

# CITY OF CALISTOGA

## STAFF REPORT

**TO:** CHAIRMAN MANFREDI AND MEMBERS OF THE  
PLANNING COMMISSION

**FROM:** ERIK V. LUNDQUIST, SENIOR PLANNER

**MEETING DATE:** SEPTEMBER 11, 2013

**SUBJECT:** SETBACK VARIANCES VA 2013-6  
1332½ BERRY STREET

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1 **ITEM**

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3 Consideration of variances to replace an existing dwelling unit 4 feet from the  
4 side property line and to construct a carport 2 feet from the side and rear  
5 property lines at 1332½ Berry Street.

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7 **SITE AND PROJECT DESCRIPTION**

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9 The subject property is within a residential neighborhood across from Calistoga  
10 Elementary School. Aside from the school, the primary use in the area is  
11 residential. The lots were originally created in 1871 as part of the T.M. Morgan  
12 Map and have been developed over time. The property is zoned R-3  
13 Residential/Professional Office Zoning District, as are adjoining properties to the  
14 south and east.

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16 The subject parcel has an area of approximately 24,397 square feet.  
17 Improvements on the parcel include a 1,852 square-foot duplex (1328 and 1332  
18 Berry Street) and 875 square-foot cottage with attached garage (1332½ Berry  
19 Street).

20

21 A gravel driveway runs from Berry Street along the southern property line  
22 accessing the garage and existing uncovered gravel parking at the rear of the  
23 property behind the cottage. The Napa River borders the property to the north  
24 with several mature trees located along its banks and along the property lines.

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26 Per the Napa County Assessor, it appears the cottage was constructed around  
27 1940. The cottage has been reasonably maintained but is small and lacks  
28 functionality. The cottage does not have any historical significance, per the  
29 criteria set forth in the California Environmental Quality Act, and needs repair.



North Elevation of Cottage



South Elevation of Cottage

The southwest portion of the existing cottage is approximately 2 feet 7 inches from the side property line. The remaining portions are over 7 feet of the property line.

The property owners wish to demolish the existing cottage and reconstruct a new 931 square-foot cottage. Calistoga Municipal Code (CMC) Section 17.19.030(F)(2) requires a 5-foot side yard setback. When a structure is demolished a replacement structure must comply with the existing regulations. The 5-foot setback could be achieved; however, pushing the structure forward would encroach closer to the Napa River. As such, the property owners have requested a 4-foot setback (a variance of one foot).

Additionally, the property owners are requesting a 3-foot variance to allow a 2-foot rear and side yard setback for the construction of a new 510 square-foot carport in the southernmost corner of the property outside of the stream setback. Calistoga Municipal Code (CMC) Section 17.19.030(G)(2) requires a 5-foot side and rear yard setback.

## ANALYSIS AND DISCUSSION

Since the property is within the Napa River floodway, per the Floodplain Management Ordinance (CMC Title 18), the reconstruction of the cottage will be subject to the approval of a floodway variance by the City Council. In order for the City Council to approve development in the floodway, it must find that the development will not result in any increase in the base flood elevation during the occurrence of a base flood discharge. The hydraulic analysis for the City was conducted in 1977, so the cottage was included in the base flood analysis.

64 Meeting the 5-foot setback requirement could potentially affect the base flood  
65 elevation and may encroach within the 35-foot stream setback, as required per  
66 the Conservation Regulations (CMC Chapter 19.08). As such, the owners are  
67 proposing a 4 foot setback from the side property line, which requires a 1-foot  
68 variance to the side yard setback.

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70 Although covered parking is not required, the proposed carport will provide  
71 parking for three vehicles, replacing two parking spaces lost by the cottage's  
72 reconstruction, and protects vehicles from weather and debris falling from trees  
73 surrounding the property. The carport is proposed to have a 2-foot setback from  
74 the side and rear property lines to achieve the 35-foot stream setback.

## 75 76 **FINDINGS**

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78 The analysis of this application requires that all mandatory findings be made  
79 pursuant to CMC Section 17.42.020. On the basis of evidence presented, Staff  
80 recommends that the Variance be approved since all of the findings can be  
81 made, as described below:

- 82  
83 1. Conditions apply to the property that do not apply generally to other  
84 properties in the same zone or vicinity, which conditions are a result of lot  
85 size or shape, topography, or other circumstances over which the  
86 applicant has no control.

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88 Finding: The existing development on the property and the regulatory  
89 controls resulting from the Napa River are unique circumstances that force  
90 development to the southernmost property line, warranting the requested  
91 rear and side yard variances.

- 92  
93 2. The variance is necessary for the preservation of a property right of the  
94 applicant substantially the same as is possessed by owners of other  
95 property in the same zone or vicinity.

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97 Finding: The property is currently developed with three dwelling units,  
98 including the existing cottage and attached garage. The subject property  
99 and adjoining properties are all within the High Density Residential  
100 General Plan land use designation and R-3 zoning district, which allows  
101 10 to 20 dwelling units per acre. The side and rear yard setback  
102 variances are necessary to preserve the ability to replace the cottage and  
103 covered parking at the allowed density.

- 104  
105 3. The authorization of the variance will not be materially detrimental to the  
106 purposes of this Title, be injurious to property in the zone or vicinity in  
107 which the property is located, or otherwise conflict with the objectives of  
108 City development plans or policies.

110            Finding: Granting the rear and side yard setback variances would likely  
111            have no impact on views, privacy or fire safety, nor would the proposed  
112            use be detrimental to the public welfare or endanger the public safety  
113            because the structures are an adequate distance from the Napa River. In  
114            order for the City Council to grant the subsequent floodway variance,  
115            evidence will have to be presented demonstrating that the proposed  
116            improvements will not affect the base flood elevation.

- 117  
118            4.        The variance requested is the minimum variance which will alleviate the  
119            hardship.

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121            Finding: The variance requested is the minimum necessary to reasonably  
122            reconstruct the existing dwelling and covered parking.

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124            **PUBLIC COMMENTS**

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126            As of September 6, 2013, no public comments had been received regarding this  
127            project.

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129            **ENVIRONMENTAL REVIEW**

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131            Staff has determined that the proposed project is Categorically Exempt from the  
132            requirements of the California Environmental Quality Act (CEQA) pursuant to  
133            Section 15305 of the CEQA Guidelines (Minor Alterations in Land Use  
134            Limitations).

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136            **RECOMMENDATION**

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138            Approve setback variances with conditions.

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140            **ATTACHMENTS**

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142            1.        Aerial Vicinity Map  
143            2.        Draft Resolution  
144            3.        Map of Topography prepared by Albion Surveys, Inc.  
145            4.        Site and Floor Plans prepared by Mary Sikes & Associates

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