

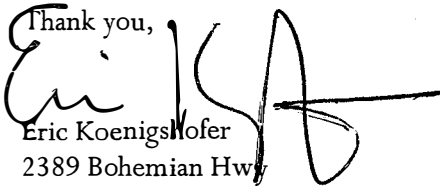
May 8, 2017

Permit & Resource Management Department
2550 Ventura Avenue
Santa Rosa, CA 95403

Re: Appeal of Board of Zoning Adjustments action at its meeting on April 27, 2017

To Whom It May Concern,

With this letter and the attached list of specific reasons for appeal, I hereby do appeal the action taken by the Board of Zoning Adjustments on April 27, 2017, approving modification of use permit conditions applicable to PRMD File No. UPE15-0115, located at 380 Bohemian Hwy, Freestone (APN073-120-032).

Thank you,

Eric KoenigsHofer
2389 Bohemian Hwy
Occidental, CA 95465
(707) 874-2389

Encl. Memo stating basis of appeal

To: Permit & Resource Management Department

From: Eric Koenigshofer

Date: May 8, 2017

Re: Appeal of Board of Zoning Adjustments action approving modification of Use Permit conditions at 380 Bohemian Hwy, Freestone (APN 073-120-032 - UPE15-0115) at its meeting of April 27, 2017

Basis of Appeal:

1. Commercial Rural (CR) zoning of the subject property is inconsistent with General Plan
2. Expansion of use on CR zoning in Freestone is inconsistent with General Plan
3. 2012 Use Permit issued in error based on incorrect mapping of CR zoning, therefore no basis exists for modification/expansion of use.
4. 2012 Use Permit issued in error based on incorrect analysis of project – project processed as being in the Sebastopol and Environs Planning Area (which it is not) rather than the Sonoma Coast/Gualala Basin Planning Area (which is correct).
5. Expansion/intensification of use permit issued in error and on sub-standard parcel, is inconsistent with General Plan
6. Scope of approval exceeds scope of application and scope of staff analysis in that food prepared on-site (crepes) and coffee sales were approved without being a part of the application, noticing or staff analysis. This expansion of use was allowed without analysis of septic system capacity or adequacy of septic system expansion area, as well as other potential impacts.
7. The subject property is too close to other ABC licensed premises (within 1,000 feet of Freestone Store).
8. No cumulative impact analysis was done re: ABC license potential in Freestone
9. Inadequate on-site parking
10. Inadequate septic system capacity
11. Inadequate septic system expansion area
12. Substandard parcel size
13. Illegal conversion of adjoining public property to private, commercial use as parking lot and picnic area of subject business
14. Conditions prohibiting on-site consumption of food and alcohol are an unenforceable fiction. The business has a built-in circumvention of the intent of the condition by directing customers to go off-site, directly across the one lane road to the neighboring community park, where food and beverages will be consumed. Customer will expect to use the restroom facilities at the subject business thereby defeating the purpose of the prohibition of on-site food consumption. Alcohol consumption will also be directed to the community park having the same impact/result.