, and therefore, the canopy can provide ideal shade for the walkway, but it will not obstruct the walkway. Trees can also be pruned.

Third: If redbuds are too “messy,” then we could certainly find another tree, one more aesthetic than a funereal Italian cypress. What about a crepe myrtle? Perhaps your landscape architect, Henry Fleischmann, can suggest something.

Fourth: We need to address the second tier of trees in the planters. This is part of the design and helps create the opaque buffer.

We believe that one more meeting with you and your team can resolve these issues. We can meet on almost any Thursday or Friday evening at 6:30.

When would you like to meet with us?

Sincerely,

Joan Jennings for Members of the SVL HOA

Enc. Ms. Razzari's email of August 17, 2016

Cc: David Goodison
Wendy Atkins
Members of the Design Review Historic Preservation Commission

me

David

Wendy

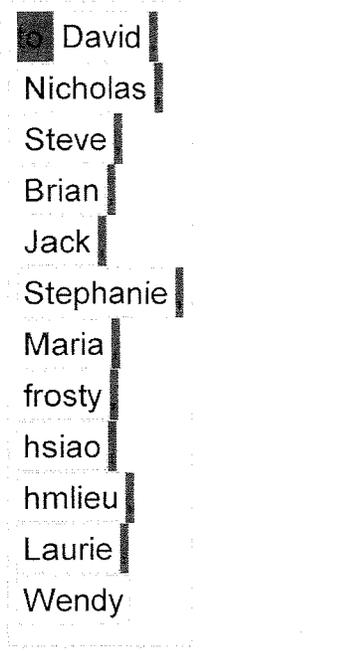
Joan,

Thank you for sharing this information with me. I've caused confusion as the memo I shared with you addressed trees in the various landscaping strips around the perimeter of the lot.

We are not opposed to putting trees in the area between the town homes and the commercial parking lot. My concern with trees is that the canopy of the trees will make areas of the town home walkway impassable. Further there's a considerable maintenance mess that comes with many trees resulting in droppings on the walkway. The cypress trees were suggested as they can be clustered and grow to a considerable height without creating a large canopy or a mess for the town home owners. We are happy to discuss other tree options but this is our concern. The clustering of cypress trees would allow for 3-4 trees placed in groupings in a location directly in front of each townhomes large front window. It also lends a slightly Tuscan feel to the villas behind. Again, we do not object to the request for trees but need to be mindful of what is selected as future maintenance and hazards are a true concern.

I look forward to hearing your thoughts.

1:39 PM (3 hours ago)



Dear David,

At last night's meeting, we learned that there had been a suggestion of four Italian Cypress trees for the landscaped barrier between the commercial lots and the townhomes.

However, the developer already planned on 11 Eastern Redbud trees (please see the memo enclosed). In fact, I communicated with Alicia yesterday at 12:20 p.m. I told her how much I liked these trees. Then, I asked her this question:

"It is our understanding that these 11 trees will all be in the landscaped strip. Is that correct?"

By text, she replied: "Yes, those trees are intended for the landscape strip."

So, she has already agreed to a complete row of trees, Eastern Redbud, in the landscaped strip between the townhomes and the commercial lots. This is the only strip that we are negotiating, as you know. We have nothing to do with her plans for the south side. We have never expressed an interest in that area.

Please give a copy of this email to each of the commission members.

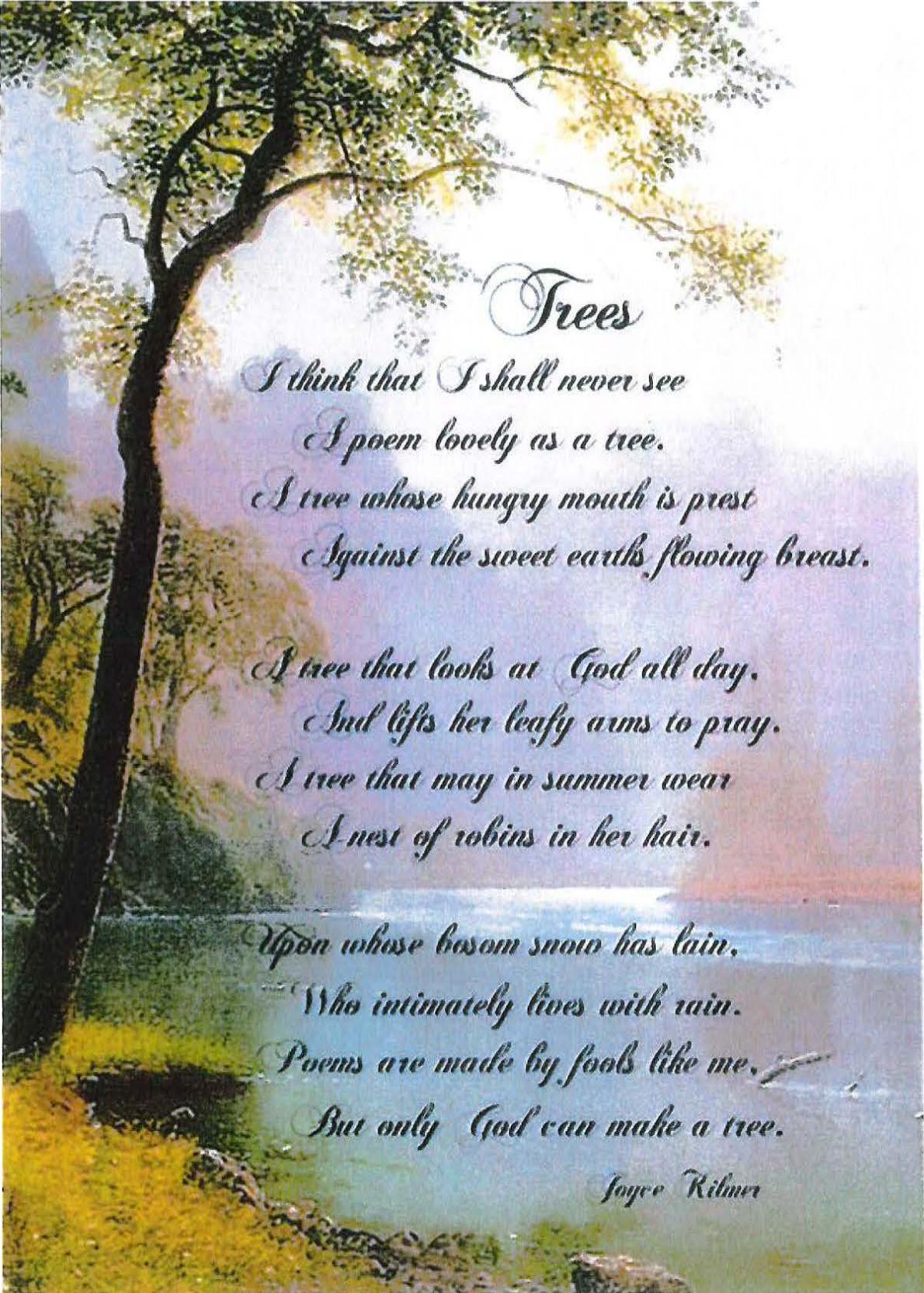
Please make this email a part of the official record in this case.

Thank you,

Joan Jennings

DR HPC
8/16/16

19366 / 19370
Sonoma Hwy



Trees

*I think that I shall never see
A poem lovely as a tree.
A tree whose hungry mouth is prest
Against the sweet earth's flowing breast.*

*A tree that looks at God all day,
And lifts her leafy arms to pray.
A tree that may in summer wear
A nest of robins in her hair.*

*Upon whose bosom snow has lain,
Who intimately lives with rain.
Poems are made by fools like me,
But only God can make a tree.*

Joyce Kilmer

TREES MATTER

The poet says trees are a life force.

And since man has lived on this planet, they have sheltered us, heated our homes, cooked our food, nourished us, and carried us across the oceans.

During the Great Depression, people saved wash water to keep trees alive. Trees are sacred to us.

In the landscaped section, trees will comfort us, and they will give us privacy. They will be lovely. And we need them.

A landscaped section without trees is unacceptable.

We must have trees.

Trees matter.

July 18, 2016

Alicia Razzari
Kibby Road, LLC
2334 M Street, Suite 2101
Merced, California 95344

Dear Alicia,

The City has taken a neutral position in this matter, and they have commissioned the residents and the developer to meet and resolve their differences.

We have met twice, and we have made some progress. This has brought us closer together, but there are still matters that are very, very important to us that have not been settled. These matters are listed below.

Enhanced Paving.

This was promised by the original developer and approved by the City. But it was not installed, and the asphalt that was not properly sealed has made our lives very hard. We have been struggling with this for three years. Every time it rains or the weather is very hot, the tar on the asphalt melts or liquefies and it comes off on our driveways and on our shoes and on the feet of our pets. This problem has become a torment to us.

Sonoma Villas de Luna Sign. This was promised and approved.

Trees in the planters on the west side of the town homes. These were similarly approved, and they form part of the landscaped buffer.

Landscaped buffer yard between the town homes and the commercial buildings.

A well-established legal principle of privacy rights says: "A man's house is his castle; his home his safest refuge." The word "refuge" implies security and protection. The Sonoma Municipal Code takes this basic tenet into account and provides for it by requiring an opaque barrier (a wall or fence) as well as trees between commercial and residential areas. The residents of the town homes are entitled to such privacy. They do not want someone looking into their living rooms or bedrooms or kitchens. To fail to provide an adequate opaque barrier amounts to the same thing as moving the town homes themselves to a different location. Just as that would never be permitted, failing to provide the buffer is not permitted.

The trellises are a nice start, but to provide adequate screening and buffering, a wall and additional trees are required as well. And to accomplish this buffer yard contemplated by the code, the landscaped area should be four and one-half to five feet wide.

The necessity of providing a buffer between commercial and residential uses runs through the code. Because you are very familiar with the code, the references that follow are intended only as reminders. The code contains provisions specific to each planning area. In our area, the West Napa/Sonoma Highway Corridor, the code recognizes that there will often be a union of commercial and residential uses. Code section 19.36.010(B) provides, in part, that “[b]ecause much of the corridor backs onto residential development, site plan relationships must be carefully evaluated. Ideally, new commercial uses should be designed to relate to the extent feasible with adjacent residential development; at a minimum, adequate screening and buffering are required” (Emphasis added). And specifically with regard to commercial parking, section 19.36.020(A)(5) states that “[c]ommercial development shall require screening and buffering of parking areas.”

Unfortunately, one mandate of the code has not been followed in the planning process. Section 19.40.060(D)(1)(b) provides that “[l]andscaping shall be planned as an integral part of the overall project design and not simply located in left over space after parking areas and structures have been planned.” The piecemeal submission of building plans, parking, design, and, finally, a landscape plan, has not fulfilled this mandate.

Section 19.48.090(F) requires that between non-residential and residential uses there shall be a buffer yard with a minimum six-foot wall of wood or masonry. There are to be trees every 30 feet at a minimum. The wall must provide an opaque screen and shall be architecturally treated on both sides (Section 19.40.100(a)(1)(2).) This code section does not specify a width. However, a closely related provision offers guidance. Section 19.48.090(E) mandates a five-foot wide buffer between a parking lot and an adjoining public street. Given that the code requires “at a minimum, adequate screening and buffering,” the five-foot width provides a useful standard for the buffer yard.

Our suggestion is that the wall be placed on the commercial building side, five feet west into the existing parking lot. This is because the raised porches of the town homes already feature a substantial retaining wall, and placing the buffer yard wall near it will create a narrow alley of a foot or two between the walls. Furthermore, in order for the town homes to enjoy the maximum buffering effect, both visually and with regard to sound, the wall should stand five feet west into the parking lot. That way, the town homes, rather than the commercial property, can enjoy the beautiful landscaping.

We envision the buffer yard to include the six- to seven-foot wall required by the code with trees set, at a minimum, every 30 feet on the town home side of the wall, and shrubs and flowers in the spaces between the trees. As to the initial planting, the code requires

that trees be 15 gallons and shrubs five gallons so that there is substantial landscaping from the very beginning. (Section 19.40.060(D)(2)(a).) Some of the shrub species may be selected with an eye to having them grow to the height of the wall.

The question may arise as to how to harvest the necessary five feet for the buffer yard. We believe one answer is to move the commercial buildings four and one-half feet forward toward Sonoma Highway; that is, move them from the currently designed 22.5-foot setback to a setback line of 18 feet. At the DRC meeting, two of the commissioners suggested this themselves. Commissioner Johnson expressed a concern for an adequate buffer zone and suggested pushing the buildings forward. Commissioner Essert advocated moving the buildings toward Highway 12 to provide more room for the buffer. Mr. Essert also discussed the option of underground parking to make room for the buffer. He explored this concept with your architect who ultimately conceded that underground parking was feasible. Furthermore, an 18-foot setback is within the contemplation of the City. In Mr. Goodison's staff report to the Planning Commission regarding your 2015 application, he stated that an 18-foot setback could apply to the buildings then envisioned as part commercial, part residential. An 18-foot setback is a win-win for you as well as the neighborhood. You can maintain the current square footage of your commercial spaces as well as supplying the parking necessary to serve them. The residents will enjoy a five-foot wide, well-landscaped, opaque buffer with beautiful trees and shrubs, creating privacy. Commercial and residential uses can co-exist harmoniously.

We are enclosing two photographs of an example of a landscaped buffer design which seems to adequately comply with the code requirements. It is part of a business called The Edge, located at 139 East Napa Street. There are architectural features on both sides of the fence. The fence is consistent with the exterior of the building itself. We looked all around town at buffer yards: all of them have a width of about four and one-half to five feet; all have trees in the strip, and there is room for the trees; all have an opaque barrier. We saw such yards at Derringer's own building on First Street West (which also has beautiful and clean enhanced paving); Williams-Sonoma; Readers' Books, Plaza del Sol, etc.

Following our suggestions, you can make Sonoma Villas de Luna an outstanding development--something that Sonoma will always be proud to claim.

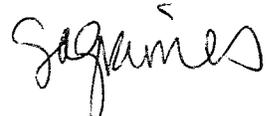
Sincerely,

The Residents and Owners of Sonoma Villas de Luna


Maria Pecora
Brian Rowlands
Chris Buell-Rowlands


Joseph A. Johnson

Joan Jensen

MSA

Sagames

hsiao d lieu <hdlieu@yahoo.com>

Thu, Jul 14, 2016 at 5:37 PM

Reply-To: hsiao d lieu <hdlieu@yahoo.com>

To: Joan Jennings <joanjennings99@gmail.com>, "hdlieu@yahoo.com" <hdlieu@yahoo.com>

Dear Joan,

I approve and aligned with the HOA position.

Thank you.

Best,

Hsiao Dee Lieu, MD
853 Palou St, Sonoma

From: Joan Jennings <joanjennings99@gmail.com>

To: hsiao d lieu <hdlieu@yahoo.com>; hmlieu@yahoo.com

Sent: Thursday, July 14, 2016 3:42 PM

Subject: Your approval of the letter to Alicia

[Quoted text hidden]

hdlieu@yahoo.com <hdlieu@yahoo.com>

Fri, Jul 15, 2016 at 3:02 AM

To: Joan Jennings <joanjennings99@gmail.com>

Cc: hsiao d lieu <hdlieu@yahoo.com>

Hi Joan, I approve the letter and the position of the HOA.

Hsiao-Mei Lieu
862 Palou st.

Sent from my iPhone

<https://mail.google.com/mail/u/0/?ui=2&ik=d805b12633&view=pt&q=h&search=query&t...> 7/24/2016

Laurie Oharatorres <laurieoharatorres@hotmail.com>

Sun, Jul 10, 2016 at 3:38 PM

To: Steve Jennings <stevejennings98@gmail.com>

Cc: Joan Jennings <joanjennings99@gmail.com>, Nicholas <ndolata@hotmail.com>, Brian Rowlands <browlands@fsirivet.com>, "tom.elster" <tom.elster@aol.com>, Maria Pecavar <maria.pecavar@gmail.com>, Jack Ding <jack@unicomtax.com>, hsiao d lieu <hdlieu@yahoo.com>, hmlieu@yahoo.com, frosty here <snowmanic13@yahoo.com>

I agree. A barrier to code is the minimum.

Thank you,

Laurie O'Hara

415-779-5626

Sent from my iPhone

[Quoted text hidden]

<https://mail.google.com/mail/u/0/?ui=2&ik=d805b12633&view=pt&q=lauri&search=quer...> 7/14/2016



May 31, 2016

Alicia Razzari

Kibby Road Development

2334 M. Street, Suite 2101

Merced, California 95344

RE: Defective vehicle gate at Sonoma Villas de Luna

Dear Ms. Razzari:

This letter is a preliminary review of the developer's liability for repair or replacement of the traffic gate currently installed between Lyons and Palou Street in the project referenced above.

This gate appeared to function in the early days following its installation. However, within weeks, it worked only intermittently and, on occasion, would randomly open and close of its own apparent accord.

Subsequent inspection by professionals in the field has revealed that the motor designed to open and close the gate was undersized. This is the case despite your repeated assurances to the residents that the motor was perfectly adequate. Additional investigation, including the digging up of the electrical line to the power source showed that the electrical line was not installed according to code and featured a wire not protected by any conduit. Any electrical meter designed to capture the power used by the gate was inadequate or non-existent. Many additional factual details can be supplied by the residents who have been involved in this matter including statements by gate installers regarding the problems touched upon above as well as an estimate of the cost to install a functioning gate as required by the City of Sonoma.

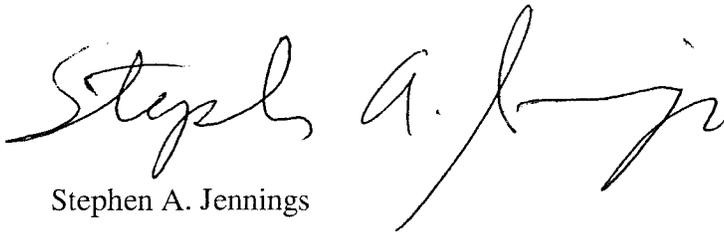
In matters such as this, a developer is subject to strict liability for construction defects in residential housing. (*Jiminez v. Superior Court* (2002) 29 Cal. App. 4th 473.) The California Civil Code section 5980 provides that a Homeowners' Association (HOA) has standing to litigate matters affecting common areas in the HOA development. As you know, strict liability means that an aggrieved party does not need to show intent or even negligence on the part of the developer. One need only prove the existence of the defects in the item in the common area.

Construction items such as this one are certainly the type of common area defect within the law's contemplation of liability on the part of the developer for defects. (cf. *Dillingham Construction*

N.A. v. Nadel Partners (1998) 64 Cal. App. 4th, 264, 270 [swimming pool].) Where, as here, the defect is latent and not obvious upon the visual inspection by a lay person, the developer's liability extends for 10 years. (*Code Civ. Proc.*, sec. 337.15.) If a defect is latent at the time construction is completed, it remains a latent defect even after the discovery of the problem. (*Mills. v. Forrestex Co.* (2003) 108 Cal.App.4th 625.) As described above, the gate appeared to work initially but began to malfunction subsequently. The full extent of the defect was not discovered until a professional examined the gate and found that the motor was inadequate and it lacked a dedicated electrical meter. Underground digging revealed the faulty electrical line. A reasonable trier of fact might conclude that this gate was latently defective *per se*.

Although the HOA has reached out to you several times on this issue, you have never responded. This letter is offered in the interest of coming to a resolution of this matter.

Sincerely,

A handwritten signature in black ink that reads "Stephen A. Jennings". The signature is written in a cursive style with a long, sweeping underline.

Stephen A. Jennings

868 Palou Street

Sonoma, California 95476

Modified Use Permit

7/12/12

Address Folder: 19370 Sonoma Hwy

Sub-Folder: 18 of 18

Planning Application Sub-Folder Cover Sheet

Project Name: Sonoma Village - 16.5E

Applicant: Kibby RD, LLC

Date of Final Action: 7-12-12

Type (check ALL that apply):

- Modified Use Permit
Use Permit (including major use permits and minor use permits)
- Exception
- Variance
- Design Review (including Architectural Review and review of landscaping)
- Subdivision
- Planned Unit Development
- Rezoning
- Rezonning
- General Plan amendment
- Lot line adjustment
- Abatement
- Other

Other Street: _____

Key Words: _____

City of Sonoma

Sonoma Sister Cities:

No. 1 The Plaza
Sonoma, California 95476-6618
Phone (707) 938-3681 Fax (707) 938-8775
E-Mail: cityhall@sonomacity.org



Aswan, Arab Republic of Egypt
Chambolle-Musigny, France
Greve in Chianti, Italy
Kaniv, Ukraine
Patzcuaro, Mexico

August 10, 2012

Kibby Road, LLC
Attn. Alicia Razzari
2269 Chestnut Street, Suite 242
San Francisco, CA 94123

Dear Ms. Razzari:

At its meeting of July 12, 2012, the City of Sonoma Planning Commission considered your request to modify the conditions of use permit approval associated with the Sonoma Village West development, located at 19370 Sonoma Highway. Following a public hearing on the matter, the Planning Commission voted 5 to 0 to approve the following modifications to the conditions of use permit approval, dated July 14, 2005:

1. The landscaping of the two common open space areas is accepted as complete, as of July 12, 2012, subject to the installation of seating in the larger open space area as proposed by Kibby Road, LLC, in their letter of July 8, 2012.
2. Condition #23 is amended to require two affordable units at the moderate income level, rather than four.
3. Condition #27 is amended to require the installation of three coast live oaks (24 or 36-inch box size) within the planting strip on the Sonoma Highway frontage of the site, along with four cypress trees in the landscaped area immediately behind the oak trees, with these plantings to be completed prior to the issuance of an occupancy permit for any of the residential units.

Please let me know if you have any questions about this matter and thank you for working with the City to bring the project to completion.

David Goodison
Planning Director

cc: Joe Burroughs, Plans Examiner

July 12, 2012
Agenda Item #1

MEMO

To: Planning Commission
From: Planning Director Goodison
Subject: Request to amend the conditions of approval for the Sonoma Village West development (19370 Sonoma Highway)

Background

As reported to the Planning Commission in a study session at the meeting of June 14th, a development company known as Kibby Road LLC was pursuing the acquisition of the partially-constructed Sonoma Village West development, a mixed-use project approved by the Planning Commission in 2005. (Kibby Road actually took ownership of the project on the day of the Planning Commission meeting.) The project site, which is partially developed, has a total area of 1.74 acres and is located at Sonoma Highway and Lyon Street. The approved project allows for two commercial buildings toward Sonoma Highway with $\pm 6,936$ square feet of gross commercial floor area, eight attached town-home condominiums in the middle of the site, and seven detached single-family homes to the east. Site circulation is provided by a 28-foot wide public street off of Sonoma Highway that transitions into an 18-foot wide private road connecting to the stub of Palou Street on the east side of the site (a gate will be installed at the transition of the public and private road section to prevent cut-through traffic).

Construction on the residential portion of the project began in 2006. The public improvements, residential buildings and associated landscaping were substantially complete, but the property fell into foreclosure and construction was halted prior to final building permit sign off. In 2009, the building permits expired. Since that time, the property has been secured and maintained but very little further progress has been made to bring the project to completion.

As reported to the Planning Commission at the study session, prior to acquiring the property, the applicants, Kibby Road LLC, approached the City to discuss what it would take to bring the project to completion. After planning and Building staff reviewed a punch-list of items with them, they identified two areas of concern with respect to conditions of use permit approval: 1) improvements to two common open space areas within the project; and 2) a requirement for additional affordable units beyond what was normally required at the time under the City's inclusionary ordinance. The applicants are requesting changes to the conditions of project approval in these two areas. In the Planning Commission's initial discussion of this issue, Commissioner's expressed tentative support for modifying the conditions as a means of assisting in bringing the project to completion and occupancy. However, several Commissioners suggested that additional landscaping should be provided to further screen the townhouse building, proposing this as a trade-off with respect to the affordable units. These issues are

discussed in greater detail below, along with the specific proposals developed by Kibby Road following the study session.

1. *Improvements to two common open space areas.* The project includes two open space areas, one immediately behind the townhouse building and the other on the north side of the private drive, east of the duplex. The larger of the two (behind the townhouses) was proposed to be developed with a play structure, while the smaller was proposed to be improved with trellis structures and fountains. While these two areas have been landscaped, the other improvements have not been made. The applicant initially proposed to simply leave these areas landscaped without adding any additional features. This was based on the view that a play structure would take up too much space, would be of limited use to future residents, and would increase insurance requirements for the homeowners. However, following up on the suggestion of the Planning Commission, they now propose to provide seating in the larger of the landscaped areas.
2. *Affordable Units.* As previously reported to the Planning Commission, at the time that Sonoma Village West was approved, the inclusionary affordable housing requirement in Sonoma was 10% (it has since been increased to 20%). As a result, the minimum applicable inclusionary requirement for Sonoma Village West was two affordable units. However, Sonoma Village West was proposed and approved as a Planned Development, for which greater amenities may be required as a condition of approval. In addition to the two open space areas, the Planning Commission also required two additional affordable units. The prospective buyers are suggesting that the conditions of approval be amended to require only the two affordable units that represent the minimum requirement in place at the time that the project was reviewed.
3. *Screening of Townhouse Building.* In the course of the discussion that occurred at the June study session, several Planning Commissioners stated that the project would benefit from additional screening of the townhouse structure and suggested that this could be considered as a trade-off to the reduction in the number of affordable units proposed by the applicants. Staff and representatives of the applicant have looked closely at the site to determine how best this might be accomplished. One alternative discussed at the Planning Commission of creating tree wells along the edge of the parking lot directly adjacent to the townhouse building does not appear to be feasible. The portion of the parking lot is completely built out. In order to create tree wells, it would have to be re-engineered to ensure that it would drain appropriately and extensive cutting and reconstruction would be necessary (assuming that the drainage could be made to work, which is not known). Because the west side of the parking area is not complete, trees could be placed along that edge, but they would most likely have to be removed in the future when the commercial element is constructed.

Based on these constraints, the applicants developed a proposal to place and maintain large cypress trees in containers along the east edge of the parking lot (see attached proposal from the applicants). This option would provide a quick fix and it should be considered by the Planning Commission. After thinking about it further, however, staff has identified another alternative. Staff would suggest that the three oak trees called for in the landscape plan be installed in the planter strip along the Sonoma Highway frontage, with Italian

Cypress planted behind them in the future landscaped area that will be associated with the commercial development (see attached landscaping plan). This option provides better long-term screening, since the oak trees will have more growing time than would be the case if deferred to the commercial construction. It also provides the short-term screening associated with the applicants proposal.

As discussed in the previous study session, staff is sympathetic to the applicant's requests and believes that the City make reasonable accommodations to work with the applicant to complete the project.

Recommendation

Approve the following modifications to the conditions of use permit approval, dated July 14, 2005:

1. The landscaping of the two common open space areas is accepted as complete, as of July 12, 2012, subject to the installation of seating in the larger open space area as proposed by Kibby Road, LLC, in their letter of July 8, 2012.
2. Condition #23 is amended to require two affordable units at the moderate income level, rather than four.
3. Condition #27 is amended to require the installation of three 48-inch box sized coast live oaks within the planting strip on the Sonoma Highway frontage of the site, along with four cypress trees in the landscaped area immediately behind the oak trees, with these plantings to be completed prior to the issuance of an occupancy permit for any of the residential units.

Attachments

1. Letter from Kibby Road, LLC
2. Approved landscaping plan (Sonoma Highway frontage)
3. Update on Sonoma's Regional Housing Needs

cc: Kibby Road LLC, attn. Alicia Hansel (via email)



The development formerly referred to as Sonoma Village West has been acquired by Sonoma Villas de Luna LLC and will be marketed and maintained as the Sonoma Villas de Luna Home Owners Association.

In response to a discussion hearing with the City of Sonoma Planning Commission, Sonoma Villas de Luna LLC requests the formal approval of the Commission regarding landscaping, park amenities and Moderate Affordable Housing.

Parks and HOA Maintenance:

HOA documents will be drafted to exclude the play structure, fountains and trellis in the two parks described as parcel A and parcel B. The Sonoma Villas de Luna HOA will be responsible for the maintenance of two picnic tables that will be installed and anchored to the ground by Sonoma Villas de Luna LLC. The existing landscaping will be maintained by the HOA. The proposed picnic tables have been submitted to the Planning Director and are available for review.

Front Landscaping along Sonoma Highway:

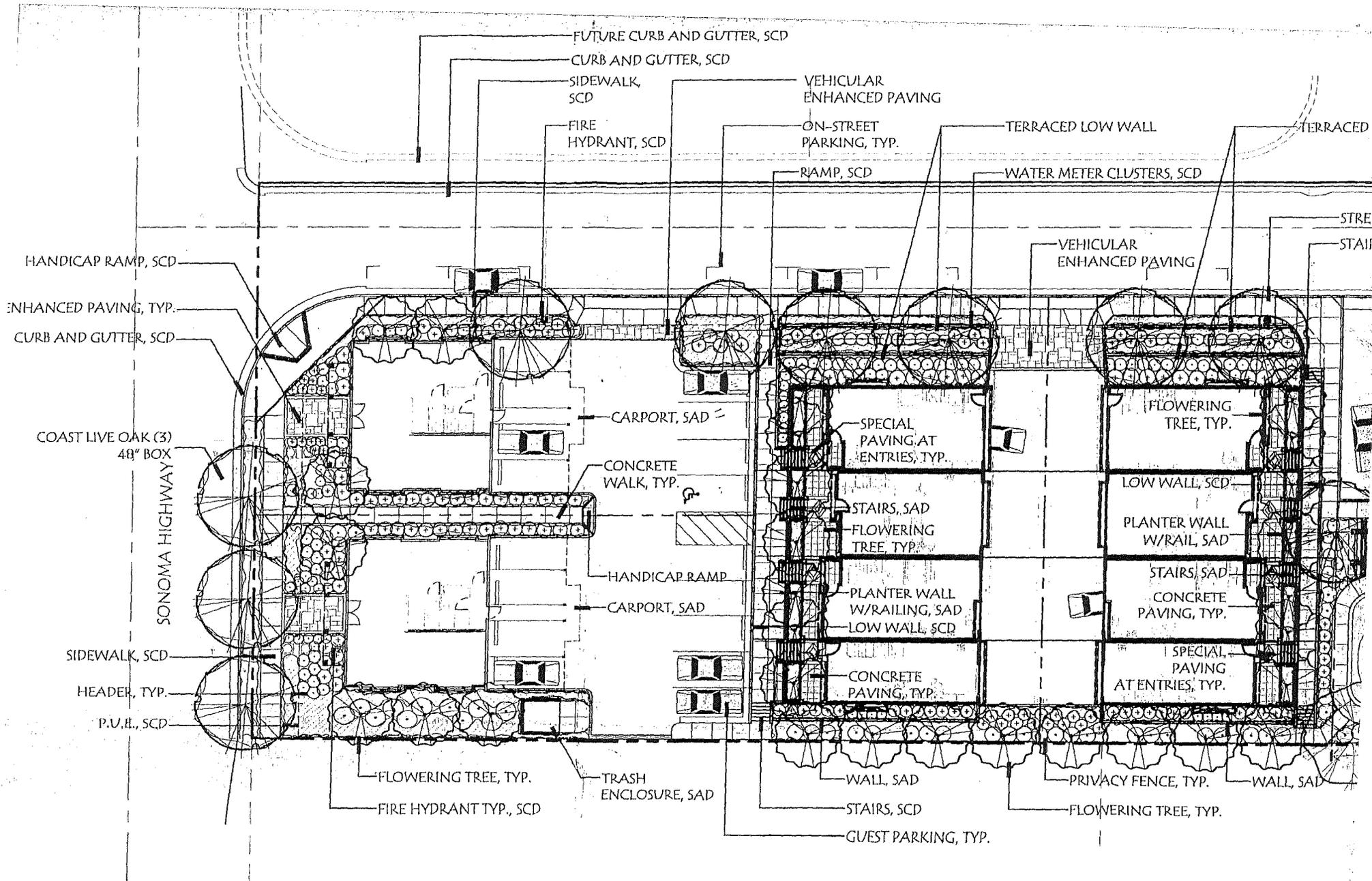
Currently an 'orchard' of fruit trees has been planted on the proposed commercial lots. Until development of these two lots, the trees will continue to mature and offer some shielding of the development from Sonoma Highway. This landscaping will remain on a temporary irrigation system supported by the HOA. Upon development of the commercial lots the HOA will eliminate maintenance support of this space. Four Cypress trees will be set in containers along the front of the townhome building which houses lots 3, 4, 5 and 6. The trees will sit along the east side of the parking lot running north/south. Irrigation will be supplied by the HOA on a temporary basis until the commercial lots are developed at which time the irrigation and landscaping will become the responsibility of the commercial lots. Cypress trees will be braced and supported. Plans have been submitted to the Planning Director and are available for review.

Moderate Affordable Housing:

Commissioners supported an agreement that the Moderate Affordable Housing units equate to 10% of the total housing units in the development. 10% equates to 2 affordable units which will be commonly known as the duplex, lots 16 and 17, 865 Palou Street and 871 Palou Street.

Traffic Gate:

The existing traffic gate will be motorized and remote operated for entry and exit for the residents of Palou Street. Safety loops and fire access will comply with code and have been discussed with the Fire Marshal. The gate will swing open and closed moving towards Lyon Street and may be accessed by remote only. Pedestrian access remains open along the sidewalk.



City of Sonoma

No. 1 The Plaza
Sonoma, California 95476-6618
Phone (707) 938-3681 Fax (707) 938-8775
E-Mail: cityhall@sonomacity.org



Sonoma Sister Cities:

Chambolle-Musigny, France
Greve in Chianti, Italy
Kaniv, Ukraine
Patzcuaro, Michoacán, Mexico

September 18, 2007

Richard Deringer
P.O. Box 706
Tiburon, CA 94920

Subject: Application for a Revision to an approved Planned Development to convert two private yard areas into common open space within the Sonoma Village West project at 19370 Sonoma Highway.

Dear Mr. Deringer:

On Thursday, September 13, 2007 the Planning Commission considered your application for a Revision to an approved Planned Development to convert two private yard areas into common open space within the Sonoma Village West project at 19370 Sonoma Highway. After discussion and public testimony, the Planning Commission voted 4-0 (with three commissioners absent) to approve the Revision subject to the attached conditions of approval.

If you have any questions about this matter, please do not hesitate to call.

Sincerely,

Rob Gjestland
Associate Planner

City of Sonoma Planning Commission
CONDITIONS OF APPROVAL
Sonoma Village West Park Modification
19370 Sonoma Highway

September 13, 2007

1. A lot line adjustment shall be required to separate the park from the adjoining lots (15 and 16) and incorporate it into the common area. Revised CC&R's shall be submitted to reflect the inclusion of the new park and to provide for its maintenance.

Enforcement Responsibility: Planning Division; City Engineer

Timing: Prior to occupancy

2. All conditions of approval associated with the Planning Commission's approval of the Planned Development Permit and Use Permit on July 14, 2005, and the Tentative Map on September 8, 2005 shall remain in full force and effect.

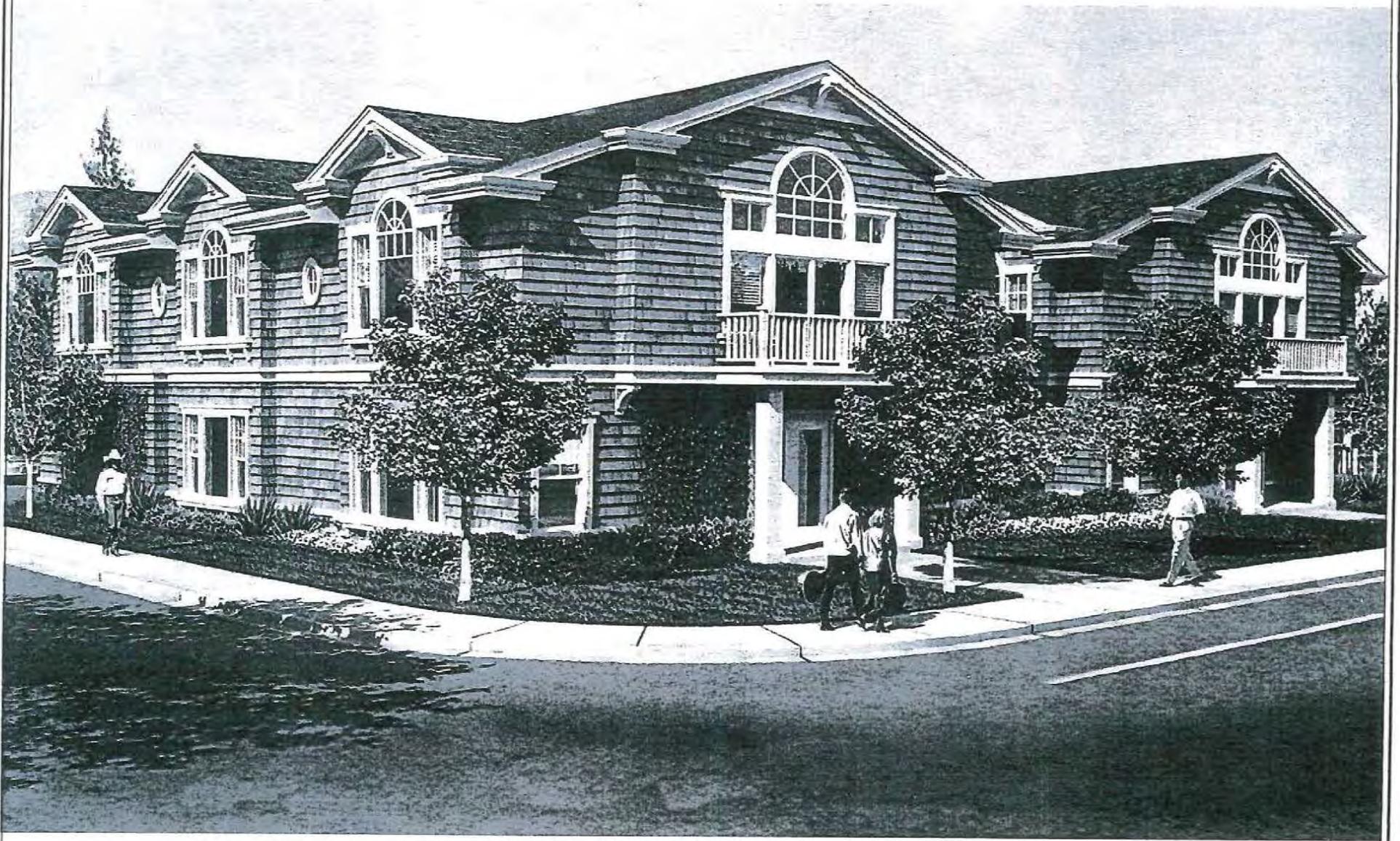
Enforcement Responsibility: Planning Division; Building Division; City Engineer

Timing: Ongoing; Prior to issuance of any building permits or as required.

3. The park shall be subject to review and approval by the Design Review Commission (DRC), including consideration of landscaping, fencing, lighting, hardscape and structural improvements. A play structure shall be included in the park, the location and design of which shall be subject to DRC review.

Enforcement Responsibility: Planning Division; Design Review Commission

Timing: Prior to occupancy



Source: George Riley & Associates December 2004



CHRISTOPHER A. JOSEPH & ASSOCIATES
Environmental Planning and Research

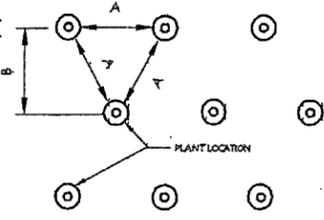
Figure 7
Proposed Project Simulation
View From Sonoma Highway Looking Southeast

PLANT QUANTITY CHART

| A | B | PLANTS PER S.F. |
|----------|--------|-----------------|
| 6" O.C. | 5.20" | 4.80 |
| 8" O.C. | 6.85" | 2.20 |
| 9" O.C. | 7.75" | 1.78 |
| 12" O.C. | 10.40" | 1.15 |
| 15" O.C. | 13.00" | 0.74 |
| 18" O.C. | 15.60" | 0.51 |
| 24" O.C. | 20.80" | 0.29 |
| 30" O.C. | 26.00" | 0.18 |
| 36" O.C. | 30.00" | 0.12 |
| 48" O.C. | 40.00" | 0.07 |
| 72" O.C. | 62.55" | 0.04 |

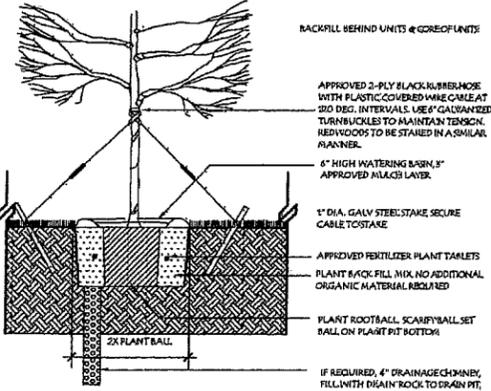
SEE GROUND COVER PLANT LIST FOR SPACING OF MASS PLANTS. THIS DIAGRAM IS FOR INFORMATIONAL PURPOSES ONLY. CONTRACTOR IS RESPONSIBLE FOR ASSURING PROPER COVERAGE AND PLANT COUNTS BASED ON SPECIFIED SPACING.

PLANT SPACING DIAGRAM



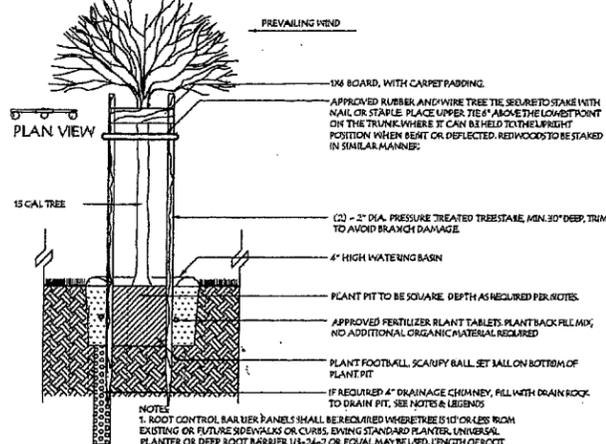
PLANT SPACING

N.T.S.



TREE GUYING DETAIL: 2x4" BOX AND LARGER

N.T.S.

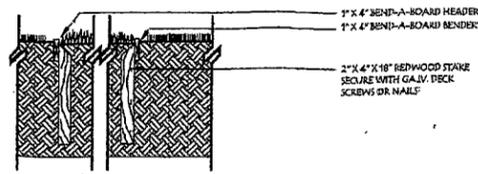


TREE STAKING DETAIL: 1/2 GAL TREES

N.T.S.

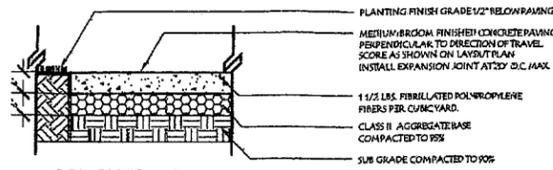
DEVELOPER
ODYSSEY DEVELOPMENT
P.O. Box 705
Tiburon, California 94920
ph. 707-310-2291

MANDALL PLANNING & DESIGN INC.
1475 N. Broadway Suite 200
Walnut Creek, California 94597
Office: (925) 934-8000
Fax: (925) 934-8001



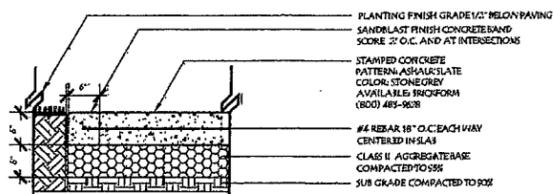
HEADER

SCALE: 1/4"=1'-0"



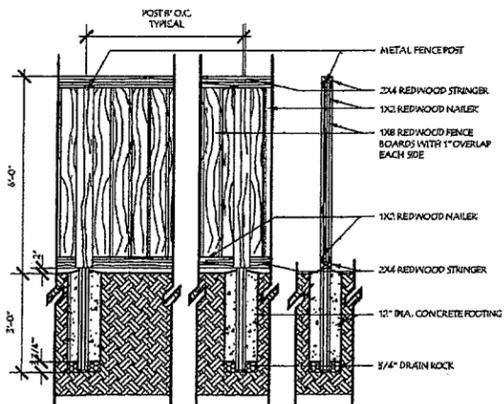
CONCRETE WALK

SCALE: 1/4"=1'-0"



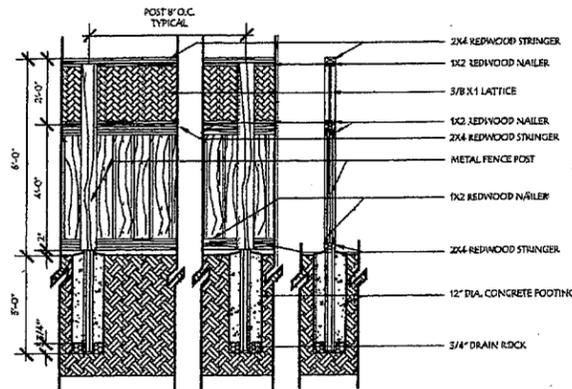
VEHICULAR ENHANCED PAVING

SCALE: 1/4"=1'-0"



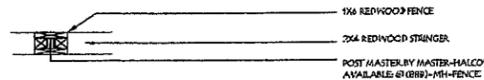
PRIVACY FENCE

SCALE: 1/2"=1'-0"



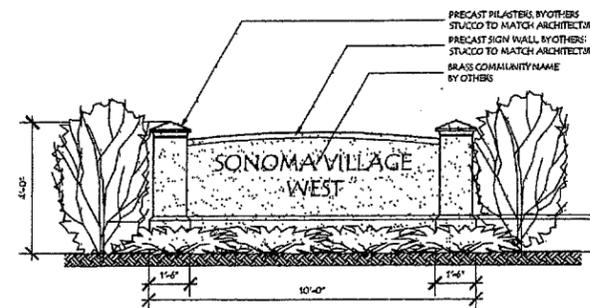
FRONT YARD LATTICE FENCE

SCALE: 1/2"=1'-0"



METAL FENCE POST

SCALE: 1/4"=1'-0"



COMMUNITY ENTRY SIGNAGE

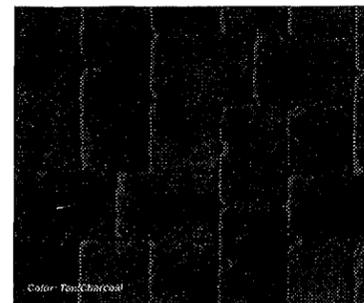
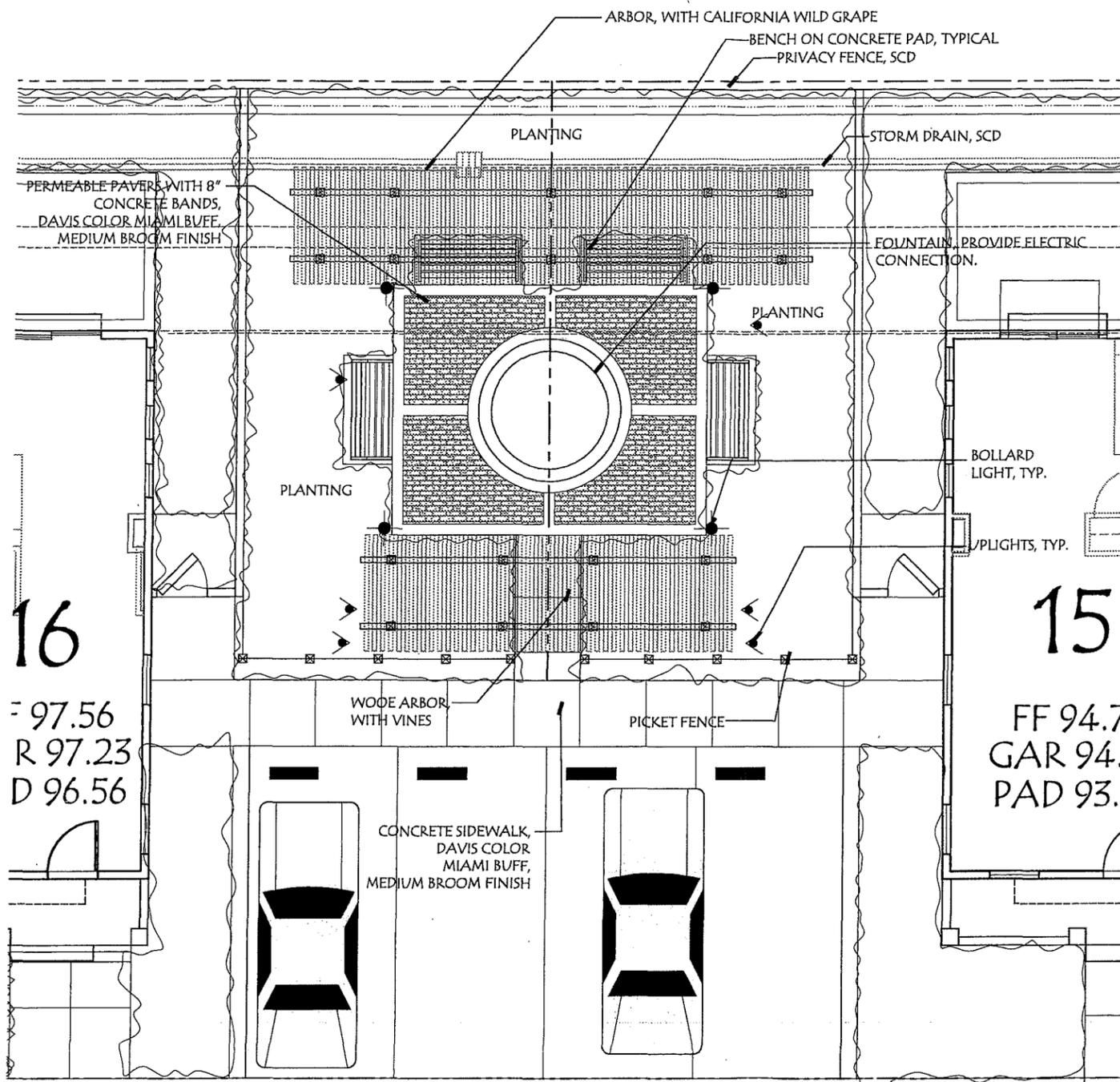
SCALE: 1/2"=1'-0"

ILLUSTRATIVE DETAILS
SONOMA VILLAGE WEST
SONOMA, CALIFORNIA

DATE: FEBRUARY 10, 2006

L-2

Exhibit B-2



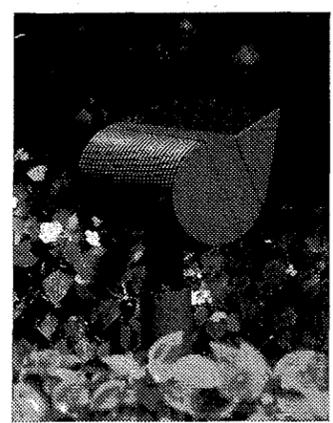
Permeable Paving
SF RIMA pavers
Color: Tan / Brown
Finish: Medium Shot Blast
Available:
Basalite Concrete Products, L.L.C.
11888 West Linne Road
Tracy, CA 95376-8102
Phone: 209 833-3670
Fax: 209 833-6039

Install per
Manufacturer's Specifications



Bench
Metal Lutyens Bench
Color: Black
Finish: Powder Coat
Available:
Smith & Hawken
1-800-940-1170

Bolt to Concrete Pad per
Manufacturer's Specifications



Uplights (One each per Olive Tree)
Model:
CFL1/50PMH120/BL-P/FH-CFL/BL-P/SM-18/BL-P

Available:
KIM Lighting
Mailing Address:
P.O. Box 60080
City of Industry, California 91716-0080
Corporate Address:
16555 East Gale Avenue
City of Industry, California 91745
Main (626) 968-5666 · FAX (626) 369-2695

Install per
Manufacturer's Specifications and City of
Sonoma codes.. Requires an electrical
connection and all weather junction box.



Bollard Light
Model:
BL-20/A/AO/50W MH/E/N
Available:
Hadco
100 Craftway
Littlestown PA 17340
Phone: 800-331-4185
Fax: 717-359-9289

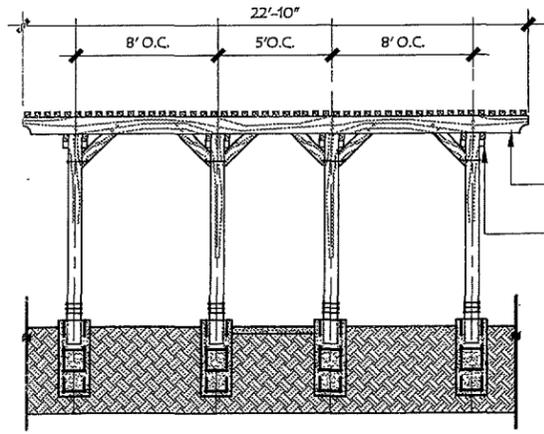
Install per
Manufacturer's Specifications and City of
Sonoma codes.. Requires an electrical
connection and all weather junction box.
Locate Bollard in planting, as shown, on
a raised concrete base.

16

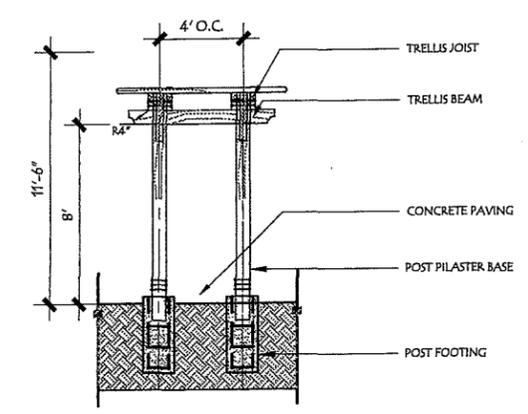
15

R 97.56
R 97.23
D 96.56

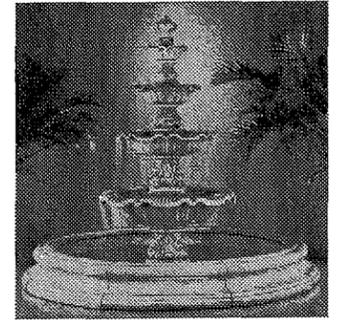
FF 94.7
GAR 94.
PAD 93.



FRONT SECTION
SCALE: 1/4"=1'-0"



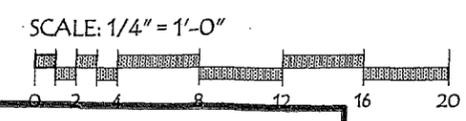
SIDE SECTION
SCALE: 1/4"=1'-0"



Fountain
Model: Four Tier Millennium Fountain
with Toscana Pool Fountain
Available:
Garden-Fountains.com
2907 Shelter Island Drive, Ste. No. 105-141,
San Diego, CA 92106
Phone: (800) 920-7457
customercare@garden-fountains.com

Install per Manufacturer's Specifications and
City of Sonoma codes.. Requires an electric
connection and all weather junction box.

DATE: 22 AUGUST 2007



1 TRELLIS
SCALE: AS SHOWN

DEVELOPER
ODYSSEY DEVELOPMENT
P.O. Box 706
Tiburon, California 94920
(707) 310 2291

LANDSCAPE ARCHITECT / LAND PLANNER
LEVESQUE PLANNING & DESIGN
1414 Bay Street, Suite 100
Alameda, California 94501
(510) 521 6700

APPROVED

New Park Plan - Materials Plan

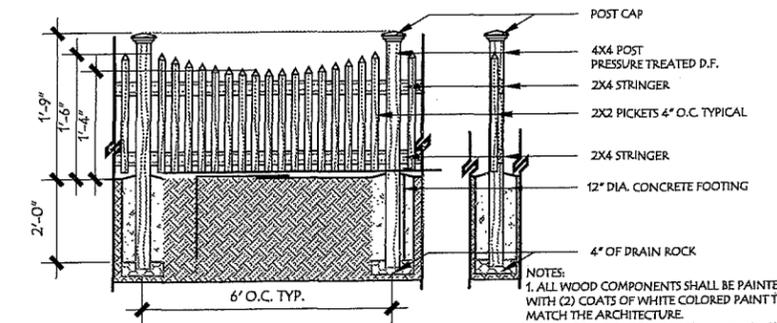
The Orchards of Sonoma

Sonoma, California

By: PC

Date: 9/13/07

Comments: SEE CONDITIONS OF APPROVAL



2 PICKET FENCE
SCALE: 1/2"=1'-0"

NOTES:
1. ALL WOOD COMPONENTS SHALL BE PAINTED WITH (2) COATS OF WHITE COLORED PAINT TO MATCH THE ARCHITECTURE.
2. ALL METAL COMPONENTS SHALL BE GALVANIZED.

3

Item 6A:
Appeal Regarding 19366 and 19370 Sonoma Highway

**Developer
Submittal**

To: City of Sonoma, City Council

From: Kibby Road LLC

Subject: Narrative to appeal opposing commercial buildings 19370 and 19366
Sonoma Highway

In early 2012 the developer began investigation of the abandoned development, Sonoma Village West. The development was in various states of completion with all structures complete to sheetrock, roads paved, substantial landscaping complete, construction had not begun on the commercial lots. The developer worked with the City of Sonoma to determine the status of building and use permits. Upon completion of the investigation it was determined that the building permits had expired and new permits would need to be issued. Use permits remained valid. The use permits pertain to the residential and commercial components of this mixed use development. The developer concluded that a purchase of the development was viable and proceeded with the acquisition.

Sonoma Villas de Luna LLC secured the development. Sonoma Villas de Luna, the developer, met with the Planning Commission to discuss the remaining areas of concern for completion. The Planning Commission took concern with the completion of the park located between the single-family homes on Palou Street and the Townhouses on Lyon. During a Planning Commission meeting in July 2012 it was determined that rather than the construction of a play structure that a native tree be preserved and a picnic table and benches be placed in the park rather than a play structure. Planning asked that 3 oak trees be planted along Sonoma Highway frontage, those trees were planted. A further request was made that Italian Cypress trees be planted to provide further screening from Sonoma Highway. This was done during landscaping of the residential component of this mixed-use development.

The development, Sonoma Village West was renamed, Sonoma Villas de Luna and a HOA was formed and filed with the State of California.

The residential element of the project became the focus of the developer. Building permits for all 15 units were applied for, reviewed with plans and issued to the developer. Completion of the residential properties began and the single-family homes went on the market in the fall of 2012 with the duplex and townhouses following in late 2012 and early 2013. The development was promptly sold out. During the course of the residential properties being listed for sale, a large sign remained hung at the corner of Sonoma Highway and Lyon Street illustrating the future commercial buildings.

The commercial lots were placed on the market for sale in 2013. The lots were listed at \$150,000 per lot. There are two parcels resulting in the 2005 approval of two commercial buildings. In 2013 the seller accepted an offer from a buyer who proposed to put eight single-family homes on the site. During the course of escrow

the buyer worked with the City of Sonoma to determine feasibility of her residential project and her concept was rejected. Escrow was cancelled. The properties remained on the market. In 2014 the seller received a full price offer for the lots but rejected the offer having decided to develop the commercial space.

In 2015 discussion occurred at the Sonoma Villas de Luna HOA meetings as neighbors requested feedback as to what would be built on the commercial lots. Select members of the Sonoma Villas de Luna HOA suggested that the commercial lots be purchased by the HOA for the use of a HOA community club house and pool, others suggested the developer donate the land to the HOA or City of Sonoma for a park. Donation of the land was not considered. The developer whom occupied a seat on the Sonoma Villas de Luna HOA Board took neighbor concern and responded that the commercial lots would not be industrial, they would in fact be office space.

Understanding that select neighbors were concerned about commercial space the developer worked with the City of Sonoma study sessions to create a commercial element on the first level of the two buildings and residential lofts on the second floor of the building. These plans were shared via email with the HOA and a request was made to discuss the plans with the HOA. The HOA refused the request. Finding a conflict of interest in being the HOA Board President and the developer of the commercial lots, the individual representing the developer, Alicia Razzari, recused herself from the Sonoma Villas de Luna HOA Board.

In August of 2015, the developer sought to meet with each Planning Commissioner. They were able to meet with one over the phone and another in his office. During the August 2015 Planning Commission Meeting, the developer appeared before the City of Sonoma Planning Commission to present the concept of two buildings both with commercial space on level 1 and residential lofts on level 2. This was an effort to decrease commercial use recognizing the interest of the active neighbor group. The neighbor group opposed the plan sighting their desire for open space. The Planning Commission asked if the developer would consider selling the property to the neighbors to which the developer responded that the property remained actively listed for sale and had been for the past two years. The developer followed up with neighbor Nick Dolata as he was leading the neighbor group to reiterate that the land remained for sale. The neighbors never responded. Given the fact that a use permit remained valid for the commercial buildings, the developer was asked what they would like to do, as the neighbors were opposed to the proposed plan. The developer responded that the only remaining option was to proceed with the approved use permit.

Throughout the remainder of 2015 the developer worked on design plans and shared those in study session with the City of Sonoma staff. Additional work was done to move towards the submittal of plans for a building permit, engineering, survey work, architectural plans and landscape plans. Recognizing that the neighbor group in opposition was against anything except open space or a neighborhood community center and pool, the developer elected not to engage the neighbors in

design plans. In April of 2016 the developer submitted plans for the May 2016 Design Review Meeting. The meeting was cancelled due to a lack of quorum and rescheduled for June 2016. At the DRC meeting the neighbors opposed the design stating there was a lack of landscaping to buffer the townhouses from the commercial buildings. The DRC asked that the developer meet with the neighbors to discuss the landscaping. In good faith the developer took the neighbors requests for a landscape barrier and created landscaping plans to reflect their requests. The developer met with the neighbors along with the developer's landscape architect and two architects. Notes were taken and the result was a request to add a trellis structure to the back of the parking lot along the lot line between the townhouses and the commercial parking lot. The developer agreed to the landscape barrier and the trellis structure, plans were drawn to include the trellis.

A second meeting was held with the neighbors and developer team. The plans illustrating the trellis were shared. The neighbors reacted positively but requested that another vantage point be drawn to illustrate the view from the parking lot. The developer had provided plans illustrating the view of the commercial space and the view from the townhouses, the neighbors wanted the view from the vantage of an individual parking in the lot. The requested plans were drawn and shared with the neighbors. At this time the neighbors responded with an email stating that they approved but wanted to meet again to make further requests. At that point recognizing that with each concession came a new request the developer elected to take plans back to the Design Review Commission and ask that the Commission provide guidance.

Prior to the August DRC meeting the neighbors lead by Joan Jennings, submitted a letter stating they agreed to the building design but requested that trees be planted in the trellis structure. The neighbors provided photos of this concept. While the developer agreed to this request, the examples provided do not take into account a passage way that sit approximately seven feet above the parking lot at the height of the trellis. The developer stated they did not oppose adding trees but that this would require a specific tree as the trees and examples provided would make the walkway impassable. The developer worked with City of Sonoma Staff and determined that a more column like tree would work best. Plans were submitted to include Italian Cypress trees within the trellis structure. At the August DRC meeting the neighbors opposed to Italian Cypress.

During the course of this meeting with the Design Review Commission, the neighbors were engaged by one of the Commissioners in a violation of the Brown Act and encouraged to seek an appeal to the commercial project.

Follow up with the neighbors began following the August DRC meeting where upon the developer and the developers landscape architect provided a selection of trees that could potentially grow within the landscape barrier space while not consuming the passageway. The neighbors selected a tree from the options provided. The developer again drew plans to reflect the addition of the trees to the landscape

barrier area. The landscape architect advised against trees growing within the trellis structure as a result of the passageway and in an effort to maximize the full-intended objective of the trees, which is to provide a screen from the parking lot. The neighbors opposed the concept suggesting that the trellis structure had been 'mutilated'. The developer has made every effort to accommodate the demands of the neighbors. With each demand met a new demand has been issued.

It is the opinion of the developer that the neighbors have no intention of agreeing. There has been a constant effort of good faith to meet the demands of the neighbors and yet the neighbors continue to oppose the project. In the latest effort to stall the project the neighbors have filed an appeal with the City of Sonoma.

Kibby Road LLC has made every effort to work with the City of Sonoma, to accommodate the growing demands of the neighbors and to provide a forum with access to the development team. Absolutely zero concessions have been granted to the developer nor have any been requested and the project continues to be stalled. Having reached out to neighbors to best understand the underlying objective behind the constant demands and distractions the resounding answer has been an opinion that commercial development will negatively impact home value. This has been a mixed-use development since inception. The commercial element is not new to the project and was an item of discovery during the course of all escrows for the residential portion of the development. A decrease in home valuation in relation to this development is an unsubstantiated opinion and an arbitrary argument to appeal.

GATE NARRATIVE

An electric gate was installed to allow remote access to Palou Street by homeowners of Sonoma Villas de Luna. The gate functioned properly and was powered by electrical lines run from property address 868 Palou Street. During completion of Sonoma Villas de Luna, PGE communicated to the developer that there was no existing HOA auxiliary power source; the gate would need to be connected to and draw power from one of the existing properties adjacent to the location of the gate. HOA documents were drawn to provide a monthly credit in HOA dues to the homeowner of 868 Palou Street. Power being provided to the gate from 868 Palou Street was disclosed during escrow. The buyer, during the course of escrow, requested that the gate be removed from being powered by the property, a request that was denied, the buyer proceeded with the purchase of 868 Palou Street, Sonoma. The gate began to malfunction, not opening on remote or opening intermittently. There was cause to believe, suggested by neighbors, this was a result of damages caused by children passing through from neighboring areas and swinging from or jumping on the gate. Attempts were made to repair the gate motor, no physical damage was done to the gate. During this time the homeowner at 868 Palou Street, Ms Joan Jennings, worked with the HOA to vote that the power source from her property be disconnected from the gate. The HOA approved. Upon a lack of power the HOA followed the recommendation of an electrician to install a solar battery to power the gate. The battery was subsequently too small to power the use and weight of the gate and service failed. As the HOA refuses to return the gate to the intended power source the gate remains without function.

The developer was not required to provide an electric gate but elected to do so. The developer has offered to provide a larger motor to the gate. Residents of Sonoma Villas de Luna communicated that they have met with PGE and are told that a HOA auxiliary power source does exist. In good faith the developer spoke with PGE to inquire as to where this power source was located and at what parcel number. PGE was unable to determine location but suggested an application be filed by the HOA. The developer shared this information with HOA President, Nick Dolata and recommended that, as the HOA would be responsible for the service that they should continue their inquiry and work directly with PGE. The developer advised Nick Dolata on the process as to submitting a contract for service. The developer has received no further requests from the HOA nor has the HOA accepted the developers offer to provide a larger motor. The gate could function properly and immediately if returned to its original power source and a larger motor installed.

The developer remains willing to replace the gate motor with a larger capacity motor. Once the HOA has resolved their power source issue, the developer will gladly replace the motor and has secured a job bid to do so.

From: **Alicia Hansel** alicia@kibbyroad.com
Subject: **Sonoma Villas Gate**
Date: **June 21, 2016 at 8:31 AM**
To: **Nicholas Dolata** ndolata@hotmail.com



Nick,

Thank you for your time yesterday evening. I wanted to circle back with both you and Brian on the gate in an effort to assure you my company is engaged to help correct the issues with the gate. Brian shared with me the electrical quote. I believe the next step is understanding access to the PGE power source. Please let me know where we are with that and how I can be of assistance in pushing forward.

I reviewed our scope of work from the project upon return to my office last night. Upon purchase of the development, there was a heavy swing gate that was padlocked and hung from the posts that are in place today. As I mentioned we removed that gate to put in something more decorative. Power had been run under sidewalks/roads. Our contractors trenched and ran power from the single family home adjacent to the gate to the sidewalk and tied into the existing lines. The work we completed was done to code and inspected by the city.

I want to stress to you all that the City of Sonoma while they were thrilled to see this project brought back to life and seen to completion, they were incredibly diligent and meticulous in their inspections and demands. While all electrical work had been done it was required that electrical be brought up to current code which required greater energy efficiency. Light fixtures, cans and switches were replaced to meet code. Items that had been completed by the prior builder that did not meet safety code were replaced: this entailed things such as windows that need to be tempered glass, doors from garages to the interior of the home that needed to be fire rated, bolts on ac units where required. A man hole had been installed in the road but was without a ladder. Railings with pickets were measured and were replaced in all locations where gaps exceeded even an 1/8th of an inch of allowable space for safety. Kathy the lead inspector climbed in and out of 15 attics to inspect and reinspect the work of the previous builder and all corrections required of us to bring each property to code. Public Works was engaged every step of the way inspecting landscaping, requiring that curbs be painted. The Planning Commission weighed in on common area which resulted in green space rather than play structures and auxiliary structures. An example would be in the park we met in yesterday evening the Commission asked that the large tree which had been slated to be destroyed in order to meet the landscaping plan be saved. As a result of preserving the beautiful and native tree, the Commission asked for a picnic table rather than the auxiliary structure from the original plan.

I share these few details in an effort to help shed some light on the many layers that existed with this project. What's incredible is that this little camelot was rescued, completed and is now home to a group inspired to preserve this special space. As an owner in the neighborhood and the final developer on the project, we are invested and passionate as well. We are proud of what we created and provided to the City of Sonoma and more importantly the residents of Sonoma Villas de Luna.

I look forward to working with you and Brian on the gate.

Alicia Razzari
alicia@kibbyroad.com
(p) 415-215-8356
(f) 415-813-1208

Most Recent Gate Communication

From: **Nicholas Dolata** ndolata@hotmail.com 
Subject: PG&E Engineering Advance and Update for Sonoma Villas de Luna HOA Meter.
Date: September 8, 2016 at 3:34 PM
To: Alicia Razzari alicia@kibbyroad.com, Brian Rowlands browlands@fsirivet.com, Joan Jennings joanjennings99@gmail.com



Good Afternoon Alicia and Board Members -

Sorry for the delay in getting this information over to you. I have been busy with other work related items that needed to get resolved before I worked on this project. I did meet with Francis from PG&E and Scott DeMartini with DeMartini Electric last week to go over the project for the HOA meter located in the grass/park area between the townhouse and single family homes. This is a very simple and fast project according to both professionals. The attached is the advance that PG&E requires for us to move forward with this project. The Invoice for DeMartini has been distributed already at our last HOA meeting. The only outstanding piece would be the remaining PG&E amount that will be required once project moves forward and is completed. Francis seems to think this amount will be around \$3000-\$4000. The deposit will be applied to this amount once plans and permits are presented. Please look this over and let me know if you have further questions. I look forward to bringing this to a vote at our next HOA meeting. Thank you again.

Nick Dolata
707-721-6536



PGE Engineering
Advance.pdf

99970007567682500001500000000150000

| Invoice Number | Invoice Date | Amount Due | Amount Enclosed |
|----------------|--------------|-------------|-----------------|
| 0007567682 -5 | 08/18/2016 | \$ 1,500.00 | |

SONOMA VILLAS DE LUNA LLC
 856 PALOU ST
 SONOMA CA 95476

PG&E
 Box 997300
 Sacramento, CA
 95899-7300

To Pay Online, please go to <http://www.pge.com/ProjectPayments> or
 Please return this portion with your payment. Thank you.

When Making Inquiries or Address Changes,
 Please Contact :

Francis Duner
 707-765-5160

Customer Number
 1412265

Invoice Number
 0007567682 -5

In connection with your application for new gas and/or electric service and as explained in the application, PG&E will require a cash payment in advance for your project. This advance payment is required for the cost of an engineering review, design work, and cost development. The amount of the advance is based upon PG&E's current costs, utilizing the information submitted in your application for new service addressing the scope of your project.

Your project manager will review the scope of work needed to complete a construction quality estimate. If the billed engineering advance is insufficient to cover PG&E's design and project management costs or other work as required, PG&E may require an additional advance before proceeding.

The engineering advance will be applied to the total contract cost upon completion of the design and cost estimate. Any difference between the engineering advance and contract cost will either be refunded (without interest) or billed, as applicable. At any time you may request that we stop your project, however, we may retain all or a portion of the engineering advance and bill any costs incurred above that amount. This fee is dependent upon the amount of work PG&E has performed at the time of cancellation.

If this requested advance payment is not received by PG&E within 90 days from the date of this invoice, PG&E reserves the right to cancel this application for service.

IMPORTANT: By going forward with this project and paying the engineering advance to PG&E you are also agreeing to pay PG&E for all costs PG&E incurs for your project in the event that your project is cancelled, even if the costs PG&E incurs are more than this advance.

Notification : 111844711
 Project Description : EP PALOU ST SONOMA

Line Item Subtotal 1,500.00

AMOUNT NOW DUE \$ 1,500.00

SONOMA VILLAS DE LUNA LLC
856 PALOU ST
SONOMA CA 95476

PG&E
Box 997300
Sacramento, CA
95899-7300

*When Making Inquiries or Address Changes,
Please Contact :*

Francis Duner
707-765-5160

Customer Number

1412265

Invoice Number

0007567682 -5

*NOTE : This invoice reflects current charges only.
Any past due amounts will be billed separately.*

July 28, 2016

Alicia Razzari
Kibby Road
Merced, California

Members of the DRHPC
City of Sonoma

David Goodison
Planning Director
City of Sonoma

Dear Ms. Razzari, Members of the Commission, and Mr. Goodison:

We approve the new, mission-style building design, and the developer has agreed to put in a four-foot landscaped barrier. Now, we want to move the ball forward.

The only thing left to decide is the type of opaque barrier. Because the existing cement wall and wrought iron fence are about seven feet tall, we agree that we do not need another wall or fence. But there should be several trees planted in the buffer yard that will reach up through the trellis and help create the first level of the opaque barrier between the homes and the commercial buildings. The other part of the barrier should be suitable trees, something like Japanese maples perhaps, in the planters. This two-tiered, leafy barrier would ensure privacy and protection for the town homes.

Nothing much more needs to be said about this design because it sells itself.

We understand the enhanced paving, signage, and picnic table arbor are no longer required by the city, and we are not pursuing these items. However, we are requesting that the developer re-seal the asphalt which is a constant problem for the neighborhood.

We hope you will agree with our minimized requests.

Respectfully,

Members of the HOA of Sonoma Villas de Luna

*Submitted via email
July 28, 2016 - 10:32 AM
by Joan Jennings
Subject Line:
Moving the Ball Forward*

July 18, 2016

Alicia Razzari
Kibby Road, LLC
2334 M Street, Suite 2101
Merced, California 95344

Dear Alicia,

The City has taken a neutral position in this matter, and they have commissioned the residents and the developer to meet and resolve their differences.

We have met twice, and we have made some progress. This has brought us closer together, but there are still matters that are very, very important to us that have not been settled. These matters are listed below.

Enhanced Paving. (See notes attached to documents marked GATE)

This was promised by the original developer and approved by the City. But it was not installed, and the asphalt that was not properly sealed has made our lives very hard. We have been struggling with this for three years. Every time it rains or the weather is very hot, the tar on the asphalt melts or liquefies and it comes off on our driveways and on our shoes and on the feet of our pets. This problem has become a torment to us.

Sonoma Villas de Luna Sign. This was promised and approved. (See notes attached to GATE)

Trees in the planters on the west side of the town homes. These were similarly approved, and they form part of the landscaped buffer. (See notes attached to GATE)

Landscaped buffer yard between the town homes and the commercial buildings.

A well-established legal principle of privacy rights says: "A man's house is his castle; his home his safest refuge." The word "refuge" implies security and protection. The Sonoma Municipal Code takes this basic tenet into account and provides for it by requiring an opaque barrier (a wall or fence) as well as trees between commercial and residential areas. The residents of the town homes are entitled to such privacy. They do not want someone looking into their living rooms or bedrooms or kitchens. To fail to provide an adequate opaque barrier amounts to the same thing as moving the town homes themselves to a different location. Just as that would never be permitted, failing to provide the buffer is not permitted.

See Attached 19.48.090 Landscaping of parking facilities

The trellises are a nice start, but to provide adequate screening and buffering, a wall and additional trees are required as well. And to accomplish this buffer yard contemplated by the code, the landscaped area should be four and one-half to five feet wide.

The necessity of providing a buffer between commercial and residential uses runs through the code. Because you are very familiar with the code, the references that follow are intended only as reminders. The code contains provisions specific to each planning area. In our area, the West Napa/Sonoma Highway Corridor, the code recognizes that there will often be a union of commercial and residential uses. Code section 19.36.010(B) provides, in part, that “[b]ecause much of the corridor backs onto residential development, site plan relationships must be carefully evaluated. Ideally, new commercial uses should be designed to relate to the extent feasible with adjacent residential development; at a minimum, adequate screening and buffering are required” (Emphasis added). And specifically with regard to commercial parking, section 19.36.020(A)(5) states that “[c]ommercial development shall require screening and buffering of parking areas.”

Unfortunately, one mandate of the code has not been followed in the planning process. Section 19.40.060(D)(1)(b) provides that “[l]andscaping shall be planned as an integral part of the overall project design and not simply located in left over space after parking areas and structures have been planned.” The piecemeal submission of building plans, parking, design, and, finally, a landscape plan, has not fulfilled this mandate.

Section 19.48.090(F) requires that between non-residential and residential uses there shall be a buffer yard with a minimum six-foot wall of wood or masonry. There are to be trees every 30 feet at a minimum. The wall must provide an opaque screen and shall be architecturally treated on both sides (Section 19.40.100(a)(1)(2).) This code section does not specify a width. However, a closely related provision offers guidance. Section 19.48.090(E) mandates a five-foot wide buffer between a parking lot and an adjoining public street. Given that the code requires “at a minimum, adequate screening and buffering,” the five-foot width provides a useful standard for the buffer yard.

Our suggestion is that the wall be placed on the commercial building side, five feet west into the existing parking lot. This is because the raised porches of the town homes already feature a substantial retaining wall, and placing the buffer yard wall near it will create a narrow alley of a foot or two between the walls. Furthermore, in order for the town homes to enjoy the maximum buffering effect, both visually and with regard to sound, the wall should stand five feet west into the parking lot. That way, the town homes, rather than the commercial property, can enjoy the beautiful landscaping.

We envision the buffer yard to include the six- to seven-foot wall required by the code with trees set, at a minimum, every 30 feet on the town home side of the wall, and shrubs and flowers in the spaces between the trees. As to the initial planting, the code requires

that trees be 15 gallons and shrubs five gallons so that there is substantial landscaping from the very beginning. (Section 19.40.060(D)(2)(a).) Some of the shrub species may be selected with an eye to having them grow to the height of the wall.

The question may arise as to how to harvest the necessary five feet for the buffer yard. We believe one answer is to move the commercial buildings four and one-half feet forward toward Sonoma Highway; that is, move them from the currently designed 22.5-foot setback to a setback line of 18 feet. At the DRC meeting, two of the commissioners suggested this themselves. Commissioner Johnson expressed a concern for an adequate buffer zone and suggested pushing the buildings forward. Commissioner Essert advocated moving the buildings toward Highway 12 to provide more room for the buffer. Mr. Essert also discussed the option of underground parking to make room for the buffer. He explored this concept with your architect who ultimately conceded that underground parking was feasible. Furthermore, an 18-foot setback is within the contemplation of the City. In Mr. Goodison's staff report to the Planning Commission regarding your 2015 application, he stated that an 18-foot setback could apply to the buildings then envisioned as part commercial, part residential. An 18-foot setback is a win-win for you as well as the neighborhood. You can maintain the current square footage of your commercial spaces as well as supplying the parking necessary to serve them. The residents will enjoy a five-foot wide, well-landscaped, opaque buffer with beautiful trees and shrubs, creating privacy. Commercial and residential uses can co-exist harmoniously.

We are enclosing two photographs of an example of a landscaped buffer design which seems to adequately comply with the code requirements. It is part of a business called The Edge, located at 139 East Napa Street. There are architectural features on both sides of the fence. The fence is consistent with the exterior of the building itself. We looked all around town at buffer yards: all of them have a width of about four and one-half to five feet; all have trees in the strip, and there is room for the trees; all have an opaque barrier. We saw such yards at Derringer's own building on First Street West (which also has beautiful and clean enhanced paving); Williams-Sonoma; Readers' Books, Plaza del Sol, etc.

Following our suggestions, you can make Sonoma Villas de Luna an outstanding development--something that Sonoma will always be proud to claim.

Sincerely,

The Residents and Owners of Sonoma Villas de Luna

From: **Scott Landry** scott@studio101designs.com
Subject: Re: Meeting on July 18
Date: July 16, 2016 at 11:38 AM
To: Alicia Razzari alicia@kibbyroad.com
Cc: steven@studio101designs.com



Hi Alicia,

Here's the appropriate code regarding the landscape screening (you can see that they are taking bits of a few sections to improperly form their argument):

19.48.090 Landscaping of parking facilities.

Landscaping of parking facilities shall be provided and maintained in compliance with the provisions of this section.

A. Amount of Landscaping Required. At a minimum, parking facilities shall provide landscaping in the amounts as set forth in Table 4-5.

Table 4-5

| Required Landscaping for Parking Facilities | |
|--|---|
| Parking Facility Size | Percent of Facility to be Landscaped |
| 1 – 6 spaces | 7% |
| 7 or more spaces | 12% |

B. Landscape Materials. Landscaping materials shall be provided throughout the parking lot area using a combination of trees, shrubs and ground cover. Drought-tolerant landscape materials shall be emphasized, consistent with the city's low-water use landscaping ordinance. Trees shall be provided throughout the parking area at a rate of one tree for every 10 parking spaces. All trees within the parking area shall be a minimum one-inch caliper size at the time of planting.

C. Curbing, Irrigation. Landscaped areas shall be bordered by a concrete curb at least six inches high and shall be provided with an automatic irrigation system. Alternative barrier designs may be approved by the city planner.

D. Bumper Overhang Areas. To increase the parking lot landscaped area, a maximum of two feet of the parking stall depth may be landscaped with low-growth, hearty materials in lieu of paving, allowing a two-foot bumper overhang while maintaining the required parking dimensions. Bumper overhang areas shall not encroach over the required width of a sidewalk.

E. Parking Lot Screening. Parking areas adjoining a public street should be designed to provide a five-foot wide landscaped planting strip between the street right-of-way and parking area. The landscaping should be designed and maintained to screen cars from view from the street to a height of 36 inches. Screening materials may include a combination of plant materials, earth berms, wood fences, masonry walls, raised planters, or other screening devices that meet the intent of this requirement. Plant materials, walls, or structures within a traffic safety sight area of a driveway shall not exceed 30 inches in height.

F. Parking Lots Adjacent to Residential Uses. Parking areas for nonresidential uses adjoining residential uses shall provide a landscaped buffer yard between the parking area and the common property line bordering the residential use. A solid masonry wall or wooden fence and landscaping shall be provided along the property line. Trees shall be provided at a rate of one for each 30 linear feet of landscaped area.

G. Larger Projects. Parking facilities with more than 50 spaces shall provide a concentration of landscape elements at primary entrances, including specimen trees, flowering plants, and enhanced paving. Additionally, larger parking facilities should be broken up into a series of small parking lots separated by landscaping and pedestrian walkways.

H. Lighting. Parking areas shall have lighting capable of providing adequate illumination for security and safety. Lighting standards shall be energy-efficient and in scale with the height and use of the on-site structure(s). All illumination, including security lighting, shall be directed downward, away from adjacent properties and public rights-of-way in compliance with SMC 19.40.030, Exterior lighting. (Ord. 2003-02 § 3, 2003).

Scott Landry
studio101designs
o. **707.778.0101**
c. 415.203.0569
scott@studio101designs.com

On Jul 16, 2016, at 9:53 AM, Alicia Razzari <alicia@kibbyroad.com> wrote:

From: **Joan Jennings** joanjennings99@gmail.com 

Subject: Meeting on July 18

Date: July 15, 2016 at 3:44 PM

To: Alicia Razzari alicia@kibbyroad.com

Cc: Nicholas ndolata@hotmail.com, Jack Ding jack@unicomtax.com, Brian Rowlands browlands@fsrivet.com, hmlieu@yahoo.com, hsiao d lieu hdlieu@yahoo.com, frosty here snowmanic13@yahoo.com, Alana Dwyer@dwyer@hotmail.com, Stephanie Wesolek Swesolek@gmail.com, Maria Pecavar maria.pecavar@gmail.com, tom.elster tom.elster@aol.com, Steve Jennings stevejennings98@gmail.com, Joan Jennings joanjennings99@gmail.com, Laurie O'Hara laurieoharatorres@hotmail.com

Hi, Alicia,

Enclosed is our response to the first drawing of the trellises.

All of the homeowners have signed this letter, or given their approval of it, and we will share the signed copy with you on Monday.

We are looking forward to finishing this project with you and to making something lasting and beautiful in our Camelot!

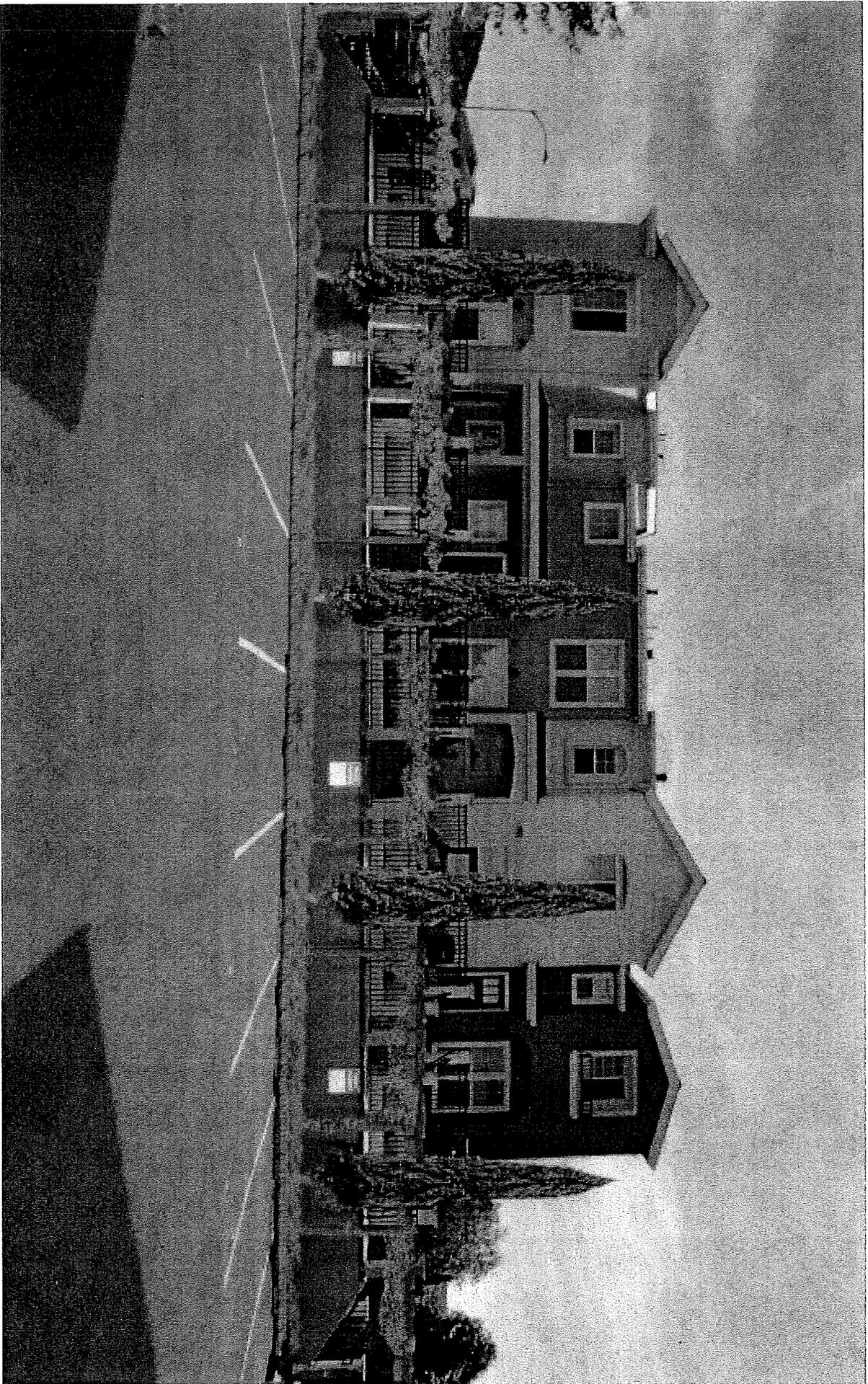
Thank you, and see you on Monday.



Letter to Kibby Road,
July 18, 2016.doc







August 16, 2016

Wendy Atkins
Associate Planner
City of Sonoma
No. 1 The Plaza
Sonoma, Ca 95476
707.933.2204

RE: 19366 & 19370 Sonoma Hwy Confirmation of Irrigation and Plant Size and Type

Wendy,

The following statement is to further clarify the plans for 19366 & 19370 Sonoma Hwy, Sonoma, Ca dated 06.29.2016. We are confirming that the irrigation methods and design actions that will be employed on the project will meet the irrigation specifications as set forth in section 472.7 of the State Model Water Efficient Landscape Ordinance. In the plans we are showing 11 new trees being planted, all of which will be *Cercis canadensis* as stated on the plans. The trees will be installed at a size of 24" box or larger; we will notate the size on the next plan set submission.

Please let me know if you have any additional questions or concerns.

Henry Fleischmann

DKHPC 8/10/66

14366 + 14370
Sonoma Hwy

LATE MAIL

Item # 1



Trees

*I think that I shall never see
A poem lovely as a tree.
A tree whose hungry mouth is prest
Against the sweet earth's flowing breast.*

*A tree that looks at God all day,
And lifts her leafy arms to pray.
A tree that may in summer wear
A nest of robins in her hair.*

*Upon whose bosom snow has lain,
Who intimately lives with rain.
Poems are made by fools like me,
But only God can make a tree.*

Joyce Kilmer

Sent by Stephen Jennings - 868 Palou

TREES MATTER

The poet says trees are lovely, but since man has lived on this planet, they have been much more than that.

They have sheltered us, heated our homes, cooked our food, and carried us across the oceans.

During the Great Depression, people saved wash water to keep trees alive.

Trees are sacred to us.

In this landscaped section, trees will comfort us,

And they will give us privacy. They will be lovely.

And we need them. A landscaped section without trees is unacceptable.

Trees Matter.

Stephen Jennings - 068 Palou
8/16/14

steven moseley

studio 101 designs
c. 415.806.6084
o. 707.778.0101
101 H Street, Ste. C
Petaluma, CA 94952
steven@studio101designs.com
www.studio101designs.com

From: Wendy Atkins [<mailto:WendyA@sonomacity.org>]
Sent: Tuesday, August 16, 2016 11:48 AM
To: 'henry@fdcdesignbuild.com' <henry@fdcdesignbuild.com>
Cc: Steven Moseley <steven@studio101designs.com>; morgan fleischmann <morgan@fdcdesignbuild.com>; Alicia Hansel <alicia@kibbyroad.com>
Subject: RE: 19366 and 19370 Sonoma Hwy Landscape Statement

Hi Henry, Alicia, and Steven,

Tonight, I understand that you will be proposing additional landscape screening in the trellis area in the form of additional trees? Please confirm that this is the approach you will be taking. In addition, it would be extremely helpful to staff if we had an opportunity to review the revised landscape plan prior to the meeting tonight. I would really like to do everything we can to move this project forward tonight. Please forward the revised drawings so we can review them. In addition, please be aware that the WELO calculations are really tight so if new trees are proposed in the trellis area it may require trees to be removed from the proposed plan in other locations.

Wendy Atkins
Associate Planner
City of Sonoma
No. 1 The Plaza
Sonoma, CA 95476
(707) 933-2204
watkins@sonomacity.org

From: henry@fdcdesignbuild.com [<mailto:henry@fdcdesignbuild.com>]
Sent: Friday, August 12, 2016 11:56 AM
To: Wendy Atkins
Cc: Steven Moseley; morgan fleischmann; Alicia Hansel
Subject: 19366 and 19370 Sonoma Hwy Landscape Statement

Hi Wendy,

Attached is the statement we talked about this morning. I hope this clarifies everything. Let me know if you need anything else.

Henry

--

Henry Fleischmann

Fleischmann Design Collaborative
fdcdesignbuild.com

Steven Moseley

studio 101 designs
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101 H Street, Ste. C
Petaluma, CA 94952
steven@studio101designs.com
www.studio101designs.com

From: Wendy Atkins [<mailto:WendyA@sonomacity.org>]
Sent: Tuesday, August 16, 2016 12:46 PM
To: 'Steven Moseley' <steven@studio101designs.com>; henry@fdccdesignbuild.com
Cc: 'morgan fleischmann' <morgan@fdccdesignbuild.com>; 'Alicia Hansel' <alicia@kibbyroad.com>
Subject: RE: 19366 and 19370 Sonoma Hwy Landscape Statement

Hi Steven,

David and I had a meeting with Alicia, I understood from that meeting that four sets of trees (perhaps four each Italian cypresses) would be planted in the trellis area to provide a visual screen from the townhouse windows that face the commercial properties. If this is what is going to be proposed it would be great if you could present a rendering of what it would look like. I'm concerned that if you do not have a visual for the public and the DRHPC to review tonight the item could be continued to a future meeting and I would like to move this project forward tonight. It would be even better if you could email me what you will be presenting tonight so I can review it before the meeting.

Wendy Atkins
Associate Planner
City of Sonoma
No. 1 The Plaza
Sonoma, CA 95476
(707) 933-2204
watkins@sonomacity.org

From: Steven Moseley [<mailto:steven@studio101designs.com>]
Sent: Tuesday, August 16, 2016 12:35 PM
To: Wendy Atkins; henry@fdccdesignbuild.com
Cc: 'morgan fleischmann'; 'Alicia Hansel'
Subject: RE: 19366 and 19370 Sonoma Hwy Landscape Statement

Hi Wendy,

We're open to the idea of adding the additional trees if it's decided tonight that the commission or neighbors would like to see them in addition to the trellis. We weren't planning to add them ahead of time, so our application drawings would remain the same. Should the neighbors like the additional trees, can they be added as a condition of approval?

thanks,
_Steven

Steven Moseley

From: Steven Moseley steven@studio101designs.com 
Subject: RE: 19366 and 19370 Sonoma Hwy Landscape Statement
Date: August 16, 2016 at 2:48 PM
To: Wendy Atkins WendyA@sonomacity.org, henry@fdcdesignbuild.com
Cc: morgan fleischmann morgan@fdcdesignbuild.com, Alicia Hansel alicia@kibbyroad.com, Scott Landry scott@studio101designs.com



Thank you Wendy,
Please find a response to Late Mail Item #1 attached.

We are working to include the trees into the rendering for tonight and will e-mail you a pdf of it for preview.

Thank you,
_Steven

Steven Moseley

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c. 415.806.6084
o. 707.778.0101
101 H Street, Ste. C
Petaluma, CA 94952
steven@studio101designs.com
www.studio101designs.com

From: Wendy Atkins [<mailto:WendyA@sonomacity.org>]
Sent: Tuesday, August 16, 2016 2:17 PM
To: 'Steven Moseley' <steven@studio101designs.com>; henry@fdcdesignbuild.com
Cc: 'morgan fleischmann' <morgan@fdcdesignbuild.com>; 'Alicia Hansel' <alicia@kibbyroad.com>
Subject: RE: 19366 and 19370 Sonoma Hwy Landscape Statement

Hi,

Please see the attached late mail that was submitted for item #1.

Wendy Atkins
Associate Planner
City of Sonoma
No. 1 The Plaza
Sonoma, CA 95476
(707) 933-2204
watkins@sonomacity.org

From: Steven Moseley [<mailto:steven@studio101designs.com>]
Sent: Tuesday, August 16, 2016 12:48 PM
To: Wendy Atkins; henry@fdcdesignbuild.com
Cc: 'morgan fleischmann'; 'Alicia Hansel'
Subject: RE: 19366 and 19370 Sonoma Hwy Landscape Statement

Thanks for the clarification. Agreed, we do not want a continuance. We'll revise the 3D rendering ASAP and e-mail you a preview.



Virus-free. www.avast.com



Virus-free. www.avast.com



Virus-free. www.avast.com

studio  designs

101 H Street, Ste. C
Petaluma, CA 94952
Phone: 707-771-0011
www.studio101designs.com

RE: LATE MAIL #1 - VEHICULAR GATE

Date: August 16, 2016

Project: Commercial Development

Project Address: 19366 & 19370 Sonoma Hwy.

Studio 101 Designs

Contact: Steven Moseley

mobile: 415-806-6084

e-mail: steven@studio101designs.com

Dear Wendy,

Please note that "Late Mail Item #1" is dated May 31, 2016. I received a copy of this letter at our first hearing and delivered it to the owner Alicia Hansel. We then proceeded to work with the neighbors toward resolution beginning in our first meeting.

Although we recognize that the DRHCP recognized the gate does not fall within their purview, because they strongly encouraged resolution on the matter, Alicia explained the history of the gate in our first meeting and is offering resolution. It was never a Condition of Approval that the gate be operable. However at some point, the original developer automated the gate via an un-metered low-voltage line powered from an individual unit. The tenant was being reimbursed for the electrical expense of the gate but understandably did not wish to continue with this arrangement. The HOA therefore disconnected the low-voltage line and replaced it with a solar PV power source. The solar PV power source is insufficient to power the motor. The HOA wants the owner to pay for a new metered power source to automate the gate.

Although the owners are under no obligation to provide this service to the owners, they are electing to pursue a fix at their expense. That being said if PG&E will require exorbitant fees for trenching or providing power and metering to deliver power to this location on the property, this may need to be re-examined.

I'm not sure if the neighbors are simply wishing to make the letter part of the file. To my knowledge they're appreciative and on-board with the owners' current efforts to repair the gate.

Thank you

From: **Joan Jennings** joanjennings99@gmail.com
Subject: Fwd: Landscaped strip between commercial lots and townhomes: 19366 and 19370 Sonoma Hwy
Date: August 17, 2016 at 1:40 PM
To: Alicia Razzari alicia@kibbyroad.com



On Wed, Aug 17, 2016 at 1:39 PM, Joan Jennings <joanjennings99@gmail.com> wrote:
Dear David,

At last night's meeting, we learned that there had been a suggestion of four Italian Cypress trees for the landscaped barrier between the commercial lots and the townhomes.

However, the developer already planned on 11 Eastern Redbud trees (please see the memo enclosed). In fact, I communicated with Alicia yesterday at 12:20 p.m. I told her how much I liked these trees. Then, I asked her this question:

"It is our understanding that these 11 trees will all be in the landscaped strip. Is that correct?"

By text, she replied: "Yes, those trees are intended for the landscape strip." — *perimeter of the lot, not the barrier between the lot and*

So, she has already agreed to a complete row of trees, Eastern Redbud, in the landscaped strip between the townhomes and the commercial lots. This is the only strip that we are negotiating, as you know. We have nothing to do with her plans for the south side. We have never expressed an interest in that area.

Please give a copy of this email to each of the commission members.

Please make this email a part of the official record in this case.

Thank you,

Joan Jennings

*See Document - next page - marked
"Tree Response"*

Henry,

I know you are on vacation until the 22nd so we will wait to hear from you when you return.

I've copied Joan Jennings and Nick Dolata, home owners and neighbors of Sonoma Villas de Luna directly behind the Sonoma Hwy Commercial lots. You've met them both at the neighbor meetings.

We are making progress on the design but do need to put our heads together on trees to provide additional screening along with the trellis which is proposed to line the area between the townhouses and the parking lot.

Per our conversations I have shared our concern about the canopy of the trees making the townhouse walkway impassable. As we've discussed there's additional concern in terms of the maintenance and hazard of trees with the debris trees drop. The City proposed clustering Italian Cypress in groupings of 3 or 4. The idea would have been to break up the trellis in order to insert the clustering of cypress trees. This is not a favorable plan for the neighbors as they would like to consider other tree options. Given the need to provide screening but also being mindful of maintenance, safety and size restrictions preserving the walkable use of the sidewalk, we are looking to you for some recommendations.

Ideally we put our heads together and come up with a few options to consider. As the landscape architect we ask your leadership in proposing what will possibly work within the planting space. As there are four townhouses the ideal scenario would be four trees resulting in four breaks in the trellis to allow for the trees, one set in front of each townhouse front window. All other landscaping would remain as proposed, we all very much like the remainder of the landscaping plan.

Thank you in advance for your expertise. I am looking forward to a collaboration of us all to find a solution that works today and will maintain its beauty and function as a screen into the future.

Alicia

alicia@kibbyroad.com

(p) 415-215-8356

(f) 415-813-1208



Pyrus calleryana 'chanticleer'
Callery Pear

- An ornamental pear, deciduous
- White flowers in spring, red leaf color in autumn
- Very narrow and upright growth habit
- Develops small canopy with age
- Can grow 35-40' tall, 15-20' wide (probably smaller when we are planting it)

Betula pendula

UDC
2007

Development
Sonoma HWY
Ca 95476

From: **Joan Jennings** joanjennings99@gmail.com 

Subject: Finding a Solution

Date: August 17, 2016 at 4:37 PM

To: **Alicia Razzari** alicia@kibbyroad.com, **David Goodison** davidg@sonomacity.org, **Wendy Atkins** WendyA@sonomacity.org

Cc: **Steve Jennings** stevejennings98@gmail.com, **Brian Rowlands** browlands@fsirivet.com, **Nicholas** ndolata@hotmail.com,

Laurie O'Hara laurieoharatorres@hotmail.com, **frosty here** snowmanic13@yahoo.com, **Jack Ding** jack@unicomtax.com,

Maria Pecavar maria.pecavar@gmail.com, **hmlieu** hmlieu@yahoo.com, **hsiao d lieu** hdlieu@yahoo.com, **Stephanie Wesolek**

Swesolek swesolek@gmail.com



Enclosed is our response.



Alicia Razzari August
17, 2016.doc

August 17, 2016

Alicia Razzari
Kibby Road, LLC
Alicia@kibbyroad.com

Dear Alicia,

We are genuinely looking for a solution. We do not enjoy communicating endlessly about a subject that is very easy to understand and very easy to resolve.

First: Italian cypress are not beautiful; they are funereal. Your plan last night showed no clustering of trees; it showed only four trees.

Second: We do need a large canopy of leaves. This is a two-tiered design. The canopy of leaves will be higher than the wrought iron fence, and therefore, the canopy can provide ideal shade for the walkway, but it will not obstruct the walkway. Trees can also be pruned.

Third: If redbuds are too “messy,” then we could certainly find another tree, one more aesthetic than a funereal Italian cypress. What about a crepe myrtle? Perhaps your landscape architect, Henry Fleischmann, can suggest something.

Fourth: We need to address the second tier of trees in the planters. This is part of the design and helps create the opaque buffer.

We believe that one more meeting with you and your team can resolve these issues. We can meet on almost any Thursday or Friday evening at 6:30.

When would you like to meet with us?

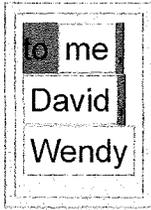
Sincerely,

Joan Jennings for Members of the SVL HOA

Enc. Ms. Razzari's email of August 17, 2016

Cc: David Goodison
Wendy Atkins
Members of the Design Review Historic Preservation Commission

Tree Response



Joan,

Thank you for sharing this information with me. I've caused confusion as the memo I shared with you addressed trees in the various landscaping strips around the perimeter of the lot.

We are not opposed to putting trees in the area between the town homes and the commercial parking lot. My concern with trees is that the canopy of the trees will make areas of the town home walkway impassable. Further there's a considerable maintenance mess that comes with many trees resulting in droppings on the walkway. The cypress trees were suggested as they can be clustered and grow to a considerable height without creating a large canopy or a mess for the town home owners. We are happy to discuss other tree options but this is our concern. The clustering of cypress trees would allow for 3-4 trees placed in groupings in a location directly in front of each townhomes large front window. It also lends a slightly Tuscan feel to the villas behind. Again, we do not object to the request for trees but need to be mindful of what is selected as future maintenance and hazards are a true concern.

I look forward to hearing your thoughts.

From: **Nicholas Dolata** ndolata@hotmail.com
Subject: Re: Sonoma commercial lots
Date: August 17, 2016 at 10:43 AM
To: Alicia Razzari alicia@kibbyroad.com, joanjennings99@gmail.com



Hey Alicia -

Good Morning. I got your message yesterday and I was crazy from the minute I got up till I got home from the meeting last night around 8:45. Back to school and work and running to soccer practices, gymnastics, etc.

Anyways, thank you again. I am sure you will be touching base with Steven today to get an update. The building was approved with a condition of the garbage being completely enclosed. I gave some comment on this and said that we may have options with garbage actually not being a dumpster that would need to be picked up with a truck in the back parking lot. But actual residential cans that could just be stored in this area and taken out to the street. We do this currently at my office space on Broadway and it works out perfectly. Less mess in the dumpster area for vermin and bugs to spread and develop. I also commented about the residence to the south of the project. Given how close the garbage was to their entrance of their home, I thought it should be looked into that once the commercial units are occupied and functioning more regular garbage service be added especially during the summer months. Once a week pick up will not work and potential for breeding is increased. Three or four times a week service should be looked into during the warmer months or possibly throughout the year.

The commissioners denied the landscaping plan which seems to still be a work in progress. They were very concerned about the water usage and also the types of trees being used. Cyprus trees in the buffer area would not provide enough of a canopy to screen the town homes from the commercial areas. We mentioned again that tree plantings in the exciting planter areas by the town homes should be explored and this would provide a second level of screening. I also mentioned that none of this would have been an issue today had the original plan that was approved be followed through. Everyone, especially yourself, are stuck between a rock and hard place due to a city that did not follow through with what was approved back own 2005 or 2006.

Extremely frustrating. They did like the trellis idea and commented on how unique this is to use as design feature and possible green structure.

Let me know your thoughts. I was thinking of maybe doing another meeting in the coming weeks with everyone and getting maybe a city rep to join us as well if possible to get to some sort of common ground established so we can get this approved for you.

Talk soon and have a great rest of your week.

Best -

Nick

From: Alicia Razzari <alicia@kibbyroad.com>

From: **Joan Jennings** joanjennings99@gmail.com

Subject: Trees and Trellises

Date: August 18, 2016 at 6:44 PM

To: Alicia Razzari alicia@kibbyroad.com, David Goodison davidg@sonomacity.org, Wendy Atkins WendyA@sonomacity.org, RobertCory@earthlink.net, kelsogbarnett@gmail.com, Bill Essert billpess@gmail.com, micaelia@comcast.net, saginaw33@hotmail.com, Leslie Tippell Leslie@studiotippell.com

Cc: Nicholas ndolata@hotmail.com, Steve Jennings stevejennings98@gmail.com, Jack Ding jack@unicomtax.com, Brian Rowlands browlands@fsirivet.com, Maria Pecavar maria.pecavar@gmail.com, Laurie O'Hara laurieoharatorres@hotmail.com, hmlieu@yahoo.com, hsiao d lieu hdlieu@yahoo.com, frosty here snowmanic13@yahoo.com, Stephanie Wesolek Swesolek@gmail.com



Dear Alicia,

Here are some photos of trees and trellises from the Derringer project on First Street West. We showed these to you on June 30 at our meeting, but they are worth looking at again.

The trellises are beautiful and well made, and the trees project up nicely through the interstices. We think something like this would accomplish the desired end.

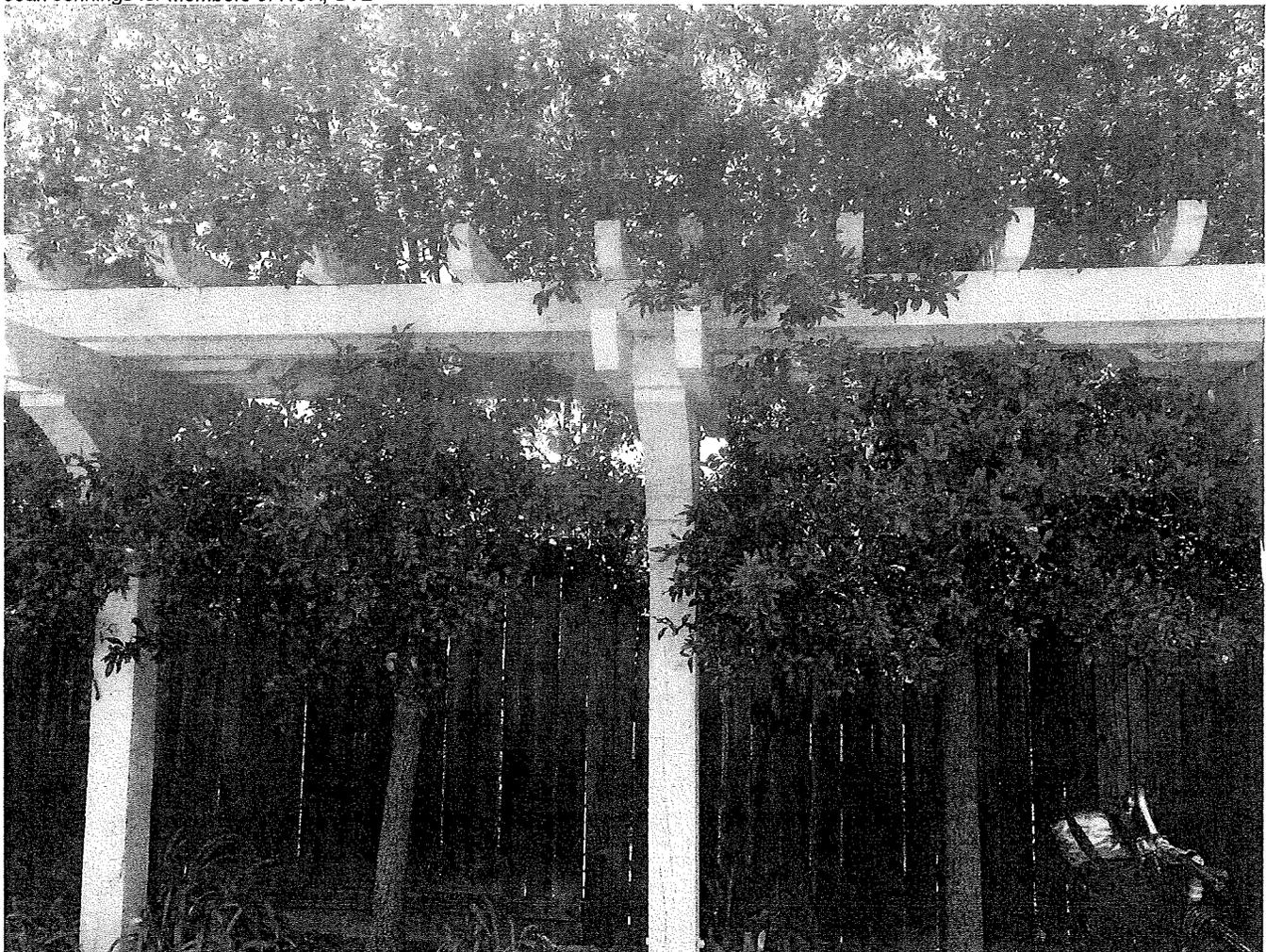
Could you share these photos with Henry Fleischmann?

If we did something like this, then a vine would be superfluous. We would also need some kind of box hedge, shrub, or other hedge to cover the cement wall in the back. It would be important to get trees that grow to the right height. Because redbuds are colorful and a good height, we don't think they should be ruled out. There are all kinds of redbud trees, big and small.

Looking forward to our meeting with you.

Sincerely,

Joan Jennings for Members of HOA, SVL





From: henry@fdcdesignbuild.com 
Subject: RE: Screening Trees for Sonoma Landscape Buffer
Date: August 24, 2016 at 9:14 AM
To: Alicia Hansel alicia@kibbyroad.com, Joan Jennings joanjennings99@gmail.com, Nicholas Dolata ndolata@hotmail.com
Cc: steven steven@studio101designs.com, Scott Landry scott@studio101designs.com



Hello Joan and Nick,

Alicia and Steven filled me in on the concerns that the neighborhood association had about the screening between the parking lot and the town homes facing it. I came up with three tree options that I think would work for that area, that offer a little more foliage than the Italian Cypress and will still work with the conditions we have. To give you an idea of how we decided on these three tree varieties, we were looking for a tree that would provide screening, that could grow in the planting area we have available, are hardy enough to be surrounded by a parking lot and concrete wall, and are of the right shape and size. I included a very simple section with each tree variety to help illustrate the shape of the tree as it matures. I am still concerned about the canopy of the trees growing into the walkway, making it un-passable or causing a lot of maintenance that would deform and harm the growth of the tree. That is unfortunately why I don't think a smaller canopy tree like the Redbud would work well.

All that being said I do think we have three good options. I would strongly suggest using the Callery Pear. It is a deciduous ornamental pear that flowers in the spring and has a nice reddish autumn color (it does not fruit). The Shape works really well for our space, it is very upright in its early years, establishing a small canopy once it reaches its full height. It is a very hardy tree that is often used as a street tree. The birch trees also have the right shape (tall and upright) but are not known for being as hardy as the Callery Pear. Either of these options could be planted in small groupings in between the trellis areas to screen the residence windows.

The third option is the Honey Locust. This tree, like the Callery Pear, is often used as a street tree and would be great at handling the parking lot conditions. It is more of a canopy tree than the other two options and would need to be maintained as it grew to maturity in order to allow access along the path. The nice thing about the Honey Locust is that as it matures it develops a canopy high enough to walk under even at the level of the raised walkway.

Let me know what you think and if you have any questions.

Henry

--

Henry Fleischmann

Fleischmann Design Collaborative
fdcdesignbuild.com
415.871.6233

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

Subject: Screening Trees for Sonoma Landscape Buffer
From: Alicia Hansel <alicia@kibbyroad.com>
Date: Wed, August 17, 2016 4:18 pm
To: "<henry@fdcdesignbuild.com>" <henry@fdcdesignbuild.com>, Joan Jennings <joanjennings99@gmail.com>, Nicholas Dolata <ndolata@hotmail.com>
Cc: steven <steven@studio101designs.com>, Scott Landry <scott@studio101designs.com>

From: **Nicholas Dolata** ndolata@hotmail.com

Subject: Re: screening trees

Date: August 26, 2016 at 10:14 AM

To: Joan Jennings joanjennings99@gmail.com, Alicia Razzari alicia@kibbyroad.com, Henry Fleischmann henry@fdcdesignbuild.com

Cc: Steve Jennings stevejennings98@gmail.com, Jack Ding jack@unicomtax.com, Brian Rowlands browlands@fsrivet.com, Maria Pecavar maria.pecavar@gmail.com



Joan -

Thank you so much for these pictures. This looks great!!! Still hope we can find water for the planters for each of the town homes in order to plant some sort of tree in those.

Thanks.

Nick

From: Joan Jennings <joanjennings99@gmail.com>

Sent: Thursday, August 25, 2016 9:49 PM

To: Alicia Razzari; Henry Fleischmann

Cc: Nicholas; Steve Jennings; Jack Ding; Brian Rowlands; Maria Pecavar

Subject: screening trees

Hi, Alicia and Henry,

All of the trees are very lovely. The birch is perhaps not the best choice because no one would really be able to see its beautiful white bark.

My choice is the honey locust. I like the picture on the left. What time of year would it be the pretty yellow color?

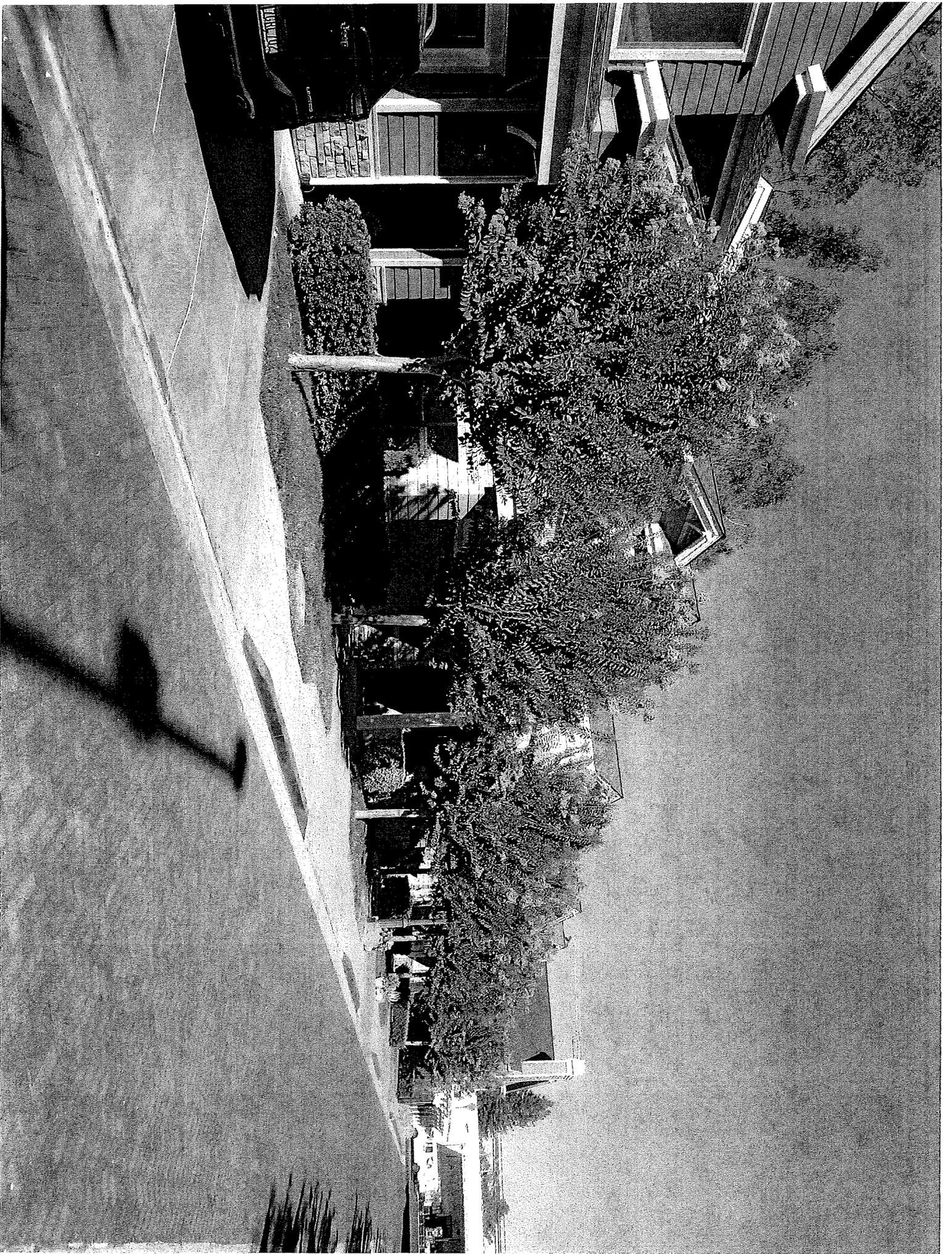
I am enclosing some more pictures of the development on First Street West. . You can see the enhanced paving on that street as well as the trellises. These trellises are sturdy.

I think we can conclude this portion of the planning pretty quickly.

Thanks, Joan







August 10, 2012

Kibby Road, LLC
Attn. Alicia Razzari
2269 Chestnut Street, Suite 242
San Francisco, CA 94123

Dear Ms. Razzari:

At its meeting of July 12, 2012, the City of Sonoma Planning Commission considered your request to modify the conditions of use permit approval associated with the Sonoma Village West development, located at 19370 Sonoma Highway. Following a public hearing on the matter, the Planning Commission voted 5 to 0 to approve the following modifications to the conditions of use permit approval, dated July 14, 2005:

1. The landscaping of the two common open space areas is accepted as complete, as of July 12, 2012, subject to the installation of seating in the larger open space area as proposed by Kibby Road, LLC, in their letter of July 8, 2012.
2. Condition #23 is amended to require two affordable units at the moderate income level, rather than four.
3. Condition #27 is amended to require the installation of three coast live oaks (24 or 36-inch box size) within the planting strip on the Sonoma Highway frontage of the site, along with four cypress trees in the landscaped area immediately behind the oak trees, with these plantings to be completed prior to the issuance of an occupancy permit for any of the residential units.

Please let me know if you have any questions about this matter and thank you for working with the City to bring the project to completion.



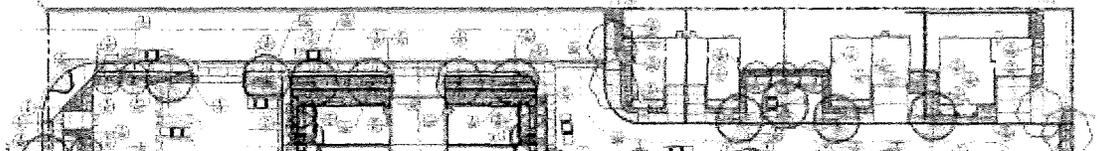
David Goodison
Planning Director

cc: Joe Burroughs, Plans Examiner

APPROVED

By: DRC

Date: 4/18/06



May 31, 2016

LATE MAIL

RECEIVED

AUG 15 2016

Item #1

CITY OF SONOMA

Alicia Razzari

Kibby Road Development

2334 M. Street, Suite 2101

Merced, California 95344

RE: Defective vehicle gate at Sonoma Villas de Luna

Dear Ms. Razzari:

This letter is a preliminary review of the developer's liability for repair or replacement of the traffic gate currently installed between Lyons and Palou Street in the project referenced above.

This gate appeared to function in the early days following its installation. However, within weeks, it worked only intermittently and, on occasion, would randomly open and close of its own apparent accord.

Subsequent inspection by professionals in the field has revealed that the motor designed to open and close the gate was undersized. This is the case despite your repeated assurances to the residents that the motor was perfectly adequate. Additional investigation, including the digging up of the electrical line to the power source showed that the electrical line was not installed according to code and featured a wire not protected by any conduit. Any electrical meter designed to capture the power used by the gate was inadequate or non-existent. Many additional factual details can be supplied by the residents who have been involved in this matter including statements by gate installers regarding the problems touched upon above as well as an estimate of the cost to install a functioning gate as required by the City of Sonoma.

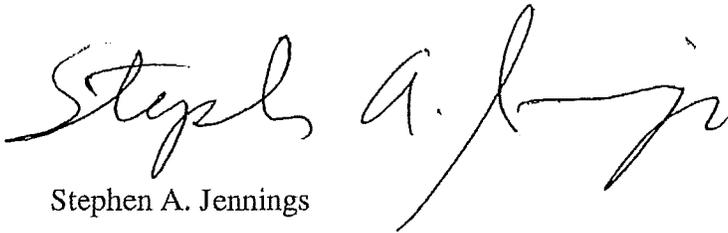
In matters such as this, a developer is subject to strict liability for construction defects in residential housing. (*Jiminez v. Superior Court* (2002) 29 Cal. App. 4th 473.) The California Civil Code section 5980 provides that a Homeowners' Association (HOA) has standing to litigate matters affecting common areas in the HOA development. As you know, strict liability means that an aggrieved party does not need to show intent or even negligence on the part of the developer. One need only prove the existence of the defects in the item in the common area.

Construction items such as this one are certainly the type of common area defect within the law's contemplation of liability on the part of the developer for defects. (cf. *Dillingham Construction*

N.A. v. Nadel Partners (1998) 64 Cal. App. 4th, 264, 270 [swimming pool].) Where, as here, the defect is latent and not obvious upon the visual inspection by a lay person, the developer's liability extends for 10 years. (*Code Civ. Proc.*, sec. 337.15.) If a defect is latent at the time construction is completed, it remains a latent defect even after the discovery of the problem. (*Mills. v. Forrestex Co.* (2003) 108 Cal.App.4th 625.) As described above, the gate appeared to work initially but began to malfunction subsequently. The full extent of the defect was not discovered until a professional examined the gate and found that the motor was inadequate and it lacked a dedicated electrical meter. Underground digging revealed the faulty electrical line. A reasonable trier of fact might conclude that this gate was latently defective *per se*.

Although the HOA has reached out to you several times on this issue, you have never responded. This letter is offered in the interest of coming to a resolution of this matter.

Sincerely,

A handwritten signature in cursive script that reads "Stephen A. Jennings". The signature is written in dark ink and is positioned above the typed name.

Stephen A. Jennings

868 Palou Street

Sonoma, California 95476

Design Review

Trees + Final Approval



From: Nicholas Dolata ndolata@hotmail.com

Subject: Re: screening trees

Date: August 26, 2016 at 10:14 AM

To: Joan Jennings joanjennings99@gmail.com, Alicia Razzari alicia@kibbyroad.com, Henry Fleischmann henry@fdcdesignbuild.com

Cc: Steve Jennings stevejennings98@gmail.com, Jack Ding jack@unicomtax.com, Brian Rowlands browlands@fsirivet.com, Maria Pecavar maria.pecavar@gmail.com

Joan -

Thank you so much for these pictures. This looks great!!! Still hope we can find water for the planters for each of the town homes in order to plant some sort of tree in those.

Thanks.

Nick

From: Joan Jennings <joanjennings99@gmail.com>

Sent: Thursday, August 25, 2016 9:49 PM

To: Alicia Razzari; Henry Fleischmann

Cc: Nicholas; Steve Jennings; Jack Ding; Brian Rowlands; Maria Pecavar

Subject: screening trees

Hi, Alicia and Henry,

All of the trees are very lovely. The birch is perhaps not the best choice because no one would really be able to see its beautiful white bark.

My choice is the honey locust. I like the picture on the left. What time of year would it be the pretty yellow color?

I am enclosing some more pictures of the development on First Street West. . You can see the enhanced paving on that street as well as the trellises. These trellises are sturdy.

I think we can conclude this portion of the planning pretty quickly.

Thanks, Joan

From: **Nicholas Dolata** ndolata@hotmail.com
Subject: Re: Sonoma commercial lots
Date: August 17, 2016 at 10:43 AM
To: Alicia Razzari alicia@kibbyroad.com, joanjennings99@gmail.com

Trees +
Final Approval



Hey Alicia -

Good Morning. I got your message yesterday and I was crazy from the minute I got up till I got home from the meeting last night around 8:45. Back to school and work and running to soccer practices, gymnastics, etc.

Anyways, thank you again. I am sure you will be touching base with Steven today to get an update. The building was approved with a condition of the garbage being completely enclosed. I gave some comment on this and said that we may have options with garbage actually not being a dumpster that would need to be picked up with a truck in the back parking lot. But actual residential cans that could just be stored in this area and taken out to the street. We do this currently at my office space on Broadway and it works out perfectly. Less mess in the dumpster area for vermin and bugs to spread and develop. I also commented about the residence to the south of the project. Given how close the garbage was to their entrance of their home, I thought it should be looked into that once the commercial units are occupied and functioning more regular garbage service be added especially during the summer months. Once a week pick up will not work and potential for breeding is increased. Three or four times a week service should be looked into during the warmer months or possibly throughout the year.

The commissioners denied the landscaping plan which seems to still be a work in progress. They were very concerned about the water usage and also the types of trees being used. Cyprus trees in the buffer area would not provide enough of a canopy to screen the town homes from the commercial areas. We mentioned again that tree plantings in the exciting planter areas by the town homes should be explored and this would provide a second level of screening. I also mentioned that none of this would have been an issue today had the original plan that was approved be followed through. Everyone, especially yourself, are stuck between a rock and hard place due to a city that did not follow through with what was approved back own 2005 or 2006. Extremely frustrating. They did like the trellis idea and commented on how unique this is to use as design feature and possible green structure.

Let me know your thoughts. I was thinking of maybe doing another meeting in the coming weeks with everyone and getting maybe a city rep to join us as well if possible to get to some sort of common ground established so we can get this approved for you.

Talk soon and have a great rest of your week.

Best -

Nick

From: Alicia Razzari <alicia@kibbyroad.com>

FROM: Alicia Razzari <alicia@kibbyroad.com>

Sent: Tuesday, August 16, 2016 2:32 PM

To: ndolata@hotmail.com; joanjennings99@gmail.com

Subject: Sonoma commercial lots

Joan and Nick,

I wanted to be sure you had this information, please see attached. This will be included in the meeting this evening. I have a personal matter that has arisen and I'm unable to attend this evening. I let the City know and wanted to be sure you both are aware that our architect Steven whom you've met will be there on my behalf.

Alicia

Trees



From: Alicia Hansel alicia@kibbyroad.com
Subject: Fwd: Trees and Trellises
Date: September 20, 2016 at 12:48 PM
To: David Goodison davidg@sonomacity.org, Wendy Atkins WendyA@sonomacity.org

David and Wendy,

You'll find below the trees and trellis suggested by Joan Jennings. Please note that neither of these trellis structures have a walkway sitting raised behind them at 7 feet +/- . While these are nicely done, they do not work within the space being discussed should a home owner elect to utilize the passageway to their front door.

Alicia Hansel
alicia@kibbyroad.com
(p) 415-215-8356
(f) 415-813-1208

Begin forwarded message:

From: Joan Jennings <joanjennings99@gmail.com>
Subject: Trees and Trellises
Date: August 18, 2016 at 6:43:47 PM PDT
To: Alicia Razzari <alicia@kibbyroad.com>, David Goodison <davidg@sonomacity.org>, Wendy Atkins <WendyA@sonomacity.org>, RobertCory@earthlink.net, kelsogbarnett@gmail.com, Bill Essert <billpess@gmail.com>, micaelia@comcast.net, saginaw33@hotmail.com, Leslie Tippell <Leslie@studiotippell.com>
Cc: Nicholas <ndolata@hotmail.com>, Steve Jennings <stevejennings98@gmail.com>, Jack Ding <jack@unicomtax.com>, Brian Rowlands <browlands@fsirivet.com>, Maria Pecavar <maria.pecavar@gmail.com>, "Laurie O'Hara" <laurieoharatorres@hotmail.com>, hmlieu@yahoo.com, hsiao d lieu <hdlieu@yahoo.com>, frosty here <snowmanic13@yahoo.com>, Stephanie Wesolek <Swesolek@gmail.com>

Dear Alicia,

Here are some photos of trees and trellises from the Derringer project on First Street West. We showed these to you on June 30 at our meeting, but they are worth looking at again.

The trellises are beautiful and well made, and the trees project up nicely through the interstices. We think something like this would accomplish the desired end.

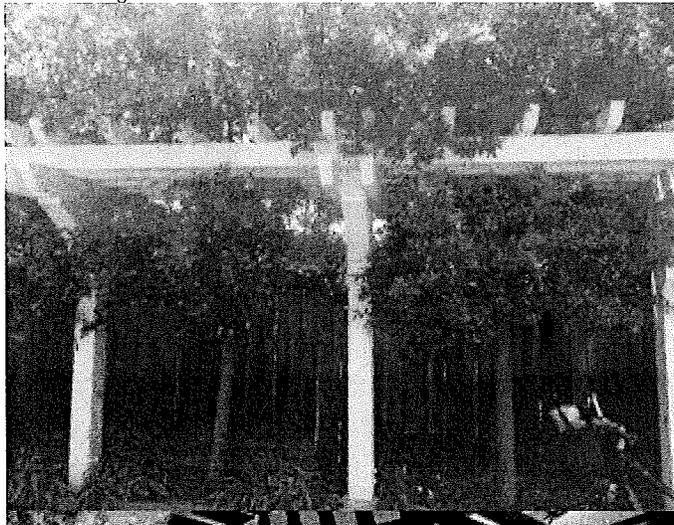
Could you share these photos with Henry Fleischmann?

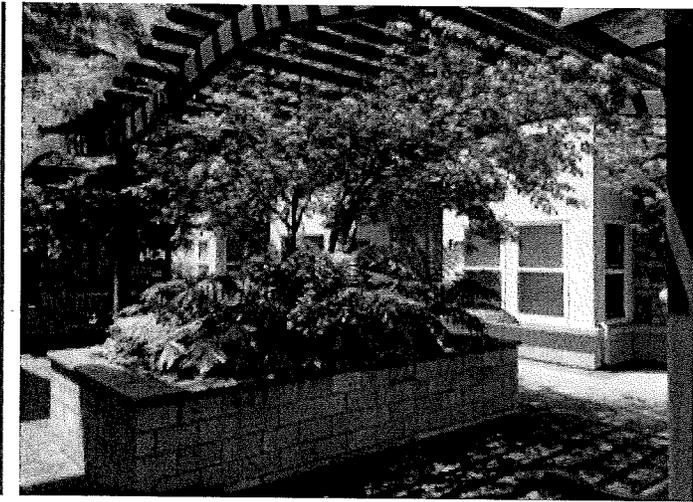
If we did something like this, then a vine would be superfluous. We would also need some kind of box hedge, shrub, or other hedge to cover the cement wall in the back. It would be important to get trees that grow to the right height. Because redbuds are colorful and a good height, we don't think they should be ruled out. There are all kinds of redbud trees, big and small.

Looking forward to our meeting with you.

Sincerely,

Joan Jennings for Members of HOA, SVL





From: **Alicia Hansel** alicia@kibbyroad.com
Subject: **Fwd: Meeting on July 18**
Date: **September 20, 2016 at 12:45 PM**
To: **David Goodison** davidg@sonomacity.org, **Wendy Atkins** WendyA@sonomacity.org



David and Wendy,

Below you will find communication from July where the party representing the opposing group communicates: 'Your design almost had is covered. You just need to put in some trees to create some more privacy....'

This is reflective of with each concession provided by the developer a new request is submitted.

Alicia Hansel
alicia@kibbyroad.com
(p) 415-215-8356
(f) 415-813-1208

Begin forwarded message:

From: Joan Jennings <joanjennings99@gmail.com>
Subject: **Re: Meeting on July 18**
Date: July 22, 2016 at 7:04:16 PM PDT
To: Alicia Razzari <alicia@kibbyroad.com>
Cc: Nicholas <ndolata@hotmail.com>, Jack Ding <jack@unicomtax.com>, Brian Rowlands <browlands@fsirivet.com>, "hmlieu@yahoo.com" <hmlieu@yahoo.com>, hsiao d lieu <hdlieu@yahoo.com>, frosty here <snowmanic13@yahoo.com>, "Alana Dwyer@hotmail.com" <Alana_Dwyer@hotmail.com>, Stephanie Wesolek <Swesolek@gmail.com>, Maria Pecavar <maria.pecavar@gmail.com>, "tom.elster" <tom.elster@aol.com>, Steve Jennings <stevejennings98@gmail.com>, "Laurie O'Hara" <laurieoharatorres@hotmail.com>

Barrier. Not artist.

On Friday, July 22, 2016, Joan Jennings <joanjennings99@gmail.com> wrote:

Alicia,

Your design almost had it covered. You just need to put in some trees to create some more privacy and a artist.

On Friday, July 22, 2016, Alicia Razzari <alicia@kibbyroad.com> wrote:

Sonoma Villas de Luna Neighbors,

We have elected to submit the plans we've shared with you to the City for discussion at the August meeting. The City requires considerable detail regarding drainage, irrigation efficiency, reclaimed water and specifics on plant species. We felt this would be a good time in the process to include them in the dialogue. I have not received confirmation that the project is on the August agenda but wanted to keep you all informed of this next step.

Thank you,

Alicia

From: **Allcia Hansel** alicia@kibbyroad.com 
Subject: Response to Late Mail
Date: September 20, 2016 at 12:32 PM
To: David Goodison davidg@sonomacity.org, Wendy Atkins WendyA@sonomacity.org, Henry Fleischmann henry@fdcdesignbuild.com, steven steven@studio101designs.com, Scott Landry scott@studio101designs.com



David and Wendy,

Please include the attached letter, sent by Joan Jennings on July 28, 2016 for tonight's meeting. This letter clearly states that all efforts were made to accommodate the wishes of the neighbors. The late mail just received from Joan Jennings is further attempt to stall the process and is an absolutely false summation of the activities through the last 18 months.

Joan Jennings late mail today suggests efforts were made to work with the developer to find a solution for the commercial lots. Having occupied a seat on the HOA Board, I was aware that a few neighbors had concerns about the commercial lots. Recognizing that a select group of neighbors, not the Sonoma Villas de Luna HOA as a whole, opposed the construction of commercial building, Kibby Road LLC, worked with architects and City Staff to determine a plan that would reduce the commercial impact. These plans were shared with the HOA manager in early 2015 with requests to meet with the neighbors in opposition. No calls or emails were returned to the developer. In August of 2015 the developer proposed to Planning and the neighbors a change in use from strictly commercial space to a building with commercial space on the first level, residential lofts on the second level. The neighbors opposed the plan. Planning communicated that the commercial use approval remained valid and the developer elected to move forward as the neighbors communicated their interest was exclusively park space or a HOA community space. Planning asked if the developer would consider selling the lots to the neighbors to which the developer responded that the lots had been for sale for over a year and that at market value the developer remained willing to sell the lots. No offer of purchase was ever made by the neighbors.

Neighbors Joan Jennings refers to 'vertical mixed use' in her narrative. The developer elected to incur the expense of designing plans to provide a vertical building including residential and commercial space. The P.C. embraced the concept but the plans were opposed by the neighbors attending the P.C. meeting in August 2015. The approved use was and remains commercial with the development as a whole being mixed use. This continues to be preserved in the plans. A reference to the P.C. meeting in August 2015 will document that the Planning Commissioners communicated that the developer had an existing approval for commercial buildings. The Planning Commission asked the developer what she would like to do as the neighbors in attendance opposed the idea of residential lofts and commercial space, they opposed the vertical mixed use plan the developer put in front of the Planning Commission and the neighbors. The developer responded to the Planning Commission that she would move forward with the existing approval. The developer had a conversation with Nick Dolata communicating that the lots were indeed for sale. As the President of the HOA, Nick communicated that he would speak with the neighbors about a purchase. The neighbors never made an offer on the property.

In June of 2016 the developer met with the neighbors to discuss a landscape barrier. The developer did not oppose the barrier and responded willing to provide this space. Plans were designed. The neighbors approved of the plans but asked that a trellis be included. The developer responded willing to provide a trellis within the landscape barrier space. The neighbors then responded requesting a fence. The developer communicated that given the evolving list of requests and the now addition of a fence, that it would be appropriate to take the plans to the DRC for feedback. Plans were submitted and neighbors were informed. Between July 18 and the August DRC meeting the neighbors provided communication that they approved of the building but requested that trees be added to the trellis. The developer responded that trees would not be recommended as the height of the walkway behind the trellis area was of a height that at tree canopy would make the walkway impassable. The neighbors continued to ask for trees to which the developer suggested vertical/column like trees such as Cypress. The neighbors opposed cypress trees and the DRC suggested the developer and neighbors discuss other tree options. The developer employed a landscape architect to communicate possible options with the neighbors. Joan Jennings responded with her tree selection and then followed up days later with a different selection based on feedback from the neighbor group. The final tree selection was received and the developer agreed to including the trees. In order for the trees to grow properly and provide the desired effect, a break in the trellis is necessary. Today, September 20, 2016, mail has been received from Joan Jennings to communicate that the proposed plan is a 'mutilated trellis, in sections, with only 8 trees.' This is a considerable number of trees for the landscape strip and can be spoken to in detail this evening by landscape architect, Henry Fleischman. There is no purpose in planting these trees if we do not create a scenario in which they are able to grow.

Within today's late mail there is a request for trees to be planted in the townhouse planter boxes. These planter boxes remain the private property of the townhouse owners. Should the townhouse owners elect to plant trees in their planter box that would be to their own discretion. As there are 4 townhouses that share a lot line with the commercial lots, it would be of personal preference as to what each owner planted in their landscaping boxes adjacent to their front doors. The landscaping in question should be exclusively to the barrier the neighbors requested along the lot line. The opposing neighbors are now requesting personal space be landscaped.

See below communication shared with the opposing neighbors from landscape architect on behalf of the developer:

Hello Joan and Nick,

Alicia and Steven filled me in on the concerns that the neighborhood association had about the screening between the parking lot and the town homes facing it. I came up with three tree options that I think would work for that area, that offer a little more foliage than the Italian Cypress and will still work with the conditions we have. To give you an idea of how we decided on these three tree varieties, we were looking for a tree that would provide screening, that could grow in the planting area we have available, are hardy enough to be surrounded by a parking lot and concrete wall, and are of the right shape and size. I included a very simple section with each tree variety to help illustrate the shape of the tree as it matures. I am still concerned about

the canopy of the trees growing into the walkway, making it un-passable or causing a lot of maintenance that would deform and harm the growth of the tree. That is unfortunately why I don't think a smaller canopy tree like the Redbud would work well.

All that being said I do think we have three good options. I would strongly suggest using the Callery Pear. It is a deciduous ornamental pear that flowers in the spring and has a nice reddish autumn color (it does not fruit). The Shape works really well for our space, it is very upright in its early years, establishing a small canopy once it reaches its full height. It is a very hardy tree that is often used as a street tree. The birch trees also have the right shape (tall and upright) but are not known for being as hardy as the Callery Pear. Either of these options could be planted in small groupings in between the trellis areas to screen the residence windows.

The third option is the Honey Locust. This tree, like the Callery Pear, is often used as a street tree and would be great at handling the parking lot conditions. It is more of a canopy tree than the other two options and would need to be maintained as it grew to maturity in order to allow access along the path. The nice thing about the Honey Locust is that as it matures it develops a canopy high enough to walk under even at the level of the raised walkway.

Let me know what you think and if you have any questions.

Henry

--

Henry Fleischmann

Fleischmann Design Collaborative
fdcdesignbuild.com
415.871.6233

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

Subject: Screening Trees for Sonoma Landscape Buffer

From: Alicia Hansel <alicia@kibbyroad.com>

Date: Wed, August 17, 2016 4:18 pm

To: "<henry@fdcdesignbuild.com>" <henry@fdcdesignbuild.com>, Joan Jennings <joanjennings99@gmail.com>, Nicholas Dolata <ndolata@hotmail.com>

Cc: steven <steven@studio101designs.com>, Scott Landry <scott@studio101designs.com>

Henry,

I know you are on vacation until the 22nd so we will wait to hear from you when you return.

I've copied Joan Jennings and Nick Dolata, home owners and neighbors of Sonoma Villas de Luna directly behind the Sonoma Hwy Commercial lots. You've met them both at the neighbor meetings.

We are making progress on the design but do need to put our heads together on trees to provide additional screening along with the trellis which is proposed to line the area between the townhouses and the parking lot.

Per our conversations I have shared our concern about the canopy of the trees making

the townhouse walkway impassable. As we've discussed there's additional concern in terms of the maintenance and hazard of trees with the debris trees drop. The City proposed clustering Italian Cypress in groupings of 3 or 4. The idea would have been to break up the trellis in order to insert the clustering of cypress trees. This is not a favorable plan for the neighbors as they would like to consider other tree options. Given the need to provide screening but also being mindful of maintenance, safety and size restrictions preserving the walkable use of the sidewalk, we are looking to you for some recommendations.

Ideally we put our heads together and come up with a few options to consider. As the landscape architect we ask your leadership in proposing what will possibly work within the planting space. As there are four townhouses the ideal scenario would be four trees resulting in four breaks in the trellis to allow for the trees, one set in front of each townhouse front window. All other landscaping would remain as proposed, we all very much like the remainder of the landscaping plan.

Thank you in advance for your expertise. I am looking forward to a collaboration of us all to find a solution that works today and will maintain its beauty and function as a screen into the future.

Alicia

alicia@kibbyroad.com

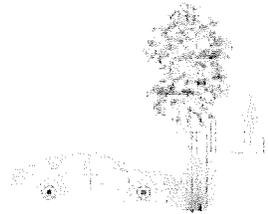
(p) 415-215-8356

(f) 415-813-1208



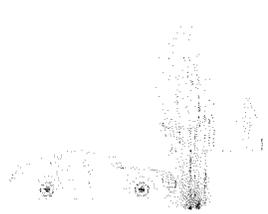
Pyrus calleryana 'chanticleer'
Callery Pear

- An ornamental pear, deciduous
- White flowers in spring, red leaf color in autumn
- Very narrow and upright growth habit
- Develops semi canopy with age
- Can grow 35-40' tall, 15-20' wide (probably smaller where we are planting it)



Betula pendula
European White Birch

- Upright narrow tree with weeping branches and beautiful white bark
- Needs supplemental water
- Will grow 20-25 tall, 8-12' wide
- Will provide an attractive transparent screen
- Individuals can be planted close together



Gleditsia triacanthos var. inermis
Honey Locust

- Fast growing deciduous tree with arching branch habit
- Will grow 20-30 tall, 30-35' wide
- Thrustless variety
- Can be pruned and maintained to grow canopy above walkway (This will require continued maintenance)



UDC
UNIVERSITY DEVELOPMENT
CORPORATION

Commercial Development
19366 & 19370 Sonoma HWY
Sonoma, Ca 95476

Author:

Project:

Date:

Scale:

Sheet:

Plan/Palette

razzani \alicia@nibby.com

Subject: Moving the Ball Forward

Hello, David, Wendy, and Alicia,

Enclosed is our letter with our minimized requests. I think this summarizes what has taken place so far.

Thank you for your efforts to resolve this fairly and expeditiously.

Joan Jennings



July 28, 2016 letter.doc

July 28, 2016

Alicia Razzari
Kibby Road
Merced, California

Members of the DRHPC
City of Sonoma

David Goodison
Planning Director
City of Sonoma

Dear Ms. Razzari, Members of the Commission, and Mr. Goodison:

We approve the new, mission-style building design, and the developer has agreed to put in a four-foot landscaped barrier. Now, we want to move the ball forward.

The only thing left to decide is the type of opaque barrier. Because the existing cement wall and wrought iron fence are about seven feet tall, we agree that we do not need another wall or fence. But there should be several trees planted in the buffer yard that will reach up through the trellis and help create the first level of the opaque barrier between the homes and the commercial buildings. The other part of the barrier should be suitable trees, something like Japanese maples perhaps, in the planters. This two-tiered, leafy barrier would ensure privacy and protection for the town homes.

Nothing much more needs to be said about this design because it sells itself.

We understand the enhanced paving, signage, and picnic table arbor are no longer required by the city, and we are not pursuing these items. However, we are requesting that the developer re-seal the asphalt which is a constant problem for the neighborhood.

We hope you will agree with our minimized requests.

Respectfully,

Members of the HOA of Sonoma Villas de Luna



CODE

Within late mail, the neighbor refers to a municipal code calling for an opaque barrier.

The landscaping code referenced is Sonoma Municipal Code 19.48.090

19.48.090 Landscaping of parking facilities.

Landscaping of parking facilities shall be provided and maintained in compliance with the provisions of this section.

A. Amount of Landscaping Required. At a minimum, parking facilities shall provide landscaping in the amounts as set forth in Table 4-5.

Table 4-5

Required Landscaping for Parking Facilities

| Parking Facility Size | Percent of Facility to be Landscaped |
|-----------------------|--------------------------------------|
| 1 – 6 spaces | 7% |
| 7 or more spaces | 12% |

B. Landscape Materials. Landscaping materials shall be provided throughout the parking lot area using a combination of trees, shrubs and ground cover. Drought-tolerant landscape materials shall be emphasized, consistent with the city's low-water use landscaping ordinance. Trees shall be provided throughout the parking area at a rate of one tree for every 10 parking spaces. All trees within the parking area shall be a minimum one-inch caliper size at the time of planting.

C. Curbing, Irrigation. Landscaped areas shall be bordered by a concrete curb at least six inches high and shall be provided with an automatic irrigation system. Alternative barrier designs may be approved by the city planner.

D. Bumper Overhang Areas. To increase the parking lot landscaped area, a maximum of two feet of the parking stall depth may be landscaped with low-growth, hearty materials in lieu of paving, allowing a two-foot bumper overhang while maintaining the required parking dimensions. Bumper overhang areas shall not encroach over the required width of a sidewalk.

E. Parking Lot Screening. Parking areas adjoining a public street should be designed to provide a five-foot wide landscaped planting strip between the street right-of-way and parking area. The landscaping should be designed and maintained to screen cars from view from the street to a height of 36 inches. Screening materials may include a combination of plant materials, earth berms, wood fences, masonry walls, raised planters, or other screening devices that meet the intent of this requirement. Plant materials, walls, or structures within a traffic safety sight area of a driveway shall not exceed 30 inches in height.

F. Parking Lots Adjacent to Residential Uses. Parking areas for nonresidential uses adjoining residential uses shall provide a landscaped buffer yard between the parking area and the common property line bordering the residential use. A solid masonry wall or wooden fence and landscaping shall be provided along the property line. Trees shall be provided at a rate of one for each 30 linear feet of landscaped area.

G. Larger Projects. Parking facilities with more than 50 spaces shall provide a concentration of landscape elements at primary entrances, including specimen trees, flowering plants, and enhanced paving. Additionally, larger parking facilities should be broken up into a series of small parking lots separated by landscaping and pedestrian walkways.

H. Lighting. Parking areas shall have lighting capable of providing adequate illumination for security and safety. Lighting standards shall be energy-efficient and in scale with the height and use of the on-site structure(s). All illumination, including security lighting, shall be directed downward, away from adjacent properties and public rights-of-way in compliance with SMC 19.40.030, Exterior lighting. (Ord. 2003-02 § 3, 2003).

From: Joan Jennings <joanjennings99@gmail.com>

Date: Thursday, July 28, 2016 at 10:32 AM

To: David Goodison <davidg@sonomacity.org>, Wendy Atkins <WendyA@sonomacity.org>, Alicia Bazzari <alicia@kibwood.com>

From: **Alicia Hansel** alicia@kibbyroad.com
Subject: Sonoma Villas Meeting
Date: June 21, 2016 at 8:45 AM
To: Nicholas Dolata ndolata@hotmail.com, Joan Jennings joanjennings99@gmail.com



Nick and Joan,

I wanted to reach out this morning and offer my thanks for your time and that of the neighbors whom you coordinated yesterday evening. Our architect and design team will be conferencing today to identify the schedule in which we can turn around a thoughtful rendering to share with all of you. We all appreciate your eagerness to schedule the next meeting and your continued willingness to work towards a plan that is inclusive, preserves the neighborhood and works within the envelope of the space. A request was made to host the next meeting on a Saturday or Friday evening. Unfortunately all of our team have young families so a weekend is difficult. Friday evenings can prove a challenge as two of our team members commute. I understand a later start time would be ideal for the neighbors. Once we have a design schedule determined I will check back in with you and provide a few possible dates and times for the next meeting in hopes of accommodating busy schedules.

We share your frustration and true sorrow that a development was placed adjacent to Sonoma Villas with so little oversight, negligence in providing adequate parking and stalled efforts by that party to complete the final steps to help ease the impact of the development on Lyon Street. I do champion the efforts of the local Police Department as they reacted to our frequent calls. I do hope that as a unified group we can work with the City of Sonoma to encourage corrective steps be made to mitigate the impact the Oaks has on Sonoma Villas and Lyon Street.

Alicia Razzari
alicia@kibbyroad.com
(p) 415-215-8356
(f) 415-813-1208

*Communication from 2 developer meetings
with neighbors*

Let us know when you are ready to meet with us again about the landscape buffer.

Sincerely yours,
The Residents and Owners of SVL

On Sunday, July 17, 2016, Alicia Razzari <alicia@kibbyroad.com> wrote:
Sonoma Villas de Luna neighbors,

Thank you for the organized communication. A better defined request of the neighbors desires is appreciated and enables our team to better evaluate feasibility. That said, the scope of needs has evolved as communication and meetings have taken place. We are a considerable distance from the initial request of a landscaping buffer based upon the most recent email you've sent. At this time I believe it makes sense to postpone the July 18 meeting as we will need more time to determine possible scenarios to work with your requests.

In response to the items of frustration as part of the Sonoma Villas de Luna residential development, I believe some clarity is needed. Kibby Road LLC owns the commercial lots. Sonoma Villas de Luna LLC completed the residential piece which is commonly recognized as Sonoma Villas de Luna today. Sonoma Villas de Luna is an entirely separate entity from the commercial space owners, Kibby Road LLC. I serve as the common denominator between both.

I believe that initially there was an assumption that common space requests for repair were being submitted to Sonoma Villas de Luna via the hoa. With the exception of the gate no official requests for repair or maintenance were issued. I've now received your communication regarding the following: enhanced paving, Sonoma Villas de Luna signage and additional trees on the west side of the town homes. Please recognize that all of this was completed, approved and signed off on by the city by the original developer. Upon completion of the development various common area items were required by the city to final permits and approve occupancy. These items included but were not limited to: ladders in man holes, trees along HWY 12, resealing of asphalt. As the developer inheriting a project in various stages of completion, Sonoma Villas de Luna LLC followed specifically the direction and requirements mandated by the city officials and inspectors. The city most certainly worked to preserve all elements of the plan and we followed their direction. Variations to original approvals could have occurred throughout the original developers ownership. I will need to speak with the city to better understand their intentions for paving, installed by the original developer Derringer, signage and further landscaping. Please expect to hear communication in response to these items within the next two weeks.

I'd like to provide an update on the gate. There is an immediate resolution which would be to return the gate to the original power source and replace the motor with a larger mechanism to manage the weight of the gate and make any necessary repairs to the gate.

A secondary option researched by the homeowners involves connectivity to an hoa utility service independent of any dwellings. Conversations between PGE and Sonoma Villas de Luna LLC have been initiated. At this time PGE is attempting to determine a site address for an hoa utility that is in question. There are mixed opinions as to whether or not this utility exists. Further investigation is going to be required and will take a matter of months. I will continue to communicate with the hoa on this matter as the discovery process progresses on behalf of Sonoma Villas de Luna LLC.

Should you have any interest in reaching me via phone my number is: 415-215-8356.

Thank you,

Alicia Razzari

> On Jul 15, 2016, at 3:44 PM, Joan Jennings <joanjennings99@gmail.com> wrote:

>

> Hi, Alicia,

>

> Enclosed is our response to the first drawing of the trellises.

> All of the homeowners have signed this letter, or given their approval of it, and we will share the signed copy with you on

Monday.

>

> We are looking forward to finishing this project with you and to making something lasting and beautiful in our Camelot! *were invited to participate in the discussion. This is a fraction of the homeowners, not the whole.*

> Thank you, and see you on Monday.

> <Letter to Kibby Road, July 18, 2016.doc>

> <IMG_1472.JPG>

> <IMG_1473.JPG>

From: **Nicholas Dolata** ndolata@hotmail.com

Subject: Re: Meeting on July 18

Date: July 22, 2016 at 9:55 PM

To: Alicia Razzari alicia@kibbyroad.com, Joan Jennings joanjennings99@gmail.com

Cc: frosty here snowmanic13@yahoo.com, hmlieu@yahoo.com, Maria Pecavar maria.pecavar@gmail.com, tom.elster tom.elster@aol.com, Steve Jennings stevejennings98@gmail.com, Stephanie Wesolek swesolek@gmail.com, Jack Ding jack@unicomtax.com, hsiao d lieu hdlieu@yahoo.com, alana_dwyer@hotmail.com, Laurie O'Hara laurieoharatorres@hotmail.com, Brian Rowlands browlands@fsirivet.com



Ok

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On Fri, Jul 22, 2016 at 9:41 PM -0700, "Alicia Razzari" <alicia@kibbyroad.com> wrote:

Sounds good. Let's put those suggestions forward with the City.

Alicia

On Jul 22, 2016, at 7:03 PM, Joan Jennings <joanjennings99@gmail.com> wrote:

Alicia,

Your design almost had it covered. You just need to put in some trees to create some more privacy and a artist.

On Friday, July 22, 2016, Alicia Razzari <alicia@kibbyroad.com> wrote:

Sonoma Villas de Luna Neighbors,

We have elected to submit the plans we've shared with you to the City for discussion at the August meeting. The City requires considerable detail regarding drainage, irrigation efficiency, reclaimed water and specifics on plant species. We felt this would be a good time in the process to include them in the dialogue. I have not received confirmation that the project is on the August agenda but wanted to keep you all informed of this next step.

Thank you,

Alicia

On Jul 17, 2016, at 9:41 PM, Joan Jennings <joanjennings99@gmail.com> wrote:

Thank you for the helpful information.

The week of August 15 I will be working out of town, 200 miles away. In order to drive back to Sonoma by 6:30 on August 16, I would need to arrange my schedule by July 25. So I must know by July 25 whether this is an agenda item on August 16.

Thanking you in advance for your cooperation,
Joan

On Sunday, July 17, 2016, Alicia Razzari <alicia@kibbyroad.com> wrote:

Joan,

It is customary for neighbors to meet with city officials independently as well as developers. We will be doing some exploration on various options and encourage you to do the same. Should we submit for the August meeting I will communicate that to you all as will the city. We are listening and receiving your requests.

Alicia

On Jul 17, 2016, at 8:25 PM, Joan Jennings <joanjennings99@gmail.com> wrote:

Alicia,

Our error with respect to addressing Kibby Road, LLC rather than SVL LLC is easily corrected.

We recognize that the City is involved, and if you are going to communicate with the City, we would like to be involved in those conversations. In the alternative, you can submit some written questions, copying us, and we can submit some to the City as well.

Whatever the City says with respect to the original plans, we would like to hear it in their own voice, rather than in yours. We think that is reasonable.

As of right now, it is our understanding that this will not be on the agenda of the DRHPC on August 16.