From: Ken Jacobs

Sent: Thursday, April 6, 2023 4:06 PM

To: Kari Svanstrom; John Jay

Subject: 771-773 First Street Variance Request

Attachments: Schoch Grading Permit.pdf

Dear Sebastopol Planning Commission,

I am a neighbor to the east of 771-773 First Street. I would like to offer a few comments for your consideration.

- 1. To the extent the Planning Commission determines a variance is appropriate and necessary, please consider less intrusive alternatives, protecting as much of the riparian corridor as possible. Options could include a combination of the following:
 - The driveway could make a left turn at the property line, necessitating only a relatively small variance to facilitate the turn to the east.
 - The requested variance is based on the applicant's existing plans, which were NOT approved by the Design Review Board at its meeting on March 28. In fact, by a 5-0 vote the DRB approved only a much smaller house, not the much larger house shown on the plans submitted. A smaller footprint house would eliminate the need for such an extensive variance along nearly the entire riparian corridor.
 - The design could be altered to put the parking and driveway on the north side of the house, minimizing the intrusion into the riparian corridor setback.
 - The parking for the ADU could be relocated.
 - The ADU could be combined with the primary residence.
 - The applicant could request a variance to eliminate the otherwise required ADU.
 - The applicant's property could be accessed via an easement obtained from the owner of Lot 2.
- 2. To the extent that the variance request is based on the existence of a paved driveway over Lots 1 and 2 of the Schoch Subdivision, please consider the following:
 - There is nothing on the 2001 subdivision map that indicates a driveway or an easement for a driveway within the creek setback **on Lot 3** (which is the lot you are considering). There is an easement over Lots 1 and 2 in favor of Lot 3, to give access to Lot 3 from First Street. Just because the indicated easement over Lots 1 and 2 dead ends into Lot 3 does not mean the driveway must or should continue southerly along nearly the entire creek setback on Lot 3. The intention of the easement over Lots 1 and 2 was to access Lot 3, not to extend pavement southerly almost to the south end of Lot 3 along the protected riparian corridor.
 - Please consider that it is unclear how and why the existing paved driveway on Lots 1 and 2 was approved given the limitation of Sebastopol Municipal Code Section 17.100.060 with regard to the

mandatory Calder Creek Setback. I note that the 2003 grading permit application (attached) for the driveway shows the applicant's father, Paul Schoch, as project engineer. I only mention this because I am not sure who was in fact responsible for determining whether the paved driveway over Lots 1 and 2 may have violated Section 17.100.060? I will also note that the written material with the grading permit application from 2003 incorrectly identifies the creek as "an unnamed seasonal creek", when in fact it is Calder Creek which is specifically identified in Section 17.100.060 as requiring a 30 foot setback. [See PJC & Associates 6/25/2002 report, page 2, Section 3a (attached)]. Finally, please note that even as far back as 2000 the owner was aware of the required creek setback; for example, at the November 1, 2000, Sebastopol Tree Board meeting, then-owner Paul Schoch stated that "there is a 60 foot creek setback area and the fire department is requiring a 20 foot access outside that". The required creek setback existed and was known to the City and the property owner prior to the subdivision being created in 2001.

- 3. As noted in the staff report, a variance can only be granted when it is necessary for the preservation and enjoyment of substantial property rights of the petitioner. However, any such variance should be as unobtrusive and as minimal as possible. There are less intrusive options other than a variance along the entire protected riparian corridor that can balance the applicant's right to enjoy their property with the community's interest in preserving and protecting Calder Creek.
- 4. It should be noted this is the same Calder Creek that just downstream is subject to a Restoration Project currently being implemented by the City.
- 5. Please visit the site for a better understanding of the situation.

Thank you for your time and consideration.

Ken Jacobs