

**CITY OF CALISTOGA
PLANNING COMMISSION
RESOLUTION PC 2010-02**

**A RESOLUTION APPROVING A VARIANCE TO ALLOW PARKING WITHIN
THE FRONT YARD SETBACK ALONG HAZEL STREET ON THE PROPERTY
LOCATED AT 1224 LINCOLN AVENUE (APN 011-253-002) WITHIN THE “DC-
DD”, DOWNTOWN COMMERCIAL –DESIGN DISTRICT**

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2 **WHEREAS**, Frank and Eugenia Romeo, applicants, submitted a request
3 on November 2, 2009 to allow parking in the front yard setback along Hazel
4 Street for the property located at 1224 Lincoln Avenue; and
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6 **WHEREAS**, the Planning Commission considered the request (VA 2009-
7 02) at its regular meeting on February 10, 2010, pursuant to Government Code
8 Section 65090. Prior to taking action on the application, the Commission
9 received written and oral reports by the staff, and received public testimony; and
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11 **WHEREAS**, the Planning Commission adopted the following findings:
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13 A. *Conditions apply to the property that do not apply generally to other*
14 *properties in the same zone or vicinity, which conditions are a result of lot*
15 *size or shape, topography, or other circumstances over which the*
16 *applicant has no control.*
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18 The proposed location of the parking spaces in the front yard setback will
19 function appropriately and does not push the vehicles into the improved
20 portions of Hazel Street to cause circulation or parking conflicts, therefore,
21 this is the best alternative parking location without causing significant
22 disturbances to the sensitive resources located on the property (i.e.
23 protected trees and historical structures).
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25 B. *The variance is necessary for the preservation of a property right of the*
26 *applicant substantially the same as is possessed by owners of other*
27 *property in the same zone or vicinity.*
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29 Lot configuration, existing historical developments and protected trees on
30 this site create special circumstances which would deprive the applicant of
31 the privileges possessed by owners of other properties in the vicinity.
32 Retaining the existing parking area in its current configuration would
33 preserve the applicant’s existing property right.
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35 C. *The authorization of the variance will not be materially detrimental to the*
36 *purposes of this Title, be injurious to property in the zone or vicinity in*

37 *which the property is located, or otherwise conflict with the objectives of*
38 *City development plans or policies.*

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40 Granting of the variance will not result in the parking or loading of vehicles
41 on Hazel Street and/or accessing the subject property in such a manner
42 as to interfere with the free flow of traffic on the street, private property, or
43 open spaces. Granting this variance will not create a safety hazard or any
44 other condition inconsistent with the objectives of the Zoning Ordinance or
45 2003 General Plan Update.

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47 *D. The variance requested is the minimum variance which will alleviate the*
48 *hardship.*

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50 Given the Lot configuration, existing developments and protected trees on
51 the subject property there is not a location on the site to relocate the
52 structure. A strict application of the Zoning Ordinance would result in
53 impractical difficulties or unnecessary hardships to the applicant and
54 would result in unreasonable deprivation of the allowable uses of the
55 property within an "DC-DD" District. This Variance has been found and is
56 necessary to enable the establishment of a small business that is
57 consistent with the General Plan.

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59 **WHEREAS**, this action has been reviewed for compliance with the
60 California Environmental Quality Act (CEQA) and is exempt from the
61 requirements of the CEQA pursuant to Section 15332 the CEQA guidelines; and
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63 **NOW, THEREFORE, BE IT RESOLVED** by the City of Calistoga Planning
64 Commission that based on the above findings, the Planning Commission
65 approves the proposed Variance, subject to the following conditions of approval.

66 **CONDITIONS**

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69 1. This permit authorizes two parking spaces in the front yard setback along
70 Hazel Street as submitted on November 2, 2009 to the Planning and
71 Building Department. Minor alterations that do not result in increased
72 environmental impacts may be approved in writing by the Planning and
73 Building Department Director.
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75 2. This permit shall be null and void if not used by January 27, 2011, or if the
76 use is abandoned for a period of one (1) year.
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78 3. Prior to occupancy, the applicant shall pay in-lieu parking fees for 8
79 deficient parking spaces subject to the review and approval of the
80 Planning and Building Department.

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4. The permit holder shall permit the City of Calistoga or its representatives or designees to make periodic inspections at any reasonable time deemed necessary in order to assure that the activity being performed under authority of this permit is in accordance with the terms and conditions prescribed herein.
5. This permit may be revoked if the use for which the permit was granted is conducted as to be detrimental to the public health, safety, or welfare or as to be a nuisance, or upon other grounds as listed in Section 17.42.050 of the Calistoga Municipal Code.

PASSED, APPROVED AND ADOPTED on February 10, 2010, by the following vote of the Calistoga Planning Commission:

AYES:

NOES:

ABSENT:

ABSTAIN:

Jeff Manfredi, Chairman

ATTEST: _____
Kathleen Guill
Secretary to the Planning Commission