

**CITY OF CALISTOGA  
PLANNING COMMISSION  
RESOLUTION PC 2014-\_\_**

**APPROVING THE REPLACEMENT OF AN EXISTING DWELLING UNIT 6 FEET FROM THE FRONT PROPERTY LINE AND 2 FEET OF THE SIDE PROPERTY LINE AT 1520 PARK STREET**

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2       **WHEREAS**, the property owner, Louise Della Maggiora requested approval to to  
3 replace an existing dwelling unit 6 feet from the front property line and 2 feet of the side  
4 property line at 1520 Park Street (APN 011-092-035) within the R-3 Multi-Family/Office  
5 Zoning District; and

6       **WHEREAS**, the Planning Commission considered the variances at its regular  
7 meeting on September 10, 2014, pursuant to Government Code Section 65090. Prior  
8 to taking action on the application, the Commission received written and oral reports by  
9 the staff, and received public testimony; and

10       **WHEREAS**, this action has been reviewed for compliance with the California  
11 Environmental Quality Act (CEQA) and is exempt from the requirements of the CEQA  
12 pursuant to Section 15305 (Minor Alterations in Land Use Limitations) of the CEQA  
13 guidelines.

14       **WHEREAS**, the analysis of this project requires that all mandatory findings be  
15 made pursuant to Section 17.42.020 of the Calistoga Municipal Code; and

16       **WHEREAS**, on the basis of evidence presented, the Planning Commission finds  
17 that all of the findings can be made as described below:

- 18 1. **Required Finding:** *Conditions apply to the property that do not apply generally to*  
19 *other properties in the same zone or vicinity, which conditions are a result of lot size*  
20 *or shape, topography, or other circumstances over which the applicant has no*  
21 *control.*

22       Supporting Evidence: The subject house could be moved to comply with setback  
23 requirements; however, this alternative is infeasible and would result in no  
24 project. The location of the existing residence is a circumstance the owner has  
25 no control over.

- 26 2. **Required Finding:** *The variance is necessary for the preservation of a property right*  
27 *of the applicant substantially the same as is possessed by owners of other property*  
28 *in the same zone or vicinity.*

29       Supporting Evidence: Only three single-family residential structures exist on Park  
30 Street, with lot coverages ranging from 15 percent to 40 percent. With the  
31 proposed addition, the resulting project lot coverage is increased from 11 percent  
32 to 13 percent, substantially lower than the neighboring property and similar to an  
33 existing single-family residence across the street.

34 The property abuts the Fairway Manor Mobile Home Park to the east and  
35 Calistoga High School playing field to the north. The Hideaway Cottages and  
36 their associated parking lot are across the street. Under current R-3 zoning, a  
37 substantially larger residential multi-family structure could be constructed on the  
38 site. Such a change in use would significantly alter the character of the  
39 neighborhood; however, it would most likely result in the removal of the subject  
40 dwelling and a second cottage of similar vintage on the site. The variance  
41 would preserve the existing property right.

42 **3. Required Finding:** *The authorization of the variance will not be materially*  
43 *detrimental to the purposes of this Title, be injurious to property in the zone or*  
44 *vicinity in which the property is located, or otherwise conflict with the objectives of*  
45 *City development plans or policies.*

46 Supporting Evidence: The proposed variance will allow improvement of the  
47 existing residence while preserving a significant portion of the existing dwelling.  
48 The structure has been located 2 feet from the side property line and 6 feet from the  
49 front property line for 84 years. During this time the structure has not been injurious  
50 to the property or neighboring properties.

51 The resulting project will present a structure that is harmonious to the residence  
52 located on the adjoining property, which is of similar design and vintage, by  
53 preserving gable ends, the southern roofline and exterior cladding materials.  
54 Though many of the neighboring structures have been converted to visitor-  
55 oriented commercial use, they retain characteristics of the period of the subject  
56 dwelling, which are similar to treatments proposed by the applicant for the  
57 subject site and consistent with retaining Calistoga's rural small town character.

58 **4. Required Finding:** *The variance requested is the minimum variance which will*  
59 *alleviate the hardship.*

60 Supporting Evidence: The applicant has requested decreased setbacks to address  
61 the legal non-conforming situations. The proposed addition is setback further from  
62 the street than the existing dwelling and would comply with the minimum front yard  
63 setback. More extensive and expensive alternatives to the project include moving  
64 or demolishing the existing dwelling and replacing it with a new structure, which  
65 would impact the certain character-defining features of the structure and site.

66 **NOW, THEREFORE, BE IT RESOLVED** by the City of Calistoga Planning  
67 Commission that based on the findings, the Planning Commission approves the  
68 variance, subject to following conditions of approval:

69 1. This variance authorizes the replacement of an existing dwelling unit 6 feet from  
70 the front property line and 2 feet of the side property line at 1520 Park Street as  
71 submitted on August 20, 2014 to the Planning and Building Department.

- 73 2. The term of approval of this permit shall expire one year from the permit's  
74 effective date, unless an extension and/or building permit has been issued for the  
75 project prior to the expiration date.
- 76 3. The property owner shall obtain a Building Permit for construction of all  
77 improvements located on the site, not otherwise exempt by the California  
78 Building Code or any State or local amendment adopted thereto.
- 79 4. Prior to issuance of all building permits, the property owner agrees to pay all fees  
80 associated with plan check and building inspections, and associated  
81 development impact fees rightfully established by City Ordinance or Resolution,  
82 unless otherwise deferred by the Planning and building Department.
- 83 5. Prior to building permit issuance, a minimum of three parking spaces shall be  
84 delineated (minimum 9'x19' per space) on the site plan subject to the review and  
85 approval of the Planning and Building Department.
- 86 6. Prior to occupancy, driveways, back-up areas and parking stalls shall be  
87 constructed of an all-weather surface subject to the review and approval of the  
88 Planning and Building Department.
- 89 7. Prior to occupancy, the existing driveway apron shall be deconstructed and  
90 replaced with a continuous curb subject to the review and approval of the  
91 Planning and Building and Public Works Departments.
- 92 8. Prior to occupancy, a sidewalk shall be constructed across the entire frontage  
93 subject to the review and approval of the Planning and Building and Public Works  
94 Departments.
- 95 9. Prior to occupancy, a new driveway apron shall be installed to access the  
96 property and the associated parking area subject to the review and approval of  
97 the Planning and Building and Public Works Departments.
- 98 10. Prior to occupancy, all broken or sunken curb, gutter and sidewalk along the  
99 project frontage shall be repaired subject to the review and approval of the  
100 Planning and Building and Public Works Departments.

101 **APPROVED** on September 10, 2014, by the following vote of the Calistoga  
102 Planning Commission:

- 103 AYES:
- 104 NOES:
- 105 ABSTAIN:
- 106 ABSENT:

107 \_\_\_\_\_  
108 Jeff Manfredi, Chairman

109 ATTEST: \_\_\_\_\_  
110 Lynn Goldberg  
111 Secretary to the Planning Commission  
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