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JOSEPH ROMANO, individually and as trustee
of THE JOSPEH ROMANO AND PIXIE ROMANO
LIVING TRUST

Joseph Romano, In Pro Per
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Santa Rosa, CA 95405
Telephone: (707) 542-2224
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Plaintiff in Pro Per: JOSEPH ROMANO, individually and as trustee
of THE JOSEPH ROMANO AND PIXIE ROMANO
LIVING TRUST

SUPERIOR COURT OF THE STATE OF CALIFORNIA

CITY AND COUNTY OF SONOMA, UNLIMITED JURISDICTION

JOSEPH ROMANO, individually and as trustee of THE JOSEPH AND PIXIE ROMANO LIVING TRUST,

Plaintiff,

vs.

FAIRWAY VIEW ESTATES HOMEOWNERS ASSOCIATION, and DOES 1-10,

Defendants.

FAIRWAY VIEW ESTATES HOMEOWNERS ASSOCIATION, a California Nonprofit Mutual Benefit Corporation,

Cross-Complainant,

vs.

JOSEPH ROMANO, individually and as trustee of THE JOSEPH ROMANO AND PIXIE ROMANO LIVING TRUST, and DOES 1-10,

Cross Defendant.

CASE NO: SCV-262714

DECLARATION OF JOSEPH ROMANO IN OPPOSITION TO DEFENDANT AND CROSS-COMPLAINANT'S ORDER TO SHOW CAUSE RE INJUNCTIVE RELIEF

Date: April 7, 2021
Time: 3:00 p.m.
Dept: 18
Trial date: July 9, 2021

I, JOSEPH ROMANO, do hereby declare and state the following:

1. I am the Plaintiff in this action, and I make this declaration in opposition to Defendant and Cross-Complainant, Fairway View Estates Homeowners Association's (FVEHOA's) OSC re injunctive relief. The following facts are known to me to be true of my own personal knowledge and, if called upon to do so, I can testify hereto.

2. The parties have been actively involved in civil litigation involving disputes over numerous issues including the multiple construction projects on my property located at 4723 Muirfield Court, Santa Rosa, CA 95405 (the "Property").

3. FVEHOA is governed by By-Laws and CC&R's. A true and correct copy of the relevant portions of the FVEHOA CC&Rs are attached hereto as EXHIBIT 1.

4. I purchased the subject property together with my wife Pixie Romano in 2010, and I have continuously lived there as my primary residence since purchase. The Property is on nearly four (4) acres with two major driveways and is totally fenced and gated.

5. On August 8, 2013 I applied for FVEHOA's approval of building plans for a "Game Room" addition to the house, and to build two other stand-alone structures on the property, including a "Garden Garage," and a "Main Garage". I met with the Chairman of FVEHOA's Architectural Control Committee (the "ACC"), Mike Doyle, to discuss the plans, and on August 18, 2013 FVEHOA approved the plans by providing a copy of the submitted plans with a large HOA "Architectural Committee Approval Stamp" signed by Mike Doyle. A true and correct copy of the Approved Plans are attached hereto as EXHIBIT 2. FVEHOA also approved the plans at a board meeting on October 14, 2013. A true and correct copy of the board meeting minutes from October 14, 2013 is attached hereto as EXHIBIT 3.

6. The Garden Garage, Main Garage, and the Game Room were approved by FVEHOA on the approval plans with a five (5) foot setback from the property line. The notes printed on the plans at the Game Room state, "Setback as determined by City of Santa Rosa Planning and owner agreement" and at the second Garden Garage, the note on the plans state "Setback 15' +/- as determined by City of Santa Rosa Planning (deck accepted >5')".

7. Shortly thereafter I began work on obtaining City of Santa Rosa Building permits, which

is a complex issue involving hillside review and many other procedures. The City of Sana Rosa Planning Department issued the first building permits on July 31, 2017. The Garden Garage and Main Garage were permitted on Permit B16-3228 and Permit B16-3229. The Game Room was permitted on Permit B16-3218. The entire process required in excess of 150 meetings, phone calls, emails and letters from 2013 to July 13, 2017. The City of Santa Rosa Building Department allowed limited grading while plans were revised, soil studies and tests were conducted, and details of all plans were reviewed by City staff. During this process the City went back and forth with me and in an effort to make the main garage less visible from the street, the City suggested combining the main and garden garage structures into one structure with an Accessory Dwelling Unit ("ADU") on top (the combined structure is referred to herein as the "Garage/ADU").

8. A true and correct copy of a rendering of the original and revised positions of the Garage/ADU and a table showing the overall square footage of the original plans and revised plans is attached hereto as EXHIBIT 4.

9. The combination of the garages and the addition of the ADU required me to retain additional services of architects, engineers and other vendors in order to comply with the City's recommendations and requirements.

10. On August 1, 2017, began grading the site for construction. On September 28, 2017, I commenced construction on the Garage/ADU by building a small deck near the Garage/ADU was built under Permit No. B16-3229 with the closest point on the deck to the property line being approximately eight (8) feet. This deck was completed on September 28, 2017. See EXHIBIT 2 showing the deck location in the approved 2013 plans.

11. About half of this deck (66 sq. ft.) is the only "structure" that FVEHOA claims is violating the CC&Rs setback rules, which is FVEHOA's main argument for why construction of the Garage/ADU be stopped. The portions of the Garage/ADU that are currently being built (and which are the subject of this request for injunction) are not within the 15 feet Final Map setback that the FVEHOA is claiming should stop further construction. The Garage/ADU setback is 33' from the property line. The position of the Garage/ADU setback formerly called the Garden garage has not changed since the 2013 FVEHOA plan approval.

12. The Tubbs fire and evacuation stopped all construction on October 8, 2017. The Tubbs fire required a complete evacuation from the property for over three weeks. Subsequently on November 23, 2019 the Kincade Fire required another complete evacuation from the property for over three weeks. In addition, FVEHOA sent two unjustifiable Cease-and-Desist letters, which required months long halts in construction in order to assess the merits of the letters (or lack thereof) and determine whether continuing construction could be performed.

13. On January 2, 2018, I received a large shipment of materials and equipment at my property. FVEHOA board members observed this delivery and were made aware that it was for work on the Garage/ADU.

14. On March 14, 2018, FVEHOA sent me a cease-and-desist letter to me to stop all construction on my property. Specifically, to stop "all work on improvements and alterations on [my] Lot which have not been approved in writing by the ACC". A true and correct copy of the cease-and-desist letter is attached hereto as EXHIBIT 5.

15. I advised FVEHOA that I had plan approval from FVEHOA and provided a copy of the stamped plans to FVEHOA. Therefore, I continued construction because I had approved plans and City building permits in hand and believed I had the legal right to proceed.

16. On October 9, 2018, my counsel received another letter from FVEHOA demanding that I cease all work on my property. FVEHOA's October 9, 2018 letter stated, "Please have your client immediately cease further work until it is approved by the Association as required by the CC&Rs. If any further work is reported this week, we will file for a TRO." A true and copy of this letter is attached hereto as EXHIBIT 6. Following this letter, I continued construction on my property because I had approved plans by FVEHOA and City building permits and believed I had the legal right to proceed.

17. On July 22, 2019 the City of Santa Rosa reissued permits for all three structures clarifying all City of Santa Rosa issues to date.

18. From the date I originally submitted my plans to FVEHOA, I have been consistently submitting updated plans to FVEHOA as outlined below:

- On December 20, 2017 I submitted my revised plans (set 2) to FVEHOA. FVEHOA failed to follow section 17(e) of the CC&Rs which requires they provide me with a letter that the

application is complete and will be approved or rejected within forty-five (45) days. FVEHOA rejected the plans on February 1, 2018 (43 days after submission).

- On March 29, 2018 I submitted my revised plans (set 3) to FVEHOA, and on April 3, 2018 I submitted my revised plans (set 4) to FVEHOA. Both of these sets of plans were rejected on April 17, 2018 (20 and 15 days after submission, respectively).
- On October 18, 2018 I submitted my revised plans (set 5) to FVEHOA. FVEHOA notified me these were incomplete on October 25, 2018 (8 days after submission).
- On November 16, 2018 I submitted my revised plans (set 6) to FVEHOA, which revised the Garden Garage to add the ADU. FVEHOA notified me these were rejected as incomplete on November 20, 2018 (5 days after submission).
- On May 14, 2019 I submitted my revised plans (set 7) to FVEHOA, which were rejected on June 10, 2019 (28 days after submission).
- On February 21, 2020, I submitted my revised plans (set 8) to FVEHOA's attorney per her request. Two copies each of three sets of plans were submitted. The plans were the "Garage/ADU plans", the "Game Room/Gym plans" and the "Sunroom Plans." FVEHOA again failed to follow section 17(e) of the CC&Rs which requires they provide me with a letter that the application for each set of plans was complete and will be approved or rejected within forty-five (45) days. Instead FVEHOA's attorney sent a letter to my attorney on February 26, 2020, (Five calendar days after submission of the plans by Romano), stating that she was summarily rejecting the plans without those plans being submitted to the ACC for approval and in violation of section 17(e) of the CC&Rs. A true and correct copy of FVEHOA's attorney's February 26, 2020 letter is attached hereto as EXHIBIT 7. The letter provides that the plan for a separate "sun room" project is being submitted to the ACC. However, the letter makes no mention that she was providing the Garage/ADU and Game Room to the ACC. Moreover, there are no FVEHOA records or minutes showing the ACC ever convened to review these plans from the date I submitted them to FVEHOA's attorney to the date of her summary rejection of these plans. This apparent "rejection" by the FVEHOA's attorney without review by the ACC is in violation of the CC&Rs. FVEHOA

provided no responses as of April 6, 2020 (45 days after the plans were submitted). The CC&Rs, Article 17(g) provides that plans that have not been rejected within 45 days of submission shall be deemed approved. (See CC&RS EXHIBIT 1. Article 17(g).)

19. A true and correct copy of the site maps showing the location of the Garage/ADU and Game Room/GYM that was submitted with the February 21, 2020 plans is attached hereto as EXHIBIT 8.

20. On May 13, 2020, my attorney wrote to FVEHOA indicating my legal position that all the most recent set of building plans submitted to FVEHOA by me were approved by operation of the CC&Rs. Moreover, the plans were also consistent with Civil Code 4020, 4765 and 4025(a), City of Santa Rosa Title 20 of the Santa Rosa City Code and Gov. Code sections 65852.2(a)(1)(D)(vii) and 65852(a)(4), which set forth the requirements for an ADU. A true and correct copy of this letter is attached as EXHIBIT 9.

21. I also received a letter from the California Department of Housing and Community Development advising me that the Government Codes cited above applies to not only to the Government but to HOA's as well. A true and correct copy of the letter is attached as EXHIBIT 10.

22. On June 4, 2020 I provided a letter to FVEHOA restating my legal position as stated in the May 13, 2020 letter. I further advised FVEHOA that the Civil Code 4765, FVEHOA CC&R's and ACC Guidelines controlled these issues, and under operation of the CC&Rs, the plans have been approved. A true and correct copy of this letter is attached hereto as EXHIBIT 11.

23. Construction has continued on my property, since the most recent set of plans were approved, with the exception of intermittent periods of time that work could not be performed due to weather and/or fire warnings in the area. I have prepared a timeline showing the significant developments in the project including dates of construction, intermittent stoppages, and FVEHOA's involvement. A true and correct copy of this timeline is attached hereto as EXHIBIT 12.

24. On July 31, 2020, I had the large concrete footings for the Garage/ADU poured. This involved 130 yards of concrete being poured into approximately 600 linear feet of concrete forms on the ground and easily visible from the street before dirt fill was brought in. The concrete pumping truck

used to pump the concrete was one of the largest trucks in Sonoma County because it had to reach 95 feet to cover the entire job.

25. FVEHOA was aware of the forms on the ground for months leading up to July 31, 2020. I observed Board members Winston Bull and TJ Johnson watching the property taking pictures and videos. FVEHOA also included pictures of the concrete pumping truck on my property with a letter threatening to obtain a TRO to stop construction on or about August 1, 2020.

26. On August 1, 2020, I began additional grading and building of wall forms, installing drain lines, adding reinforcing steel to the forms where required, installing bracing and other construction.

27. I constructed approximately 600 linear feet of wall forms ranging from two feet to 8 feet high, including a retaining wall on the frontage of the property, perimeter and dividing walls on the Garage/ADU from August 1, 2020 to February 11, 2021 (the date of the TRO).

28. The TRO was issued on February 11, 2021 and the following events occurred before the TRO was issued.

- 2013 plans were approved by the FVEHOA on August 18, 2013 (2,740 days (89 months) before the TRO was issued).
- The small deck on the Garage/ADU (with 66 sq ft of it in the HOA setback area approved on the 2013 plans) was complete on September 28, 2017 (1,232 days (40 months) before TRO was issued).
- The first Cease-and Desist letter was sent to me on March 14, 2018 (1,066 days (34.6 months) before the TRO was issued).
- The second Cease-and-Desist letter was sent to me on October 19, 2018 (847 days (27.8 months) before the TRO was issued).
- FVEHOA approved my February 2020 plans by operation of the CC&R'S on April 21, 2020, and the FVEHOA was notified that construction would continue (297 days (9.7 months) before the TRO was issued).
- I poured the foundations of the Garage/ADU on July 31, 2020 196 days (6.4 months) before the TRO was issued.

- The TRO was issued as I was in the nearly done constructing the wall portions of the Garage/ADU. I was scheduled to pour 600 linear feet of walls consisting of 90 yards of concrete, and none of these walls is located outside of the Final map setback area that FVEHOA takes issue with. This Garage/ADU building is 33 feet from the property line in the rear and is not connected to the "offending deck" that is 8 feet from the property line.
- Throughout the entire construction period, starting on August 1, 2017, I regularly observed FVEHOA surveilling my property by driving up to my driveway, stopping in the street, stopping neighbors to talk about the construction, taking pictures and video, walking around and taking pictures from the common area surrounding my property. I observed frequent drone flights over the house and construction site, presumably taking pictures and observing construction underway.

29. Construction activities and noise have been ongoing and not been concealed from FVEHOA. Generators, compressors, excavation equipment and hoists have been operated on a daily basis, six days a week, and members of FVEHOA have been continually observing my construction activities. Attached hereto as EXHIBIT 13, are true and correct copies of photographs taken from 8/10/2020 to 2/12/2021. These pictures show ongoing construction of the footings and retaining walls for the Garage/ADU that have been ongoing and continuous since construction began.

30. This work is being performed pursuant to the approved FVEHOA plans and City building permits. Pursuant to the CC&Rs, approved plans must be executed promptly and continuously from the time of approval until completion. Moreover, the City of Santa Rosa Building permits require constant progress in order for the permits to continue to be valid.

31. Current City Building Permits are valid until at least December of 2021.

32. I am informed and believe, and I have notified FVEHOA, that several members of FVEHOA are violating the setback from property line requirements that FVEHOA is attempting to use as the reason to prevent me from completing construction of the Garage/ADU and the Game Room. I personally researched each property, obtained the lot maps of each property and obtained satellite photos of each property from the City of Santa Rosa's public "GIS" website. I personally compared each properties FVEHOA setback requirements to each property satellite image and observed which

properties had structures built in the setback area. This research was focused on Board members and their neighbors properties and is not exhaustive of all violations in the entire FVEHOA area. The examples shown are 16% (19 properties out of 118 total) of the properties have apparent and obvious setback violations. A true and correct copy of documentation showing the violations of the CC&R's purported setback requirements by other FVEHOA members is attached hereto as EXHIBIT 14.

33. I am informed and believe that several FVEHOA members have structures on their properties that are built outside FVEHOA's "Final Map or Building envelopes" including the President and Vice President of FVEHOA, members of the Board of Directors and members of the Architectural Control Committee as well.

34. My consultant PJC & Associates, Inc. has inspected this property in connection with the planned construction of the Garage/ADU and the Game Room and found that the proposed building envelopes are located within a level to moderately sloping topography, and field investigations encountered no evidence of slope instability at the site and the risk of land sliding is low. A true and correct copy of PJC & Associates, Inc.'s initial September 12, 201 report regarding the building sites is attached hereto as EXHIBIT 15.

35. A true and Correct copy of PJC & Associates, Inc.'s July 20, 2017 and July 25, 2017, and July 9, 2019 site review reports supporting the conditions and results of in the initial report is attached hereto as EXHIBIT 16.

36. The Garage/ADU building is 27 feet tall, with one side of the structure that is approximately 60 feet long is being built on top of a retaining wall that is approximately 8 feet high at its tallest point.

37. The majority of the Garage/ADU and the Game Room/Gym cannot be seen from the private road that leads to my house or from the other properties. Carlile Macy, a Santa Rosa engineering firm, if if if all has conducted visual and site studies to see whether my property and the proposed structures will be visible from nearby public roads and residential areas, and it found that the structures are effectively hidden from view by their locations and existing vegetation. A true and correct copy of Visual Analysis, Romano Game Room Addition & Garage – 4723 Muirfield Court, File No. HDP13-010; Carlile Macy's visibility study report is attached hereto as EXHIBIT 17.

38. The retaining wall under the Garage/ADU fronting the private road will be covered in vines and the walls of the Garage will be blocked by tall existing trees, oleanders that are currently planted and which will be planted, and other existing and future vegetation. A true and correct copy of a rendering of the proposed structure from the closest part of the private road leading to my property is attached hereto as EXHIBIT 18.

39. After the TRO was issued, I ceased construction of the Garage/ADU in accordance with the Order. I also documented the shutdown process and associated costs to FVEHOA's counsel in a letter dated February 12, 2021. A true and correct copy of my February 12, 2021 letter detailing the shutdown process is attached hereto as EXHIBIT 19.

40. In order to try to mitigate damages to materials and equipment, I proposed erecting a storage tent on the property to keep materials and equipment from being damaged due to exposure. At this time, the FVEHOA has refused to allow a storage tent to be erected on the property to protect materials and equipment which is the most cost-effective mitigation available at this time even though the City of Santa Rosa has issued a building permit to me for the installation. On March 12, 2021 FVEHOA's counsel sent me a letter stating the tent structure was denied because "The proposed structure extends outside the building envelope, in violation of CC&Rs § 28(t)." Again, there is no FVEHOA records or minutes showing the ACC ever convened to review these tent plans from the date I submitted them to FVEHOA's attorney to the date of her summary rejection of these plans 4 days after submission. This apparent "rejection" by the FVEHOA's attorney without review by the ACC is in violation of the CC&Rs. A true and correct copy of the March 12, 2021 letter is attached hereto as EXHIBIT 20.

41. The Garage/ADU is currently at a critical stage in its construction with the foundation and major grading already having been completed, and the walls have been partially built. Currently, additional concrete must be poured to stabilize the partially built walls. This activity has been temporarily halted due to issuance of the TRO, and the partially built walls and forms have been partially braced to prevent them from falling and causing damage to the surrounding area and potentially causing injury to people on my property. However, these braces are a temporary solution, and FVEHOA can see stopping construction now will leave me with a partially finished and potentially

dangerous structure on my property. Had FVEHOA truly believed it was in danger of suffering irreparable harm from my construction, it should have sought injunctive relief as soon as this litigation began, when construction was at an initial stage and could have easily and safely been halted.

42. My costs of building these approved projects have already increased dramatically due to delays caused by the Tubbs Fire, the Covid-19 pandemic and market factors. I estimate my construction costs have increased in excess of $2 million dollars, and they will continue to increase should FVEHOA's injunction issue. I have over 25 years of construction experience as a property developer, and as a City of Santa Rosa road if Public Works and Utility Executive manager.

43. It has been my experience in the last 7 years of dealing with FVEHOA that the Board of the FVEHOA treats me personally in a very biased and disrespectful way. The FVEHOA Board refuses to discuss issues, refuses to engage in ADR as required by the CC&R's, refuses to meet with me to discuss plans as required by the ACC guidelines, fails to follow FVEHOA CC&R's and ACC guidelines unless the interpretation favors FVEHOA, has taken retaliatory action against me and my wife by increasing fine schedules, and denying our ability to vote and run for Board vacancies. I will be willing to testify to my experiences with the FVEHOA in detail if requested.

I declare under penalty of perjury of the laws of the State of California that the foregoing is true and correct. Executed in Santa Rosa, California on this 24th day of March 2021.

By: Josph Romano
JOSEPH ROMANO

EXHIBIT 1

RECORDED AT THE REQUEST OF
AND RETURN TO:

McMillan & Shureen LLP
50 Santa Rosa Avenue, Suite 200
Santa Rosa, CA 95404

2016005999
Official Records Of Sonoma County
William F. Rousseau
01/26/2016 01:16 PM
GENERAL PUBLIC
DCLRE 71 Pgs
Fee: $223.00

FIRST RESTATED DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS OF FAIRWAY VIEW ESTATES

(k) First mortgagees shall have the right to examine the books and records of the Association or any other entity which own the common property of the Association.

17. Architectural Control Committee. There shall be an Architectural Control Committee consisting of seven (7) persons, at least one of whom shall be a member of the Board of Directors, and each of whom shall be a Lot Owner.

(a) Designation of Members and Terms of Office:

(i) Members: Members of the Architectural Control Committee shall serve for a term of three (3) years commencing on the date on which they are appointed, and continuing until their respective successors are appointed, or until their death, resignation or removal whichever is earlier; provided, that if any Member ceases to be an Owner, his membership on the Architectural Control Committee shall thereupon terminate. Any new member appointed to replace an existing member shall serve such member's unexpired term. Members who have resigned, been removed or whose terms have expired may be reappointed; however, no person shall serve as a member of the Architectural Control Committee for a period in excess of six (6) years in any ten (10) year period.

(ii) Appointment and Removal: The right to appoint and remove all member and alternate members of the Architectural Control Committee shall be vested solely in the Board of Directors. Exercise of the right to appointment and removal, as set forth herein, shall be evidenced by the specification in the minutes of the Association of each new Committee member appointed and each member replaced or removed from the Architectural Control Committee.

(iii) Resignations: Any member of the Architectural Control Committee may at any time resign from the Committee upon written notice delivered to the Board of Directors.

(iv) Vacancies: Vacancies on the Architectural Control Committee, however caused, shall be filled by the Board of Directors.

(b) Duties: It shall be the duty of the Architectural Control Committee to consider and act upon such proposals or plans submitted to it pursuant to the terms hereof, to propose amendments to the Architectural Control Guidelines for adoption by the Board of Directors, to perform other duties delegated to it by the Board of Directors, and to carry out all other duties imposed upon it by these Restrictions.

(c) Meetings: The Architectural Control Committee shall meet from time to time as necessary to properly perform its duties hereunder. The vote or written consent of any four (4) members shall constitute an act by the Committee. The Committee shall keep and maintain a record of all actions taken by it at such meeting or otherwise and make such

records at all times available to the Board of Directors. The members of the Architectural Control Committee shall be entitled to reimbursement for reasonable expenses incurred by them in the performance of any Architectural Control Committee function.

(d) Architectural Control Guidelines: The Board of Directors may, from time to time and in its sole discretion, adopt, amend and repeal, rules and guidelines to be known as "Architectural Control Guidelines." The Architectural Control Guidelines shall interpret and implement the provisions hereof by setting forth the standards and procedures for Architectural Control Committee review and guidelines for architectural design, placement of buildings, landscaping, color schemes, exterior finishes and materials and similar features which are recommended for use in Fairway View Estates; provided, however, that the Architectural Control Guidelines shall not be in derogation of the minimum standards required by these Restrictions.

(e) Application for Approval of Improvements: No Improvement may be undertaken on a Lot without prior approval of the Architectural Control Committee. Any Owner proposing to perform any work of any kind whatever which requires the prior approval of the Architectural Control Committee shall apply to such Committee in the format required by the Architectural Control Guidelines for approval of the proposed work by notifying the Architectural Control Committee of the nature of the proposed work with such information as the Committee may require, including but not limited to: (i) a plot plan of the Lot showing the location of all existing and proposed improvements; (ii) floor plans; (iii) elevation drawings; (iv) a description of exterior materials and colors; (v) the Owner's proposed construction schedule; and (vi) such further information set forth in the Architectural Control Guidelines. Upon receipt of all such information, the Architectural Control Committee shall notify the Owner in writing that the Owner's application for approval is complete and will be approved or rejected within forty-five (45) days of said notice.

(f) Basis for Approval of Improvements: The Architectural Control Committee shall grant the requested approval only if:

(i) The Owner shall have complied with the provisions of paragraph (e) above; and

(ii) The Architectural Control Committee shall find the plans and specifications conform to these Restrictions, and to the Architectural Control Guidelines in effect at the time such plans were submitted to the Committee; and

(iii) The members of the Architectural Control Committee in their sole discretion determine that the proposed improvements would be compatible with the standards of Fairway View Estates and the purposes of these restrictions as to quality of workmanship and materials, as to harmony of external design with existing structures, and as to location with respect to topography and finished grade elevations.

(g) Form of Approval: All approvals given under paragraph (f) shall be in writing; provided, however, that any completed application for approval as shall be evidenced only by the Architectural Control Committee's written notice in accordance with Article 17(e), above, which has not been rejected within forty-five (45) days from the date of said notice shall be deemed approved as of the date of expiration of said 45-day period.

(h) Proceeding with Work. Upon receipt of approval from the Architectural Control Committee pursuant to paragraph (g) above, including any deemed approval, the Owner shall, as soon as practicable, satisfy all conditions thereof and diligently proceed with the commencement and completion of all construction, reconstruction, refinishing, alterations and excavations pursuant to said approval, said commencement including issuance of any required building permits to be, in all cases, within one year from the date of such approval. If the Owner shall fail to comply with this paragraph, any approval given pursuant to paragraph (g) above including any deemed approval, shall be deemed revoked and ineffective for all purposes unless the Architectural Control Committee, upon written request of the Owner made prior to the expiration of said one-year period, extends the time for such commencement. No such extension shall be granted except upon a finding by the Architectural Control Committee that there has been no change in the circumstances upon which the original approval was granted.

(i) Failure to Complete Work: The Owner shall in any event complete the construction, reconstruction, refinishing, or alteration of any such improvement within one year after commencing construction thereof, except and for so long as such completion is rendered impossible or would result in great hardship to the Owner due to strikes, fires, national emergencies, natural calamities or other supervening forces beyond the control of the Owner or his agents. If the Owner fails to comply with this paragraph, the Architectural Control Committee shall notify the Board of such failure, and the Board shall proceed in accordance with the provisions of paragraph (j) below as though the failure to complete the improvement were a noncompliance with approved plans.

(j) Inspection of Work: Inspection of work and correction of defects therein shall proceed as follows:

(i) Upon the completion of any construction or reconstruction or the alteration or refinishing of the exterior of any improvements, or upon the completion of any other work for which approved plans are required under this Article, the Owner shall give written notice thereof to the Architectural Control Committee.

(ii) Within sixty (60) days thereafter the Architectural Control Committee, or its duly authorized representative, may inspect such improvements to determine whether it was constructed, reconstructed, altered or refinished to substantial compliance with the approved plans. If the Architectural Control Committee finds that such construction, reconstruction, alteration or refinishing

depression due to the failure of said services, in which case, all such costs will be borne by the property served by the service causing the damage.

IN WITNESS WHEREOF, the undersigned has executed the within instrument this 8th day of January, 2016.

Fairway View Estates Homeowners Association,
a California nonprofit mutual benefit corporation

By: _____
Winston Bull, President

By: _____
David Wachter, Secretary

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

State of California)
)
County of Sonoma)

On 1/8/16 before me, Sam Karpinski, Notary Public personally appeared Winston S. T. Bull who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

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

WITNESS my hand and official seal.

Signature Sam Karpinski

SAM KARPINSKI
Commission # 2106840
Notary Public - California
Sonoma County
My Comm. Expires Apr 13, 2019

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

State of California)
)
County of Sonoma)

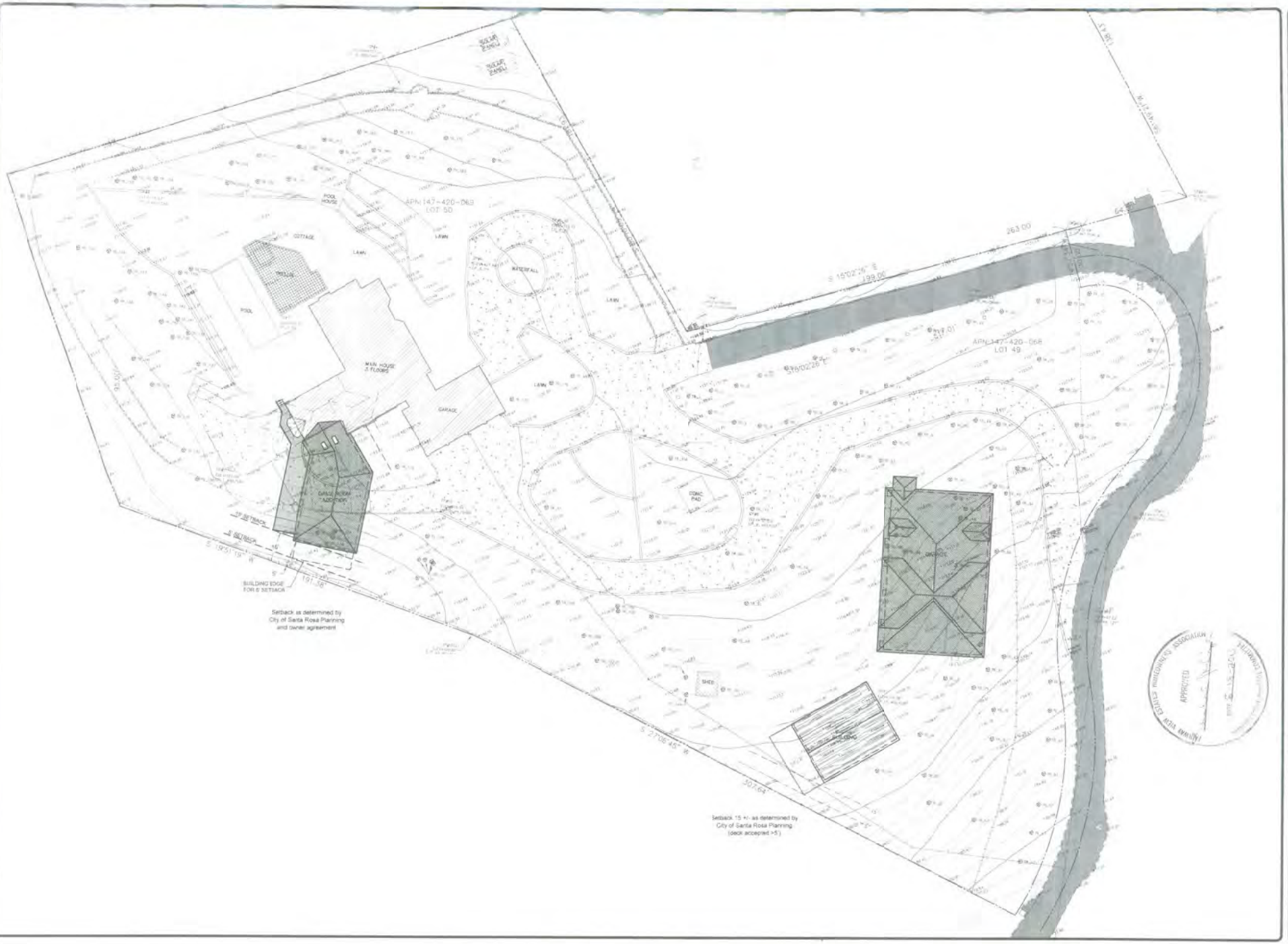
On 1/8/16 before me, David J. Wachter personally appeared _____ who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

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

WITNESS my hand and official seal.

Signature _____

EXHIBIT 2



REVISIONS	BY

Drawings for:
Chateau Romano
4123 Muirfield Court
Santa Rosa, CA
APN 147-420-068

DATE
July 29, 2013
SCALE
AS NOTED
DRAWING NAME
SITE PLAN
SHEET
A1.0

ROMANO HOA_070724

EXHIBIT 3

October 14, 2013

MINUTES
FAIRWAY VIEW ESTATES HOMEOWNERS ASSOCIATION
Board of Directors Meeting

Board Members Present:	Winston Bull Ray Byrne Mike Doyle Jackie McMillan Sandy Nelson Richard Shindle Dave Wachter
Others Present:	Lori Bremner, Orion Partners

The meeting was called to order at 7:40 at Ray's home.

Open Forum
No homeowners were present for open forum.

Minutes of Approved Last Meeting
The August 12, 2013 meetings were approved as submitted.

Financial Report
Third quarter financials were distributed. All homeowners are paid in full. Most budget items are in line with expectation and most contingency funds were not spent.

The Treasurer discussed the Reserve Study that was previously sent out in its entirety to all Board members. Lori distributed Executive Summaries of the Reserve Study. Mailbox enclosures, stone sign monuments, slurry coat on the pathways and other needs were discussed.

The Treasurer led the Board through a discussion of next year's budget and adjustments were made as needed. There was a thorough discussion of the landscape contract and work being done in the landscaped areas of the common area.

One Board member will contact other grazers for bids and the Common Land Chair will contact Living Systems to have them submit a new bid.

Common Land
The Chair is going to ask Seescape for a monthly report on what is done and point out a couple specific areas that are not being maintained to the standards that we believe we are paying for.

A Board member is meeting with Allsigns tomorrow on a sign exiting Annadel. He will ask Peter to survey the sign and mailbox monuments and enclosures and report what work may be needed.

A Board member is going to contact the paver who does their private road as well as the paver who did our pathways last time and get a bid to slurry the areas needed and a bid on concrete for one area that continually gets damaged by water.

The Chair received a bid for the cyanothes at the xxx area for $550. Approval was given.

At the top of Golfview, there is some tubing that is exposed. The area needs to be reviewed and the old piping removed or buried.

ACC

4711 Tee View received approval for a bathroom addition. The work is proceeding. No plans were brought to the meeting. A Board member will bring them to the next meeting.

The Chair approved the Romano plans and will bring them to the next meeting.

New Business

Doran sent a letter complaining about the lack of maintenance in the yards of some of the homes in the neighborhood asking if the Board can do something to cause those yards to be cleaned up. A Board member walked around and snapped a few pictures for discussion.

The Milks have had scaffolding up for many years. A letter was written by the Board and it was taken down for a period of time and put back up. In addition, there is a great deal of trash and debris visible on the lot. The decision is that a Board member will have Peter Walls send a letter to the Milks with the requirement in the CC&R's for them to maintain their premises.

A letter to some other homes will be sent by the Association asking the homeowners to improve their level of maintenance. The letter should say that Realtors have advised that prospective homeowners are hesitant to purchase in the neighborhood because of the lack of maintenance of some of the homes. A Board member will send Lori the list of addresses and the specifics of what is deficient on their lot so that letters can be sent.

A Board member reported that there has been a boat parked for over a month. A Board member will send Lori the address to send them a letter asking for the boat to be removed.

The Board dinner was deferred until the President recovered to the point that he could join the group. The 28th of October was selected and a Board member will confirm with the Restaurant.

The date for the next Board meeting is December 5th before the annual meeting.

The meeting was adjourned at 9:15 pm.

Respectfully submitted by:

Lori Bremner, Property Manager
Fairway View Estates HOA

EXHIBIT 4

Green Original Garage 60 x 80
Blue Main Garage (original position)
Red Garden Garage & Retaining Wall
Orange Main Garage moved to end of Garden Garage (reduced foot print)

EXHIBIT 5

ZIMMERMAN PAVONE LLP
131A Stony Circle · Suite 500
Santa Rosa, CA 95401

Attn:
Michael
Shklovsky

BARBARA C. ZIMMERMAN
Zimmerman@zp-law.net
DANIELA M. PAVONE
Pavone@zp-law.net

(707) 578-7555
www.zp-law.net

March 14, 2018

Mr. Joseph Romano
Ms. Pixie Cristal Romano
4723 Muirfield Ct.
Santa Rosa, CA 95405

RE: Notice of Violation
Notice of Hearing April 16, 2018 at 8 pm
CEASE AND DESIST
4723 Muirfield Court, Santa Rosa

Dear Mr. and Ms. Romano:

I represent the Fairway View Estates Homeowners Associations (the "Association"). The Association has retained me to assist with enforcement of the violations occurring at your property at 4723 Muirfield Court, Santa Rosa. All lots within the Fairway View Estates subdivision are subject to the First Restated Declaration of Covenants Conditions and Restrictions (the "CC&Rs") and the Architectural Control Guidelines (the "Guidleines") (collectively the "Governing Documents"). By purchasing a lot within the Fairway View Estates subdivision, you agreed to be bound by and comply with all of the terms, conditions, and restrictions in the Governing Documents.

All alterations and improvements on a Lot must be approved in writing by the Architectural Control Committee (the "ACC") *before* any construction can commence. (CC&Rs § 17(e) and 28(t); Architectural Control Guidelines § 3(a)(3)). You must submit complete plans and specifications for approval prior to submitting plans to the City (Architectural Control Guidelines § 3(a)(3)). Work cannot be done while you are working out details with your engineer. The plans must meet *all* of the conditions and restrictions in the CC&Rs and the Architectural Control Guidelines. (CC&Rs § 17(f)(ii)). Construction must commence within one year of receipt of approval or the approval is revoked. (CC&Rs § 17(h)) Proceeding with construction more than a year after obtaining approval is the same as building without approval.

Immediately CEASE AND DESIST all work on improvements and alterations on your Lot which have not been approved in writing by the ACC.

All structures must be within the building envelopes. CC&Rs § 28(t) provides that no construction shall be done except within the building envelopes. Section 8(A)(i) of the Guidelines also requires all construction to be within the building envelope. Contrary to your assertion in your email of February 23, 2018, the building envelope lines are not irrelevant to buildings being added to a lot. All structures, original and added, must be located within the

building envelope and it is a violation of the Governing Documents to place any structure over or outside the building envelope boundaries.

Nor is it the sole legal responsibility of the City of Santa Rosa to enforce the building envelope restrictions. CC&Rs are private restrictions separate and distinct from City codes. City codes cannot impair private or contractual property rights. (*Seaton v. Clifford* (1972) 24 Cal. App. 3d 46). Every property owner must comply with both the City Codes and the Governing Documents. The City cannot overturn, invalidate, or amend CC&Rs by approving plans or issuing permits. Therefore, regardless of the City's position on the building envelope or its issuance of permits, the requirement that all structures be within the building envelope is still enforceable by the Association.

The Association has the authority and duty to protect the Common Area. This includes review of geotech reports for proposed alterations and improvements where there is any possible threat to the Common Area. In this case, the location of your lot would pose a threat to the Association in the event of subsidence and there has been a history of subsidence in the area of your lot. Therefore, the Association has the right to request a copy of the geotech report prior to approval of your proposed alterations and improvements. Again, the City cannot override the Association's obligation and duty to protect the Common Area.

The Association has received information that a contractor hired and directed by you, dug a large trench in the Common Area. No approval was obtained for altering the Common Area. The Common Area was left with an open trench which poses a substantial liability risk. Each owner is responsible for all damage he does to the Common Area. (CC&Rs § 28(c)). No activities or conditions are allowed which despoil the Common Area. (CC&Rs § 29(q)). The Association, as required by the CC&Rs, will fill in the trench and repair the Common Area and the cost of doing so will be charged to you as a Special Individual Assessment under CC&Rs § 14(d)(A).

A hearing will be held on **April 16, 2018 at 8 pm at 4731 Woodview Drive, Santa Rosa**. At this hearing, the Board may levy a Special Individual Assessment in the amount of all expenses it has incurred or will incur to repair the Common Area and for bringing your lot into compliance with the Governing Documents, including, but not limited to, attorneys' fees. The Board may also institute disciplinary measures including fines, suspension of rights, and commencement of legal action, if the violations noted above are still occurring on the hearing date. You may attend the hearing and address the Board.

You state in your email of February 23, 2018 that your attorney had reviewed and agreed with your comments. As your comments reflect a misunderstanding of California law, I would appreciate your attorney contacting me at his or her first opportunity.

Very truly yours,

Barbara C. Zimmerman

EXHIBIT 6

ZIMMERMAN PAVONE LLP
131A Stony Circle, Suite 500
Santa Rosa, CA 95401

(707)578-7555
www.zp-law.net

October 9, 2018

VIA ELECTRONIC MAIL

Mr. Daniel J. Wilson, Esq.
Anderson Zeigler
50 Old Courthouse Square, 5th Floor
Santa Rosa, CA 95404

RE: Fairway View Estates HOA
CEASE AND DESIST

Dear Mr. Wilson:

It has been reported that Mr. and Mrs. Romano are proceeding with construction on their Lot which has not been approved by the Association as required by the CC&Rs. It has been reported that excavation is occurring which may be the installation of waste lines, a wall of rebar about four feet high has been laid that appears to run the length of the Romano's second lot, ground is being leveled, and cement pad framings have been laid. This is substantial work that has not been approved. The filing of litigation does not relieve the Romanos from compliance with the CC&Rs.

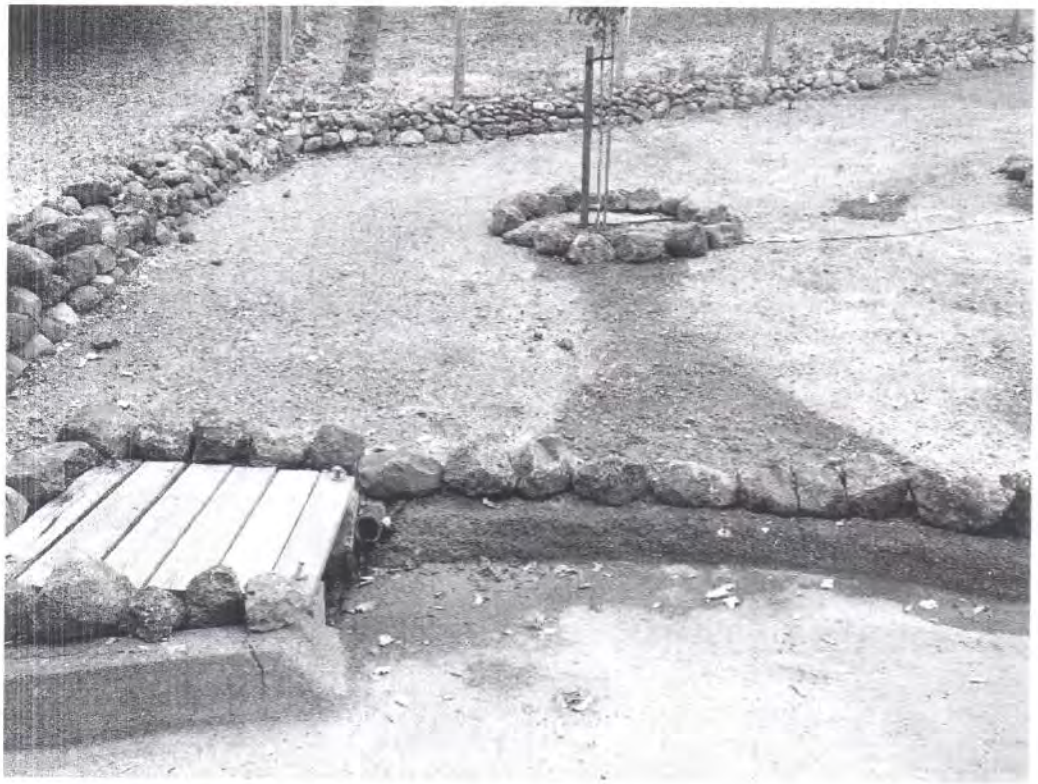
Please have your client immediately cease further work until it is approved by the Association as required by the CC&Rs. If any further work is reported this week, we will file for a TRO.

Please be aware that the Association may be entitled to an injunction ordering removal of major work and structures. (*Clear Lake Riviera Community Ass'n v. Cramer* (2010) 182 Cal.App.4th 459, 105 Cal.Rptr.3d 815). Your client had notice that construction without approval is a violation of the CC&Rs and his construction in violation of the CC&Rs is willful; therefore is undertaking the risk of having to remove the unapproved work.

Sincerely,

Barbara C. Zimmerman, Esq.

RHOA 1126



RHOA 1127

First American

myFirstAm® **Tax Map** **4723 Muirfield Ct, Santa Rosa, CA 95405**

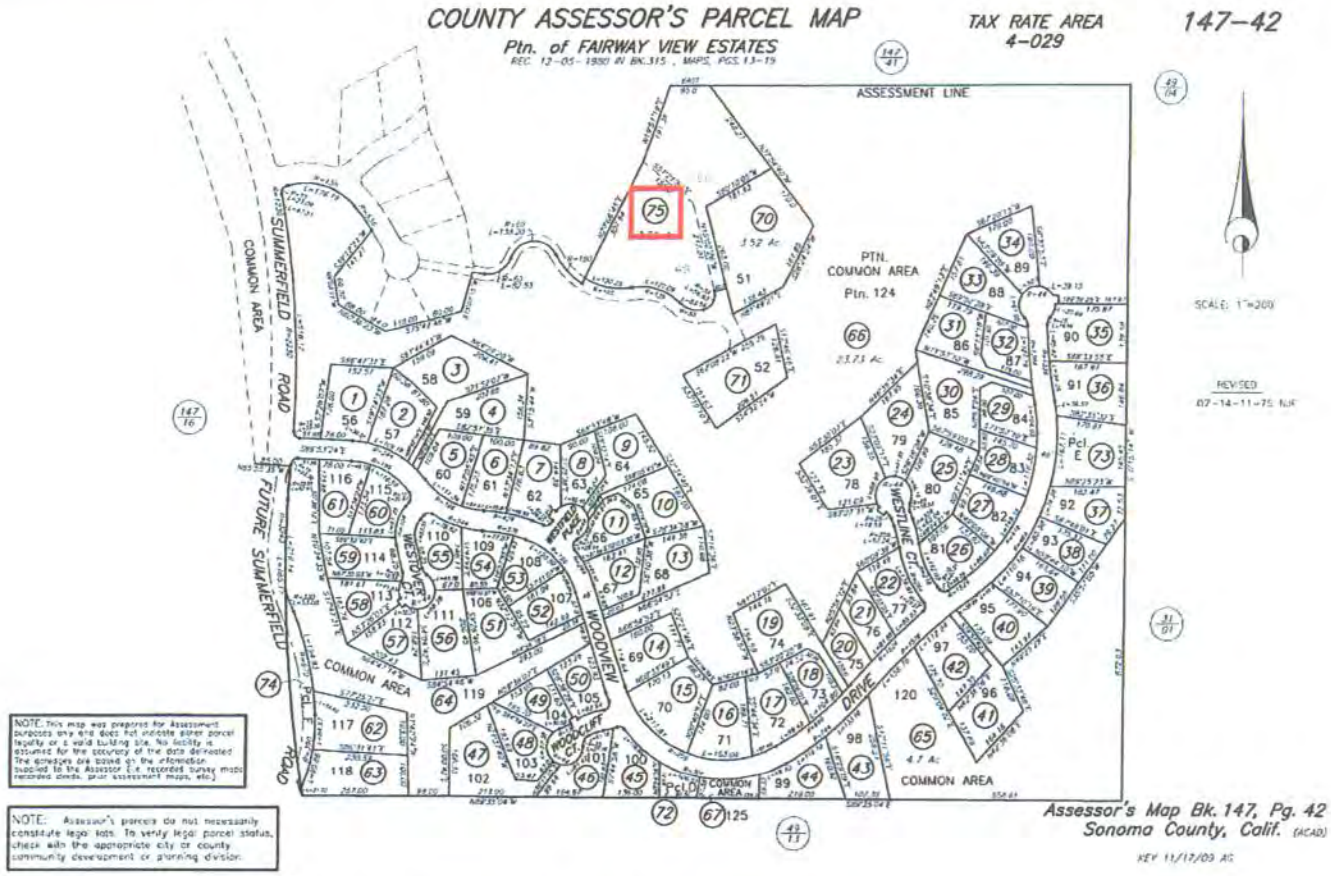


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EXHIBIT 7

ZIMMERMAN PAVONE LLP
131A Stony Circle, Suite 500
Santa Rosa, CA 95401

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Zimmerman@zp-law.net
DANIELA PAVONE
Pavone @zp-law.net
(707)578-7555
www.zp-law.net

February 26, 2020

VIA ELECTRONIC MAIL

Mr. James Sansone
Carle Mackie Power & Ross
100 B Street, Suite 400
Santa Rosa, CA 95401

RE: Fairway View Estates HOA
4723 Muirfield Court
Application for architectural approval submitted February 24, 2020.

Dear Mr. Sansone:

I have received the plans submitted on behalf of Mr. and Mrs. Romano for (1) the garage, (2) the game room addition, and (3) the sunroom. It appears the sunroom is a new request and I have delivered those plans to the community manager for forwarding to the Architectural Committee.

The other plans are the same as submitted and rejected in 2018 and 2019. The plans were rejected because there are structures outside of the building envelope. Section 28(t) of the CC&Rs states in pertinent part:

> *No such construction shall be accomplished except within the Building Envelopes as such are set forth on the Subdivision Map.*

Building Envelope is defined in section 2(d) of the CC&Rs as the setback lines designated on the subdivision map (Map is defined in 2(k)). Section 8(A)(1) of the FVEACG states:

> *Siting must be within the building envelope.*

The fact the building envelope is not specified in section 2(C) does not invalidate or supersede CC&Rs section 28(t) or FVEACG section 8(A)(1). Nor would a reasonable person think the lack of expressly mentioning the building envelope in section 2(C) would imply local law supersedes the CC&Rs and well established California law.

The inclusion of an ADU in the plans does not make the building envelope requirement void nor compel the Association to approve plans otherwise in violation of the CC&Rs. New Civil Code § 4751(b) states:

> (b) This section does not apply to provisions that impose reasonable restrictions on accessory dwelling units or junior accessory dwelling units. For purposes of this subdivision, "reasonable restrictions" means restrictions that do not unreasonably increase the cost to construct, effectively prohibit the construction of, or extinguish the ability to otherwise construct, an accessory dwelling unit or junior accessory dwelling unit consistent with the provisions of Section 65852.2 or 65852.22 of the Government Code.

Siting the garage so that all portions of it are within the building envelope would not unreasonably increase the cost of the ADU nor would it effectively prohibit the construction of the ADU as the lot is large enough to site the entire structure within the building envelope. Removing the deck that protrudes into the building envelope is another options to comply with the CC&Rs which does not unreasonably increase the cost of the ADU nor would it effectively prohibit the construction of the ADU. Civil Code § 4751 does not throw out all homeowners associations architectural restrictions as you suggest.

The CC&Rs requirement that all structures be within the building envelope does not conflict with the zoning code. The code prohibits structures closer than 5 feet to the property line – it does not require all structures be 5 feet from the property line. The 15 to 20 foot building envelope meets the 5 foot minimum of the zoning code and therefore is consistent with the law.

Further, it is established in California law that changes in zoning or other city codes do not impair the enforceability of CC&Rs. (*Seaton v. Clifford* (1972) 24 Cal. App. 3d 46). CC&Rs are private or contractual property rights. City, state, and federal laws, ordinances, regulations and codes cannot be applied to invalidate or alter private property rights including CC&Rs. (*Hall v. Butte Home Health* (1997) 60 Cal.App.4th 308). So the City of Santa Rosa application of the zoning code setbacks does not amend or invalidate the CC&Rs requirement that all structures to be within the building envelope designated on the map. We understand that Mr. Romano disagrees with this law, and that is one of the main issues in the pending litigation.

Written notices that the Romano plans were either incomplete and/or rejected were sent on October 25, 2018, November 20, 2018, December 10, 2018, December 21, 2018, April 3, 2019, April 17, 2019, May 9 2019, and June 10, 2019. Only the garage plans were submitted in 2019. Continued submission of the same plans, the plans that are a central issue in the pending litigation, in the hopes of a technical error is disingenuous. Your client knows these plans have been denied and continued resubmission is edging on harassment of the volunteer Committee and Board.

An internal dispute resolution meeting was held regarding the plans on April 19, 2018. Another meeting with the Committee or Board, or a meeting on site, will not resolve the building envelope issue. Once the building envelope issue is resolved, whether through settlement or trial, then, if there are any other objections to the plans, a meeting will be considered.

In conclusion, this letter is yet another notice that the plans for the garage and the game room submitted for approval on February 24, 2020 are denied because they contain structures outside the building envelope.

Sincerely,

Barbara C. Zimmerman, Esq.

CC: Board of Directors
John Fitzgerald
Peter Weber
Hal Chase

EXHIBIT 8

GEOTECHNICAL AND STRUCTURAL OBSERVATION

GEOTECHNICAL OBSERVATION TO BE DONE AT EXCAVATION AND FORMING AND PLACEMENT OF REBAR PRIOR TO POURING CONCRETE STRUCTURAL OBSERVATION TO BE DONE PRIOR TO CLOSE-IN

THIS PROJECT SHALL COMPLY WITH THE FOLLOWING APPLICABLE CODES AND REGULATIONS

2016 CALIFORNIA RESIDENTIAL CODE
UNIFORM BUILDING CODE, 2016 EDITION VOLUME 3
UNIFORM HOUSING CODE, 2016 EDITION
CALIFORNIA PLUMBING CODE 2016 EDITION (CPC)
CALIFORNIA ELECTRICAL CODE 2016 EDITION (CEC)
CALIFORNIA MECHANICAL CODE 2016 EDITION (CMC)
THE UNIFORM BUILDING SECURITY CODE, 2016 EDITION
2016 BUILDING ENERGY EFFICIENCY STANDARDS FOR RESIDENTIAL AND NONRESIDENTIAL BUILDINGS THE UNIFORM ADMINISTRATIVE CODE,
2016 EDITION CALIFORNIA FIRE CODE 2016 EDITION
UNIFORM FIRE CODE STANDARDS
AND ALL CODES WITH ADOPTED LOCAL AMENDMENTS PER COUNTY ORDINANCES

SHEET INDEX:

PROPERTY OWNER / APPLICANT:

Joe Romano
4723 Muirfield Court
Santa Rosa, CA
(707) 542-2223
joe@generatorjoe.net

APN: 147-420-068
ZONE: RR-20
PARCEL AREA: 137,498 SF

LEGEND:

EXISTING DRIVEWAY
PROPOSED DRIVEWAY
GARAGE ROOF
PROPOSED CONTOURS
TREE & I.D. NUMBER

BUILDING AREAS:

Existing Building Area Footprint (Gross SF)

Main House	8,172 SF
Garage:	1,215 SF
Total:	9,387 SF

New Building Areas (Gross SF)

Game Room	2,269 SF
Game Room Deck:	530 SF
Gym:	1,086 SF
Total	3,885 SF
Garage:	4,500 SF
Apartment:	750 SF
Equipment Room	112 SF
Laundry Rroom	158 SF
Storage	1,236 SF
Hall	320 SF
Covered Walk	323 SF
Total	7,399 SF

LOT COVERAGE:

DESCRIPTION	COVERAGE (SF)	COVERAGE (%)
EXISTING HOUSE & GARAGE	9,387 SF	6.83 %
GARDEN GARAGE	6,054 SF	0.044 %
IMPERVIOUS SURFACE	19,246 SF	13.99 %
TOTAL	34,687 SF	25.22 %

VICINITY MAP

Not to Scale

NORTH

SITE PLAN

Scale: 1" = 20'-0"

NORTH

SITE NOTES

A RETAINING WALL, COVERED IN VINES TO MATCH HOUSE, FOTINIA PLANTINGS SIMILAR TO EXISTING PLANTS AT B
B FOTINIA PLANTS, TALL WITH AUTOMATIC IRRIGATION
C ROCKS ON PROPERTY EDGE TO MATCH EXISTING ROCKS AT FENCE LINE, APPROXIMATE SAME SIZE AND COLORS, CREPE MYRTLE TREES EXISTING WITH MATCHING ROCK RINGS
D REMEIDATED SOIL, WEED CLOTH AND TOP SOIL INSTALLED, IRISH MOSS GROUND COVER WITH AUTOMATIC IRRIGATION.
E CREPE MYRTLE BUSHES TO MATCH EXISTING TREES OUTSIDE FENCE
F GENERATOR LOCATED BEHIND SCREEN. SOUND ENCLOSED, NEAREST NEIGHBOR IS MORE THAN 1,000 FEET AWAY. SOUND LEVEL IS 68 DB AT 27'. GENERATOR CANNOT BE HEARD BY ANYONE. GENERATOR IS NOT VISIBLE FROM STREET WHEN LANDSCAPE DEVELOPED.
G PROPANE TANK RELOCATE NEAR GENERATOR, NOT VISIBLE FROM STREET WHEN LANDSCAPE DEVELOPED.
H FRONT SETBACK REQUIRED BY CITY IS 20' MINIMUM FROM BUILDING ON STREET SIDE, ACTUAL DIMENSION TO STREET AT CLOSEST POINT IS ACTUALLY ON EXCESS OF 90 FEET FROM THE FRONTAGE. THE BUILDING SETBACK LINES ARE THE BOUNDARIES OF THE BUILDING ENVELOPE AS DETERMINED BY THE CITY OF SANTA ROSA AND AGREED TO BY THE HOA IN ADVANCE IN WRITING.
I SIDE YARD INTERIOR LINE SETBACK FOR GARAGE AND GAME ROOM REQUIRED BY CITY IS 5'. ACTUAL SETBACK AT CLOSEST POINT IS 5'. THE BUILDING SETBACK LINES ARE THE BOUNDARIES OF THE BUILDING ENVELOPE AS DETERMINED BY THE CITY OF SANTA ROSA AND AGREED TO BY THE HOA IN ADVANCE IN WRITING.
J OTHER LANDSCAPING TO MATCH EXISTING LANDSCAPING ON THE PROPERTY AUTOMATIC IRRIGATION.
K EXTERIOR LIGHTING TO MATCH EXISTING HOUSE ON THE PROPERTY, COACH LIGHTS AT ALL DOORS, FLOOD LIGHTS IN TURNAROUND AREA AS NEEDED.
L 15'-0" SUBDIVISION SETBACK LINE

1. BUILDING, DOOR AND WINDOW COLORS TO MATCH EXISTING RESIDENCE. GRAY STUCCO, STONE FACINGS, WHITE WINDOW FRAMES.
2. WINDOW AND DOOR SIZES ARE STANDARD SIZES AND DIMENSIONS ARE SHOWN TO SCALE.
3. ALL DRAINAGE IS UNDERGROUND AND APPROVED BY THE CITY OF SANTA ROSA, PER SPECIFICATIONS OF ROY ANDERSON PE.
4. GUTTERS, DOWNSPOUTS, UNDERGROUND FRENCH DRAIN LINES, SURFACE COLLECTION POINTS WILL ALL DRAIN TO STREET FRONTAGE FOR DISCHARGE TO STORM DRAINS. LOCATIONS OF FACILITIES WILL BE DETERMINED BY THE ENGINEER AFTER CONSTRUCTION OF THE FOUNDATION AND SITE GRADING IS COMPLETE.
5. SEWER LINES ARE SHOWN ON THE MAP AND ALL INTERIOR DRAINS ARE CONNECTED TO THAT SYSTEM PER BUILDING CODE.
6. UTILITY LINE LOCATIONS ARE UNKNOWN AND ARE ALL UNDERGROUND AND WERE APPROVED BY THE CITY OF SANTA ROSA.
7. TREES ARE SHOWN ON THE TOPO MAP WHERE KNOWN. NO TREES ARE PLANNED TO BE REMOVED.
8. THERE ARE NO ROCK OUTCROPPINGS, FOUNTAINS, STREET LIGHTS AND OTHER FEATURES ARE SHOWN ON THE TOPO MAP.
9. SHRUBS ARE NOT SHOWN BECAUSE WE HAVE NO SPECIFIC PLANS BUT WHEN DEVELOPED PLANTINGS AND LANDSCAPING WILL CONFORM TO EXISTING RESIDENCE PATTERN AND PLANT TYPES.

CORTEZ & ASSOCIATES
BUILDING DESIGNER
DESIGN - PLANNING - DRAFTING
1491 WILLOWSIDE ROAD SANTA ROSA, CA. 95401 707 566-9954

Subject to revision until permit is issued.
PRINTED FOR:
- ☐ Preliminary Review
- ☐ Bidding Purposes
- ☐ Permit
- ☐ Construction

ROY ANDERSON PE
2337 WYATT COURT
SANTA ROSA CA 95403
707 322-8403

REVISIONS

No.	By	Date

OWNER

Drawings for:
Chateau Romano
4723 Muirfield Court
Santa Rosa, CA
APN 147-420-068

SHEET TITLE:
Sheet Index, Site Plan, Project Data, Vicinity Map

DATE: 10-17-18
DRAWN: CC
SCALE: AS NOTED
JOB# R-9050

SHEET NUMBER
A1.1
OF 12 SHEET

SHEET INDEX:

BUILDING AREAS:

Existing Building Area Footprint (Gross SF)

Main House	8,172 SF
Garage:	1,215 SF
Total:	9,387 SF

New Building Areas (Gross SF)

Game Room	2,269 SF
Gym:	1,086 SF
Garden Garage:	1,260 SF
Large Garage:	2,700 SF
Game Deck:	530 SF

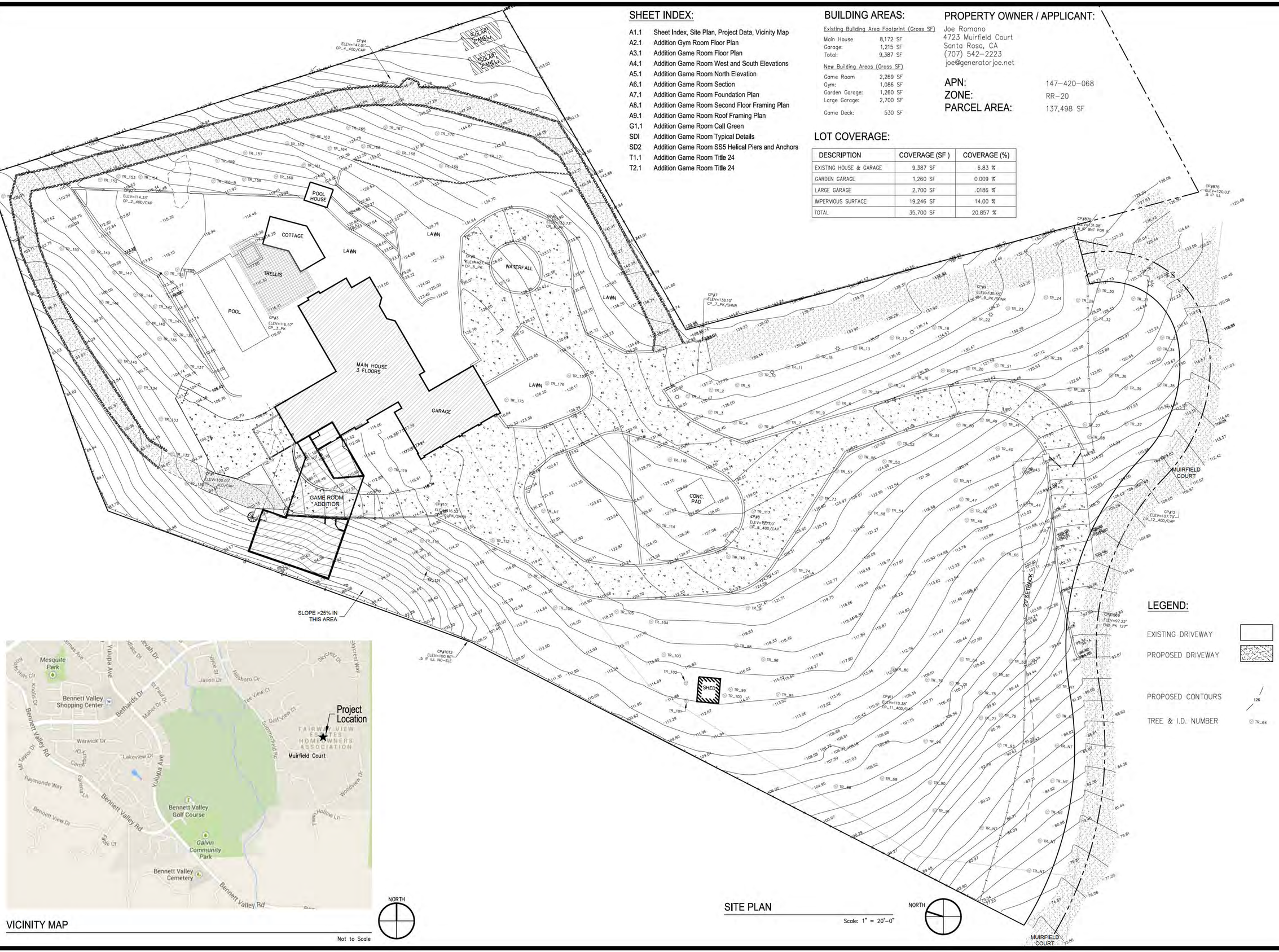
PROPERTY OWNER / APPLICANT:

Joe Romano
4723 Muirfield Court
Santa Rosa, CA
(707) 542-2223
joe@generatorjoe.net

APN: 147-420-068
ZONE: RR-20
PARCEL AREA: 137,498 SF

LOT COVERAGE:

DESCRIPTION	COVERAGE (SF)	COVERAGE (%)
EXISTING HOUSE & GARAGE	9,387 SF	6.83 %
GARDEN GARAGE	1,260 SF	0.009 %
LARGE GARAGE	2,700 SF	.0186 %
IMPERVIOUS SURFACE	19,246 SF	14.00 %
TOTAL	35,700 SF	20.857 %



LEGEND:

EXISTING DRIVEWAY

PROPOSED DRIVEWAY

PROPOSED CONTOURS 126

TREE & I.D. NUMBER TR_64

SITE PLAN

Scale: 1" = 20'-0"

NORTH

VICINITY MAP

Not to Scale

NORTH

CORTEZ & ASSOCIATES
BUILDING DESIGNER
DESIGN - PLANNING - DRAFTING
1491 WILLOWSIDE ROAD SANTA ROSA, CA. 95404 TOT 566-9954

ROY A WIDERSON PE
2557 WYATT COURT
SANTA ROSA CA 95403
707 522-8405

Subject to revision until permit is issued.

PRINTED FOR:
- ☐ Preliminary Review
- ☐ Bidding Purposes
- ☐ Permit
- ☐ Construction

REVISIONS

No.	By	Date

OWNER

Drawings for: Chateau Romano
4723 Muirfield Court
Santa Rosa, CA
APN 147-420-068

SHEET TITLE:

Sheet Index, Site Plan, Project Data, Vicinity Map

DATE: 7-26-16
DRAWN: CC
SCALE: AS NOTED
JOB # ROMANO-1

SHEET NUMBER

A1.1

OF 13 SHEET

EXHIBIT 9

CMPR LLP
CARLE MACKIE POWER & ROSS
ATTORNEYS

May 13, 2020

VIA ELECTRONIC MAIL ONLY
(zimmerman@zp-law.net)
(pavone@zp-law.net)

Barbara Zimmerman, Esq.
Daniela Pavone, Esq.
Zimmerman Pavone LLP
131-A Stony Circle, Suite 500
Santa Rosa, CA 95401

Re: Romano v. FVE HOA

Dear Counsel:

I write regarding your letter dated February 26, 2020, wherein you rejected Mr. Romano's submission of plans to the HOA Board. Your letter stated that you forwarded the sunroom plans to the ACC for review and that you, as the attorney for the HOA, decided on your own to reject the plans for the garage and game room.

While we appreciate the HOA Board's approval of the sunroom, it is our position that your review and denial of the garage and game room plans in less than 48-hours improperly superseded the HOA Board and ACC.

It is our understanding that no ACC or Board meetings were convened between the time of submission of the plans and the date of your February 26 letter, so it is unlikely the HOA could have had time to have the ACC review the merits of the plans submitted as required by Section 17 of the CC&R's.

You stated the garage and game room plans were not changed and denied receiving the previous submission of game room plans in May of 2019. In any case, Mr. Romano is technically able to submit any number of plans, and the Board and ACC are required to review them and make an official finding in accordance with the CC&Rs.

A casual review of the garage plans shows that there were many additions and comments from Mr. Romano and the City of Santa Rosa. This summary rejection gives the perception that the modifications in the latest submission were ignored and no weight whatsoever was given to the new state laws that require plan approval of the garage/ADU plans regardless of any CC&R requirements to the contrary.

If the notice requirements applicable to HOA Board meetings are not followed, as appears to be the case here, that results in "action without a meeting," which is prohibited by Civil Code Sections 4900 through 4955. The Board cannot delegate the review and approval of plans to a third party. Board votes and motions cannot be delegated by the Board to anyone.

Section 17 of the CC&Rs requires specific absolute requirements of the ACC concerning requests for review of plans submitted by members of the HOA. These requirements include the following:

1. At least one member of the ACC must be a Board Member, and all other members must be Lot Owners.

2. Section 17(b) states the ACC must "consider and act upon plans submitted."

3. Section 17(c) requires a meeting of the ACC, consisting of a least four members of the ACC, to review the plans submitted.

4. The ACC Guidelines Section 3(2) requires that the ACC meet with the "member" to review the plans; in this case, the ACC should meet with Mr. Romano. Your action circumvented this requirement as well.

For the reasons stated above, your review and rejection of the garage and game room violate the CC&Rs in virtually every respect. The Board has exceeded its authority, as defined in the CC&Rs, and by doing so has allowed a third party to usurp their authority.

Based on the current state of the law, and well-publicized housing crises in California, the law is in the process of dramatically changing the rules HOAs have traditionally operated under for a significant number of years.

Game Room/Gym

The game room plans were previously submitted on May 14, 2019, along with a letter explaining the plan submission. Mr. Romano is legally entitled to consider those plans received.

In our letter dated February 21, 2020, we detailed our belief that the plans for the game room were approved by the operation of the CC&Rs, Section 17(g). To reiterate the position, the game room plans were previously approved in 2013 and are now approved due to the operation of the CC&R procedures, as a result of the HOA failing to approve the plans within the CC&R mandatory time frame. These plans are fundamentally indistinguishable to the original plans approved by the HOA in 2013.

Combined Garage/ADU

These plans have been revised no less than seven times at the request of the City of Santa Rosa (to comply with local laws) and by Mr. Romano to adjust for construction complications, and to improve neighborhood compatibility issues. Many notations and additions were added to the plans to accommodate the demands of the HOA.

Mr. Romano's plans for the combined Garage/ADU are fundamentally approved by operation of state law. On January 20, 2020, the State of California passed and adopted laws modifying Civil Code Section 4751, which states explicitly that any HOA rules not in compliance with Section 65852.2 of the Government Code are void and unenforceable.

The HOA is required by California law to approve Mr. Romano's plans without considering the HOA's void and unenforceable setback rules in the CC&Rs. This issue is the crux of the HOA's denial of approval of the plans. We believe the intent and public policy behind the new laws regarding ADUs prevent the HOA from having any legally defensible grounds to continue the cease and desist order concerning the construction of the garage and ADU building.

It is our position that the following laws supersede the setback requirements of the HOA and the case law you submitted in justification of your rejection of the plans.

Davis-Stirling Act, Civ. Code §4020 provides that unless a contrary intent is clearly expressed, a local zoning ordinance is construed to treat like structures, lots, parcels, areas, or spaces in like manner regardless of the form of the common interest development. (Added by Stats. 2012, Ch. 180, Sec. 2. Effective January 1, 2013. Operative January 1, 2014, by Sec. 3 of Ch. 180.) See also Title 20 of the Santa Rosa City code. There is no contrary intent in the local zoning ordinance.

Civil Code Section §4765 mandates that any decision regarding a member's architectural application must be made in good faith and not be unreasonable, arbitrary, or capricious. Further, any decision on a proposed change may not violate any law, building code, or other applicable law governing land use. Moreover, in the event a conflict exists between any governing document and the law, the law shall prevail; see Civ. Code §4205(a).

It is our continued belief that the HOA's position that the CC&Rs require "disapproval of the plans" because "portions of the buildings are outside the building envelope" as defined by the setbacks stated on the Final Map are misguided and are in conflict with the current state of California law.

The HOA has previously approved Mr. Romano's plans with the encroachment into the Final Map Setback, and that setback has not changed with subsequent submissions of revised plans. The ACC and Board have approved, left intact, or otherwise tolerated other HOA members plans that encroach on the Final Map Setback of 15 feet.

On one property, the HOA agreed to waive the Final Map setback requirement solely because the City of Santa Rosa issued a building permit with a setback of five feet from the property line. Mr. Romano's plans show the building in the same position on the west side yard as the original plans that were approved. The HOA refuses to acknowledge the facts and makes broad exaggerations of the plan contents.

Mr. Romano's February 2020 submission of plans for the development on his property included all the information listed as being requirements in the ACC Guidelines, including grading, drainage, electrical lines, and retaining wall plans. The submission also included a second site map and supporting plans detailing the proposed game room that was previously approved in 2013.

Your February 26, 2020 letter made the following statement:

> *"The inclusion of an ADU in the plans does not make the building envelope requirement void nor compel the Association to approve plans otherwise in violation of the CC&Rs. New Civil Code § 4751(b) states: (b) This section does not apply to provisions that impose reasonable restrictions on accessory dwelling units or junior accessory dwelling units. For purposes of this subdivision, "reasonable restrictions" means restrictions that do not unreasonably increase the cost to construct, effectively prohibit the construction of, or extinguish the ability to otherwise construct, an accessory dwelling unit or junior accessory dwelling unit consistent with the provisions of Section 65852.2 or 65852.22 of the Government Code."*

Your letter conveniently left out other pertinent parts of the Government Code. Those excluded provisions state the following.

Gov. Code, §65852.2(a)(1)(D)(vii) states: No setback shall be required for an existing living area, or accessory structure or a structure constructed in the same location and to the same dimensions as an existing structure that is converted to an accessory dwelling unit or to a portion of an accessory dwelling unit, and **a setback of no more than four feet from the side and rear lot lines shall be required** for an accessory dwelling unit that is not converted from an existing structure or a new structure constructed in the same location and to the same dimensions as an

existing structure. This language does not state a minimum of four feet; the setback cannot be more than four feet.

In addition, Gov. Code, §65852.2(a)(4) provides in part "[a]n existing ordinance governing the creation of an accessory dwelling . . . shall provide an approval process that includes only ministerial provisions . . .shall not include any discretionary processes, provisions, or requirements. . ." "**If a local agency has an existing accessory dwelling unit ordinance that fails to meet the requirements of this subdivision, that ordinance shall be null and void**, and that agency shall thereafter apply the standards established in this subdivision for the approval of accessory dwelling units, unless and until the agency adopts an ordinance that complies with this section."

These new laws supersede the HOA's argument that the Final Map Setbacks are relied upon by the HOA. These laws appear to be clear and unambiguous. The HOA setback provisions in the CC&Rs are null and void.

Mr. Romano hereby assumes that the garage/ADU plans and the game room/gym plans are approved for construction by the HOA for the reasons stated herein and as approved by building permits issued by the City of Santa Rosa to date. We consider any further delay in plan approval as malicious, unjust, and inequitable. This continued escalation is putting the HOA at further increased liability and financial risk.

Based on the foregoing, Mr. Romano now requests a reconsideration of approval to his remaining plans submitted on February 21 and expects approval to be granted two weeks after the shelter in place ordinances get lifted.

Very truly yours,

James V. Sansone /es

James V. Sansone

JVS/hg
cc: Joe Romano
Jeanne Lee, Esq.
John L. Fitzgerald, Esq.
Peter L. Weber, Esq.
Hal Chase, Jr., Esq.

EXHIBIT 10

joe@generatorjoe.net

From: ADU <ADU@hcd.ca.gov>
Sent: Thursday, February 13, 2020 1:01 PM
To: joe@generatorjoe.net
Subject: RE: ADU laws and HOA's

Good Afternoon Joseph,

AB-670 amended Section 4751 of the Civil Code to deny HOAs from prohibiting or unreasonably restricting the construction or use of an ADU on a lot zoned for single family residential use. Covenants, conditions and restrictions that either effectively prohibit or reasonably restrict the construction or use of an ADU or JADU on such lots are void and unenforceable.

Hope this helps!

Reid

From: joe@generatorjoe.net <joe@generatorjoe.net>
Sent: Thursday, February 13, 2020 12:41 PM
To: ADU <ADU@hcd.ca.gov>
Subject: ADU laws and HOA's

DO the current ADU laws which are binding on Cities including new laws for 2020 require HOA's to comply with CITY land use ordinances that implement state law.

Our HOA wants to use set backs on the Final Map even though Civil Code 4020, 4765(a)(3), 4765(3) as well as Gvt Code sections require implementation of the ADU laws.

Please advise asap as we are trying to build several units and the HOA is attempting to stop all construction.

Thanks, and regards, Joe Romano

Joseph Romano JD
President
GeneratorJoe
www.generatorjoe.net [generatorjoe.net]
Phone 707 542-2224
Fax 707 542-2227
Pacific Time (CA) USA

EXHIBIT 11

Joseph Romano
4723 Muirfield Court, Santa Rosa, CA, 95405 - Telephone: 707 542-2223 - Fax: 707 542-2227

Daniela M. Pavone
131A Stony Circle, Suite 500
Santa Rosa, CA 95405

June 4, 2020

VIA ELECTRONIC MAIL ONLY
Daniela M. Pavone
pavone@zp-law.net
Copies to all attorneys

Ms. Pavone,

I am in receipt of your email date May 28, 2020 sent to Jim Sansone.

Please refer to our previous letter of May 13, 2020 Letter to Zimmerman/Pavone.
The letter states the facts and our legal position.

To reiterate, the law is clear and specifies how plans are to be reviewed. The HOA is bound by the law including Civil Code 4765, the CC&R's and ACC Guidelines.

CIVIL CODE SECTION 4765. ARCHITECTURAL REVIEW PROCEDURES.

(a) This section applies if the governing documents require association approval before a member may make a physical change to the member's separate interest or to the common area. In reviewing and approving or disapproving a proposed change, the association shall satisfy the following requirements:

(1) The association shall provide a fair, reasonable, and expeditious procedure for making its decision. The procedure shall be included in the association's governing documents. The procedure shall provide for prompt deadlines. The procedure shall state the maximum time for response to an application or a request for reconsideration by the board.

(2) A decision on a proposed change shall be made in good faith and may not be unreasonable, arbitrary, or capricious.

(3) Notwithstanding a contrary provision of the governing documents, a decision on a proposed change *may not violate any governing provision of law, including, but not limited to, the Fair Employment and Housing Act (Part 2.8 (commencing with Section 12900) of Division 3 of Title 2 of the Government Code), or a building code or other applicable law governing land use or public safety.* Emphasis mine.

(4) A decision on a proposed change shall be in writing. If a proposed change is disapproved, the written decision shall include both an *explanation of why the proposed change is disapproved and a description of the procedure for reconsideration of the decision by the board.* Emphasis mine.

CC&R's

The CC&R's of Fairway View Estates at Article 17e (page 37) requires rejection or approval of plans within 45 days of submission. This is a requirement required by law and the HOA's agreement with Members.

The HOA's demands placed on these projects do not comply the State Housing laws for ADU's, the Government Code, the City of Santa Rosa building code, and land use laws.

The CC&R's require compliance with the ACC Guidelines that state at Section 2(d). "No structural or mechanical evaluations are to be the responsibility of this committee." Mechanical and structural is construction which is governed by the building code that the HOA cannot violate under CC4765.

Referring to the HOA ACC. Section 3(a)(3) states. "For major projects, applicant) meet with the Architectural Control Committee, with designer present, and review the final design submittal." The HOA refused to comply with this requirement on every single plan submission except the plans submitted in 2013.

As to an explanation of why the plans were not approved by attorney Zimmerman for rejection of the plans was that the garage/ADU was encroaching on the Final Map Set back area or building envelope. This is categorically not true and it is evident that no review was conducted by the HOA in accordance with the CC&Rs and the law.

The damages to our projects overall are constantly increasing because of the delay in construction, which is increasing material and labor, causing further loss of use and other damages. The HOA's continued refusal to allow construction and mitigate damages could be very costly to the HOA.

We believe the HOA has approved the plans for both buildings by its own conduct and/or lack of following the procedures specified in the CC&R's and ACC Guidelines as explained in our letter of May 13, 2020

Your letter detailing the reasons for denial of both sets of plans are not relevant because the HOA has missed its legal deadlines to approve or reject the plans, has overstepped its legal authority and has violated virtually every law, CC&R's and ACC guideline on the subject.

We intend to proceed forward to resolve these issues as soon as possible and will take whatever actions we deem necessary to protect our interests and mitigate our damages.

Please send the marked up plans with comments and the approved plans for the sunroom to me at the address on the letterhead.

If you have further comments on this subject or wish to meet and confer to find a way to resolve this dispute, please contact me directly. Mr. Sansone and Ms., Lee will be involved as they deem necessary.

Regards,

Joseph Romano JD

Joseph Romano
In Pro Per.
4723 Muirfield Court.
Santa Rosa, CA 95405

EXHIBIT 12

Events	Event Date	Elapsed Days 8/18/2013 2013 HOA plan approval	Elapsed Month 8/18/2013 to Yellow Date	Elapsed Days 4/21/20 2020 HOA plan approval	Elapsed Month 4/21/20 to Yellow Date
Plans submitted for approval SET 1 (approved on 8/18/2013)	8/18/13	0.0	0.0	-	-
Surveying and gradfing commences. HOA observing & pics	1/14/14	149.0	5.0	-	-
Valley Fire, Construction Stops	9/12/15	755.0	25.2	-	-
Construction Commences with building dept permission.	11/30/15	834.0	27.8	-	-
Revised garage plan Set 2, submitted to the HOA on request.	4/2/16	958.0	31.9	-	-
Temp Grading Permit B16-3228 Main Garage issued 7/31/2017	7/31/17	1,443.0	48.1	-	-
Temp Grading Permit B16-3229 Garden Garage Issued, 7/3/2017	7/31/17	1,443.0	48.1	-	-
Construction Grading Commences. HOA Observing and taking pictures	8/1/17	1,444.0	48.1	-	-
Container deck completed, HOA Observing and laking pictures	9/28/17	1,502.0	50.1	-	-
Tubbs, Nunes, Pocket fires. Construction Stops	10/8/17	1,512.0	50.4	-	-
Construction Resumes, preliminary grading, soil pot holes, staking	11/4/17	1,539.0	51.3	-	-
Building Permit B16-3218 Game Room/Gym Issued 12/8/17	12/8/17	1,573.0	52.4	-	-
Construction Resumes, material and construction equip deliveries	1/2/18	1,598.0	53.3	-	-
Cease and Desist Letter #1	3/14/18	1,669.0	55.6	-	-
Construction Resumes on advice of council to mitigate damages. HOA Observing & Pics	4/1/18	1,687.0	56.2	-	-
Cease and Desist #2, Construction was in process & HOA observing and taking Pictures.	10/19/18	1,888.0	62.9	-	-
Kincade Fire, largest fire in Sonoma Cty History. Construction stops	11/23/19	2,288.0	76.3	-	-
Construction Resumes	12/6/19	2,301.0	76.7	-	-
Building Permits B16-3229 reissued approving the garage/ADU	1/21/20	2,347.0	78.2	-	-
All plans approved by operation of CC&Rs.	4/21/20	2,438.0	81.3	-	-
Construction Resumes on both the garages and game room, HOA observing & taking pictures.	5/30/20	2,477.0	82.6	39.0	1.3
Pouring of footings (130 yards of concrete) completed. HOA observes & takes pictures	7/31/20	2,539.0	84.6	101.0	3.4
Construction continues grading and building wall forms. HOA observing and taking pictures	8/1/20	2,540.0	84.7	102.0	3.4
TRO to stop construction filed by HOA & Work stopped	2/11/21	2,734.0	91.1	296.0	9.9
		Construction under way for 2,,333 days or 77.8 months or 6.4 years since 8/18/2013 plan approval		**Construction under way for 296 days or 9.9 months, .8 years since 4/21/2020 plan approval**	

EXHIBIT 13

8-10-20


8-10-20

8-10-20


8-10-20


8-10-20

2-12-21


2-12-21


2-12-21

2-12-21


2-12-21


2-12-21

EXHIBIT 14

Fairway View Homeowners Association

Delorefice Stipulation regarding the swimming pool project.

We, Rebecca and Guy Delorefice, understand that we are not in compliance with the architectural guidelines and CC&R's of the Fairway View Homeowners Association regarding construction outside FVE requirements. We also understand that the Fairway View Homeowners Association has approved the pool project only because the City of Santa Rosa has approved and issued a permit requiring only a 5 ft. side lot setback (FVEHOA requires 20 ft) and the only recourse for the Association is a civil legal action. We also agree to inform and deliver to any future new owner this stipulation

Rebecca Delorefice Date 6/20/12

Guy Delorefice Date 6/20/2012

Delorefice signature signing witnessed by Michael J. Doyle, President, Fairway View Estates Homewners Association Board of Directors

Michael J. Doyle Date 6-20-2012

4735 Gartner

14

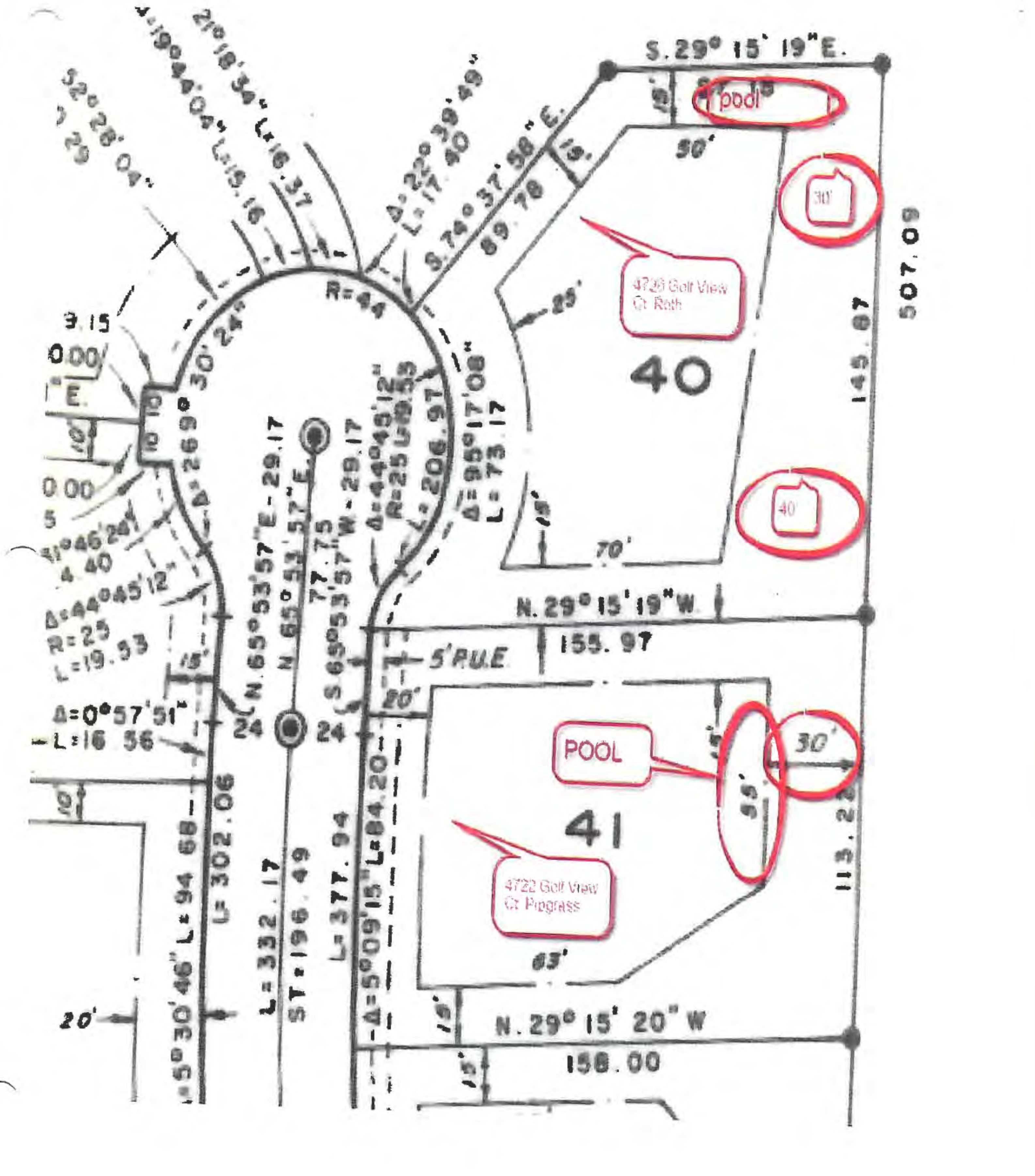
EXHIBIT 14

List of HOA Setback Final Map and Common Area

	Address	Owner	Relationship	Setbacks & Structures
1	4722 Golf View Ct	Pipgrass	**HOA President**	large patio
2	3545 Golf View Ct	Longoria	**Board Member & Pipgrass neighbor**	patio & deck in setback
3	4718 Golf View Ct	Kemmerer	Pipgrass neighbor & Homeowner	large deck in setback
4	4723 Golf View Ct	Wachter	**Board Member & Pipgrass neighbor**	whole house
5	4726 Golf View Ct	Roth	Pipgrass neighbor & Homeowner	Pool in setback
6	4735 Golf View Ct	Delorefice	Pipgrass neighbor & Homeowner	Pool approved by HOA BECAUSE City issued building permit
				even though the pool was in the HOA setbacks
7	3548 Foxwood Place	Costello	Homeowner	Pool in setback
8	4735 Foxwood Place	Novagrad	Homeowner	Pool in HOA setback and City setback
9	3878 Ravenwood Place	Machado	Homeowner	Pool in HOA setback and City setback
10	4709 Muirfield Ct	McLaughlin	Homeowner & Romano neighbor	Pool in setback
11	4711 Muirfield Ct	Stults	Homeowner, Romano neighbor	Pool in setback and common area
12	4727 Muirfield Ct	Wright	Homeowner (Romano neighbor	Building & large garedn in setback and encroaching on common area
13	4702 Tee View Ct	Halpern	Homeowner & Clark neighbor	Pool in setback
14	4710 Tee View	Coppel	Homeowner & Clark neighbor	shed and buildings in setback and common area
15	4718 Tee View Ct	Teal	Neighbor of Clark	Encroaching Common area, Garden in setback
16	4723 Tee View Ct	Clark	**Board Member & ACC Chair**	Encroaching Common area
17	4728 Tee View Ct	Curran	Homeowner & Clark neighbor	Building and garden in HOA setback and City setback
18	4769 Wood View	Grigg	**Board member & ACC member**	whole house, raised gardens, solar panels
19	4771 Wood View Ct	Bull	**HOA Vice Pres**	Pool in setback

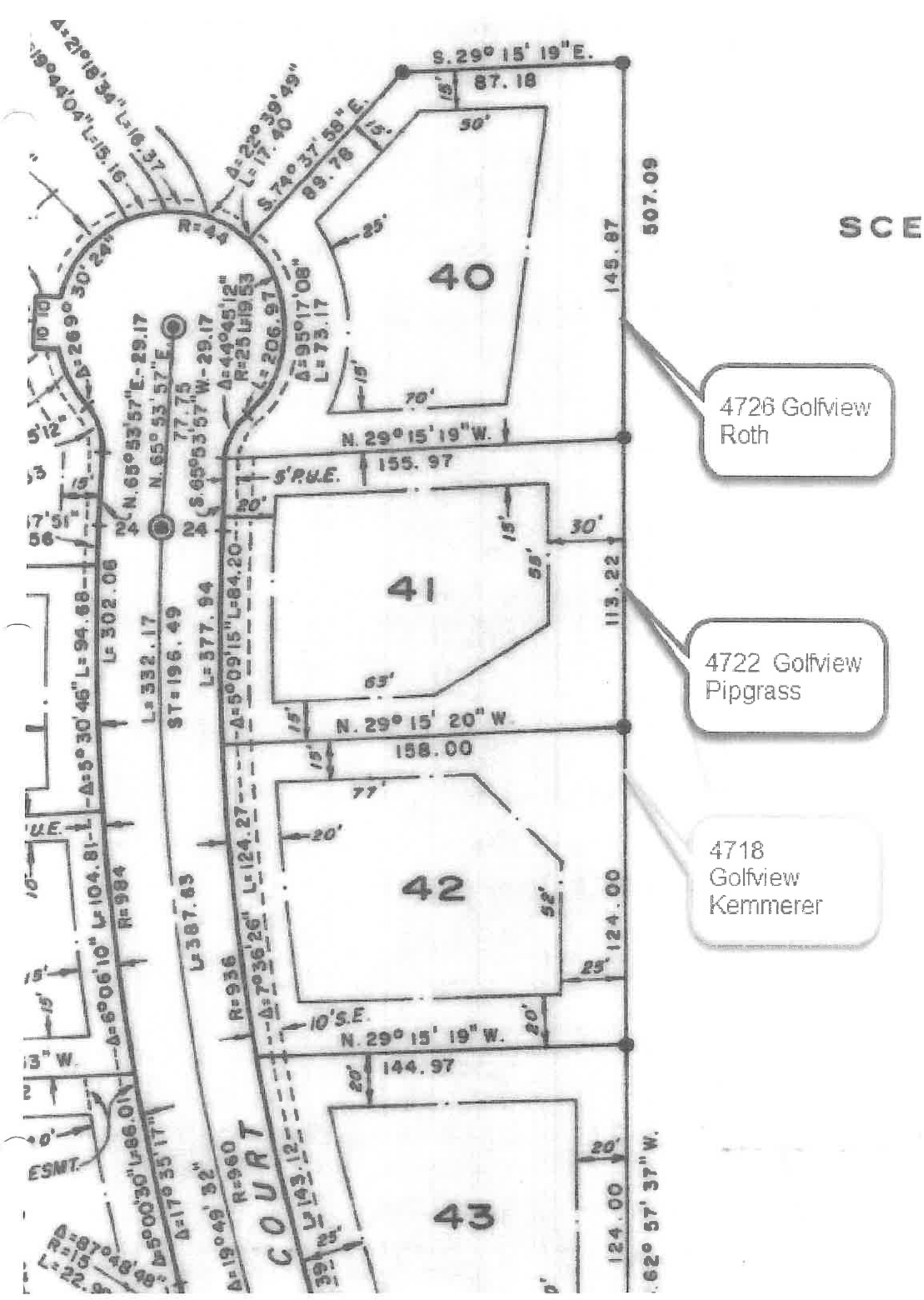
4722 Golf View Ct Pipgrass Biard President

4722 Golf View Ct Pipgrass Board President



S. 29° 15' 19" E.
pool
30'
40'
4726 Golf View Ct Roth
40
507.09
145.67
N. 29° 15' 19" W.
155.97
5' P.U.E.
POOL
30'
41
4722 Golf View Ct Progress
N. 29° 15' 20" W
158.00
R=44

4722 Golf View Ct Pipgrass Board President 4726 Golf View Ct Roth


S.29° 15' 19"E.
87.18
507.09
145.87
40
41
42
43
155.97
N. 29° 15' 19"W.
158.00
N. 29° 15' 20" W
144.97
124.00
113.22
COURT
ESMT.
SCE
4726 Golfview
Roth
4722 Golfview
Pipgrass
4718
Golfview
Kemmerer

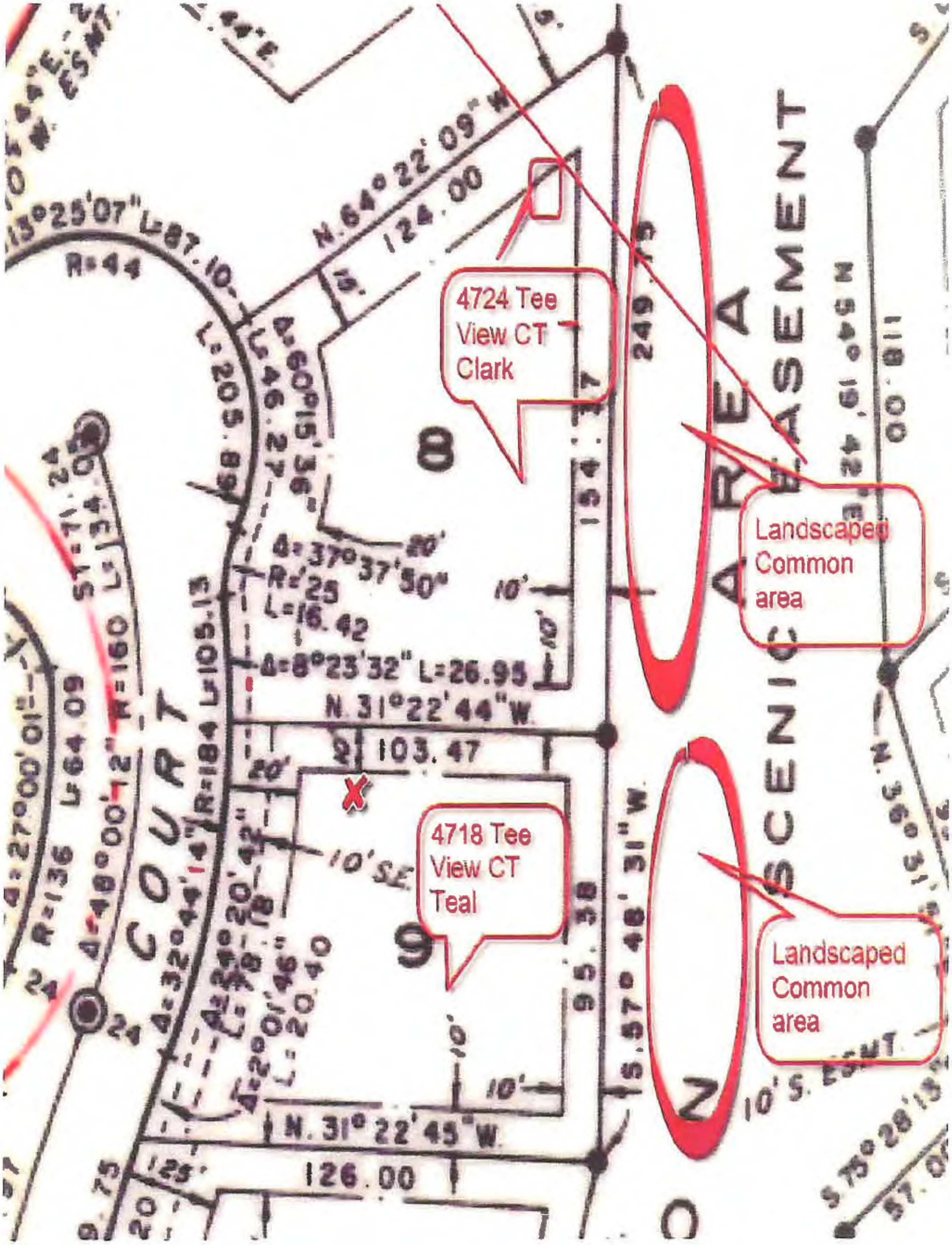
4723 Golf View Ct Wachter Board Member


4721
20'
10'
Δ=0°57'51"
L=16.56
N 27°37'28" W.
142.67
122.93
43.93
4723
4723 Golf View Ct Wachter
35
House Encroching on subdivion
20'
10'
15'
20'
N. 30° 12' 53" W.
140.01
5' P.U.E.
82.011
69.615
53.21
4719
10'
L=104.81
R=984
Δ=5°30'46"
L=94.68
L=302.06
L=332.17
ST=196.49
N 24

3545 Golf View Terrace, Longoria Board Member


Patio Encroaching on subdivion set back
3545 Golf View Terrace Longoria
S 60° 08' 32" E
110 49
S 25°59'54"
S 46° 04' 03" W
3545
17
16
119
351
R=560

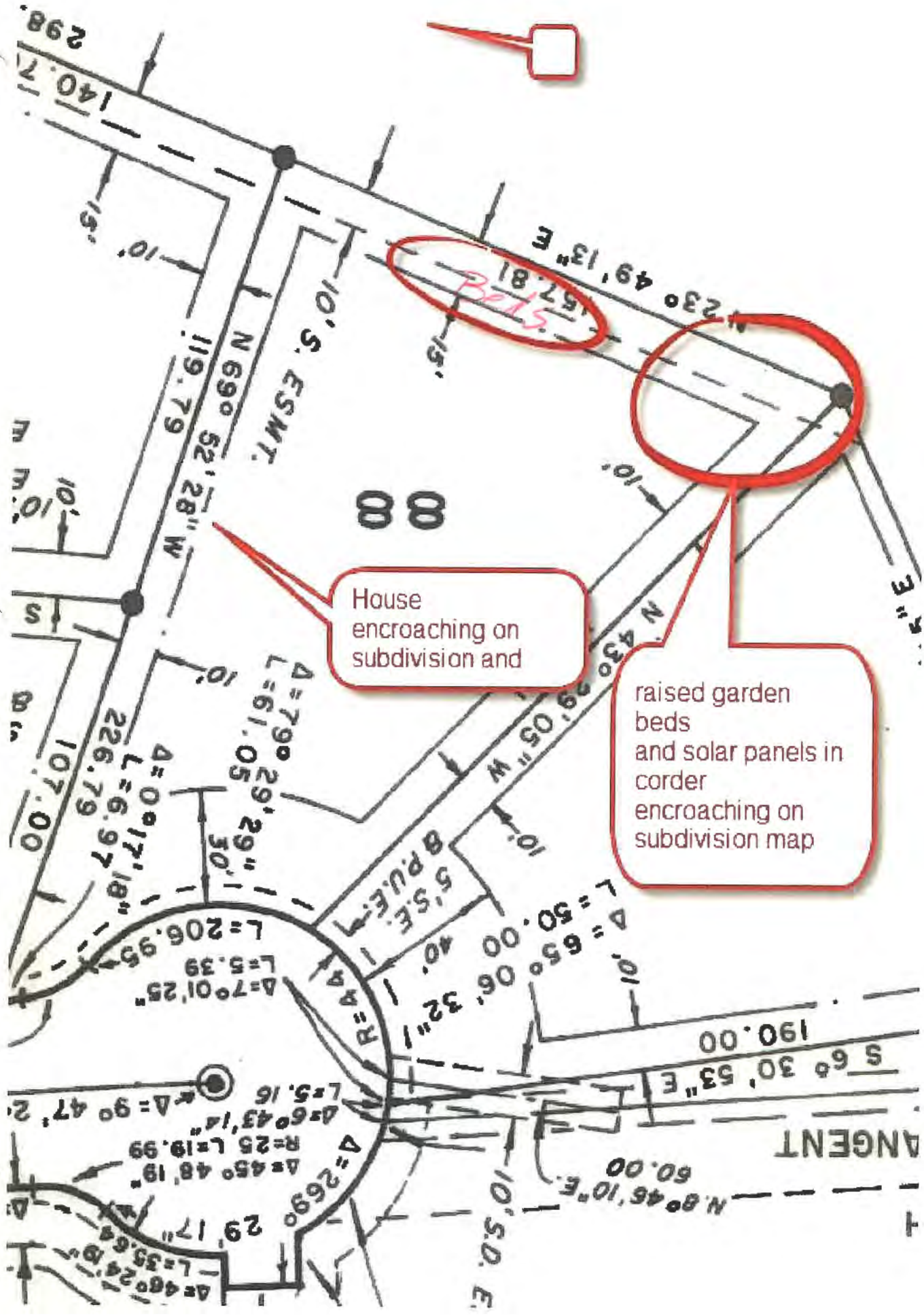
4724 Tee View Court Clark Board Member, Chairman of ACC


4724 Tee View CT Clark
Landscaped Common area
4718 Tee View CT Teal
Landscaped Common area
SCENIC EASEMENT
COURT
N.64°22'09"W.
124.00
N.31°22'44"W.
103.47
N.31°22'45"W.
126.00
249.75
R=44
L=87.10
Δ=37°37'50"
R=25
L=16.42
Δ=8°23'32" L=26.95
R=184 L=105.13
R=160
R=136
L=64.09
10'S.E.
8
9

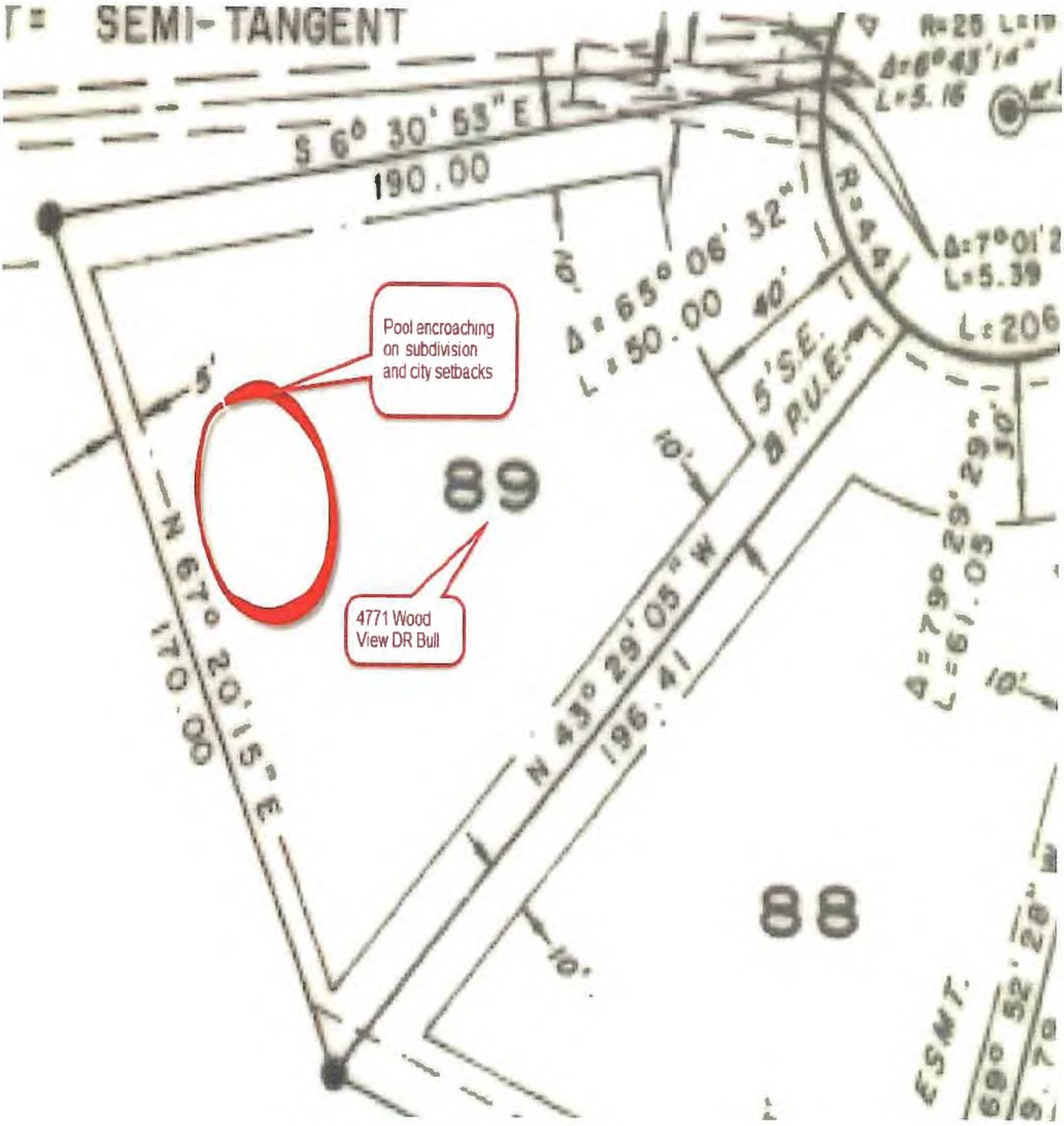
4718 Tee View Ct Teal


4718 Tee View Ct
Teal
COURT
9
4718
Δ=8°23'32" L=26.95
N 31°22'44"W.
103.47
20'
10'SE
10'
N. 31° 22' 45" W.
126.00
95.38
20'
10'

4769 Woodview Grigg

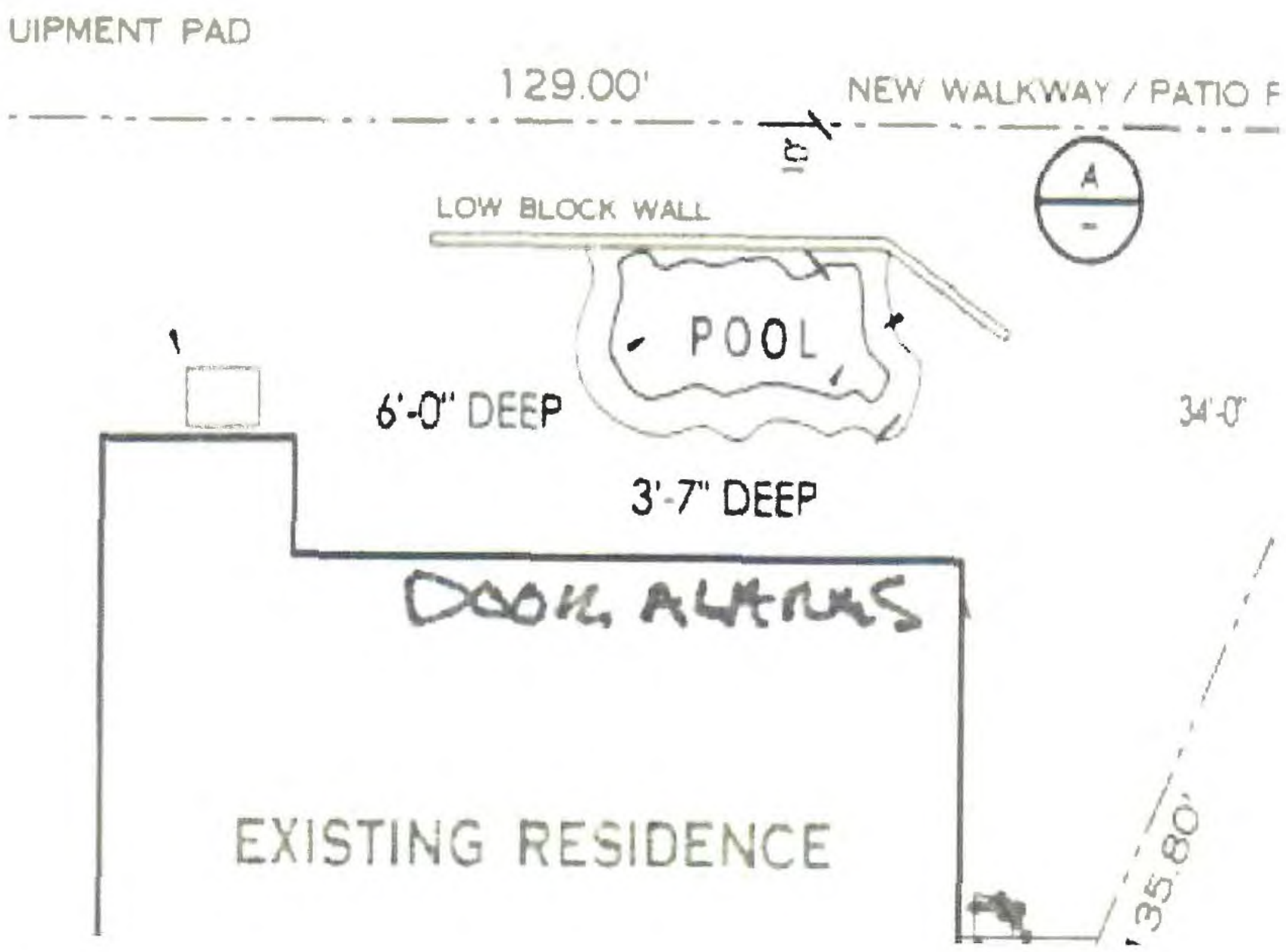

88
House encroaching on subdivision and
raised garden beds and solar panels in corder encroaching on subdivision map

4771 Wood View Ct Bull


SEMI-TANGENT
S 6° 30' 55" E
190.00
Δ = 65° 06' 32"
L = 50.00
R = 44
Δ = 7° 01' 2
L = 5.39
L = 206
Pool encroaching on subdivision and city setbacks
4771 Wood View DR Bull
89
88
5'
10'
N 67° 20' 15" E
170.00
N 43° 29' 05" W
196.41
5' S.E. & P.U.E.
ESMT.

4711 Muirfield Court Stults

4711 Muirfield Ct Stults

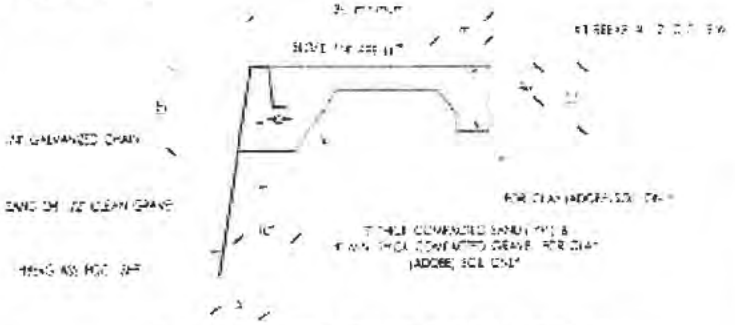


4711 Building permit issued 1/22/2018 Exploded View

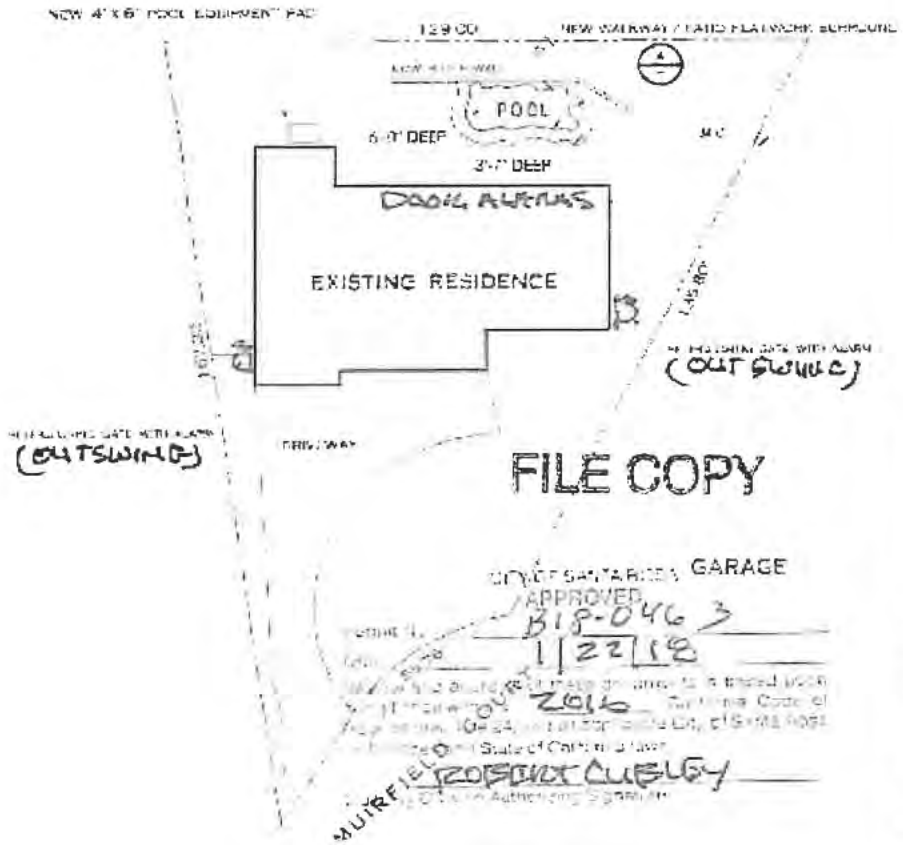
FILE COPY

POOL)

, California



CONCRETE DECK @ POOL DETAIL



SITE PLAN / POOL PLAN

A.P. #147-410-048 14,725 SQ. FT. (33 ACRES) BUILT IN 1983

SPOILS TO BE REMOVED AFTER COMPLETION OF INSTALLATION

Scope of Work

- INSTALL NEW IN GROUND POOL

FILE COPY

Revisions

F i
G O
CONSTRUCTION DRAWINGS

WWW.FGODRAWINGS.COM

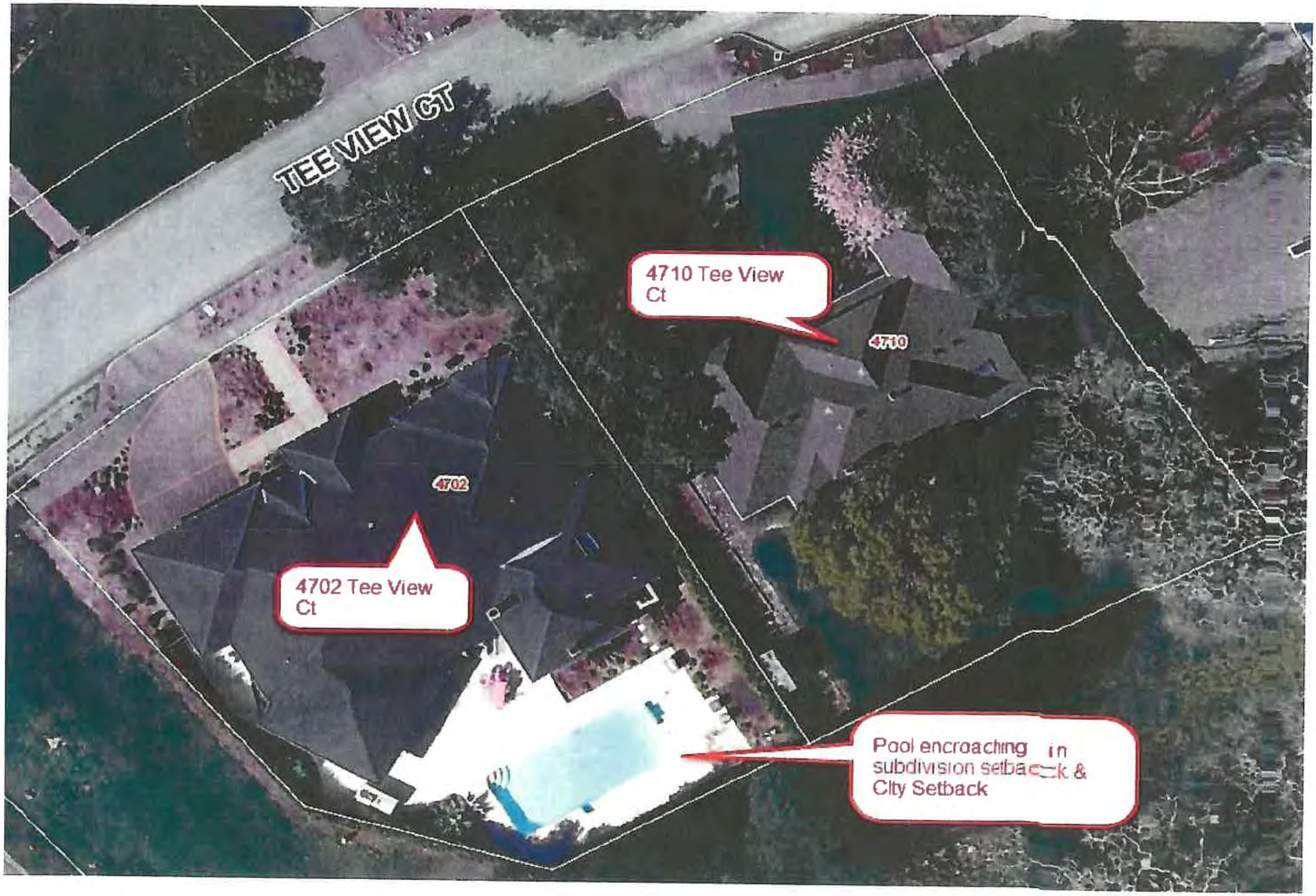
STULTS RESIDENCE
New Pool
4711 Muirfield Court,
Santa Rosa, California

Date: DEC 2017
Scale: AS NOTED

NEW POOL

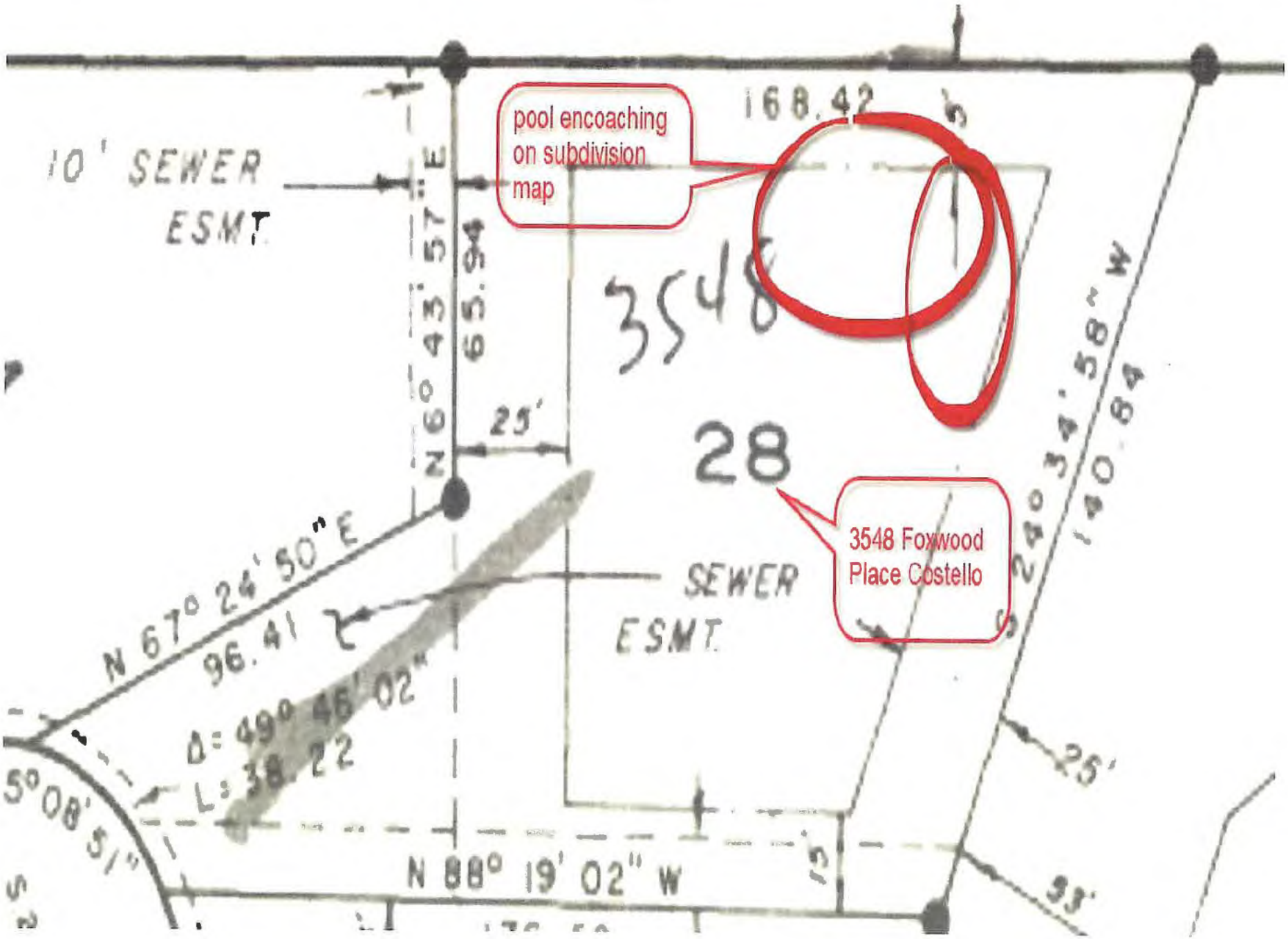
1

4711 Building permit issued 1/22/2018 Actual Permit

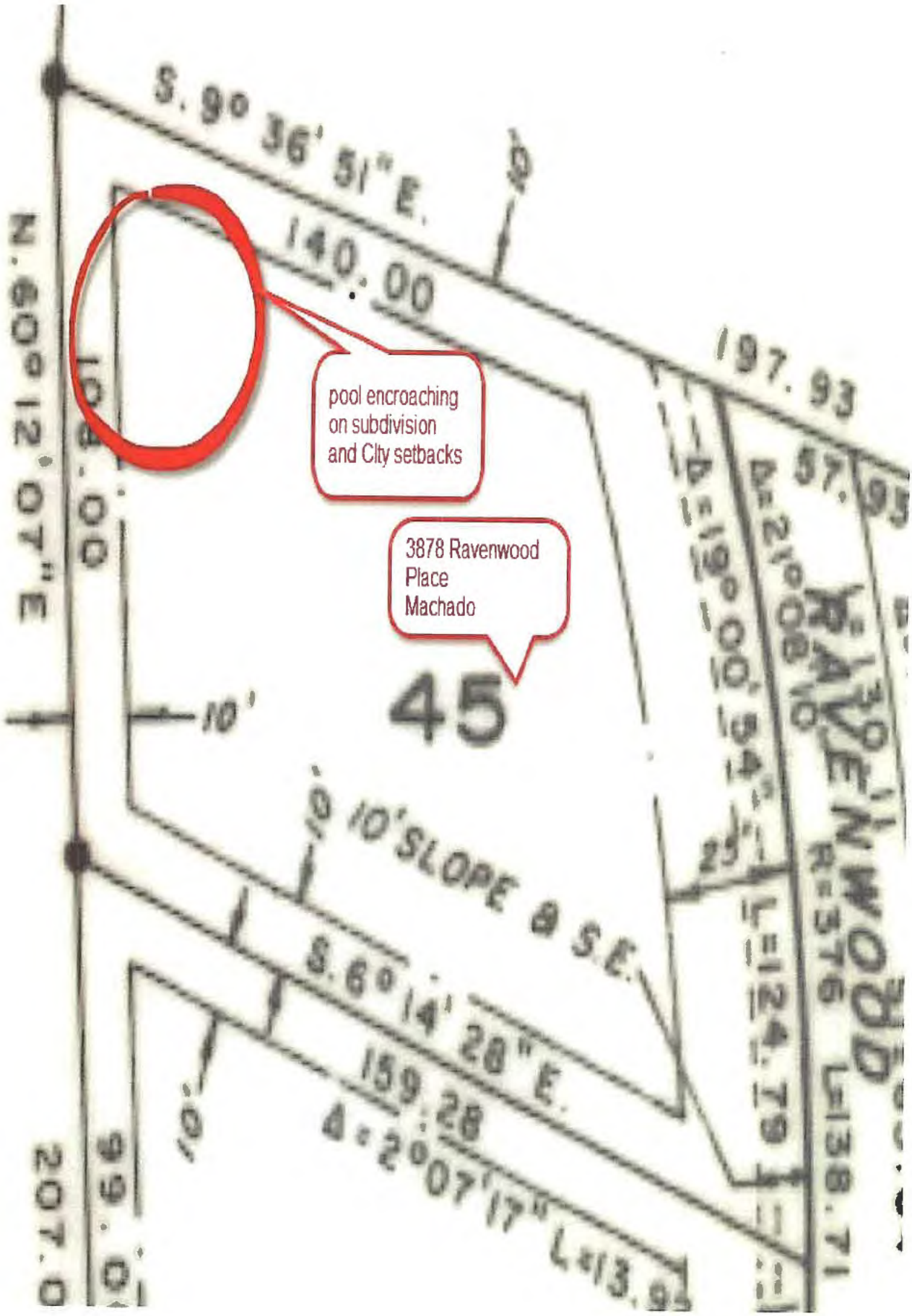

TEE VIEW CT
4710 Tee View Ct
4710
4702
4702 Tee View Ct
Pool encroaching in subdivision setback & City Setback


4710 Tee View Ct Copper
Shed and structures in subdivision and City setback
4702 Tee View Ct Halpen
N. 31° 22' 44" W
130.00
11
4710
10' S.D. ESMT
N. 31° 22' 44" W
5' P.U.E.
136.75
12
4702
10' S.E
N 40° 56' 59" W
90.00
Δ=2°37'50" L=26.45
N 46° 12' 25" W - 5.00
Δ=90° R=15 L=23.56
S 43° 47' 35" E 10.26
Δ=9° 37' 37"
N 75° 00' 57" W
122
10' ESMT
TEE VIEW
DRAINAGE ESMT
R=576
R=600
L=364.32
L=97.77
L=109.93
Δ=9°43'31"
Δ=10°56'05"
Δ=34°47'25"

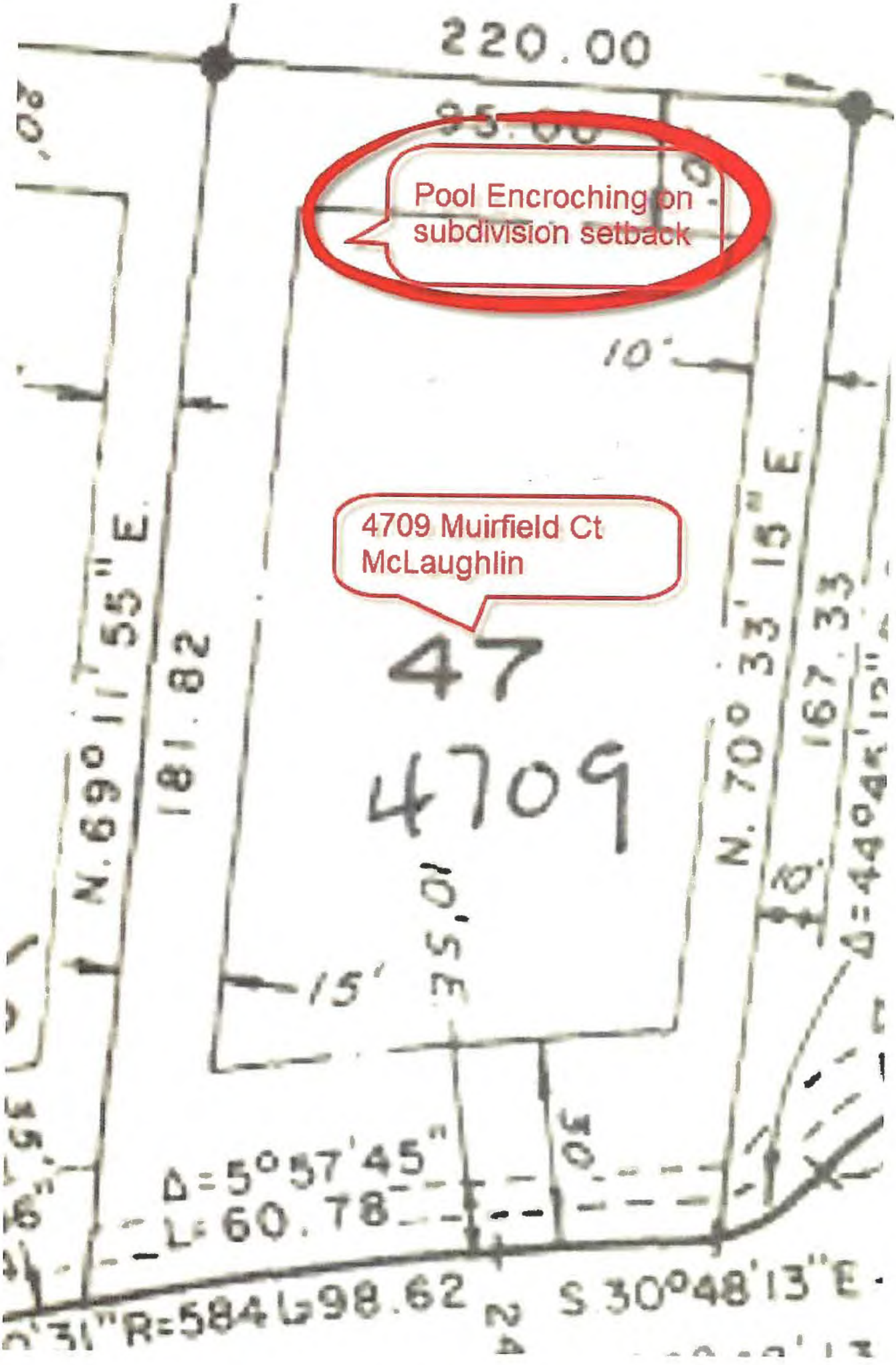
3548 Foxwood Place Costello


pool encoaching on subdivision map
168.42
10' SEWER ESMT.
N 6° 43' 57" E
65.34
3548
25'
28
3548 Foxwood Place Costello
SEWER ESMT.
N 67° 24' 50" E
96.41
Δ: 49° 46' 02"
L: 38.22
S 0° 08' 51" E
N 88° 19' 02" W
S 40° 34' 58" W
140.64
25'
15'
35'

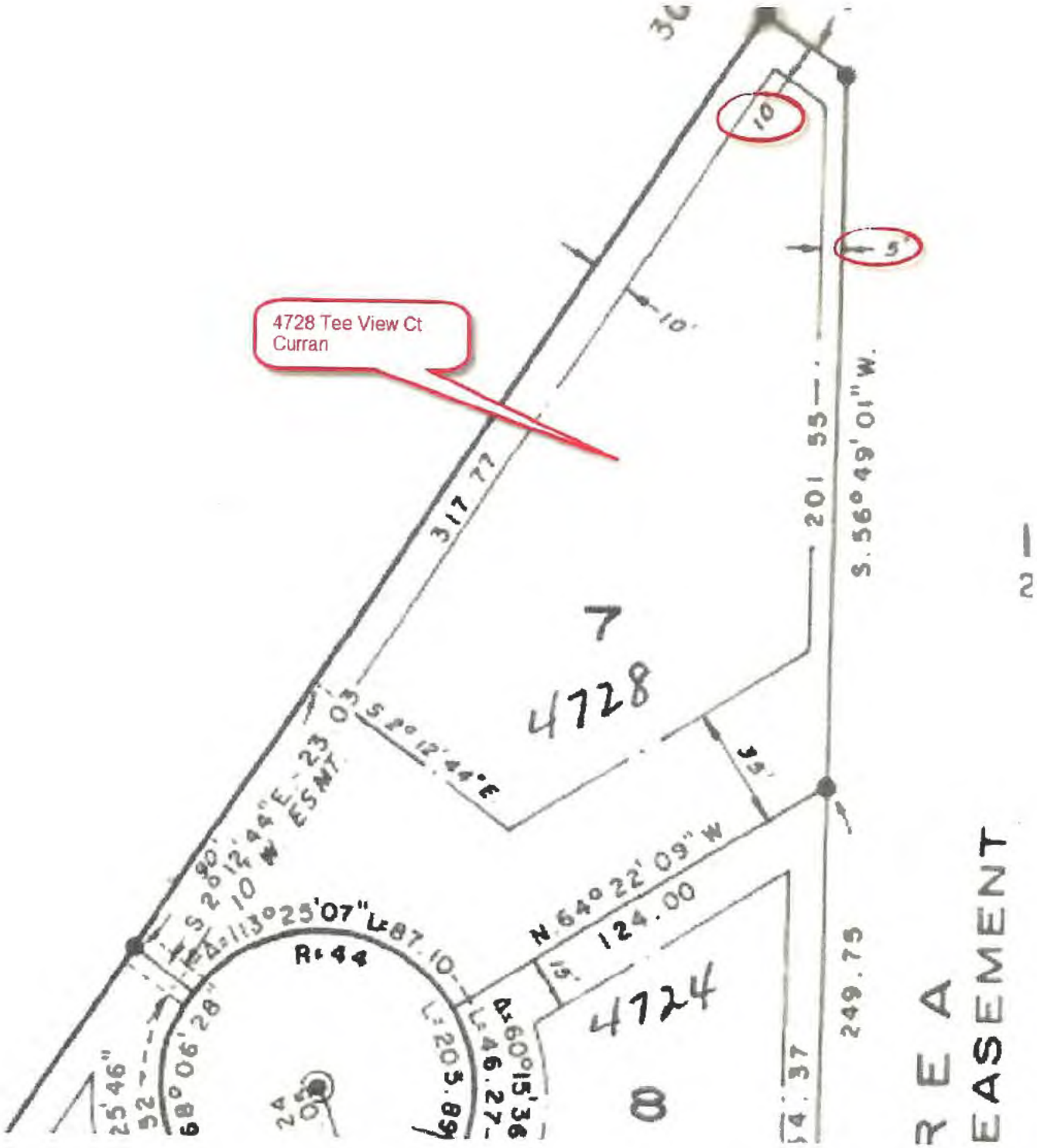
3878 Ravenwood Place Machado


S. 90° 36' 51" E.
140.00
197.93
57.95
N. 60° 12' 07" E.
108.00
10'
45
pool encroaching on subdivision and City setbacks
3878 Ravenwood Place Machado
RAVENWOOD
10' SLOPE & S.E.
S. 60° 14' 28" E.
159.28
Δ = 2° 07' 17" L = 13.9
207.0
99.0
Δ = 19° 00' 54"
Δ = 21° 08' 10"
R = 376
L = 138.71
L = 124.79
25'

4709 Muirfield Ct McLaughlin


220.00
95.00
Pool Encroching on subdivision setback
10'
4709 Muirfield Ct McLaughlin
47
4709
181.82
N. 69° 11' 55" E.
N. 70° 33' 18" E
167.33
35.01
15'
10'
Δ=44°04'12"
Δ=5°57'45"
L=60.78
R=584
L=98.62
S 30°48'13" E

4728 Tee View Court Curran


4728 Tee View Ct
Curran
10
5'
10'
317.77
201.55
S.56° 49' 01" W.
7
4728
S 8° 12' 44" E
23.03
S 20° 12' 44" E
10' ESMT
90.00
Δ=113° 25' 07" L=87.10
R=44
98° 06' 28"
25' 46"
52.--
24.09
L=205.89
Δ=60° 15' 36"
L=46.27
N 64° 22' 09" W
124.00
15'
4724
8
14.37
249.75
REA
EASEMENT

4735 Foxwood Place Novagrad

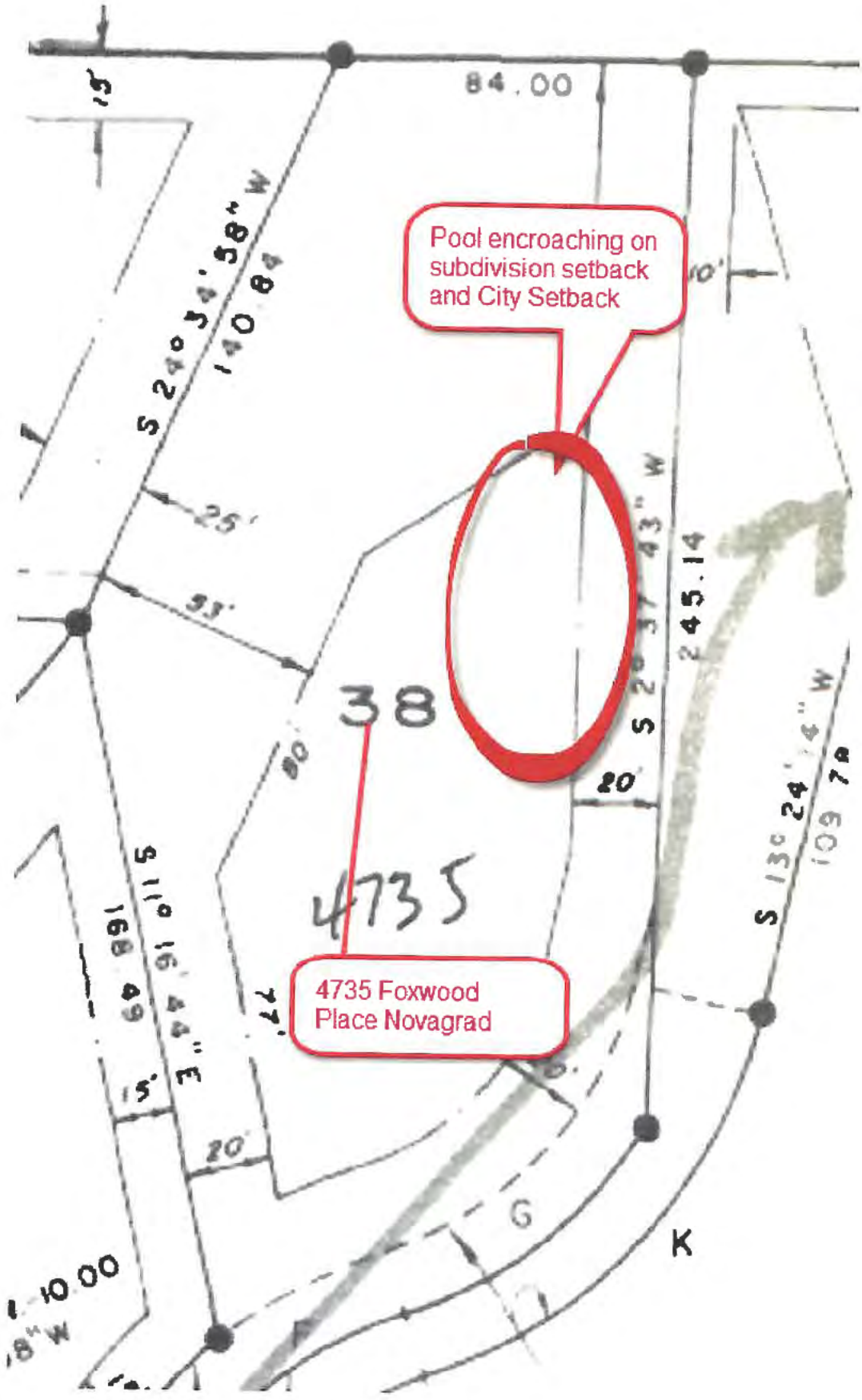

Pool encroaching on subdivision setback and City Setback
4735 Foxwood Place Novagrad
84.00
15'
S 24° 34' 58" W
140.84
25'
35'
38
4735
S 26° 37' 43" W
245.14
20'
S 13° 24' 14" W
109.70
S 69° 16' 44" E
168.91
15'
20'
K

EXHIBIT 15

PJC & Associates, Inc.
Consulting Engineers & Geologists

September 12, 2011 Job No. 4913.01

Joe and Pixie Romano
4016 Quartz Drive
Santa Rosa, California

Subject: Design Level Geotechnical Investigation
Proposed Garage and Residential Addition
4723 Muirfield Court
Santa Rosa, California

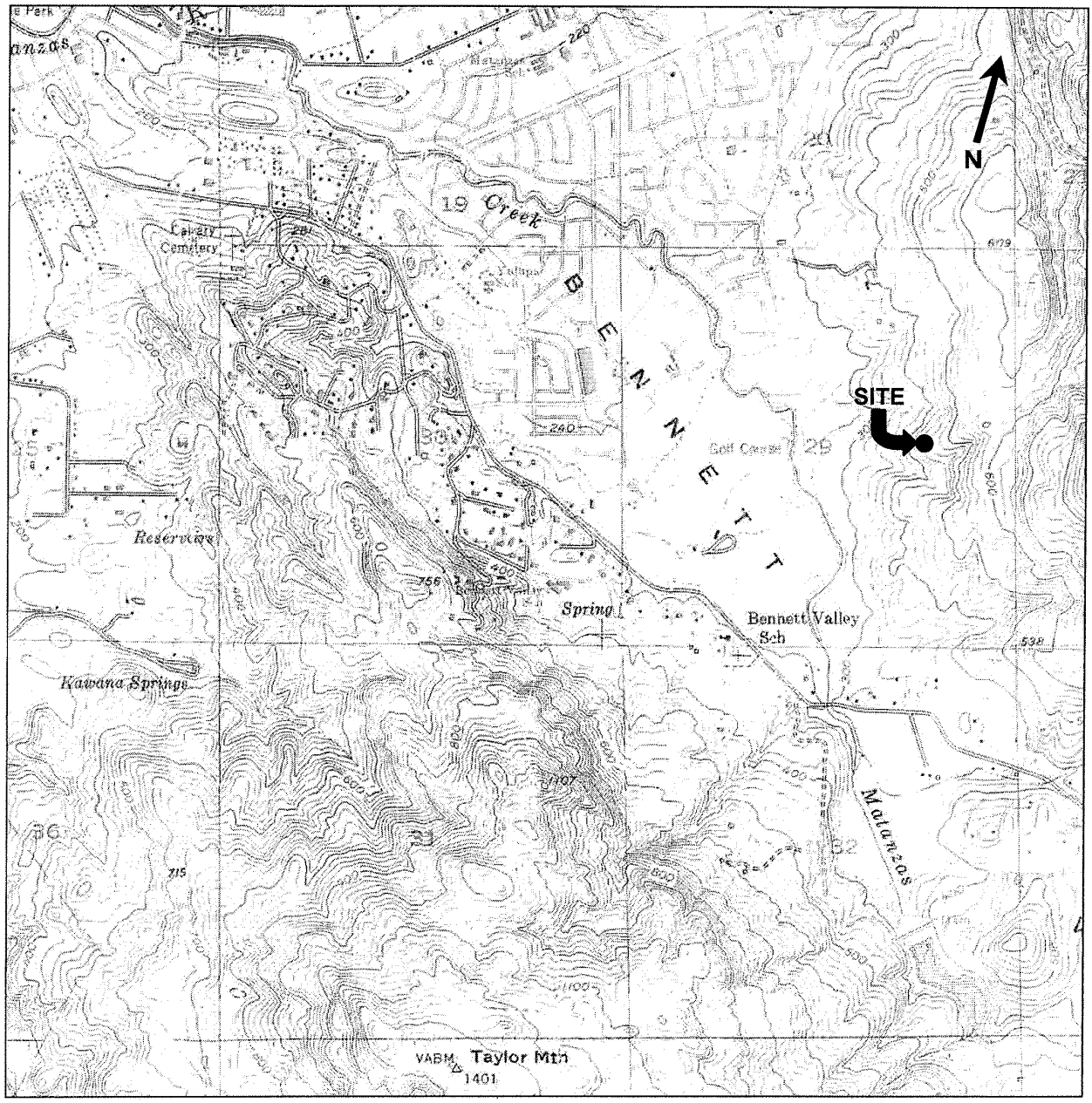
Dear Joe & Pixie:

PJC & Associates, Inc. (PJC) is pleased to submit this report presenting the results of our design level geotechnical investigation for the proposed garage and residential addition located at 4723 Muirfield Court in Santa Rosa, California. The approximate location of the site is shown on the Site Location Map, Plate 1. The site geographic latitude and longitudinal coordinates are 38.4235° N and 122.6525° W, based on GPS measurements performed at the site. Our services were completed in accordance with our proposal for geotechnical engineering services, dated August 1, 2011. The purpose of our work was to explore the subsurface conditions at the site and provide geotechnical recommendations and criteria for design and construction of the proposed project. Based on the results of our investigation, we judge that the project is feasible from a geotechnical engineering standpoint provided the recommendations and criteria presented in this report are incorporated in design and carried out through construction.

1. PROJECT DESCRIPTION

Project plans were not available at the time of this report. Based on information provided by you, it is our understanding that the project will consist of constructing a new garage structure and residential addition at the subject site. We anticipate that the garage structure will consist of a two story, wood-frame structure with a concrete slab-on-grade floor. We anticipate that the addition will consist of a one-story, wood-frame structure with joist-supported raised wood floors. We anticipate that the project will be serviced by the existing site utilities.

We anticipate foundation loads will be light and consist of dead plus live continuous wall loads less than two kips per lineal foot (plf) and dead plus live isolated column loads less than 50 kips. If these assumed loads vary significantly from the actual loads, we should be consulted to review the actual loading conditions and, if necessary, revise the recommendations of this report.



SCALE: 1:24,000

REFERENCE: USGS SANTA ROSA CALIFORNIA QUADRANGLE, PHOTOREVISED 1980.

PJC & Associates, Inc. *Consulting Engineers & Geologists*	SITE LOCATION MAP PROPOSED GARAGE & RESIDENTIAL ADDITION 4723 MUIRFIELD COURT SANTA ROSA, CALIFORNIA	PLATE **1**
	Proj. No: 4913.01 Date: 9/11 App'd by: PJC	

Finish floor elevations or grading and drainage plans were not available at the time of this report. Based on information provided by you, it is our understanding that the proposed garage will be located on an undeveloped moderately sloping hillside. Depending on the final design grade, we anticipate that cuts and fills of three feet and less may be necessary to achieve the desired finish grades, and provide adequate gradients for site drainage. We do not anticipate that engineered retaining walls will be used for the structure. Based on information provided by you, it is our understanding that the addition will extend from the second-story of the existing residence over the existing driveway. We anticipate that grading will be minimal for the proposed residential addition, and retaining walls will not be required.

2. SCOPE OF SERVICES

The purpose of this investigation was to evaluate the subsurface conditions at the site and develop geotechnical criteria for design and construction of the proposed project. Specifically, the scope of our services consisted of the following:

a. Drill four exploratory boreholes to depths of two and one half to six feet below the existing ground surface to observe the soil, bedrock and groundwater conditions underlying the site. Our professional geologist was on site to log the materials encountered in the boreholes and obtained representative samples for visual classification and laboratory testing.

b. Perform laboratory tests on selected samples to assist in the evaluation of the index and engineering properties of the subsurface soils and bedrock at the site.

c. Review seismological and geologic literature on the site area, discuss site geology and seismicity, and evaluate potential geologic hazards and earthquake effects (i.e., liquefaction, ground rupture, settlement, lurching and lateral spreading, slope stability, expansive soils etc.).

d. Perform engineering analyses to develop geotechnical recommendations for site preparation and earthwork, foundation type(s) and design criteria, , concrete slab-on-grade design criteria lateral earth pressures, site drainage, seismic design and construction considerations.

e. Preparation of this formal report summarizing our work on the project.

3. SITE CONDITIONS

a. General. The site is located in central Sonoma County, and within the city limits of Santa Rosa, California. The site is located near the southern city limits in a rural area, primarily of single-family residences and open space.

Based on information provided by you, it appears that the proposed garage will be constructed in an undeveloped, wooded area west of the existing residence. It is our understanding that the proposed residential addition is to be located near the northern end of the existing residence. It is our understanding that the addition will extend to the east from the second story of the existing structure, and be designed to span the existing driveway. The site is bounded to the north and east by open space and Annadel State Park, to the south and the west by a private driveway.

b. Topography and Drainage. The site is located in the Sonoma Mountains, in the hills west of Bennett Valley, and is located near an elevation of 430 feet above mean sea level, according to USGS Santa Rosa, California Quadrangle. Bennett Mountain is located 1.5 miles to the east. The site generally slopes to the west and the south. Slope gradients in the area of the proposed garage are approximately 18 degrees to the west. Slope gradients near the proposed residential addition are nearly level to approximately 25 degrees to the southwest.

Site drainage consists of sheet flow and surface infiltration that generally trends west. Regional drainage is provided by Matanzas Creek, located approximately 0.3 miles east of the project site.

4. GEOLOGIC SETTING

The site is located in the Coast Ranges Geomorphic Province of California. This province is characterized by northwest trending topographic and geologic features, and includes many separate ranges, coalescing mountain masses and several major structural valleys. The province is bounded on the east by the Great Valley and on the west by the Pacific Ocean. It extends north into Oregon and south to the Transverse Ranges in Ventura County.

The structure of the northern Coast Ranges region is extremely complex due to continuous tectonic deformation imposed over a long period of time. The initial tectonic episode in the northern Coast Ranges was a result of plate convergence which is believed to have begun during late Jurassic time. This process involved eastward thrusting of oceanic crust beneath the continental crust (Klamath Mountains and Sierra Nevada) and the scraping off of materials that are now accreted to the continent (northern Coast Ranges). East-dipping thrust and reverse faults were believed to be the dominant structures formed.

Right lateral, strike slip deformation was superimposed on the earlier structures beginning mid-Cenozoic time, and has progressed northward to the vicinity of Cape Mendocino in Southern Humboldt County (Hart, Bryant and Smith, 1983). Thus, the principal structures south of Cape Mendocino are northwest-trending, nearly vertical faults of the San Andreas system.

According to published literature, the site is underlain by pumicitic ash-flow tuff deposits of the Sonoma Volcanics Group. These deposits are described as consisting of ash-flow tuff, locally welded with intercalated agglomeritic tuff and andesitic and basalt flows. This was confirmed by our exploration which encountered shallow bedrock consisting of pumicitic and agglomeritic ash flow tuff which extended to the maximum depths explored. Locally, the bedrock is blanketed by dissected deposits of artificial fill and colluvial soil deposits.

5. FAULTING

Geologic structures in the region are primarily controlled by northwest trending dextral faults. No known active fault passes through the site. The site is not located in the State of California Earthquake Fault Studies Zone. Based on our research, the closest known potentially active faults to the site are the Rodgers Creek, the Maacama (south), the West Napa, and the San Andreas (1906). The Rodgers Creek Fault is located 1.4 miles to the southwest, the Maacama (South) Fault is located 10.7 miles to the northeast, the West Napa Fault is located 15.4 miles to the southeast, and the San Andreas Fault is located 21.1 miles to the southwest. Table 1 outlines the nearest known active faults, their associated maximum credible magnitudes and the estimated maximum site accelerations due to earthquakes which are predicted to occur on those faults.

TABLE 1
CLOSEST KNOWN ACTIVE FAULTS

Fault Name	Distance from Site (Miles)	Maximum Credible Earthquakes (Moment Magnitude)	Estimated Maximum Site Acceleration (g)*
Rodgers Creek	1.4	7.0	0.444
Maacama (south)	10.7	6.9	0.178
West Napa	15.4	6.5	0.111
San Andreas (1906)	21.1	7.6	0.183

Reference: EQFAULT Ver. 3.0, Prepared by Thomas F. Blake, April 2000.

6. SEISMICITY

The site is located within a zone of high seismic activity related to the active faults that transverse through the surrounding region. Future damaging earthquakes could occur on any of these fault systems during the lifetime of the proposed project. In general, the intensity of ground shaking at the site will depend upon the distance to the causative earthquake epicenter, the magnitude of the shock, the response characteristics of the underlying earth materials, and the

quality of construction. Seismic considerations and hazards are discussed in the following subsections of this report.

7. SUBSURFACE CONDITIONS

a. Soils and Bedrock. The subsurface conditions at the site were investigated by advancing four exploratory boreholes adjacent to the proposed building envelopes to depths of two and one quarter to six feet below the existing ground surface. The approximate borehole locations are shown on the Borehole Location Plan, Plate 2. The boreholes were drilled to observe the soil, bedrock and groundwater conditions and to obtain representative samples for visual classification and laboratory testing. BH-1 through BH-3 were advanced in the area of the proposed garage. BH-4 was advance in the area of the proposed addition. The drilling and sampling procedures and descriptive borehole logs are included in Appendix A of this report. The laboratory procedures are described in Appendix B.

In the area of the proposed garage, the boreholes generally encountered minor dissected deposits of artificial fill overlying colluvial soils, and bedrock consisting of ash flow tuff bedrock deposits of the Sonoma Volcanic Group which extended to the maximum depths explored. Minor deposits of artificial fill where encountered at BH-2, located near the western perimeter of the proposed garage. The fill consisted of grayish brown sandy silts which appeared moderately compacted, dry, and of low plasticity. The fill extended to six inches below the surface. Based on the surface topography, we suspect that the fill may thicken to approximately two feet to the west. Underlying the fill in BH-2 and extending from the surface in BH-1 and BH-3, the exploration encountered colluvial soils which consisted of grayish brown sandy silts which appeared dry, stiff, of low plasticity with few gravels. The colluvial soils extended to between one and one half to three feet below the surface. Underlying the colluvium and extending to the maximum depths explored, the exploration encountered gray to yellow brown ash flow tuff deposits of the Sonoma Volcanic Group. The bedrock appeared slightly hard, friable, and highly weathered.

In the area of the proposed residential addition, BH-4 encountered minor deposits of artificial fill overlying colluvial soils, and bedrock consisting of ash flow tuff deposits of the Sonoma Volcanic Group which extended to the maximum depths explored. The fill consisted of moderate brown sandy clays which appeared well compacted, moist, and of medium plasticity with gravel to cobble size rock fragments. The fill extended to two feet below the surface and based on the surface topography appeared to have been placed during construction of the adjacent driveway.

Underlying the fill in BH-4 and extending to three feet below the surface, the exploration encountered colluvial soils which consisted of grayish brown sandy silts which appeared dry, stiff, of low plasticity with few gravels. Underlying the colluvium and extending to the maximum depth explored, the exploration encountered gray to yellow gray ash flow tuff deposits of the Sonoma Volcanic Group. The bedrock appeared slightly hard, friable, and highly weathered with abundant vesicular basalt fragments. Complete lithologic descriptions are presented as Plates 3 through 6 in Appendix A of this report.

b. Groundwater. Groundwater was not encountered at the time of our field exploration on August 12, 2011. No active springs or surface seeps were observed at or near the building sites. Perched groundwater or seepage could develop at the site during and following prolonged rainfall. However, based on the subsurface conditions encountered at the site, these conditions, if they develop, would dissipate following seasonal rainfall.

8. GEOLOGIC HAZARDS AND SEISMIC CONSIDERATIONS

The site is located within a region subject to a high level of seismic activity. Therefore, the site could experience strong seismic ground shaking during the lifetime of the project. The following discussion reflects the possible geologic hazards and earthquake effects which could result in damage to the proposed structures.

a. Fault Rupture. Rupture of the ground surface is expected to occur along known active fault traces. No evidence of existing faults or previous ground displacement on the site due to fault movement is indicated in the geologic literature or field exploration. Therefore, we judge that the risk of fault rupture at the site is low.

b. Ground Shaking. The site has been subjected in the past to ground shaking by earthquakes on the active fault systems that traverse the region. It is believed that earthquakes with significant ground shaking will occur in the region within the next several decades. Therefore, it must be assumed that the site will be subjected to strong ground shaking during the design life of the project.

c. Densification/Liquefaction. Our field exploration revealed no loose, saturated, granular soil stratums at the site. In general, our exploration encountered thin fine-grained soils overlying shallow bedrock which likely extends to a great depth below the site. Therefore, liquefaction or densification is not likely to occur at the site.

d. Lateral Spreading and Lurching. Lateral spreading is normally induced by vibration of near-horizontal alluvial soil layers adjacent to an exposed face. Lurching is an action, which produces cracks or fissures parallel to streams or banks when the earthquake motion is at right angles to them. No creeks banks or exposed faces are located on or adjacent to the site. Therefore, we judge that the potential for lateral spreading and lurching at the site is low.

e. Expansive Soils. Based on our experience, and Atterberg Limits testing, the surface soils have a low plasticity (PI= 5) and are considered to have a low expansion potential. The tuff bedrock also appeared to have a low expansion potential. However, deeply decomposed tuff seams of highly expansive clays are common within tuff units. The geotechnical engineer should be retained to observe the finish subgrade conditions to assess the presence or absence of expansive soils.

f. Slope Stability. According to published geologic literature, the site is located in an area of relatively unstable rock and soil units on slopes greater that 15 percent. According to the same published literature, a large landslide complex has been mapped approximately 700 feet north of the site. However, the proposed building envelopes are located within a level to moderately sloping topography. Our field investigation encountered no evidence of slope instability at the site and judge that the risk of landsliding is low, provided the recommended precautions of this report are followed.

9. CONCLUSIONS

Based on the results of our investigation, it is our professional opinion that the project is feasible from a geotechnical engineering standpoint provided the recommendations contained in this report are followed. The primary geotechnical considerations in design and construction of the project are the presence of weak and compressible surface soils.

The boreholes encountered weak and compressible artificial fill and colluvial soils extending to an approximate depth of two and one quarter to three feet below the existing ground surface. Weak and compressible soils may appear hard and strong when dry. However, they could potentially collapse under the load of foundations, engineered fill or concrete slabs when their moisture content increases and approaches saturation. The moisture content of these soils can increase as a result of rainfall, or when the natural upward migration of water vapor through the soils is impeded by fills, slabs, foundations or pavements. These soils can undergo considerable strength loss and increased compressibility, thus causing irregular and erratic ground settlement under loads. These soils are

not suitable for support of shallow foundations without engineering mitigation techniques.

Foundation support for the proposed garage and residential addition should extend through the weak, compressible soils, and derive its support from the bedrock deposits underlying the site. We judge that for the proposed garage this could be accomplished with a deepen spread footing foundation system. Alternatively, the pad may be prepared by subexcavation and recompaction of the weak surface soils, as described in the earthwork and grading section of this report, and the proposed structure may be supported on standard spread footings founded in engineered fill.

It is our understanding that the proposed residential addition will be partially supported at its eastern perimeter by the foundation elements of the existing multi-story residence, and be designed to span the existing driveway. We judge that foundation support for the western perimeter of the proposed residential addition could be completed with a pier and grade beam foundation system which extends through the weak and compressible surface soils, and derives its support from the bedrock deposits underlying the site.

It is our understanding that concrete slabs-on-grade will be used for the garage. Conventional concrete slabs-on-grade may be used for the garage provided the owner understands that the slabs could be prone to differential settlement and cracking due to the presence of porous soils. If this potential is not acceptable, the weak soils should be subexcavated and recompacted according to the earthwork section of this report.

The following sections provide geotechnical recommendations and criteria for design and construction of the proposed project.

10. EARTHWORK AND GRADING

Grading Plans or finish floor elevations were not available at the time of this report. It is our understanding that the proposed garage will be constructed on moderately sloping topography. Depending on the final pad grade, pad preparation may require cuts and fills of two to three feet and less to achieve the desired pad grade, and provide adequate gradients for site drainage.

a. Stripping. Any existing structure to be removed should be demolished and removed off site. Areas to be graded should be cleared of surface vegetation, tree stumps, old foundations, underground utilities, roots and the upper few inches of soil containing organic matter. The strippings should be removed off site or, if suitable, stockpiled for later use in landscape areas. Excavation should then be performed to achieve the plan building pad grade or to prepare areas to receive fill. Voids left by

removal of obstructions should be properly backfilled in accordance with the following sections of this report.

c. Compaction. Grading and drainage plans were not available at the time of this report. We anticipate that grading could consist of cuts and fills of two to four feet and less to achieve the finish pad grades, and provide adequate gradients for site drainage. All loose and compressible fill and native soils underlying areas to receive fill should be subexcavated and recompacted. Excavated material used for the construction of site fills should not contain organic material, highly expansive clays, and should have no rock or similar irreducible material with a maximum dimension greater than four inches. Prior to the placement of fill material, the exposed bottom should be scarified to a depth of eight inches, moisture conditioned to within two percent of the material's optimum moisture content, and compacted to a minimum of 90 percent relative compaction. All fill material should be placed in uniform lifts not exceeding eight inches in their loose state and compacted by mechanical means only with acceptable compaction equipment to a minimum of 90 percent relative compaction. The existing soils may be used as engineered fill, provided high plasticity clays are not encountered. We do not anticipate that fill will be placed on slopes greater than 20 percent. If fills are required on slopes greater than 20 percent, PJC should be consulted to provide specific recommendations for placement.

If import fill is required, it should be of a low to non-expansive nature and should meet the following criteria:

Plasticity Index	less than 12
Liquid Limit	less than 35
Percent Soil Passing #200 Sieve	between 15% and 35%
Maximum Aggregate Size	4 inches

TABLE 2
SUMMARY OF COMPACTION RECOMMENDATIONS

Area	Compaction Recommendations*
General Engineered Fill (Native)	In lifts, a maximum of eight inches loose thickness, compact to at least 90 percent relative compaction at or within two percent of the material's optimum moisture content.

* All compaction requirements stated in this report refer to dry density and moisture content relationships obtained through the laboratory standard described by ASTM 1557.

Cut and fill slopes should be no greater than two horizontal to one vertical (2H:1V). Steeper slopes should be retained. Disturbed slopes should be planted with deep rooted groundcover to reduce and control erosion.

A representative of PJC should observe all site preparation and fill placement. It is important that during the stripping, grading and scarification processes, a representative of our firm be present to observe whether any undesirable material is encountered in the construction area.

Generally, grading is most economically performed during the summer months when on site soils are usually dry of the optimum moisture content. Delays should be anticipated in site grading performed during the rainy season or early spring due to excessive moisture in the on-site soils. Special and relatively expensive construction procedures should be anticipated if grading must be completed during the winter, spring or early summer.

11. FOUNDATIONS: SPREAD FOOTINGS

a. Vertical Loads. The proposed garage may be adequately supported by deepen spread footings extending at least six inches into bedrock as determined by the geotechnical engineer on site during construction. The depth to bedrock varies across the envelope. Footing depths of 24 to 42 inches are possible, and will depend on the final grade of the building pad. The footing depths may be reduced if the pad is subexcavated and recompacted, or lowering of the pad grade is performed. The footings may be designed for a dead plus live allowable bearing pressure of 3,000 psf.

The weight of the foundation and backfill over the foundation may be neglected when computing dead loads. The allowable soil bearing pressure may be increased by one-third for transient applications such as wind and seismic loads.

b. Lateral Loads. Resistance to lateral forces may be computed by using friction or passive pressure. A friction factor of 0.35 is considered appropriate between the footing bottoms and the bedrock. A passive pressure equivalent to that exerted by a fluid weighing 400 pounds per square foot per foot of depth (psf/ft) is recommended. Unless restrained at the surface, the bottom six inches of footing embedment should only be used for passive resistance.

Footing concrete should be placed neat against bedrock or engineered fill. Footing excavations should not be allowed to dry before placing concrete. If shrinkage cracks appear in the footing excavations, the soil should be thoroughly moistened to close all cracks prior to concrete placement. The bottom of footings should remain in a moist condition at all times.

c. Settlement. Total settlement of individual foundations will vary depending on the width of the foundation and the actual load supported. Foundation settlements have been estimated based on the foundation loads

and bearing values provided. Maximum settlements of shallow foundations designed and constructed in accordance with the preceding recommendations are estimated to be less than one inch. Differential settlement between similarly loaded, adjacent footings is expected to be less than one-half inch. The majority of the settlement is expected to occur during construction and placement of dead loads.

12. FOUNDATIONS: DRILLED CAST-IN-PLACE PIERS

a. Vertical Loads. The proposed residential addition may be supported by a drilled, concrete cast-in-place pier and grade beam foundation system. The drilled piers should have a minimum diameter of 14 inches and be spaced at least three pier diameters center to center. The piers will derive their support through peripheral friction. Perimeter and interior piers should extend at least eight feet below the finish ground surface and at least six feet into firm soils or bedrock. The piers should be reinforced and designed by the project structural engineer. The piers should be tied together with tie beams where they encroach within 10 feet of descending slopes.

The portion of the piers extending at least two feet beneath the finished ground surface may be designed using an allowable dead plus live skin friction of 700 pounds per square foot (psf). This value may be increased by one-third for short duration wind and seismic loads. End bearing should be neglected because of difficulty in cleaning out small diameter pier holes and the uncertainty of mobilizing skin friction and end bearing simultaneously. A value equal to one-half the downward capacity of the pier may be used to resist uplift forces.

b. Lateral Loads. Lateral loads resulting from wind or earthquakes can be resisted by the pier through a combination of cantilever action and passive resistance of the soils surrounding the pier. A passive equivalent fluid pressure of 400 psf/ft acting on two pier diameters should be used. The upper two feet should be neglected for passive resistance.

c. Settlement. The maximum and differential settlements of the piers is estimated to be small and within tolerable limits.

If groundwater is encountered, it may be necessary to de-water the holes and/or place the concrete by the tremie method. If caving soils are encountered, it may be necessary to case the holes. Hard drilling will likely be required to achieve the required depths. If foundation construction is performed in the winter or early spring, water infiltration should be expected. This will likely increase the cost of foundation construction.

13. SLABS-ON-GRADE

It is our understanding that concrete slabs-on-grade will be used for the garage. As mentioned, the surface soils are potentially compressible. Conventional concrete slabs-on-grade may be constructed on the surface soils in their existing condition if the risk of differential movement and cracking are acceptable to the owner. If the risk is unacceptable, the weak soils should be subexcavated and recompacted according to the earthwork section of this report.

Slab-on-grade subgrade should be rolled to produce a dense, uniform surface. The slabs should be underlain with a capillary moisture break consisting of at least four inches of clean, free-draining crushed rock or gravel between ¼-inch and ¾-inch in size.

Slabs should be designed by the project civil or structural engineer to support the anticipated loads, reduce cracking and provide protection against the infiltration of moisture vapor. Low friction material should be used in the garage area to separate foundations from the adjacent footing.

Where moisture migration through the floor slab is undesirable, a vapor barrier should be used. Qualified experts in the field of moisture vapor transmission through slabs should be used to determine the appropriate vapor barrier.

14. SEISMIC DESIGN

Based on the United States Geological Survey Earthquake Hazards Program, the following Mapped Acceleration Parameters should be used in seismic design. Based on criteria presented in the 2007 edition of the California Building Code (CBC) and ASCE (American Society of Civil Engineers) STANDARD ASCE/SEI 7-05, the following Site Class and Site Coefficients should be used:

a.	Site Class:	C
b.	Mapped Acceleration Parameters:	S_s= 1.904 S_1= 0.752
c.	Site Coefficients:	F_a= 1.0 F_v= 1.3

15. DRAINAGE

All final grades should be provided with positive gradients away from foundations to provide rapid removal of surface water runoff to an adequate discharge point. No ponding of water should be allowed adjacent to the foundations.

The use of continuous roof gutters and downspouts is recommended to reduce the possibility of soil saturation adjacent to the structure. Downspouts from gutters should be discharged onto an impermeable surface such as pavement or into a closed conduit discharging a minimum of eight feet away from the structure onto an erosion resistant surface.

16. LIMITATIONS

The data, information, interpretations and recommendations in this report are presented solely as bases and guides for the geotechnical design of the proposed garage and residential addition located at 4723 Muirfield Court, Santa Rosa, California. PJC developed the conclusions and professional opinions presented herein in accordance with generally accepted geotechnical engineering principles and practices. As with all geotechnical reports, the opinions expressed here are subject to revisions in light of new information, which may be developed in the future, and no warranties are either expressed or implied.

This report has not been prepared for use by parties other than the designers of the project. It may not contain sufficient information for the purpose of other parties or other uses. If any changes are made in the project as described in this report, the conclusions and recommendations contained herein should not be considered valid unless the changes are reviewed by PJC, and the conclusions and recommendations are modified and approved in writing. This report and the drawings contained herein are intended only for the design of the proposed structure. They are not intended to act by themselves as construction drawings or specifications.

Soil deposits may vary in type, strength, and many other important properties between the points of observation and exploration. Additionally, changes can occur in groundwater and soil moisture conditions due to seasonal variations, or for other reasons. Therefore, it must be recognized that PJC does not and cannot have complete knowledge of the subsurface conditions underlying the subject site. The criteria presented are based upon the findings at the points of exploration and upon interpretative data, including interpolation and extrapolation of information obtained at points of observation.

17. ADDITIONAL SERVICES

Upon completion of the project plans, they should be reviewed by our firm to confirm that the design is consistent with the recommendations of this report. During the course of this investigation, several assumptions were made regarding building loads and development concepts. Should our assumptions differ significantly from the final intent of the project designers, our office should be notified of the changes to assess any potential need for revised recommendations. Observation and testing services should be provided by PJC to verify that the

intent of the plans and specifications is carried out during construction; these services should include observing the foundation excavations.

These services will be performed only if PJC is provided with sufficient notice to perform the work. PJC does not accept the responsibility for items that they are not notified to observe.

It has been a pleasure working with you on this project. Please call us if you have any questions regarding the results of this investigation, or if we can be of further assistance.

Sincerely,

PJC & ASSOCIATES, INC.

Patrick J. Conway
Geotechnical Engineer
GE 2303, California

PJC: jk

APPENDIX A
FIELD INVESTIGATION

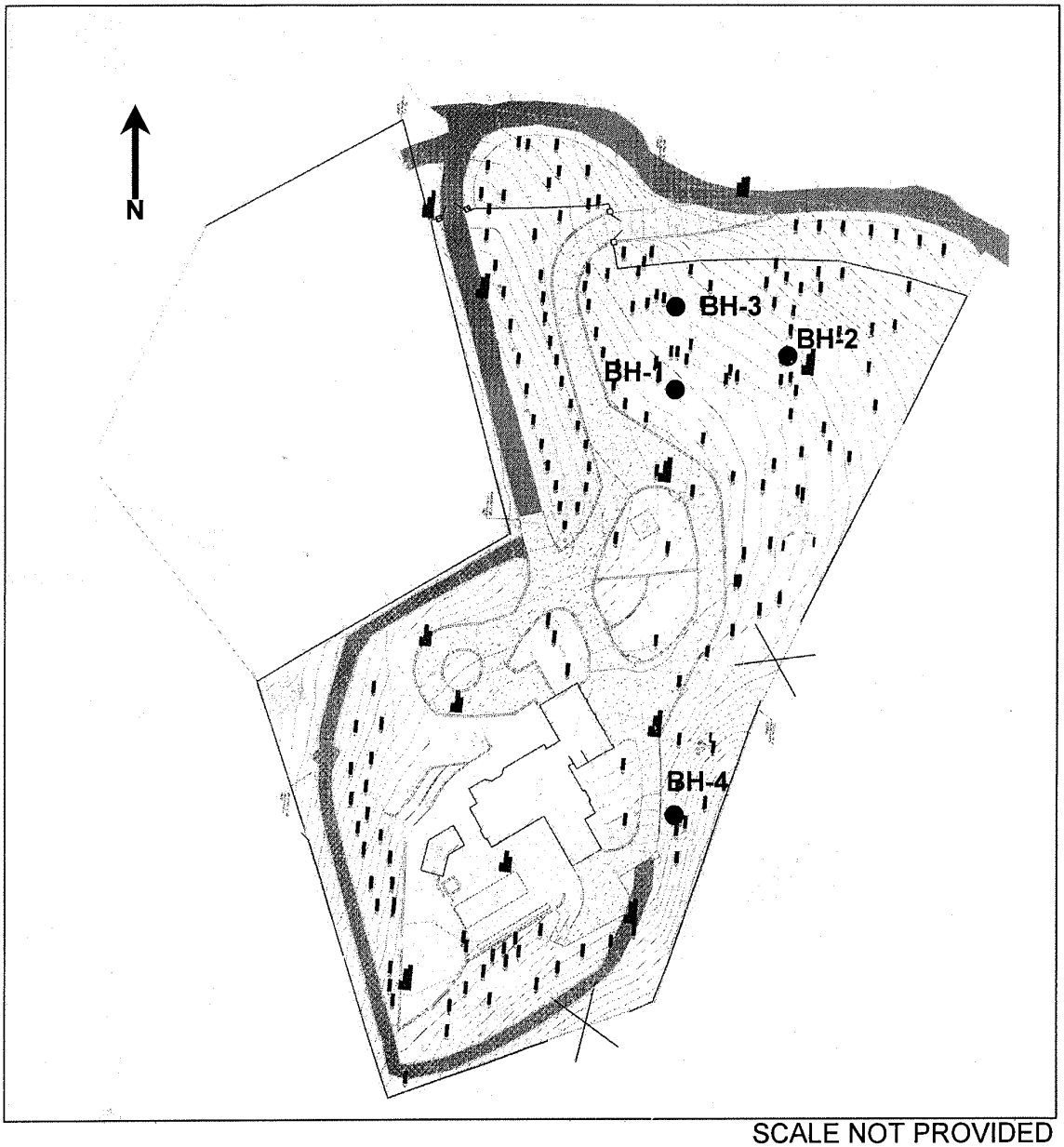
1. INTRODUCTION

The field program performed for this study consisted of drilling four exploratory boreholes (BH-1 through BH-4) near the proposed building envelopes. The exploration was completed on August 12, 2011. The approximate borehole locations are shown on the Borehole Location Plan, Plate 2. The descriptive logs of the boreholes are presented in this appendix as Plates 3 through 6.

2. BOREHOLES

The boreholes were advanced using a portable drill with solid stem flight augers. The drilling was performed under the observation of a professional geologist of PJC who maintained a continuous log of the soil conditions and obtained samples suitable for laboratory testing. The soils were classified in accordance with the Unified Soil Classification System, as explained in Plate 7. The Bedrock was classified as explained in Plate 8.

Relatively undisturbed and disturbed samples were obtained from the exploratory boreholes. A 2.43 in I.D. California Modified Sampler or a 1.5 in I.D. Standard Penetration Sampler was driven into the underlying soil using a 70 pound hammer falling 30 inches to obtain an indication of the density of the soil and to allow visual examination of at least a portion of the soil or bedrock column. Samples obtained with the split-spoon sampler were retained for further observation and testing. The number of blows required to drive the sampler at six-inch increments was recorded on each borehole log. All samples collected were labeled and transported to PJC's office for examination and laboratory testing.



SCALE NOT PROVIDED

EXPLANATION

● BOREHOLE LOCATION AND DESIGNATION

REFERENCE: SITE PLAN PROVIDED BY OWNER, UNDATED.

PJC & Associates, Inc. *Consulting Engineers & Geologists*	BOREHOLE LOCATION MAP PROPOSED GARAGE & RESIDENTIAL ADDITION 4723 MUIRFIELD SANTA ROSA, CALIFORNIA	PLATE **2**
	Proj. No: 4913.01 Date: 9/1 App'd by: PJC	

LOG OF BOREHOLE NO. BH-1

PROPOSED GARAGE AND RESIDENTIAL ADDITION
4723 MUIRFIELD COURT
SANTA ROSA, CALIFORNIA

TYPE: **SOLID STEM** LOCATION: **GARAGE SITE**

DEPTH, FT	SYMBOL	SAMPLES	BLOWS PER FOOT OR RECOVERY, %	STRATUM DESCRIPTION	LAYER ELEV./ DEPTH	WATER CONTENT, %	LIQUID LIMIT, %	PLASTIC LIMIT, %	PLASTICITY INDEX (PI), %	PASSING NO. 200 SIEVE, %	UNIT DRY WEIGHT, PCF	COMPRESSIVE STRENGTH TSF
		B		SURF. EL **NA**								
				0.0-3.0'; SANDY SILT (ML); gray brown, dry, very stiff, low plasticity, with few gravels. (COLLUVIUM)		5						
			55			10						
						10	35	30	5		72	
			40									
			25/3"	3.0-3.25'; ASH-FLOW TUFF; gray to yellowish brown, slightly hard, friable, highly weathered. (SONOMA VOLCANIC GROUP)	3.0	16						
				SAMPLING REFUSAL AT 3.25 FEET	3.5							

COMPLETION DEPTH: **3.5'** DEPTH TO WATER: **NOT ENCOUNTERED**

DATE: **8-12-11**

U=Unconfined P=Pocket Penetrometer
Q=Unconsolidated-Undrained Triaxial T=Torvane

GEOT 4913 9-30-11

PLATE 3

LOG OF BOREHOLE NO. BH-2

PROPOSED GARAGE AND RESIDENTIAL ADDITION
4723 MUIRFIELD COURT
SANTA ROSA, CALIFORNIA

TYPE: **SOLID STEM** LOCATION: **GARAGE SITE**

DEPTH, FT	SYMBOL	SAMPLES	BLOWS PER FOOT OR RECOVERY, %	STRATUM DESCRIPTION	LAYER ELEV./ DEPTH	WATER CONTENT, %	LIQUID LIMIT, %	PLASTIC LIMIT, %	PLASTICITY INDEX (PI), %	PASSING NO. 200 SIEVE, %	UNIT DRY WEIGHT, PCF	COMPRESSIVE STRENGTH TSF
				SURF. EL **NA**								
				0.0-6.0"; SANDY SILT (ML); grayish brown, moderately compacted, dry, low plasticity with few gravels. (ARTIFICIAL FILL)	0.5							
			33		1.5	14						
			25/3"	6.0"-1.5'; SANDY SILT (ML); grayish brown, very stiff, dry, low plasticty, with few gravels. (COLLUVIUM)	2.2							
				1.5-2.25'; ASH FLOW TUFF; gray to yellowish brown, slightly hard, friable, highly weatherd. (SONOMA VOLCANIC GROUP)								
				REFUSAL AT 2.25 FEET								

COMPLETION DEPTH: **2.3'** DEPTH TO WATER: **NOT ENCOUNTERED**

DATE: **8-12-11**

U=Unconfined P=Pocket Penetrometer
Q=Unconsolidated-Undrained Triaxial T=Torvane

GEOT 4913 9-30-11

PLATE 4

LOG OF BOREHOLE NO. BH-3

PROPOSED GARAGE AND RESIDENTIAL ADDITION
4723 MUIRFIELD COURT
SANTA ROSA, CALIFORNIA

TYPE: **SOLID STEM** LOCATION: **GARAGE SITE**

DEPTH, FT	SYMBOL	SAMPLES	BLOWS PER FOOT OR RECOVERY, %	STRATUM DESCRIPTION	LAYER ELEV./ DEPTH	WATER CONTENT, %	LIQUID LIMIT, %	PLASTIC LIMIT, %	PLASTICITY INDEX (PI), %	PASSING NO. 200 SIEVE, %	UNIT DRY WEIGHT, PCF	COMPRESSIVE STRENGTH TSF
				SURF. EL **NA**								
				0.0-1.5'; SANDY SILT (ML); grayish brown, dry, very stiff, low plasticity with few gravels. (COLLUVIUM)								
			33 25/3"	1.5-3.5'; ASH FLOW TUFF; gray to yellowish brown, slightly hard, friable, highly weathered.	1.5	16						
			50	(SONOMA VOLCANIC GROUP)		17						
					3.5							
				REFUSAL AT 3.5 FEET								

COMPLETION DEPTH: **3.5'** DEPTH TO WATER: **NOT ENCOUNTERED**

DATE: **8-12-11**

U=Unconfined P=Pocket Penetrometer
Q=Unconsolidated-Undrained Triaxial T=Torvane

GEOT 4913 9-30-11

PLATE 5

LOG OF BOREHOLE NO. BH-4

PROPOSED GARAGE AND RESIDENTIAL ADDITION
4723 MUIRFIELD COURT
SANTA ROSA, CALIFORNIA

TYPE: **SOLID STEM** LOCATION: **ADDITION SITE**

DEPTH, FT	SYMBOL	SAMPLES	BLOWS PER FOOT OR RECOVERY, %	STRATUM DESCRIPTION	LAYER ELEV./ DEPTH	WATER CONTENT, %	LIQUID LIMIT, %	PLASTIC LIMIT, %	PLASTICITY INDEX (PI), %	PASSING NO. 200 SIEVE, %	UNIT DRY WEIGHT, PCF	COMPRESSIVE STRENGTH TSF
				SURF. EL **NA**								
			51	0.0-2.0'; SANDY CLAY (CL); moderate brown, moist, well compacted, medium plasticity with gravel to cobble size rock fragments. (FILL)		15						
					2.0							
			69	2.0-3.0'; SANDY SILT (ML); pale grayish brown, dry, very stiff, low plasticity. (COLLUVIUM)	3.0	28						
5			30	3.0-6.0'; ASH FLOW TUFF; yellowish gray, slightly hard, friable, highly weathered, with vesicular basalt fragments. (SONOMA VOLCANIC GROUP)		3						
					6.0							
				REFUSAL AT 6.0 FEET								

COMPLETION DEPTH: **6.0'** DEPTH TO WATER: **NOT ENCOUNTERED**

DATE: **8-12-11**

U=Unconfined P=Pocket Penetrometer
Q=Unconsolidated-Undrained Triaxial T=Torvane

GEOT 4913 9-30-11

PLATE 6

MAJOR DIVISIONS				TYPICAL NAMES
COARSE GRAINED SOILS (MORE THAN HALF IS LARGER THAN #200 SIEVE)	GRAVELS (MORE THAN HALF COARSE FRACTION IS SMALLER THAN NO. 4 SIEVE SIZE)	CLEAN GRAVELS WITH LITTLE OR NO FINES	GW	WELL GRADED GRAVELS, GRAVEL - SAND MIXTURES
			GP	POORLY GRADED GRAVELS, GRAVEL - SAND MIXTURES
		GRAVELS WITH OVER 12% FINES	GM	SILTY GRAVELS, POORLY GRADED GRAVEL - SAND - SILT MIXTURES
			GC	CLAYEY GRAVELS, POORLY GRADED GRAVEL - SAND - CLAY MIXTURES
	SANDS (MORE THAN HALF COARSE FRACTION IS LARGER THAN NO. 4 SIEVE SIZE)	CLEAN SANDS WITH LITTLE OR NO FINES	SW	WELL GRADED SANDS, GRAVELLY SANDS
			SP	POORLY GRADED SANDS, GRAVELLY SANDS
		SANDS WITH OVER 12% FINES	SM	SILTY SANDS, POORLY GRADED SAND - SILT MIXTURES
			SC	CLAYEY SANDS, POORLY GRADED SAND - CLAY MIXTURES
FINE GRAINED SOILS (MORE THAN HALF IS SMALLER THAN #200 SIEVE)	SILTS AND CLAYS (LIQUID LIMIT LESS THAN 50)		ML	INORGANIC SILTS AND VERY FINE SANDS, ROCK FLOUR, SILTY OR CLAYEY FINE SANDS, OR CLAYEY SILTS WITH SLIGHT PLASTICITY
			CL	INORGANIC CLAYS OF LOW TO MEDIUM PLASTICITY, GRAVELLY CLAYS, SANDY CLAYS, SILTY CLAYS, LEAN CLAYS
			OL	ORGANIC CLAYS AND ORGANIC SILTY CLAYS OF LOW PLASTICITY
	SILTS AND CLAYS (LIQUID LIMIT GREATER THAN 50)		MH	INORGANIC SILTS, MICACEOUS OR DIATOMACIOUS FINE SANDY OR SILTY SOILS, ELASTIC SILTS
			CH	INORGANIC CLAYS OF HIGH PLASTICITY, FAT CLAYS
			OH	ORGANIC CLAYS OF MEDIUM TO HIGH PLASTICITY, ORGANIC SILTS
HIGHLY ORGANIC SOILS			Pt	PEAT AND OTHER HIGHLY ORGANIC SOILS

UNIFIED SOIL CLASSIFICATION SYSTEM

Shear Strength, psf

Confining Pressure, psf

Consol	- Consolidation	Tx	320 (2600)	Unconsolidated Undrained Triaxial
LL	- Liquid Limit (in %)	Tx CU	320 (2600)	Consolidated Undrained Triaxial
PL	- Plastic Limit (in %)	DS	2750 (2000)	Consolidated Drained Direct Shear
PI	- Plasticity Index	FVS	470	Field Vane Shear
G_s	- Specific Gravity	UC	2000	Unconfined Compression
SA	- Sieve Analysis	LVS	700	Laboratory Vane Shear
■	"Undisturbed" Sample	SS	- Shrink Swell	
▣	Bulk or Disturbed Sample	EXP	- Expansion	
◪	Standard Penetration Test	P	- Permeability	
□	Sample Attempt with No Recovery			

Note: All strength tests on 2.8" or 2.4" diameter sample unless otherwise indicated.

KEY TO TEST DATA

ROCK TYPES

 CONGLOMERATE

 SHALE

 METAMORPHIC ROCKS
HYDROTHERMALLY-ALTERED ROCKS

 SANDSTONE

 SHEARED SHALE MELANGE

 IGNEOUS ROCKS

 META-SANDSTONE

 CHERT

BEDDING THICKNESS

MASSIVE	Greater than 6 feet
THICKLY BEDDED	2 to 6 feet
MEDIUM BEDDED	8 to 24 inches
THINLY BEDDED	2-1/2 to 8 inches
VERY THINLY BEDDED	3/4 to 2-1/2 inches
CLOSELY LAMINATED	1/4 to 3/4 inches
VERY CLOSELY LAMINATED	Less than 1/4 inch

JOINT, FRACTURE, OR SHEAR SPACING

VERY WIDELY SPACED	Greater than 6 feet
WIDELY SPACED	2 to 6 feet
MODERATELY WIDELY SPACED	8 to 24 inches
CLOSELY SPACED	2-1/2 to 8 inches
VERY CLOSELY SPACED	3/4 to 2-1/2 inches
EXTREMELY CLOSELY SPACED	Less than 3/4 inch

HARDNESS

Soft - pliable: can be dug by hand

Slightly Hard - can be gouged deeply or carved with a pocket knife

Moderately Hard - can be readily scratched by a knife blade; scratch leaves heavy trace of dust and is readily visible after the powder has been blown away

Hard - can be scratched with difficulty; scratch produces little powder and is often faintly visible

Very Hard - cannot be scratched with pocket knife, leaves a metallic streak

STRENGTH

Plastic - capable of being molded by hand

Friable - crumbles by rubbing with fingers

Weak - an unfractured specimen of such material will crumble under light hammer blows

Moderately Strong - specimen will withstand a few heavy hammer blows before breaking

Strong - specimen will withstand a few heavy ringing hammer blows and usually yields large fragments

Very Strong - rock will resist heavy ringing hammer blows and will yield with difficulty only dust and small flying fragments.

DEGREE OF WEATHERING

Highly Weathered - abundant fractures coated with oxides, carbonates, sulphates, mud, etd., through discoloration, rock disintegration, mineral decomposition

Moderately Weathered - some fracture coating, moderate or localized discoloration, little to no effect on cementation, slight mineral decomposition

Slightly Weathered - a few strained fractures, slight discoloration, little or no effect on cementation, no mineral decomposition

Fresh - unaffected by weathering agents, no appreciable change with depth.

APPENDIX B
LABORATORY INVESTIGATION

1. INTRODUCTION

This appendix includes a discussion of test procedures of the laboratory tests performed by PJC for use in the geotechnical study. The testing program was carried out by employing, whenever practical, currently accepted test procedures of the American Society of Testing and Materials (ASTM).

Disturbed and relatively undisturbed samples used in the laboratory investigation were obtained during the course of the field investigation as described in Appendix A of this report. Identification of each sample is by borehole number and depth.

2. INDEX PROPERTY TESTING

In the field of soil mechanics and geotechnical engineering design, it is advantageous to have a standard method of identifying soils and classifying them into categories or groups that have similar distinct engineering properties. The most commonly used method of identifying and classifying soils according to their engineering properties is the Unified Soil Classification System described by ASTM D-2487-83. The USCS is based on recognition of the various types and significant distribution of soil characteristics and plasticity of materials.

a. Natural Water Content and Dry Density. Natural water content and dry density of the soils were determined, often in conjunction with other tests, on selected undisturbed and disturbed samples. The samples were extruded and visually classified, trimmed to obtain a smooth flat face, and accurately measured to obtain volume and wet weight. The samples were then dried in accordance with the procedures of ASTM 2216-80 for a period of 24 hours in an oven, maintained at a temperature of 100 degrees C. After drying, the weight of each sample was determined and the moisture content and dry density calculated. The water content and dry density results are summarized on the log of the boreholes, Plates 3 through 5.

b. Atterburg Limits Determination. The liquid and plastic limits of selected fine-grained soil samples were determined by air drying and breaking down the sample. The results of the limits are shown on the borehole logs.

APPENDIX C
REFERENCES

1. "Foundations and Earth Structures" Department of the Navy Design Manual 7.2 (NAVFAC DM-7.2), dated May 1982.

2. "Soil Dynamics, Deep Stabilization, and Special Geotechnical Construction" Department of the Navy Design Manual 7.3 (NAVFAC DM-7.3), dated April 1983.

3. Geologic Map of the Santa Rosa Quadrangle, Scale: 1:250,000, compiled by D.L. Wagner and E.J. Bortugno, 1982.

4. "Soil Mechanics" Department of the Navy Design Manual 7.1 (NAVFAC DM-7.1), dated May 1982.

5. USGS Santa Rosa, California Quadrangle 7.5-Minute Topographic Map, dated photorevised 1980.

6. McCarthy, David. Essential of Soil Mechanics and Foundations. 5th Edition, 1998.

7. Bowels, Joseph. Engineering Properties of Soils and Their Measurement. 4th Edition, 1992.

8. Brown, Robert W. Practical Foundation Engineering Handbook. 2nd Edition, 2001.

9. California Building Code (CBC), 2007 edition.

10. ASCE STANDARD ASCE/SEI 7-05, prepared by the American Society of Civil Engineers.

EXHIBIT 16

PJC & Associates, Inc.
Consulting Engineers & Geologists

July 20, 2017 Job No. 4913.01

Joe and Pixie Romano
4016 Quartz Drive
Santa Rosa, California
Joe@generatorjoe.net

Subject: Addendum Letter
Report Update
Proposed Detached Garages and Game Room Addition
4723 Muirfield Court
Santa Rosa, California

Reference: Report titled, "Design Level Geotechnical Investigation, Proposed Garages and Residential Addition, 4723 Muirfield Court, Santa Rosa, California," prepared by PJC & Associates, Inc., dated September 12, 2011.

Dear Joe and Pixie:

PJC & Associates, Inc. (PJC) is pleased to submit this addendum letter which provides updated geotechnical design criteria for the proposed detached garages and game room addition located at 4723 Muirfield Court in Santa Rosa, California. PJC previously prepared a design level geotechnical investigation for the project and presented a report dated September 12, 2011. Based on information provided by you, it is our understanding that the project will consist of the construction of 42' x 30' detached garage, a 54' x 50' detached garage, and a garage room addition onto the existing single family residence at the property. We anticipate that both of the detached garages will consist of single-story, wood frame structures with elevated concrete slab-on-grade floors. We anticipate that the game room addition will consist of a two-story structure with joist-supported raised wood floors. According to information provided you, it is our understanding that it is desired to install helical piers as foundations for all of the detached garages and game room addition. The following provides additional recommendations to update our original report.

1. DISCUSSION

It is our understanding it is desired to support all of the detached garages and game room addition on helical piers. We judge this is an acceptable foundation option, however, hard bedrock and difficult drilling conditions should be anticipated to reach the necessary embedment depths. Pre-drilling may be required, to reach the required depths.

We anticipate that the detached garage slabs will be underlain by fill with variable depths. We typically recommend fill depths below slabs should not vary more than three feet, even when properly compacted. The owner should understand and accept that the slabs could be prone to differential settlement and cracking if constructed on fills varying depths greater than three feet. To reduce potential cracking we recommend the compaction requirement should be increased to at least 95 percent relative compaction. If the risk of differential settlement and cracking is unacceptable, PJC can provide alternative recommendations for pad preparation.

2. FOUNDATIONS: HELICAL PIERS

a. Vertical Loads. Helical piers may be used to support the detached garages and game room addition. The helical piers should be corrosion protected and consist of Chance type SS5 Helical Pier or equivalent, and be spaced at least three helix diameters, center to center, to avoid stress overlap.

The piers will derive their support through end bearing of the individual helixes. The helical piers must extend through the artificial fill and weak native soils and into bedrock. We recommend that the following equation be used for end bearing design:

Qh= 23 Ah

Where:

Qh = ultimate capacity in kips
Ah = area of helix in square feet

The capacity of the helical pier is the sum of each individual helix. The depth of the helical pier should be based on loading requirements, and determined by the project structural engineer. We recommend that the helical piers extend at least ten feet below the ground surface The piers could extend deeper than ten feet where fill and weak soils are encountered and to obtain the proper lateral confinement. A value equal to one-half the vertical capacity of the pier may be used to resist uplift axial forces. The actual pier depths should be determined by the geotechnical engineer during the time of construction.

The above bearing capacity equation is an ultimate value. We recommend that a minimum factor of safety of two be used in design.

b. Settlement. The maximum and differential settlement of the helical piers is estimated to be small and within tolerable limits.

c. Lateral Loads. We recommend that lateral resistance from lateral loads be resisted by base friction from the pier cap and lateral tie-backs. The friction factor equal to 0.3 times the dead load of structure should be used for sliding resistance. The vertical equation may be used for tie-back design. We recommend tie-backs extend at least 10 feet into the ground.

Shear and load testing should be performed on helical anchors under the observation of the geotechnical engineer.

Based on our subsurface exploration we anticipate pier installation is feasible. However, due to relatively shallow bedrock conditions we anticipate difficult installation conditions. Pre-drilling may be required, to reach the required depths.

3. RETAINING WALL

Retaining walls free to rotate on the top should be designed to resist active lateral earth pressures. If walls are restrained by rigid elements to prevent rotation or supporting compacted engineered fill, they should be designed for "at rest" lateral earth pressures.

Retaining walls should be designed to resist the following earth equivalent fluid pressures (triangular distribution):

Active Pressure (level backfill)	55 pcf (pounds per cubic foot)
At Rest Pressure (level backfill)	65 pcf
Active Pressure (sloping backfill)	70 pcf

For walls taller than six feet in height, the horizontal pseudostatic force acting upon the retaining wall from earthquakes should be calculated from the following equation.

$P_E = 15.3 \times H^2$

P_E = horizontal pseudostatic force acting upon the wall (lbs)

H = height of the wall (ft)

The location of the pseudostatic force is assumed to act at a distance of 0.33H above the base of the wall.

Retaining walls should be designed to resist the following additional earth pressures generated from vehicular surcharge loads (rectangular distribution):

Active Pressure (level backfill) (5H:1V or less)..... 80 psf

At Rest Pressure (level backfill) (5H:1V or less)..... 110 psf

If additional surcharge loading is anticipated, we can assist in evaluating their effects.

We recommend that a backdrain be provided behind all retaining walls and that the walls be designed for full hydrostatic pressures. The backdrains should consist of 4-inch diameter SDR-35 perforated pipe sloped to drain to outlets by gravity, and of clean, free-draining, ¾- to 1 ½-inch crushed rock or gravel. The crushed rock or gravel should extend 12 inches horizontally from the back face of the wall and extend from the bottom of the wall to one foot below the finished ground surface. The upper 12 inches should be backfilled with compacted fine-grained soil to exclude surface water.

A Mirafi 140N filter cloth should be placed between the on-site native material and the drain rock to prevent clogging. If Class 2 permeable drain rock is used, the filter fabric may be omitted.

We recommend that the ground surface behind retaining walls be sloped to drain. Under no circumstances should surface water be diverted into retaining wall backdrains.

4. DRAINAGE

a. Surface Drainage. Drainage control design should include provisions for positive surface gradients so that surface runoff is not permitted to pond, particularly above slopes or adjacent to the building foundations or slabs. Surface runoff should be directed away from slopes and foundations. If the drainage facilities discharge onto the natural ground, adequate means should be provided to control erosion and to create sheet flow. Care must be taken so that discharges from the roof gutter and downspout systems are not allowed to infiltrate the subsurface near the structure or in the vicinity of slopes.

b. Retaining Wall Backdrains. Retaining wall backdrain construction specifications are provided in the retaining wall section of this letter.

c. Subsurface Drainage. We recommend that a subdrain be constructed around game room addition to reduce water intrusion into the crawl space areas. The drain pipe should be placed at least 12 inches below the pad grade. The bottom of the trench should be sloped to drain by gravity. The bottom of the trench should be lined with a few inches of three-quarter to one and one-half inch drain rock. A four-inch diameter, SDR-35 perforated pipe, with holes down and sloped to drain, should be placed on top of the thin layer of drain rock. The trench should then be backfilled to within 12 inches of the finished surface with drain rock. The upper 12 inches should consist of compacted soil to reduce surface water inclusion. We recommend that a drainage filter cloth such as Mirafi 140N be placed between the soil and the drain rock. The filter cloth can be omitted if a Class II permeable material is used in lieu of the clean 3/4" drain rock. Surface drains must be maintained entirely separate from subdrains. The outlets should discharge onto erosion resistant areas.

5. UPDATED SEISMIC DESIGN CRITERIA

Based on criteria presented in the 2016 edition of the California Building Code (CBC) and ASCE (American Society of Civil Engineers) STANDARD ASCE/SEI 7-10, the following minimum criteria should be used in seismic design:

a.	Site Class:	C
b.	Mapped Acceleration Parameters:	S_s =2.237 S_1 =0.926
c.	Spectral Response Acceleration Parameters:	S_{Ms} = 2.237 S_{M1} = 1.204
d.	Design Spectral Acceleration Parameters:	S_{DS} = 1.491 S_{D1} = 0.803

6. ADDITIONAL SERVICES

Upon completion of the project plans, they should be reviewed by our firm to determine that the design is consistent with the recommendations of this report. Several assumptions were made regarding development concepts. Should our assumptions differ significantly from the final intent of the project designers, our office should be notified of the changes to

assess any potential need for revised recommendations. Observation and testing services should also be provided by PJC to verify that the intent of the plans and specifications are carried out during construction; these services should include field density testing of engineered fill, observation of the observations of helical pier installation, field observation of slab subgrade, and observation of construction of retaining wall backdrains and slab subdrains.

We trust that this is the information you require at this time. If you have any questions concerning the content of this letter, please call.

Sincerely,

PJC & ASSOCIATES, INC.

Patrick J. Conway
Geotechnical Engineer
GE 2303, California

PJC: sms

cc: RoyAnderson70b@gmail.com

PJC & Associates, Inc.
Consulting Engineers & Geologists

July 25, 2017 Job No. 4913.01

Joe and Pixie Romano
4723 Muirfield Court
Santa Rosa, CA 95405
Joe@generatorjoe.net

Subject: Geotechnical Review of Architectural and Structural Plans
Proposed Game Room Addition
4723 Muirfield Court
Santa Rosa, California

References: Report titled, "Design Level Geotechnical Investigation, Proposed Garages and Residential Addition, 4723 Muirfield Court, Santa Rosa, California," prepared by PJC & Associates, Inc., dated September 12, 2011.

Addendum Letter titled, "Report Update, Proposed Detached Garages and Game Room Addition, 4723 Muirfield Court, Santa Rosa, California," prepared by PJC & Associates, Inc., dated July 20, 2017.

Architectural Plans titled, "Addition Game Room - Chateau Romano," Sheets A1.1, A2.1. A3.1, A4.1, A5.1, A6.1, A7.1, A8.1, & A9.1 prepared by Cortez & Associates, dated July 26, 2016.

Structural Engineering Plans titled, "House Addition," Sheets SD1 and SD2, prepared by Roy Anderson, dated July 26, 2016.

Dear Joe:

PJC & Associates, Inc. (PJC) is pleased to submit this letter which presents the results of our geotechnical review of the architectural and structural engineering plans for the proposed game room addition located at 4723 Muirfield Court in Santa Rosa, California. PJC previously performed a design level geotechnical investigation for the project and presented the results in a written report, dated September 12, 2011. Furthermore, PJC prepared an addendum which provided updated design criteria in a letter dated July 20, 2017. Based on the results of our geotechnical plan review, the referenced plans are in conformance with the recommendations of our report and letter. PJC should observe all site earthwork,

observe and test the installation of the helical piers, and observe the construction of drainage facilities.

We trust that this is the information you require at this time. If you have any questions concerning the content of this letter, please call.

Sincerely,

PJC & ASSOCIATES, INC.

Patrick J. Conway
Geotechnical Engineer
GE 2303, California

PJC: sms

PJC & Associates, Inc.
Consulting Engineers & Geologists

July 25, 2017

Job No. 4913.01

Joe and Pixie Romano
4723 Muirfield Court
Santa Rosa, CA 95405
Joe@generatorjoe.net

Subject: Geotechnical Review of Architectural and Structural Plans
Proposed 42' x 30' Detached Garage
4723 Muirfield Court
Santa Rosa, California

References: Report titled, "Design Level Geotechnical Investigation, Proposed Garages and Residential Addition, 4723 Muirfield Court, Santa Rosa, California," prepared by PJC & Associates, Inc., dated September 12, 2011.

Addendum Letter titled, "Report Update, Proposed Detached Garages and Game Room Addition, 4723 Muirfield Court, Santa Rosa, California," prepared by PJC & Associates, Inc., dated July 20, 2017.

Architectural Plans titled, "42' x 30' Garage - Chateau Romano," Sheets A1.1, A2.1. A3.1, A4.1, and A5.1, prepared by Cortez & Associates, dated April 21, 2017.

Helical Pier details, Sheet A6.1, prepared by Simpson Strong-Tie Company, Inc., dated August 8, 2016.

Structural Engineering Plans titled, "42' x 30' Garage - Chateau Romano," Sheets SD1, SD2, & SD3, prepared by Roy Anderson, dated April 21, 2017.

Dear Joe:

PJC & Associates, Inc. (PJC) is pleased to submit this letter which presents the results of our geotechnical review of the architectural and structural engineering plans for the proposed 42' x 30' detached garage located at 4723 Muirfield Court in Santa Rosa, California. PJC previously performed a design level geotechnical investigation for the project and presented the results in a written report, dated

September 12, 2011. Furthermore, PJC prepared an addendum which provided updated design criteria in a letter dated July 20, 2017. Based on the results of our geotechnical plan review, the referenced plans are in conformance with the recommendations of our report and letter. PJC should observe all site earthwork, observe and test the installation of the helical piers, and observe the construction of drainage facilities.

We trust that this is the information you require at this time. If you have any questions concerning the content of this letter, please call.

Sincerely,

PJC & ASSOCIATES, INC.

Patrick J. Conway
Geotechnical Engineer
GE 2303, California

PJC: sms

PJC & Associates, Inc.
Consulting Engineers & Geologists

July 25, 2017 Job No. 4913.01

Joe and Pixie Romano
4723 Muirfield Court
Santa Rosa, CA 95405
Joe@generatorjoe.net

Subject: Geotechnical Review of Architectural and Structural Plans
Proposed 54' x 50' Detached Garage
4723 Muirfield Court
Santa Rosa, California

References: Report titled, "Design Level Geotechnical Investigation, Proposed Garages and Residential Addition, 4723 Muirfield Court, Santa Rosa, California," prepared by PJC & Associates, Inc., dated September 12, 2011.

Addendum Letter titled, "Report Update, Proposed Detached Garages and Game Room Addition, 4723 Muirfield Court, Santa Rosa, California," prepared by PJC & Associates, Inc., dated July 20, 2017.

Architectural Plans titled, "54' x 50' - Chateau Romano," Sheets A1.1, A2.1. A3.1, A4.1, and A5.1, prepared by Cortez & Associates, dated April 21, 2017.

Helical Pier details, Sheet A6.1, prepared by Simpson Strong-Tie Company, Inc., dated August 8, 2016.

Structural Engineering Plans titled, "54' x 50' Garage - Chateau Romano," Sheets SD1, SD2, & SD3, prepared by Roy Anderson, dated April 21, 2017.

Dear Joe:

PJC & Associates, Inc. (PJC) is pleased to submit this letter which presents the results of our geotechnical review of the architectural and structural engineering plans for the proposed 54' x 50' detached garage located at 4723 Muirfield Court in Santa Rosa, California. PJC previously performed a design level geotechnical investigation for the project and presented the results in a written report, dated

September 12, 2011. Furthermore, PJC prepared an addendum which provided updated design criteria in a letter dated July 20, 2017. Based on the results of our geotechnical plan review, the referenced plans are in conformance with the recommendations of our report and letter. PJC should observe all site earthwork, observe and test the installation of the helical piers, and observe the construction of drainage facilities.

We trust that this is the information you require at this time. If you have any questions concerning the content of this letter, please call.

Sincerely,

PJC & ASSOCIATES, INC.

Patrick J. Conway
Geotechnical Engineer
GE 2303, California

PJC: sms

PJC & Associates, Inc.
Consulting Engineers & Geologists

July 9, 2019

Job No. 4913.01

Joe and Pixie Romano
4723 Muirfield Court
Santa Rosa, CA 95405
Joe@generatorjoe.net

Subject: Results of Geotechnical Site Review
Proposed 50' X 90' Detached Garage
4723 Muirfield Court
Santa Rosa, California

References: Report titled, "Design Level Geotechnical Investigation, Proposed Garages and Residential Addition, 4723 Muirfield Court, Santa Rosa, California," prepared by PJC & Associates, Inc., dated September 12, 2011.

Addendum Letter titled, "Report Update, Proposed Detached Garages and Game Room Addition, 4723 Muirfield Court, Santa Rosa, California," prepared by PJC & Associates, Inc., dated July 20, 2017.

Architectural Plans titled, "Chateau Romano," Sheets A1.1, A2.1. A3.1, A4.1, A5.1, A6.1, A7.1, A8.1, A9.1, A10.1, A11.1 and A12.1, prepared by Cortez & Associates, dated October 17, 2018.

Structural Engineering Plans titled, "Chateau Romano," Sheets SD1, SD2, & SD3, prepared by Roy Anderson, dated October 17, 2018.

Dear Joe and Pixie:

PJC & Associates, Inc. (PJC) is pleased to submit this letter which presents the results of our geotechnical site review for the proposed detached garage located at 4723 Muirfield Court in Santa Rosa, California. The purpose of our site visit was to assess the site geotechnical conditions and provide an opinion on the applicability of the plans and work performed to date for the geotechnical conditions of the site. No subsurface exploratory work was performed.

1. PROJECT DESCRIPTION

Based on the project plans, it is our understanding that the proposed project will consist of constructing a 50' X 90' detached garage at the property. Originally, the plan was to construct two separate garages. Due to space constraints, the new plan is to combine the two separate garages into one larger garage. The garage will consist of a two-story, wood

and steel-frame structure with a concrete slab-on-grade floor. The upper level of the garage will be constructed with living quarters and storage space. The use of retaining walls will be implemented for the project. We anticipate that the structure will be serviced by the existing site utilities.

2. SITE CONDITIONS

Our project engineer visited the site on June 17, 2019 to observe the current site conditions and work performed to date. The garage is located to the southwest of the existing main residence on the property. The site is situated on sloping terrain and the garage structure will be constructed in a stepped/tiered manner. Grading will consist of excavating soils from the uphill portion of the garage and filling on the downslope portion, behind retaining walls, to achieve level grades. At the time of our site visit, initial excavations for the garage and retaining wall foundations had been dug.

During our site visit, we observed all the foundations to have ample embedment into the underlying bedrock, which will provide adequate support for the proposed structure and retaining walls. Mounds of fill were observed within the garage envelope and, upon further discussion, it is planned to remove the fill to expose a firm excavation bottom before the placement of engineered fill occurs.

3. CONCLUSIONS

Based on the results of our site review, we judge the project is feasible, as planned, from a geotechnical engineering standpoint. As discussed with Joe Romano, PJC should be onsite to observe all aspects of the grading operations including subexcavations, the testing of compacted engineered fill and the placement and installation of all drainage facilities. PJC should also observe the final foundation excavations prior to placing concrete.

We trust that this is the information you require at this time. If you have any questions concerning the content of this letter, please call.

Sincerely,

PJC & ASSOCIATES, INC.

Patrick J. Conway
Geotechnical Engineer
GE 2303, California

PJC/bc

REGISTERED PROFESSIONAL ENGINEER
PATRICK J. CONWAY
No. 2303
Exp. 3/31/20
GEOTECHNICAL
STATE OF CALIFORNIA

EXHIBIT 17

CARLILE · MACY

15 Third Street
Santa Rosa, CA 95401
Tel: 707 542 6451
Fax: 707 542 5212

April 21, 2014

Ms. Susie Murray, City Planner
CITY OF SANTA ROSA
Community Development - Planning
100 Santa Rosa Avenue, Room 3
Santa Rosa, CA 95404

SUBJECT: Visual Analysis
Romano Game Room Addition & Garage – 4723 Muirfield Court
File No. HDP13-010

Dear Susie:

On February 19, a meeting was held attended by Clare Hartman, Joe Romano, you, and me wherein we reviewed the items in your "issues letter" of November 13, 2013. In this meeting my client and I expressed an understanding and interpretation of how the Hillside Development Standards apply to this addition of a game room and a garage to an existing home which differed from that expressed in your letter. During our meeting we agreed to provide a visual analysis demonstrating that this site is not visible from public viewpoints and therefore not visually sensitive. This letter presents our visual analysis.

Applicable Standards

Zoning Code Sec. 20-32.060.C.3. states that a visual analysis *"shall include identification of:*

a. *Significant natural landforms on the site including slopes greater than 25 percent, groves of trees, and/or open meadows that are highly visible from multiple public viewpoints within the City; and*
b. *Major public viewpoints from which the site contributes to community character, which include Highways 101, 12, and other vantage points."*

Zoning Code Sec. 20-50.100.B. states that *"a visual analysis shall consist of one or more three-dimensional depictions of a proposed project, including all proposed structures and site development, illustrating how the project will appear to observers, viewing the project from public rights-of-way and other public areas near the site."*

Methodology and Approach

In accordance with the above direction from the Zoning Code, we started by looking for any "major public viewpoints from which the site contributes to community character" since the site is not large enough to contain "significant natural landforms that are highly visible from multiple viewpoints within the City." We first looked at Highways 101 and 12 and determined that the site is not visible from these viewpoints due primarily to intervening landforms and vegetation that block views and the distance of potential viewpoints along these routes from the site.

To assist in identifying potential viewpoints, a high resolution scalable color aerial orthophoto of the site and vicinity was utilized covering approx. 1.2 miles in the east-west direction and 2.4 miles in the north-south direction (see attached Sheet 3). We also utilized an overlay of the general topography (50 foot contour interval) from the City's GIS mapping in order to identify potential landform screening that could affect the visibility of the site from potential viewpoints (see attached Sheet 2).

We next looked for other public ways closer to the site from which the site might be visible. Given the relatively small size of the proposed project, we looked specifically for public ways near the site that appeared to have potential views to the site not blocked by structures or vegetation. We noted potential viewpoints along Golf View Court approximately 900 feet from the site and along Skycrest Drive approximately 1,800 feet from the site.

We then visited the identified potential viewpoints on the ground to determine whether the site was actually visible from these points and documented the views from 6 potential viewpoint locations with photos (see attached Sheets 4 through 9). We also searched for other potential public viewpoints by visiting Galvin Park and other public ways in the larger vicinity. We did not identify any additional potential viewpoints.

Analysis and Conclusions

The only public viewpoint identified offering some visibility of the site was Viewpoint 1 from Golf View Court approximately 900 feet from the site. Visibility from this location was limited to a section of the wire fence near the southwesternmost corner of the property. Lying in front of this fence from this viewpoint is a sloping landform and oak trees located on the adjacent Common Area owned by the Fairway View Estates Homeowners Association. The existing structures on the Romano property are not visible and are screened by a series of oak trees located at various distances between the viewpoint and the site on the Fairway View Estates Common Area.

All other viewpoints had intervening topography, vegetation, or both which obscured any view of the site. Also, due to the distance from the Spring Lake area viewpoints, even if the site could be seen from these viewpoints it would be viewed as background and structures would be difficult to see unless they were very light in color and highly contrasting with the surrounding landscape.

In summary, we did not identify any significant and visually sensitive natural landforms on the Romano property as the natural landforms on the Romano site are not visible from public viewpoints.

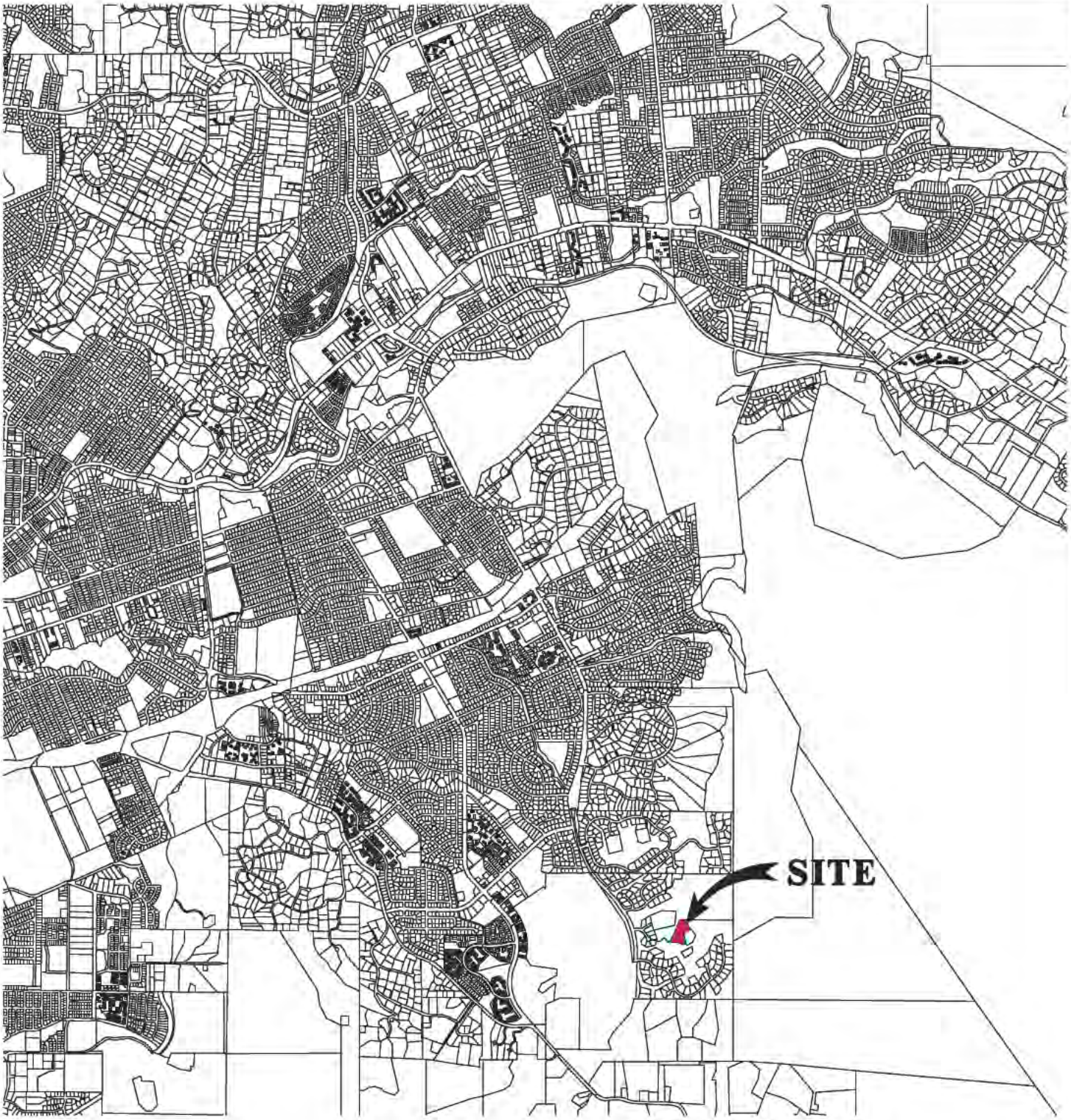
Very truly yours,

CARLILE • MACY

CURTIS L. NICHOLS

CLN:bc
Q:\2013\2013026\Correspondence\Letters-Memos\Visual Analysis ltr 2014-04-21.doc

cc: Joe Romano



VICINITY MAP
ROMANO GARAGE & GAME ROOM ADDITION

4723 MUIRFIELD COURT
SANTA ROSA, CALIFORNIA
APRIL 2014

NORTH

0 1500 3000
scale feet
1" = 3000

CARLILE • MACY

CIVIL ENGINEERS • URBAN PLANNERS • LAND SURVEYORS • LANDSCAPE ARCHITECTS
15 THIRD STREET, SANTA ROSA, CA 95401
TEL (707) 542-6451 FAX (707) 542-5212

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TEL (707) 542-6451 FAX (707) 542-5212

0 800 1600

scale 1" = 800' feet

NORTH

TOPOGRAPHY
ROMANO GARAGE & GAME ROOM ADDITION

4723 MUIRFIELD COURT

SANTA ROSA, CALIFORNIA

APRIL 2014

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0 800 1600

scale 1" = 800' feet

NORTH

VISUAL ANALYSIS VIEWPOINTS
ROMANO GARAGE & GAME ROOM ADDITION

4723 MUIRFIELD COURT

SANTA ROSA, CALIFORNIA

APRIL 2014

PHOTO 1
VIEW FROM GOLF VIEW COURT

ROMANO GARAGE & GAME ROOM ADDITION

4723 MUIRFIELD COURT
SANTA ROSA, CALIFORNIA
APRIL 2014

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TEL (707) 542-6451 FAX (707) 542-5212

PHOTO 2
VIEW FROM SKYCREST DRIVE

ROMANO GARAGE & GAME ROOM ADDITION

4723 MUIRFIELD COURT
SANTA ROSA, CALIFORNIA
APRIL 2014

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15 THIRD STREET, SANTA ROSA, CA 95401
TEL (707) 542-6451 FAX (707) 542-5212

PHOTO 3A
VIEW FROM TOP OF SPRING LAKE DAM

ROMANO GARAGE & GAME ROOM ADDITION

4723 MUIRFIELD COURT
SANTA ROSA, CALIFORNIA
APRIL 2014

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15 THIRD STREET, SANTA ROSA, CA 95401
TEL (707) 542-6451 FAX (707) 542-5212

PHOTO 3B
VIEW FROM TOP OF SPRING LAKE DAM

ROMANO GARAGE & GAME ROOM ADDITION

4723 MUIRFIELD COURT
SANTA ROSA, CALIFORNIA
APRIL 2014

CARLILE • MACY

CIVIL ENGINEERS • URBAN PLANNERS • LAND SURVEYORS • LANDSCAPE ARCHITECTS

15 THIRD STREET, SANTA ROSA, CA 95401
TEL (707) 542-6451 FAX (707) 542-5212

PHOTO 4
VIEW FROM SOUTHERNMOST SPRING LAKE PARKING AREA

ROMANO GARAGE & GAME ROOM ADDITION

4723 MUIRFIELD COURT
SANTA ROSA, CALIFORNIA
APRIL 2014

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15 THIRD STREET, SANTA ROSA, CA 95401
TEL (707) 542-6451 FAX (707) 542-5212

PHOTO 5
VIEW FROM SOUTHERNMOST SPRING LAKE PARKING AREA

ROMANO GARAGE & GAME ROOM ADDITION

4723 MUIRFIELD COURT
SANTA ROSA, CALIFORNIA
APRIL 2014

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15 THIRD STREET, SANTA ROSA, CA 95401
TEL (707) 542-6451 FAX (707) 542-5212


Starting Location
Garage/ADU Site Completely surrounded by trees 20-60' high
Game Room Site - completely concealed by trees 50'
Private Road 150' > Garage barely visible
© 2021 Google

EXHIBIT 18

RHOA 1328

EXHIBIT 19

Joseph Romano
4723 Muirfield Court, Santa Rosa, CA, 95405 - Telephone: 707 542-2223 - Fax: 707 542-2227

Danicla M. Pavone
Zimmerman Pavone LLP
6010 Commerce Blvd., Suite 148
Rohnert Park, CA 94928
Telephone: (707) 578-7555
www.zp-law.net

Subject: Joseph Romano v FVEHOA TRO matter

Ms. Pavone,

I received a copy of the TRO signed and we are notifying you that we are shutting down the construction work in accordance with the Judge's order.

We have been instructed by legal counsel to obey the order. I will also need to take whatever steps are necessary to mitigate losses to work completed, materials and equipment.
We are tracking all our costs and expenses of shutting down the job, protecting materials and equipment and ensuring the job site is safe. The City of Santa Rosa has several regulations requiring coverage of soil, fire safety, and maintaining structural integrity of a partially constructed building to avoid collapse and injuries to people.

With advice from a construction expert, we have developed the following work plan.
This process could take at least seven dry working days to accomplish.

We must accomplish the following tasks.

1. Remove all tools from the garage site.

2. Make all construction and work accomplished thus far safe and protect it from deterioration, collapse and wind damage. Comply with all government safety and fire regulations.

3. Collect, sort and stack approximately $100,000 in materials including plywood, lumber, roofing materials, hardware and other materials and cover the materials from the elements.
You should be aware that materials must be on "sticks" to keep the materials off the ground and the material must be covered or will be destroyed.

4. To accomplish item 3 above, we need to do one of the following:
a. Erect a storage tent near the garage on the service road on the west side of the property. It will cost $15,000 to erect the tent with labor. We can submit an application showing a diagram and location. This would have to be approved quickly for it to be workable. A rental tent is available today but not be available next week.
b. Cover all the materials and equipment in tarps and secure them. $25,000
c. Haul all the building materials and equipment offsite into storage and return them to the job when authorized by the Court. Estimated cost including storage for 3 months estimated at $35,000 or more.

5. Brace up walls that are not properly supported at this time to preserve their shape, prevent the walls from buckling, warping, or falling down. Plywood or plastic needs to be attached on top of the walls to prevent the plywood from delaminating from rain and temperature. Bracing is required on the retaining walls that are over 4' high because wind can push them over if not secured.

6. Remove construction equipment from the site and cover it to protect the equipment from the weather.

7. Remove all scape materials, garbage and waste from the site and property.

8. The City of Santa Rosa requires covering the soil mounds on the vacant job site with plastic. We will deploy wattles, heavy plastic tarps and stake the covers to the ground. The estimated cost is approximately $12,000.

Material costs will be higher since this past cost was some time ago. See attached summary of mitigation from the first cease can desist letter incident.

9. We will also be receiving construction materials previously ordered, including roof slate, specialty beams, and hardware. We cannot cancel these paid for materials and we cannot return them. These materials will not be used for construction of the garage or game room while the order is in place They will be stored on site and/or utilized for approved construction projects that are underway (see No. 10).

10. We will continue construction on the approved sunroom and garden projects we have underway.

The estimated labor total for the above mitigation is approximately $6,500 and the total materials as listed will be about at least $27,000 up to $50,000 depending on the solutions used and the duration of the stoppage.

We will be as diligent and quick as we can in accomplishing this plan.

If you have any questions or comments please let me know. Please acknowledge this communication.

If any other issues arise please contact me directly at my email address or for emergencies 707 542-2224.

Regards, Joseph Romano, in Pro Per

Mitigation Costs Due to TRO Stop Construction Order

Estimate From date of installation to take down.

Straw wattles for erosion control, 2 bails and stakes	$ 711.86
Plastic sheeting rolls	$ 614.25
Tape and sealant	$ 43.75
20' rebar billowing hold down materials 48 units	$ 268.40
3 electric water pumps. (60.30 each)	$ 180.90
Labor, 5 8-hour man days for four men, 40 hours x 4 = 160 hours @ $40 per hour,	$ 6,400.00
Estimated removal 2 8-hour man day for 3 men. 48 hours X $40 hr	$ 1,920.00
Total Shutdown Costs	**$ 10,138.26**
Monthly mitigation maintenance is approximately 4 days per month at 4- 4 hr man days.	
(32 hours per month) at x $40 per hour $480 per month Times 3 month.	$ 1,440.00
plus $450 dump fee	$ 450.00
	Total $12,028.26

This is an estimate based on the last construction shutdown mitigation.

Material costs and labor will likely be higher and could easily double due to labor and material shortages in the market.

EXHIBIT 20

ZIMMERMAN PAVONE LLP
6010 Commerce Blvd., Suite 148
Rohnert Park, CA 94928

BARBARA C. ZIMMERMAN
Zimmerman@zp-law.net
DANIELA PAVONE
Pavone @zp-law.net

(707)578-7555
www.zp-law.net

March 12, 2021

VIA ELECTRONIC MAIL ONLY

Joe Romano
joe@generatorjoe.net

RE: Fairway View Estates Homeowners Association
ACC Review of Application for Storage Tent

Mr. Romano:

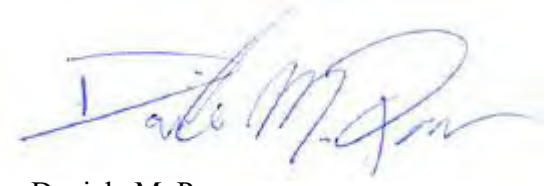
We write in regards to the application you submitted to the Fairway View Estates Homeowners Association ("Association") Architectural Control Committee ("ACC") to erect a large fabric storage tent on your property. The ACC has reviewed your application and regrets to inform you it has been denied.

The decision to deny the application was based on the following:

- The proposed structure extends outside the building envelope, in violation of CC&Rs § 28(t). There appears to be a notation on the plans that acknowledges the building envelope but states there is a "Superseded Subdivision Setback". It is unclear what this means and the ACC does not agree to any indication that you somehow have permission to build beyond the building envelope.
- Your application states one of the purposes for the tent is to store vehicles. CC&Rs § 28(s) prohibits the storage of vehicles anywhere but in a garage. The ACC will not approve a fabric tent structure for vehicle storage.
- Your application states the structure is for the storage of building materials. The only active approved construction is the sun room which we would expect to be completed by now and if not, very shortly. The amount of materials that might need to be stored for the sun room would not appear to warrant a structure of this size and therefore cannot be approved pursuant to CC&Rs § 28(s).
- While your application states that it is to store building materials and vehicles, you had informally indicated this structure would be a temporary one but nowhere on your application does it indicate that this is intended to be temporary. Please clarify your intention.

The ACC will review any subsequent plans you submit for this structure and hope that you are able to address all of the issues listed above. Please feel free to contact the undersigned should you wish to discuss anything contained herein further. Thank you.

Sincerely,



Daniela M. Pavone

Cc: Micah Yospe, Esq.