

**CITY OF CALISTOGA
PLANNING COMMISSION
RESOLUTION PC 2009-01**

**A RESOLUTION RESCINDING RESOLUTION PC 2007-13 AND APPROVING
VARIANCE (VA 2008-03) ALLOWING TANDEM PARKING IN CONJUNCTION WITH
A BED AND BREAKFAST FACILITY ON THE PROPERTY LOCATED AT 1437
FOURTH STREET (APN 011-201-003) WITHIN THE “R1”, SINGLE FAMILY
RESIDENTIAL ZONING DISTRICT**

1
2 **WHEREAS**, William and Graceann Magone Miranda, property owners, originally
3 submitted a request for a Variance (VA 2007-01) from Chapter 17.36, to allow tandem
4 parking on the property located at 1437 Fourth Street (APN 011-201-003); and
5

6 **WHEREAS**, the Planning Commission considered this Variance request (VA
7 2007-01) at its regular meeting of March 28, 2007. Prior to taking action on the
8 application, the Commission received written and oral reports by the staff, and received
9 public testimony; and
10

11 **WHEREAS**, following the public hearing portion of the meeting the Planning
12 Commission suggested that since the applicant owned the adjoining vacant parcel that
13 the parking be provided on this parcel; the property owner agreed; and
14

15 **WHEREAS**, the Planning Commission adopted Resolution PC 2007-13 denying
16 Variance (VA 2007-01) on March 28, 2008, based on the applicant’s agreement to
17 provide parking on their adjoining vacant parcel; and
18

19 **WHEREAS**, the property owners have re-evaluated their interest in encumbering
20 their adjoining parcel and have again submitted a request for a Variance (VA 2008-03)
21 from Chapter 17.36, to allow tandem parking on the property located at 1437 Fourth
22 Street (APN 011-201-003); and
23

24 **WHEREAS**, the Planning Commission held a public hearing on January 14,
25 2009, pursuant to Government Code Section 65090, considered the staff
26 recommendations and heard public testimony; and
27

28 **WHEREAS**, this action has been reviewed for compliance with the California
29 Environmental Quality Act (CEQA) and is exempt from the requirements of the CEQA
30 pursuant to Section 15332 of the CEQA guidelines; and
31

32 **WHEREAS**, the Planning Commission, pursuant to Chapter 17.42.020 of the
33 Calistoga Municipal Code has found the following circumstances to exist:
34

- 35 1. Conditions apply to the property that do not apply generally to other properties in
36 the same zone or vicinity, which conditions are a result of lot size or shape,
37 topography, or other circumstances over which the applicant has no control.
38

39 Finding: The applicant has requested a Variance to allow tandem parking. The
40 property is only approximately 5,048 sq. ft in size which is small for properties
41 within the vicinity and within similar zoning. Due to its small size, providing four

42 off-street parking spaces in a row would require that a substantial portion of the
43 property be paved for parking. While all of the parking spaces could be provided
44 on the adjoining vacant parcel, staff is concerned that paving/improving a vacant
45 lot for parking would be inconsistent with the character of the residential
46 neighborhood. In addition, creating a quasi-parking lot may unnecessarily result
47 in nuisances to adjoining properties, such as substantial glare and noise impacts.
48

49 It is also important to note that the General Plan discusses the desire of the City
50 to promote infill development when compatible with the existing adjacent
51 development. Use of the vacant lot for off site parking could preclude infill
52 development of this parcel. Staff believes that the special circumstances
53 identified above warrants approval of the Variance.
54

55 2. The variance is necessary for the preservation of a property right of the applicant
56 substantially the same as is possessed by owners of other property in the same
57 zone or vicinity.
58

59 Finding: The physical and recorded constraints (i.e. lot configuration and
60 structures location) of this site create special circumstances, which would deprive
61 the applicant of the privileges of enjoyed by other properties in the vicinity.
62

63 3. The authorization of the variance will not be materially detrimental to the
64 purposes of this Title, be injurious to property in the zone or vicinity in which the
65 property is located, or otherwise conflict with the objectives of City development
66 plans or policies.
67

68 Finding: The granting of this Variance application is necessary to allow the
69 property owner to use this property consistent with the established zoning
70 ordinance regulations. The use of this property as a B & B is consistent with the
71 Zoning Ordinance and General Plan. As noted above, the strict application of the
72 Zoning Ordinance parking standards would be detrimental to the neighborhood
73 as the character of the property would change due to extensive paving required
74 to provide the required parking. There is adequate paving already on site
75 available to accommodate four (4) parking spaces in a tandem configuration.
76

77 4. The variance requested is the minimum variance which will alleviate the
78 hardship.
79

80 Finding: Given the shape of the subject property and location of existing
81 structures there is not a location on the site for the construction of the required
82 parking that would comply with the strict application of code that would not cause
83 undue environmental impact. A strict application of the Zoning Ordinance would
84 result in impractical difficulties or unnecessary hardships to the applicant and
85 would result in unreasonable deprivation of the allowable uses of the property
86 within an "R1" District. The Variance is the minimum necessary to enable the
87 establishment of a bed and breakfast facility that is consistent with the
88 neighborhood character.
89

90 **NOW, THEREFORE, BE IT RESOLVED** by the City of Calistoga Planning
91 Commission that, based on the above findings, the Planning Commission adopts
92 Resolution PC 2009-01 rescinding Resolution PC 2007-13 and approving Variance (VA
93 2008-03) allowing tandem parking in conjunction with the approved B & B on property
94 located at 1437 Fourth Street within the "R1", Single Family Residential Zoning District.
95

96 **PASSED, APPROVED AND ADOPTED** on January 14, 2009, by the following
97 vote of the Calistoga Planning Commission:
98

99 AYES:
100 NOES:
101 ABSTAIN:
102 ABSENT:

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JEFF MANFREDI, CHAIRMAN

110 ATTEST: _____
111 Kathleen Guill
112 Secretary to the Planning Commission