

CITY OF CALISTOGA

STAFF REPORT

TO: CHAIRMAN MANFREDI AND MEMBERS OF THE PLANNING COMMISSION

FROM: ERIK V. LUNDQUIST, SENIOR PLANNER

MEETING DATE: JANUARY 23, 2013

SUBJECT: PARKING VARIANCE (VA 2012-02) – 33 VIEW ROAD (APN 011-061-023)

1 **REQUEST:**

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3 Consideration of a Variance requested by the property owners, Ronald Hartman
4 and Ingrid Summerfield to convert the existing single car garage to living space
5 and allow parking within the front yard setback on the property located at 33 View
6 Road (APN 011-061-023) within the “R1”, Single Family Residential Zoning
7 District. The proposed project is exempt from the California Environmental
8 Quality Act (CEQA) pursuant to Section 15305 of the CEQA Guidelines.

9
10 **SITE AND PROJECT DESCRIPTION:**

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12 The subject parcel has an area of approximately 8,300 square feet. Existing
13 improvements on the parcel include a 1,436 square foot residence with a 260
14 square foot attached garage (a portion of the garage was previously converted to
15 living space). The property also contains a 297 square foot covered deck, a 121
16 square foot gazebo and pool in the rear yard. The total lot coverage is
17 approximately 26%. The residence was originally constructed in 1963¹. Driveway
18 access is provided directly from View Road.

19
20 In 1984 the Planning and Building Department allowed, pursuant to Building
21 Permit No. 5212, a 180 square foot portion of the existing 440 square foot garage
22 to be converted to living space (See Attachment No. 4). The remaining portions
23 of the garage were preserved for garage use. It is uncertain from the record if a
24 variance was also granted at this time to convert the garage and allow a
25 reduction in parking since the Zoning Ordinance in 1984 would have required two
26 parking spaces outside of the setbacks. The existing garage would have met the
27 parking requirements at that time (i.e. 2 parking spaces outside of the required

¹ In 1963 when the property was development the Zoning Ordinance required only one off street parking space for each dwelling unit located outside the front or side yard.

28 front and side yard). Since this time the garage has not been altered and the
29 property is considered legal non-conforming because only one parking space
30 exists outside the required setbacks.

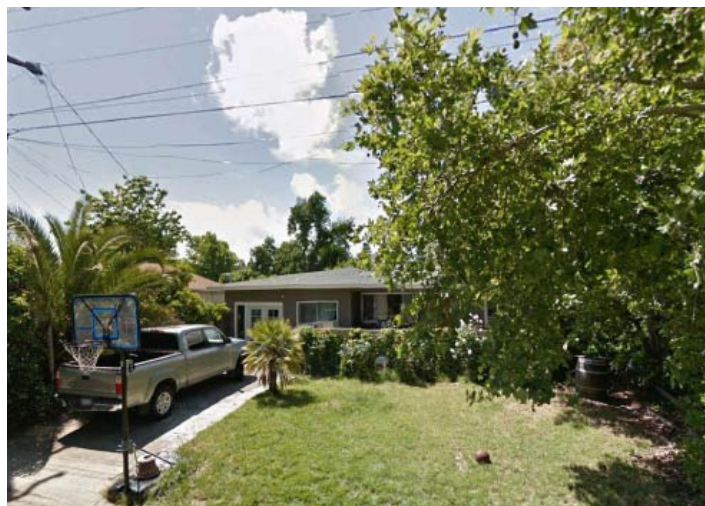
31
32 Ronald Hartman and Ingrid Summerfield recently acquired the property in 2012.
33 During the purchase of the property, Staff explained to the Applicant's
34 representative that in order to convert the remaining portions of the garage to
35 living space a variance would be required to allow the displaced parking within
36 the front yard setback or to reduce the requirement for off street parking entirely.
37 On October 31, 2012 the Planning and Building Department received a variance
38 application requesting approval to convert the existing garage to a master
39 bedroom and allow parking within the front yard setback.

40
41 Section 17.36.070, *Spaces located in yard prohibited*, of the Calistoga Municipal
42 Code (CMC) prohibits parking within in any yard established in the Zoning
43 Ordinance. The "R1", Single Family Residential Zoning District establishes a 20-
44 foot front yard setback. Approval of this Variance application would allow one
45 parking space within the front yard enabling the garage to be converted to living
46 space.

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48 **STAFF DISCUSSION AND ANALYSIS:**

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50 The residential garage was originally constructed to satisfy the zoning
51 requirements for off-street parking. Current Municipal Code provisions allow the
52 conversion of a garage to living space, by right, if the required parking is replaced
53 on a one-to-one basis elsewhere on the property outside of the required yards.
54 However, in this case since the existing garage is developed twenty feet of the
55 front property line, the driveway is of insufficient length to accommodate the
56 required parking spaces outside of the front yard (the driveway would need to be
57 approximately 40 feet to meet a strict application of the Code).

58



33 VIEW ROAD – GOOGLE STREET VIEW PHOTO (2012)

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61 The purpose of prohibiting parking in the front yard generally stems from; the
62 unsightliness of multiple vehicles parked in front of a home, the potential loss of
63 landscaping within the front yard area, and the impacts on neighboring properties
64 from headlights and noise are heightened by the normally open character of
65 residential front yards. However, the expressed purpose will never fully be
66 achieved since it is extremely difficult and costly to require individuals to actually
67 park in their established garages and even if the garages were used for their
68 intended purpose, the City does actively enforce the prohibitions of parking on
69 driveways within the front yard. Ultimately these zoning ordinance inefficiencies
70 should warrant future code modification(s) and/or a policy interpretation of the
71 Planning Commission and City Council.

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73 Although, absent any specific policies related to garage conversions at the
74 current time, the only option for property owners is to request a Variance from the
75 parking location requirements, Section 17.36.070 CMC. As such, the Zoning
76 Ordinance requires certain findings be made to approve a variance. One of
77 these findings is that the property has exceptional or extraordinary circumstances
78 that do not apply to other properties in the vicinity or the zone. In analyzing the
79 situation of the subject property, staff noted that there are no exceptional
80 circumstances to the applicant's request. Furthermore, approval of a variance to
81 reduce the number of parking spaces on the property could have negative
82 implications on street parking in the neighborhood.

83

84 **FINDINGS:**

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86 As mentioned above, the analysis of this project requires that all mandatory
87 findings be made pursuant to Section 17.42.020 of the Calistoga Municipal Code.
88 On the basis of evidence presented, Staff recommends that the Variance be
89 denied since all of the findings can not be made as described below:

90

91 1. Conditions apply to the property that do not apply generally to other
92 properties in the same zone or vicinity, which conditions are a result of lot
93 size or shape, topography, or other circumstances over which the
94 applicant has no control.

95

96 Finding: The subject property is similar in shape and character to the
97 surrounding properties and is not exceptional. There are no exceptional
98 circumstances related to the size, shape, configuration, or topography of
99 the subject lot that would otherwise constrain the ability of the lot to
100 adhere to the parking requirements of the Calistoga Municipal Code.

101

102 2. The variance is necessary for the preservation of a property right of the
103 applicant substantially the same as is possessed by owners of other
104 property in the same zone or vicinity.

105

106 Finding: The subject property is similar in shape and character to the
107 surrounding properties and is not exceptional. The requested variance is
108 not necessary for the preservation and enjoyment of a substantial property
109 right possessed by other properties in the same vicinity and zone but which
110 is denied to the property in question.

111
112 3. The authorization of the variance will not be materially detrimental to the
113 purposes of this Title, be injurious to property in the zone or vicinity in
114 which the property is located, or otherwise conflict with the objectives of
115 City development plans or policies.

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117 Finding: The granting of this variance may become detrimental to the
118 general welfare of the community by setting precedence for future garage
119 conversion, which may ultimately change the character of the City's
120 residential neighborhoods.

121
122 4. The variance requested is the minimum variance which will alleviate the
123 hardship.

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125 Finding: The variance would alleviate the hardship.

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127 **ALTERNATIVE:**
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129 In the event that the Planning Commission disagrees with Staff's analysis and
130 recommendation for denial, the Planning Commission may approve the Variance
131 allowing one parking space within the front yard enabling the garage to be
132 converted to living space. A draft Resolution approving the Variance is attached
133 to this Report (See Attachment No. 3).

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135 **PUBLIC COMMENTS:**
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137 No public comments have been received regarding this project.

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139 **ENVIRONMENTAL REVIEW:**
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141 Staff has determined that the proposed project is Categorically Exempt from the
142 requirements of the California Environmental Quality Act (CEQA) pursuant to
143 Section 15305 of the CEQA Guidelines.

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145 **RECOMMENDATIONS:**
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147 A. File a Notice of Exemption for the Project pursuant to Section 15305 of the
148 CEQA Guidelines.
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150 B. Adopt a Resolution denying Variance (VA 2012-02) disallowing the
151 conversion of an existing single car garage to living space and allow parking

152 within the front yard setback on the property located at 33 View Road (APN
153 011-061-023) within the "R1", Single Family Residential Zoning District.

154

155 **ATTACHMENTS:**

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157 1. Vicinity Map

158 2. Draft Variance Denial Resolution

159 3. Draft Variance Approval Resolution

160 4. Historic Building Permit No. 5212 and Supporting Room Alteration Plan

161 5. Variance Application Plan Set dated October 16, 2012

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163 **NOTE:** The applicant or any interested person is reminded that the Calistoga
164 Municipal Code provides for a ten (10)-calendar day appeal period. If there is a
165 disagreement with the Planning Commission, an appeal to the City Council may be
166 filed. The appropriate forms and applicable fee must be submitted prior to 5:00
167 p.m. on or before the tenth calendar day following the Commission's final
168 determination.

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