

CITY OF CALISTOGA

STAFF REPORT

TO: CHAIRMAN MANFREDI AND MEMBERS OF THE PLANNING COMMISSION

FROM: ERIK V. LUNDQUIST, ASSOCIATE PLANNER

MEETING DATE: MARCH 25, 2009

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

1 **REQUEST:**
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3 Consideration of Conditional Use Permit Amendment and Variance requested by William
4 and Graceann Mangone Miranda (Property Owners), amending Conditional Use Permit
5 (U 2005-21) and allowing tandem parking in conjunction with the approved Bed and
6 Breakfast Facility on the property located at 1437 Fourth Street (APN 011-201-003)
7 within the "R1", Single Family Residential Zoning District. The Property Owners have
8 also requested consideration of a Variance to the Calistoga Municipal Code, Section
9 17.16.040(D)(1) allowing a 10-foot front yard setback where 20 feet is required on the
10 adjoining property 1431 Fourth Street within the "R1", Residential Single Family District.
11 These proposed actions are exempt from the California Environmental Quality Act
12 (CEQA) under Section 15332 and 15305 of the CEQA Guidelines.
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14 **BACKGROUND:**
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16 On January 14, 2009 the Planning Commission considered a second request (original
17 request denied March 28, 2009) to allow tandem parking on the property located at 1437
18 Fourth Street, in conjunction with the previously approved two unit B & B. Subsequent,
19 to the public hearing the Planning Commission discussed and found that circumstances
20 had not changed that would warrant rescinding the previous determination and allowing
21 tandem parking. Rather than deny the Variance request, the Planning Commission
22 suggested that the Applicants work with Staff to investigate other parking alternatives
23 that could be presented back to the Planning Commission for further consideration at a
24 later date. The Applicant agreed and the matter was tabled.
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26 **DISCUSSION AND ANALYSIS:**
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28 At the direction of Planning Commission, on January 29, 2009 the Applicant's Architect
29 met with Staff to discuss parking alternatives. As a result of this discussion, on February
30 18, 2009 the Applicant submitted a parking plan addressing required parking for 1437
31 Fourth Street (APN 011-201-003) and 1431 Fourth Street (APN 011-201-004).
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33 1437 Fourth Street (APN 011-201-003)

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35 Since 1437 Fourth Street is established with a residence and is conditionally permitted to
36 conduct a two unit B & B, four parking spaces are to be provided per Section
37 17.36.120(C) of the Zoning Ordinance. Currently, the conditional use permit requires
38 two parking spaces be provided on site and two parking spaces be provided off site on
39 the adjoining parcel located 1431 Fourth Street.
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41 In light of the most recent Planning Commission direction, the Applicants have revised
42 their proposal and are now requesting to locate three parking spaces on site with one
43 space in tandem and one parking space off site at 1431 Lake Street. This proposal
44 meets the parking requirements of the Calistoga Municipal Code, with the exception of
45 the tandem configuration. As such, the Applicants have requested a Variance to allow
46 one parking space to be located in a tandem configuration.
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48 1431 Fourth Street (APN 011-201-004)

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50 The property located at 1431 Fourth Street is vacant and is currently under similar
51 ownership. The property owners are interested in developing the property with a single
52 family dwelling, which requires two parking spaces. The two parking spaces for the
53 residence combined with accommodating one parking space from the adjoining lot
54 results in a total need of three parking spaces on this parcel. These parking spaces are
55 proposed to be located toward the rear of the parcel near the common side property
56 boundary. This parking configuration meets the design standards, although, since the
57 parking is somewhat intensified the residence is pushed forward on the parcel
58 encroaching within portions of the front yard setback. As a result the property owners
59 have requested a reduced front yard setback of 10 feet.
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61 Should the Planning Commission support the requested Variances, the Conditional Use
62 Permit (U 2005-21) allowing the B & B will need to be amended to eliminate the need for
63 two off site parking spaces, where only one off site parking space would be warranted.
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65 **FINDINGS:**

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67 In addition to the above discussion, the analysis of this project includes reference to the
68 Findings for Variance Approval (CMC Chapter 17.42.020) and Findings for Use Permit
69 Approval (CMC 17.40.070). These are discussed generally as follows:
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71 **Findings for Tandem Parking Variance Approval (1437 Fourth Street):**

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73 Calistoga Municipal Code, Chapter 17.36 prohibits parking to be located in a tandem
74 configuration. The property owner/operator requested a Variance to Chapter 17.36 of
75 the Calistoga Municipal Code to allow one tandem parking. This Variance request
76 requires that mandatory findings be made pursuant to Section 17.42.020 of the
77 Calistoga Municipal Code. These required findings are as follows.
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- 79 1. Conditions apply to the property that do not apply generally to other properties in
80 the same zone or vicinity, which conditions are a result of lot size or shape,
81 topography, or other circumstances over which the applicant has no control.
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83 Response: The applicant has requested a Variance to allow one tandem
84 parking. The property is only approximately 5,048 sq. ft in size which is small for
85 properties within the vicinity and within similar zoning. Due to its small lot size
86 and placement of existing structure on the property makes it difficult to provide all
87 of the required off-street parking spaces on the property. Providing all of the
88 required parking in the appropriate configuration would result in substantial
89 alterations/modifications to the property.
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91 2. The variance is necessary for the preservation of a property right of the applicant
92 substantially the same as is possessed by owners of other property in the same
93 zone or vicinity.
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95 Response: The physical and recorded constraints (i.e. lot configuration and
96 structures location) of this site therefore create special circumstances, which
97 would deprive the applicant of the reasonable land use privileges often enjoyed
98 by other properties in the vicinity.
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100 3. The authorization of the variance will not be materially detrimental to the
101 purposes of this Title, be injurious to property in the zone or vicinity in which the
102 property is located, or otherwise conflict with the objectives of City development
103 plans or policies.
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105 Response: The granting of this Variance application is necessary to allow the
106 property owner to use this property consistent with the established zoning
107 ordinance regulations. The use of this property as a B & B is consistent with the
108 Zoning Ordinance and General Plan. As noted above, the strict application of the
109 Zoning Ordinance parking standards would be detrimental to the neighborhood
110 as the character of the property would change due to extensive paving required
111 to provide the required parking. There is adequate paving already on site
112 available to accommodate the three (3) parking spaces in a tandem
113 configuration.
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115 4. The variance requested is the minimum variance which will alleviate the
116 hardship.
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118 Response: Given the shape of the subject property and location of existing
119 structures there is not a location on the site for the construction of the required
120 parking that would comply with the strict application of code that would not cause
121 undue environmental impact. A strict application of the Zoning Ordinance would
122 result in impractical difficulties or unnecessary hardships to the applicant and
123 would result in unreasonable deprivation of the allowable uses of the property
124 within an "R1" District. The Variance is the minimum necessary to enable the
125 establishment of a bed and breakfast facility that is consistent with the
126 neighborhood character.
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Findings for Front Yard Setback Variance Approval (1431 Fourth Street):

Calistoga Municipal Code, Section 17.16.040(D)(1) requires a 20 foot front yard setback. The property owner/operator requested a Variance to allow a 10 foot front yard setback. This Variance request requires that mandatory findings be made pursuant to Section 17.42.020 of the Calistoga Municipal Code. These required findings are as follows.

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

Response: The subject property is located within a historic residential district where most homes appear to have been built in the early 1900s. Lot dimensions in this neighborhood are typically 60 feet in width by 1200 feet in length. The subject property is a small parcel by current "R1", Single-Family Residential Zoning Ordinance Lot Area Requirements. The lot is approximately 60 feet wide by 84 feet deep equaling 5,137 square feet in area.

Residences located throughout this historic residential neighborhood have the similar front yard setbacks as the subject property. Therefore, the granting of this Variance will allow the property owner to enjoy the same privilege that is currently enjoyed by property owners in the vicinity.

Given the shallow width and depth and small size of the parcel along with the parking located on the property, staff finds that there is a special circumstance for granting the Variance for the reduced front yard setback. Further, staff visited the neighborhood and observed many homes within the area that provide reduced front yard setbacks. Therefore, staff finds this variance will not provide a special privilege to this property.

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

Response: Upon granting of the Variance, the intent and purpose of the ordinance will still be served and the recipient of the Variance will not be granted special privileges not enjoyed by other surrounding property owners within the same zoning district. The intent of the 10 foot front yard setback is to promote adequate light and air onto the subject and adjacent properties, ensure adequate view corridors for pedestrian, bicycle and vehicular traffic and reduce congestion at the street. A reduced front yard setback will continue to allow air and light onto adjacent property and continue to allow adequate views for the traveling public along Fourth Street. Staff finds that a minor deviation would not be contrary to the spirit and intent of the regulations.

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

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Response: The granting of the Variance will not be materially detrimental to the public welfare or injurious to the property, improvements or uses within the immediate vicinity and within the same zoning district. The development of a single-family residence would allow the applicant to maintain a modest home in a predominately single-family residential neighborhood. The proposed development is not expected to impact on the privacy of the neighboring properties or impede traffic and circulation patterns.

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

Response: The placement of the residence 10-feet from the front property line provides adequate distance necessary to protect the neighborhood character while ensuring the purpose and intent of the Zoning Ordinance are achieved.

Findings for Use Permit Amendment:

Staff recommends that the Planning Commission re-adopt by reference the findings adopted as part of the previously approved Conditional Use Permit (U 2005-21), Resolution PC 2007-14 (Attachment No. 6), as findings for this amendment.

PUBLIC COMMENTS:

No public comments were received.

ENVIRONMENTAL REVIEW:

Staff has determined that the proposed project is Categorically Exempt from the requirements of the California Environmental Quality Act (CEQA) pursuant to Section 15332 and 15305 of the CEQA Guidelines (Infill Development).

RECOMMENDATIONS:

- A. Staff recommends the filing of a Notice of Exemption for the Project pursuant to Section 15332 and 15305 of the CEQA Guidelines.
- B. Staff recommends approval of a Variance allowing one tandem parking space on the existing driveway in conjunction with a previously approved bed and breakfast facility on the property located at 1437 Fourth Street (APN 011-201-003) within the "R1", Single Family Residential zoning district.
- C. Staff recommends approval of a Variance allowing a reduced front yard setback of 10 feet on the property located at 1431 Fourth Street (APN 011-201-004) within the "R1", Single Family Residential zoning district.
- D. Staff recommends approval of an amendment to Conditional Use Permit U 2005-21 (U 2008-08) amending a requirement for an off site parking easement to satisfy parking requirements for a bed and breakfast facility on property located

226 at 1437 Fourth Street (APN 011-201-003) within the "R1", Single Family
227 Residential Zoning District.

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SUGGESTED MOTIONS:

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Categorical Exemption

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I move that the Planning Commission direct Staff to file a Notice of Exemption for the Project pursuant to Section 15332 of the CEQA Guidelines.

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Tandem Parking Variance

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

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Front Yard Setback Variance

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I move that the Planning Commission, adopt Resolution PC 2009-02 approving a Variance allowing a reduced front yard setback of 10 feet on property located at 1431 Fourth Street (APN 011-201-004) within the "R1", Single Family Residential zoning district.

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Conditional Use Permit Amendment

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I move that the Planning Commission adopt Resolution PC 2009-07 amending Conditional Use Permit U 2005-21 (U 2008-08) to amend a requirement for an off site parking easement to satisfy parking requirements for a bed and breakfast facility on property located at 1437 Fourth Street (APN 011-201-003) within the "R1", Single Family Residential Zoning District.

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

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ATTACHMENTS:

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- 261 1. Draft Tandem Parking Variance Resolution PC 2009-01
- 262 2. Draft Front Yard Setback Variance Resolution PC 2009-02
- 263 3. Draft Conditional Use Permit Amendment Resolution PC 2009-07
- 264 4. Project Plans received February 18, 2009
- 265 5. Project Plans received October 7, 2005
- 266 6. Resolution PC 2007-13, Denying Parking Variance (VA 2007-01)
- 267 7. Resolution PC 2007-14, Approving Conditional Use Permit (U 2005-21) and Design Review (DR 2005-23)

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