

# CITY OF CALISTOGA

## STAFF REPORT

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

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

**MEETING DATE:** JANUARY 14, 2009

**SUBJECT:** NANA'S COTTAGE - 1437 FOURTH STREET (APN 011-201-003); VARIANCE (VA 2008-03) AND CONDITIONAL USE PERMIT AMENDMENT (U 2008-08);

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1 **REQUEST:**  
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3 Consideration of Variance (VA 2008-03) and Conditional Use Permit Amendment (U  
4 2008-08) requested by William and Graceann Mangone-Miranda, property owners, to  
5 amend Conditional Use Permit (U 2005-21) and approve a variance to allow tandem  
6 parking in conjunction with a previously approved bed and breakfast facility on property  
7 located at 1437 Fourth Street (APN 011-201-003) within the "R1", Single Family  
8 Residential Zoning District. This proposed action is exempt from the California  
9 Environmental Quality Act (CEQA) under Section 15332 of the CEQA Guidelines.

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11 **BACKGROUND:**  
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13 On March 28, 2007, the Planning Commission denied Variance (VA 2007-01), rejecting  
14 the proposed tandem parking and approved Conditional Use Permit (U 2005-21) and  
15 Design Review (DR 2005-23) authorizing the establishment of a two (2) guestroom B &  
16 B, upon the condition that a parking easement was secured on the owner's adjoining  
17 vacant parcel. Subsequent to the public hearing, the Planning Commission found that the  
18 variance findings could not be made since the property owner was consenting to providing  
19 off site parking on their adjoining property (see attached Planning Commission Meeting  
20 Minutes). As a result, the Planning Commission denied the Variance and approved the  
21 Conditional Use Permit with a condition of approval requiring the off site parking on the  
22 adjoining lot located at 1431 Lake Street.

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24 Since use permit approval, the property owners have obtained a building permit for the  
25 renovation of the single family dwelling to accommodate the B & B use and are nearing  
26 completion of this work. Once the alterations are complete the owner will be ready to  
27 operate, with exception to satisfying Condition No. 8 of the conditional use permit, which  
28 requires the parking easement on the adjoining property.  
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32 **STAFF DISCUSSION AND ANALYSIS:**  
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34 Since use permit approval, the property owners have reconsidered the idea of providing  
35 the required parking on the adjoining parcel and have reservations about unnecessarily  
36 encumbering their adjoining vacant property with a parking easement until plans for the  
37 property are more fully developed. Since development on the vacant property has not  
38 been designed or approved by the Planning and Building Department, the property  
39 owners believe that establishing an easement for two parking spaces (an approximate  
40 area of 342 sq/ft) in a specific location on the property would constrain future layout of  
41 the property. The property owner also finds that the proposed tandem parking  
42 configuration is adequate to meet their needs and would be consistent with the spirit and  
43 intent of the parking regulations.  
44

45 Section 17.36.120(C) of the Zoning Ordinance (Off-Street Parking and Loading) requires  
46 two off-street parking spaces for the owner or resident manager and one additional  
47 space for each bed and breakfast rental room. This would require a total of two off-street  
48 parking spaces for the B & B (Nana's Cottage) and two for the principal residence.  
49 Therefore, four new off-street parking spaces are required. The four parking spaces are  
50 proposed to be located within the existing driveway with two spaces in front of the other  
51 two spaces, in a tandem style configuration (see Attachment No. 3). This proposal  
52 meets the parking requirements of the Calistoga Municipal Code, with the exception of  
53 the tandem configuration.  
54

55 Since the property owners have re-evaluated their interest in encumbering their  
56 adjoining parcel, they have re-submitted their request for a Variance to Chapter 17.36 of  
57 the Calistoga Municipal Code to allow tandem parking. The request is being made due  
58 to the existing and historical conditions of the site. Staff believes that the findings  
59 necessary to grant a variance, e.g. that there are conditions relating to lot size or shape,  
60 topography, or other circumstances over which the applicant has no control, apply to this  
61 proposal, see findings section below.  
62

63 **FINDINGS:**  
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65 In addition to the above discussion, the analysis of this project includes reference to the  
66 Findings for Variance Approval (CMC Chapter 17.42.020) and Findings for Use Permit  
67 Approval (CMC 17.40.070). These are discussed generally as follows:  
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69 **Findings for Variance Approval (CMC 17.42.020):**  
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71 Calistoga Municipal Code, Chapter 17.36 prohibits parking to be located in a tandem  
72 configuration. The property owner/operator requested a Variance to Chapter 17.36 of  
73 the Calistoga Municipal Code to allow tandem parking. This Variance request requires  
74 that mandatory findings be made pursuant to Section 17.42.020 of the Calistoga  
75 Municipal Code. These required findings are as follows.  
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- 77 1. Conditions apply to the property that do not apply generally to other properties in  
78 the same zone or vicinity, which conditions are a result of lot size or shape,  
79 topography, or other circumstances over which the applicant has no control.  
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81            Response: The applicant has requested a Variance to allow tandem parking.  
82            The property is only approximately 5,048 sq. ft in size which is small for  
83            properties within the vicinity and within similar zoning. Due to its small size,  
84            providing four off-street parking spaces in a row would require that a substantial  
85            portion of the property be paved for parking. While all of the parking spaces could  
86            be provided on the adjoining vacant parcel, staff is concerned that  
87            paving/improving a vacant lot for parking would be inconsistent with the character  
88            of the residential neighborhood. In addition, creating a quasi-parking lot may  
89            unnecessarily result in nuisances to adjoining properties, such substantial glare  
90            and noise impacts.

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92            It is also important to note that the General Plan discusses the desire of the City  
93            to promote infill development when compatible with the existing adjacent  
94            development. Use of the vacant lot for off site parking could preclude infill  
95            development of this parcel. Staff believes that the special circumstances  
96            identified above warrants approval of the Variance.

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

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102            Response: The physical and recorded constraints (i.e. lot configuration and  
103            structures location) of this site therefore create special circumstances, which  
104            would deprive the applicant of the privileges of enjoyed by other properties in the  
105            vicinity.

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

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112            Response: The granting of this Variance application is necessary to allow the  
113            property owner to use this property consistent with the established zoning  
114            ordinance regulations. The use of this property as a B & B is consistent with the  
115            Zoning Ordinance and General Plan. As noted above, the strict application of the  
116            Zoning Ordinance parking standards would be detrimental to the neighborhood  
117            as the character of the property would change due to extensive paving required  
118            to provide the required parking. There is adequate paving already on site  
119            available to accommodate four (4) parking spaces in a tandem configuration.

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

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124            Response: Given the shape of the subject property and location of existing  
125            structures there is not a location on the site for the construction of the required  
126            parking that would comply with the strict application of code that would not cause  
127            undue environmental impact. A strict application of the Zoning Ordinance would  
128            result in impractical difficulties or unnecessary hardships to the applicant and  
129            would result in unreasonable deprivation of the allowable uses of the property

130 within an "R1" District. The Variance is the minimum necessary to enable the  
131 establishment of a bed and breakfast facility that is consistent with the  
132 neighborhood character.  
133

134 **Findings for Use Permit Approval (CMC 17.40.070):**  
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136 Staff recommends that the Planning Commission re-adopt by reference the findings  
137 adopted as part of the previously approved Conditional Use Permit (U 2005-21),  
138 Resolution PC 2007-14 (Attachment No. 6), as findings for this amendment.  
139

140 **PUBLIC COMMENTS:**  
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142 A letter was received on January 8, 2009 from Antonia Allegra, the property owner of  
143 1428 Lake Street (APN 011-201-017). Ms. Allegra's property is contiguous to the  
144 Miranda's vacant parcel (1431 Lake Street), which is where the off site parking is to be  
145 provided. Ms. Allegra believes that providing off site parking adjacent to the B & B at  
146 1431 Lake Street will create additional light impacts to her property. Ms. Allegra  
147 supports the tandem parking variance since this would reduce light impacts on her  
148 property. Ms. Allegra's letter is Attachment No. 4 of this Staff Report.  
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150 **ENVIRONMENTAL REVIEW:**  
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152 Staff has determined that the proposed project is Categorically Exempt from the  
153 requirements of the California Environmental Quality Act (CEQA) pursuant to Section  
154 15332 of the CEQA Guidelines (Infill Development).  
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156 **RECOMMENDATIONS:**  
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- 158 A. Staff recommends the filing of a Notice of Exemption for the Project pursuant to  
159 Section 15332 of the CEQA Guidelines.  
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161 B. Staff recommends approval of a Variance (VA 2008-03) allowing tandem parking  
162 on the existing driveway in conjunction with a previously approved bed and  
163 breakfast facility on the property located at 1437 Fourth Street (APN 011-201-003)  
164 within the "R1", Single Family Residential zoning district.  
165  
166 C. Staff recommends approval of an amendment to Conditional Use Permit U 2005-  
167 21 (U 2008-08) eliminating a requirement for an off site parking easement to  
168 satisfy parking requirements for a bed and breakfast facility on property located  
169 at 1437 Fourth Street (APN 011-201-003) within the "R1", Single Family  
170 Residential Zoning District.  
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172 **SUGGESTED MOTIONS:**  
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174 **Categorical Exemption**  
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176 I move that the Planning Commission direct Staff to file a Notice of Exemption for the  
177 Project pursuant to Section 15332 of the CEQA Guidelines.  
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179 Variance

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181 I move that the Planning Commission, adopt Resolution PC 2009-01 approving Variance  
182 (VA 2008-03) allowing tandem parking on the existing driveway in conjunction with a  
183 previously approved bed and breakfast facility on property located at 1437 Fourth Street  
184 (APN 011-201-003) within the "R1", Single Family Residential zoning district.

185  
186 Conditional Use Permit Amendment

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188 I move that the Planning Commission adopt Resolution PC 2009-02 amending Conditional  
189 Use Permit U 2005-21 (U 2008-08) to eliminate a requirement for an off site parking  
190 easement to satisfy parking requirements for a bed and breakfast facility on property  
191 located at 1437 Fourth Street (APN 011-201-003) within the "R1", Single Family  
192 Residential Zoning District.

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

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200 ATTACHMENTS:

- 201  
202 1. Draft Variance Resolution PC 2009-01  
203 2. Draft Conditional Use Permit Amendment Resolution PC 2009-02  
204 3. Project Plans received October 7, 2005  
205 4. Letter received from Antonia Allegra received January 8, 2009  
206 5. Resolution PC 2007-13, Denying Parking Variance (VA 2007-01)  
207 6. Resolution PC 2007-14, Approving Conditional Use Permit (U 2005-21) and Design  
208 Review (DR 2005-23)  
209 7. Planning Commission Staff Report dated March 28, 2007  
210 8. Planning Commission Meeting Minutes of March 28, 2007