

**CITY OF CALISTOGA  
PLANNING COMMISSION  
RESOLUTION PC 2008-24**

**A RESOLUTION APPROVING A VARIANCE TO PERMIT PARKING WITHIN THE  
FRONT YARD SETBACK ON THE PROPERTY LOCATED AT 1224 LINCOLN AVENUE  
WITHIN THE “DC-DD”, DOWNTOWN COMMERCIAL –DESIGN DISTRICT**

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2       **WHEREAS**, Frank and Eugenia Romeo, applicants, submitted a request on May  
3 20, 2008 to allow parking in the front yard setback along Hazel Street for the property  
4 located at 1224 Lincoln Avenue; and  
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6       **WHEREAS**, the Planning Commission considered the request (VA 2008-01) at  
7 its regular meeting on June 11, 2008, pursuant to Government Code Section 65090.  
8 Prior to taking action on the application, the Commission received written and oral  
9 reports by the staff, and received public testimony; and  
10

11       **WHEREAS**, the Planning Commission adopted the following findings:  
12

13       A.     *Conditions apply to the property that do not apply generally to other properties in*  
14 *the same zone or vicinity, which conditions are a result of lot size or shape,*  
15 *topography, or other circumstances over which the applicant has no control.*  
16

17             The proposed location of the parking spaces in the front yard setback will  
18 function appropriately and does not push the vehicles into the improved portions  
19 of Hazel Street to cause circulation or parking conflicts, therefore, this is the best  
20 alternative parking location without causing significant disturbances to the  
21 sensitive resources located on the property (i.e. protected trees and historical  
22 structures).  
23

24       B.     *The variance is necessary for the preservation of a property right of the applicant*  
25 *substantially the same as is possessed by owners of other property in the same*  
26 *zone or vicinity.*  
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28             Lot configuration, existing historical developments and protected trees on this  
29 site create special circumstances which would deprive the applicant of the  
30 privileges possessed by owners of other properties in the vicinity. Retaining the  
31 existing parking area in its current configuration would preserve the applicant's  
32 existing property right.  
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34       C.     *The authorization of the variance will not be materially detrimental to the*  
35 *purposes of this Title, be injurious to property in the zone or vicinity in which the*  
36 *property is located, or otherwise conflict with the objectives of City development*  
37 *plans or policies.*  
38

39             Granting of the variance will not result in the parking or loading of vehicles on  
40 Hazel Street and/or accessing the subject property in such a manner as to  
41 interfere with the free flow of traffic on the street, private property, or open  
42 spaces. Granting this variance will not create a safety hazard or any other

43 condition inconsistent with the objectives of the Zoning Ordinance or 2003  
44 General Plan Update.

45  
46 *D. The variance requested is the minimum variance which will alleviate the*  
47 *hardship.*

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49 Given the Lot configuration, existing developments and protected trees on the  
50 subject property there is not a location on the site to relocate the structure. A  
51 strict application of the Zoning Ordinance would result in impractical difficulties or  
52 unnecessary hardships to the applicant and would result in unreasonable  
53 deprivation of the allowable uses of the property within an "DC-DD" District. This  
54 Variance has been found and is necessary to enable the establishment of a small  
55 business that is consistent with the General Plan.

56  
57 **WHEREAS**, this action has been reviewed for compliance with the California  
58 Environmental Quality Act (CEQA) and is exempt from the requirements of the CEQA  
59 pursuant to Section 15332 the CEQA guidelines; and

60  
61 **NOW, THEREFORE, BE IT RESOLVED** by the City of Calistoga Planning  
62 Commission that based on the above findings, the Planning Commission approves the  
63 proposed Variance, subject to the following conditions of approval.

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65 **CONDITIONS**

- 66  
67 1. This permit authorizes two parking spaces in the front yard setback along Hazel  
68 Street as submitted on May 20, 2008 to the Planning and Building Department.  
69 Minor alterations that do not result in increased environmental impacts may be  
70 approved in writing by the Planning and Building Department Director.  
71  
72 2. This permit shall be null and void if not used by June 11, 2009, or if the use is  
73 abandoned for a period of one (1) year.  
74  
75 3. Prior to occupancy, the applicant shall pay the appropriate in-lieu parking fees for  
76 the deficient parking subject to the review and approval of the Planning and  
77 Building Department.  
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79 4. The permit holder shall permit the City of Calistoga or its representatives or  
80 designees to make periodic inspections at any reasonable time deemed necessary  
81 in order to assure that the activity being performed under authority of this permit is  
82 in accordance with the terms and conditions prescribed herein.  
83  
84 5. This permit may be revoked if the use for which the permit was granted is  
85 conducted as to be detrimental to the public health, safety, or welfare or as to be a  
86 nuisance, or upon other grounds as listed in Section 17.42.050 of the Calistoga  
87 Municipal Code.  
88

89 **PASSED, APPROVED, ADOPTED** on June 11, 2008, by the following vote of  
90 the Calistoga Planning Commission:

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AYES:  
NOES:  
ABSENT:  
ABSTAIN:

\_\_\_\_\_  
Jeff Manfredi, Chairman

ATTEST: \_\_\_\_\_

Kathleen Guill  
Secretary to the Planning Commission