

RESOLUTION NO. 23-02

RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF SEBASTOPOL APPROVING  
A VARIANCE AT 771-773 FIRST STREET TO ALLOW CONSTRUCTION OF A DRIVEWAY AND  
PARKING SPACES WITHIN A REQUIRED CREEK SETBACK

WHEREAS, the City Council Resolution No. 5220 approved a three lot subdivision located off First Street. This resolution was approved by the City Council on October 16<sup>th</sup>, 2001, and approved a Mitigated Negative Declaration, with mitigation measures, for the California Environmental Quality Act (CEQA) and a Subdivision Map; and

WHEREAS, the Subdivision Map was recorded on April 25, 2003 as Parcel Map Number 140, thereby establishing the shared driveway easement and public utility easement in favor of Lots 1, 2, and 3, and located within the creek setback; and,

WHEREAS, on May 18<sup>th</sup>, 2021 the Planning Department received an application from Thrive Construction to build a single-family home with a detached accessory dwelling unit at 771 First Street; and,

WHEREAS, on April 11<sup>th</sup>, 2023, the Planning Commission held a duly noticed public hearing to consider a Variance request to allow the driveway along Lots 1, 2 and 3, as established on the approved subdivision map and as required on Lot 3 for continuity of the driveway and vehicle access to the Lot; and parking within the 30' Creek Setback, ; heard a staff report and public testimony, and deliberated; and,

WHEREAS, the Planning Commission finds that the proposed variance to allow the construction of a driveway and parking spaces allows these lots to be developed and create housing opportunities consistent with the General Plan and that the projects therein are consistent with the following General Plan Policies:

Policy LU 1-2: Avoid urban sprawl by concentrating development within the City limits; favor infill development over annexation; and

The adopted Land Use Map designation of Medium-Density Residential, as the development proposes a single family residence and an accessory dwelling unit as allowed under this land use designation; and,

Policy C-4: The City will encourage development of new housing to meet a range of income levels, including market-rate housing and a variety of housing sizes and types; and,

WHEREAS, the Planning Commission finds that the proposed Variance is consistent with the Zoning Ordinance and meets the required findings for a Variance as follows;

- That there are exceptional or extraordinary circumstances or conditions applying to the land, building or use referred to in the application, which circumstances or conditions do not apply generally to land, buildings, and/or uses in the same district, in that the location of Calder Creek on the property and the creek setback along the adjoining properties, necessitates the location of the driveway within the creek setback. Additionally, the location of the driveway easement as approved by City Council and recorded in public records is almost fully within in the creek setback area and, without the Variance to allow the shared driveway, the required driveway to Lots 2 and 3 would not be possible.
- That the granting of the application is necessary for the preservation and enjoyment of substantial property rights of the petitioner in that if the Variance is not approved, Lots 2 and 3 would not be developable as they would have no vehicular access to First Street.
- That the granting of such application will not, under the circumstances of the particular case, materially affect adversely the health or safety of persons residing or working in the neighborhood of the property of the applicant and will not, under the circumstances of the particular case, be materially detrimental to the public welfare or injurious to property or improvements in said neighborhood in that the project proposes to develop a lot that has previously been vacant and would add to the housing stock of Sebastopol. Additionally, the granting of the Variance is necessary to implement the improvements as required by the approved Subdivision Map.

NOW, THEREFORE, THE PLANNING COMMISSION DOES HEREBY ADOPT THIS RESOLUTION finding the proposed project is consistent with the required findings for a variance as noted above, and Approving a Variance for the development and maintenance of a driveway on Lots 1, 2, and 3 of the Subdivision established in Parcel Map No. 140 recorded on April 25, 2003 and as shown on the Site Plan for 771/773 First Street, subject to the Conditions of Approval attached as Exhibit A and B.

Approved on April 11, 2023 by the following vote:

AYES: Chair Fernandez, Vice Chair Fritz Commissioner Burnes, Oetinger

NOES:

ABSTAIN:

ABSENT: Commissioner Kelly

Certified:  \_\_\_\_\_

Kari Svanstrom, Planning Director