

# CITY OF CALISTOGA

## STAFF REPORT

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

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

**MEETING DATE:** JULY 22, 2009

**SUBJECT:** PARKING VARIANCE – 1143 MITZI DRIVE (APN 011-433-004)

1 **REQUEST:**

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3 Consideration of a Variance (VA 2009-01) requested by the property owner, Margaret  
4 Law to allow parking within the front yard setback on the property located at 1143 Mitzi  
5 Drive (APN 011-433-004) within the “R1”, Single Family Residential Zoning District. The  
6 proposed amendments to the General Plan and Zoning Ordinance are exempt from the  
7 California Environmental Quality Act (CEQA) pursuant to Section 15332 of the CEQA  
8 Guidelines.  
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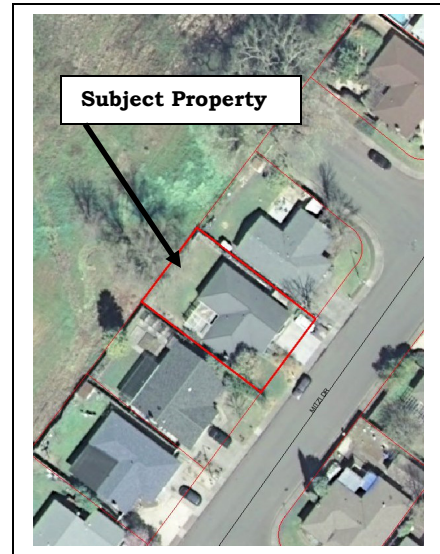
10 **PROPERTY INFORMATION:**

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12 **Location:** 1143 Mitzi Drive  
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14 **APN:** 011-433-004  
15  
16 **Acreage:** 6,000 square feet  
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18 **General Plan:** Medium Density Residential  
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20 **Zoning District:** “R1”, Single Family Residential  
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22 **Existing Use:** Single Family Residence  
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24 **Surrounding Uses:** Single Family Residences  
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26 **STAFF DISCUSSION AND ANALYSIS:**

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28 **Project Description:**

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30 Sometime ago Ms. Law’s garage was converted to living space without the proper  
31 authorization from the Planning and Building Department. Recently, the Planning and  
32 Building Department became aware of the conversion and notified Ms. Law, in a letter  
33 dated March 25, 2009, that the unauthorized conversion of the garage is a violation of  
34 the Calistoga Municipal Code (CMC), see Attachment No. 3. In this letter Ms. Law was



35 also informed of the steps necessary to legitimize the conversion, including the need to  
36 obtain a Variance since two (2) replacement parking spaces would need to be located  
37 within the front yard. Section 17.36.070, *Spaces located in yard prohibited*, of the  
38 Calistoga Municipal Code (CMC) prohibits parking within in any yard established in the  
39 Zoning Ordinance. The "R1", Single Family Residential Zoning District establishes a 20-  
40 foot front yard setback. As such, On April 28, 2009, Ms. Law submitted this Variance  
41 application requesting authorization to provide two parking spaces within the front yard  
42 in an effort to correct the violations.

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44 **Site Description:**

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46 The subject parcel has an area of approximately 6,000 square feet. Existing  
47 improvements on the parcel include a 1,266 square-foot residence, a 450 square-foot  
48 attached garage (recently converted to living space) and a 437 square-foot (23' x 19')  
49 concrete driveway. The residence was originally constructed in 1975. Driveway access  
50 is provided directly from Mitzi Drive.

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52 **Garage Conversion and Replacement Parking Overview:**

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54 Ms. Law's residential garage was originally constructed to satisfy the zoning  
55 requirements for off-street parking. Current Municipal Code provisions allow the  
56 conversion of a garage to living space, by right, if the required parking is replaced on a  
57 one-to-one basis elsewhere on the property outside of the required yards. However, in  
58 this case since the existing garage is developed twenty feet of the front property line, the  
59 driveway is of insufficient length to accommodate the required parking spaces outside of  
60 the front yard (the driveway would need to be approximately 40 feet to meet a strict  
61 application of the Code).



82  
1143 MITZI DRIVE - PHOTO TAKEN MARCH 10, 2009

83 The purpose of prohibiting parking in the front yard generally stems from; the  
84 unsightliness of multiple vehicles parked in front of a home, the potential loss of  
85 landscaping within the front yard area, and the impacts on neighboring properties from  
86 headlights and noise are heightened by the normally open character of residential front  
87 yards. However, the expressed purpose will never fully be achieved since it is extremely  
88 difficult and costly to require individuals to actually park in their established garages and  
89 even if the garages were used for their intended purpose, the City does actively enforce  
90 the prohibitions of parking on driveways within the front yard. Ultimately these zoning  
91 ordinance inefficiencies should warrant future code modification(s) and/or a policy  
92 interpretation of the Planning Commission and City Council.

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94 Although, absent any specific policies related to garage conversions at the current time,  
95 the only option for property owners, in cases such as Ms. Law's, is to request a Variance  
96 from the parking location requirements, Section 17.36.070 CMC. As such, the Zoning  
97 Ordinance requires certain findings be made to approve a variance. One of these  
98 findings is that the property has exceptional or extraordinary circumstances that do not  
99 apply to other properties in the vicinity or the zone. In analyzing the situation of the  
100 subject property, staff noted that there are no exceptional circumstances to the  
101 applicant's request. Furthermore, approval of a variance to reduce the number of parking  
102 spaces on the property could have negative implications on street parking in the  
103 neighborhood.

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105 **FINDINGS:**

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107 As mentioned above, the analysis of this project requires that all mandatory findings be  
108 made pursuant to Section 17.42.020 of the Calistoga Municipal Code. On the basis of  
109 evidence presented, Staff recommends that the Variance be denied since all of the  
110 findings can not be made as described below:

- 111  
112 1. Conditions apply to the property that do not apply generally to other properties in  
113 the same zone or vicinity, which conditions are a result of lot size or shape,  
114 topography, or other circumstances over which the applicant has no control.

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116 Finding: The subject property is similar in shape and character to the  
117 surrounding properties and is not exceptional. There are no exceptional  
118 circumstances related to the size, shape, configuration, or topography of the  
119 subject lot that would otherwise constrain the ability of the lot to adhere to the  
120 parking requirements of the Calistoga Municipal Code.

- 121  
122 2. The variance is necessary for the preservation of a property right of the applicant  
123 substantially the same as is possessed by owners of other property in the same  
124 zone or vicinity.

125  
126 Finding: The subject property is similar in shape and character to the  
127 surrounding properties and is not exceptional. The requested variance is not  
128 necessary for the preservation and enjoyment of a substantial property right  
129 possessed by other properties in the same vicinity and zone but which is denied to  
130 the property in question.

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

136  
137 Finding: The granting of this variance may become detrimental to the general  
138 welfare of the community by setting precedence for future garage conversion,  
139 which may ultimately change the character of the City's residential  
140 neighborhoods.

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

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145 Finding: The variance would alleviate the hardship.

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147 **PUBLIC COMMENTS:**

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149 On May 7, 2009, three (3) letters of support were received from neighboring property  
150 owners within the Heather Oaks Subdivision. In summary, each of the property owners  
151 believe that the Variance will not result in negative impacts to the residential  
152 neighborhood and the garage conversion, and its implications, has not be detrimental to  
153 the general welfare of the community.

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155 **ENVIRONMENTAL REVIEW:**

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157 Staff has determined that the proposed project is Categorically Exempt from the  
158 requirements of the California Environmental Quality Act (CEQA) pursuant to Section  
159 15332 of the CEQA Guidelines (Infill Development).

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161 **RECOMMENDATIONS:**

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163 A. Staff recommends the filing of a Notice of Exemption for the Project pursuant to  
164 Section 15332 of the CEQA Guidelines.

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166 B. Staff recommends denial of a Variance (VA 2009-01) to allow parking within the  
167 front yard on the existing driveway on the property located at 1143 Mitzi Drive  
168 (APN 011-433-004) within the "R1", Single Family Residential zoning district.

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170 **SUGGESTED MOTIONS:**

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172 Categorical Exemption

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

176  
177 Variance

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179 I move that the Planning Commission, adopt Resolution PC 2009-17 denying a Variance  
180 (VA 2009-01) to allow parking within the front yard on the existing driveway on the

181 property located at 1143 Mitzi Drive (APN 011-433-004) within the "R1", Single Family  
182 Residential zoning district.

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

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190 **ATTACHMENTS:**

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- 192 1. Draft Variance Resolution PC 2009-17
- 193 2. Variance Application received April 28, 2009
- 194 3. Planning and Building Department Letter dated March 25, 2009
- 195 4. Letter of support received from Jim and Julie Taylor received May 7, 2009
- 196 5. Letter of support received from Chuck and Rose Beck received May 7, 2009
- 197 6. Letter of support received from Kevin and Catherine Rooney received May 7, 2009

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