



Town of Yountville

6550 Yount Street
Yountville, CA 94599

Staff Report

Item #: 4

Zoning and Design Review Board Staff Report

DATE: March 9, 2021
TO: Board Members
FROM: Sandra Liston, Planning & Building Director
Applicant: Mark Anisman
Owner: Mark Anisman & Marico Chigyo TR
Location: 1950 Mount Avenue
Land Use Classification: SFR Single Family Residential

SUBJECT:

Design Review for exterior modifications to an existing legal nonconforming garage.

PROJECT SITE

The project site is located on the north side of Mount Avenue in the Single Family Residential zoning district. It is an 8,624 square foot parcel developed with a primary dwelling, a detached legal nonconforming garage/artist studio, and a detached shed. The garage/studio fails to maintain the required five-foot side yard setback that is required for an accessory structure. This structure sits upon the west property line and is legal non-conforming as to setback.

DISCUSSION/BACKGROUND

The property is developed with a 1,902 square foot two-story single-family dwelling, a detached 192 square foot one-car garage (12' x 16') with an attached 302 square foot artist studio, and a 104 square foot shed. The garage features weathered shingle siding and a corrugated steel roof, while the artist studio features weathered horizontal siding and asphalt shingles. The single-family dwelling utilizes a stucco finish, fir posts and beams, and a ceramic tile roof.

When the current residence received design review approval in 1999, there were two issues that were analyzed in the staff report. The first issue related to the existing garage/studio that was preexisting and slated for retention. At 16 feet in depth, the garage was called out as "*substandard*" because it was short of the minimum requirement of 19 feet. The ZDRB was asked to "*determine if the existing garage, which cannot be used for the parking of a typical passenger vehicle, satisfies the requirement for one covered parking space for the new residence because it is existing; or alternatively, if the existing garage must be expanded/replaced to satisfy the Town's current minimum requirements.*"

The other issued analyzed Floor Area Ratio (FAR). With a 1,206 square foot footprint and a total area of 1,902 square feet (both floors), the project came in under the maximum FAR of 30%. However, the staff report noted that the "*proposed design incorporates (510 square feet of) first floor rooms with ceilings that*

extend to a full two-story height...adding to the residence's overall bulk and mass," which if counted, would bring total area to 2,412 square feet and FAR to 32.4%. The ZDRB was asked to "evaluate the overall bulk and mass represented by the proposed residence's design and determine if the two-story interior vertical volume...constitutes additional FAR that must be included in the overall calculation of FAR." If so, then one option to reduce FAR would be to remove one or more of the accessory structures; however, if the "Board determines that the existing detached one-car garage must be expanded/replaced to satisfy current (parking) standards, then that additional FAR would need to be included in the overall calculation of the site's FAR."

On January 5, 1999, the project was approved by the ZDRB on a 4-1 vote (Chair Henfling opposed). There were no special conditions of approval imposed on the project that relate to the garage, parking, or FAR. There is no mention of the garage or discussion of the Town's parking requirements that are captured in the minutes. Those minutes include only one reference to FAR: "*Chair Henfling noted he was uncomfortable with the FAR.*" The next reference to the garage and FAR is found in correspondence from May of 2004 that provides the following:

"This letter is to formalize an agreement between you (Mark Anisman) and the Town of Yountville. The Town is...authorizing occupancy conditioned on the completion of the garage. As discussed and originally approved, the front/south 102 square foot section of the garage (12' x 8½') will be demolished and the garage will be accessible and functional as a covered parking space. This is required to meet your floor area ratio (0.25 for living area and 0.30 for living area and a garage) and the off-street parking requirements (one covered and one screened space). By signing below, you agree to perform this work no later than July 15, 2004."

No action was taken to remove a portion of the garage, and the applicant has shared he has no recollection of the agreement.

PROJECT DESCRIPTION. The current application for the garage seeks approval for the following:

- (1) relocate the west wall (the one that sits upon the west property line) 6-inches to 10-inches further east to accommodate roof drainage on the subject property,
- (2) rebuild the west, south, and east building walls since they exhibit dry rot,
- (3) construct a new roof assembly to support solar panels,
- (4) raise the height of the roof 4-inches and shift the alignment of the garage roofline to maximize solar access, which centers the roof on the existing ridge of the studio,
- (5) install a new standing seam metal roof,
- (6) install a new sectional, roll-up, garage door with recessed wood panels, and
- (7) stucco and paint the garage to match the main dwelling.

ANALYSIS. The Yountville Municipal Code identifies a detached garage as an accessory structure that must maintain a minimum five-foot setback to side and rear property lines. In this case, the detached garage sits directly upon the west property line and is, therefore, legal nonconforming as to setback.

A legal nonconforming structure may be used in its current condition and "*maintenance and repairs that are necessary to keep it in sound condition are permitted.*" However, a legal nonconforming structure may not be moved, altered, or enlarged in a manner that would increase the discrepancy between existing conditions and the standards of Chapter 17.104 (Legal Nonconforming Uses, Buildings, Signs and Substandard Parcels) of the Yountville Municipal Code (YMC).

A legal nonconforming structure that has been destroyed by calamity may be reconstructed or reestablished again within one year upon approval of a use permit, if the reconstructed or reestablished building complies the Town's setback requirements. The idea is that eventually nonconforming structures are eliminated or altered to conform.

As to whether the current proposal satisfies the Town's standards regarding "*maintenance and repairs*" staff consulted with the Town Attorney. While the proposed work described above may seem to exceed what is allowed maintenance and repairs, the Town Attorney gave his opinion that the work qualified as maintenance and repairs. This was based on the applicant's representation that there was a significant amount of dry rot

that needed to be repaired to support the proposed solar roof.

OFF-STREET PARKING vs. FAR. The ZDRB's conclusion regarding FAR is not clearly documented in the legislative record from 1999. The assumption is that the ZDRB found that the 510 square feet of interior two-story height should be reflected in the FAR of 32.4% (rather than the actual FAR of 27.9%), thus requiring removal of a 102 square foot section of garage. This is troubling, however, since it is not documented in either the conditions of approval or the meeting minutes. It is only found in a letter of agreement dated more than four years from the date of ZDRB approval.

If a portion of the garage had been removed pursuant to the terms of the agreement, it would have resulted in a garage that is only 7½ feet deep. This action would have made the project nonconforming as to parking by failing to meet the Code requirement of one covered parking space. Staff wonders whether this was the intended result, given the absence of a clear legislative record and the competing concerns of parking and FAR.

Since uncovering this information, staff reached out to the applicant. He shared that if the front half of the garage is removed, the solar roof will not have enough solar gain to be viable, that there are no other structures on the property from which 102 square feet could be removed, and that there is not another feasible location on the property given the location and proximity of existing structures to one another. He suggested that perhaps one half of the garage could be removed by cutting it down the ridge line, leaving only the westside pitch of the roof for solar. In staff's opinion, both options to reduce the area of the garage would be unadvisable since it would eliminate required onsite covered parking.

With this history in mind, a question for the ZDRB is whether the recognized FAR for the property should be actual FAR (27.9%) or perceived FAR (32.4%). A determination of actual FAR would allow the current footprint of the garage to remain, in which case the project would meet the Town's minimum parking standard. A determination of perceived FAR would require the demolition of a portion of the garage and result in a project that is nonconforming as to parking and contrary to the Town's policies.

MINIMUM PARKING DIMENSIONS. The YMC provides that the minimum dimensions of a standard-size parking space are 9' x 19'. At 16 feet in length, the existing garage is substandard. The applicant had asked whether he could extend the depth of the garage to 18 or 20 feet, but staff advised that this would not be permitted because it would increase the nonconformity with the Code, which could negatively impact the adjoining neighbor.

The vehicle that the applicant wishes to park in the garage is +/- 16 feet in length. With the garage depth being the same, staff is concerned there is insufficient space to park the car and close the garage door. Eliminating the garage door and allowing it to function as a carport may solve this problem, but it may not satisfy the fire safety provisions of the California Building Code (CBC) that do not allow openings in buildings that are setback three feet or less to property line, as is the case here.

PUBLIC COMMENT. At time of publication of this staff report, staff has received one letter of public comment (attached) from the abutting property owner to the west, raising concerns of fire safety, insufficient setback, and encroachment of applicant's fence/garage on the neighbor's property. Regarding fire safety, the structure would need to comply with CBC requirements for fire rated construction, although some question remains as to whether a carport opening would satisfy these rules. Regarding the insufficient setback, the garage is a legal nonconforming structure that can be maintained in its current location. Regarding the encroachments, since the neighbor has a narrow 40-foot-wide lot, the fence/garage encroachment impacts the use and enjoyment of that property. Therefore, staff is proposing two new conditions requiring relocation of both the west wall of the garage and the privacy fence so that neither encroaches onto the neighboring property. When staff shared the proposed conditions with the neighbor, they indicated they could support the project as conditioned.

DESIGN REVIEW. Section 18.44.010 of the YMC provides that "accessory structures shall have materials consistent with primary buildings." In this case, there are a number of different materials used on the existing structures. The single-family dwelling features a stucco finish, fir posts and beams, and a ceramic tile roof. The

proposed new finish materials for the rebuilt garage will be stucco to match the main dwelling, but rather than a ceramic tile roof, the garage would feature a standing seam metal roof. A question for the ZDRB is whether the proposed standing seam metal roof, while dissimilar from the clay tile roof of the primary building, is consistent with that structure in terms of overall design aesthetic.

It is also important to note that the garage is attached to the artist studio that features weathered horizontal siding and asphalt shingles. Since the garage is visible from the street and the artist studio is tucked behind it, staff is not concerned with the difference in materials.

The existing garage roofline is a gable roof that is symmetrically positioned over the footprint; similar to the gable roof on the single-family dwelling. As proposed, the garage roofline would be modified so that it centers with the ridge of the artist studio behind the garage, but which throws the roofline out of symmetry with the garage itself. Another question for the ZDRB is whether this modification to the roofline is acceptable in terms of design review.

QUESTIONS FOR ZDRB. Staff has raised a number of questions in this staff report for the ZDRB consideration, which are summarized here.

Should the recognized FAR for the property be actual FAR (27.9%) to allow the current footprint of the garage to remain, or should it be perceived FAR (32.4%) and thus require removal of one-half of the garage?

If the ZDRB determines that perceived FAR is the appropriate standard, in what manner should the garage be modified to remove 102 square feet, keeping in mind the minimum requirements for a solar roof?

If the garage can be maintained at its current depth of 16 feet, should the garage door be maintained or eliminated?

Does the proposed standing seam metal roof of the garage maintain material consistency with the existing clay tile roof of the house?

Is the modified asymmetrical roofline acceptable in terms of design review?

DESIGN REVIEW FINDINGS. The Zoning Ordinance provides that Design Review approval shall only be granted to development that is designed and located in a manner that best satisfies the following criteria:

(1) It will properly and adequately perform or satisfy its functional requirements without being unsightly or creating substantial disharmony with its locale and surroundings;

By pulling the garage off the property line and relocating the shared privacy fence the project reduces the degree of nonconformity to the Code, improving the relationship between structures on the subject and adjoining parcels. The west elevation will be constructed to the requirements of the CBC and the roof will be metal, thereby reducing fire danger to the adjoining parcel. The garage will be improved so that it can park a vehicle, thus satisfying the Town's parking requirement.

(2) It will not impair or interfere with the development, use, or enjoyment of other property in the vicinity, nor with the orderly and pleasing development of the neighborhood as a whole, including public lands and rights-of-way;

See response to No. 1 above.

(3) It will not directly, or in a cumulative fashion, impair, inhibit, or limit further investment or improvements in the vicinity, on the same or other properties;

See response to No. 1 above.

(4). It will minimize or eliminate adverse physical or visual effects, which might otherwise result from unplanned or inappropriate development, design, or juxtaposition. Such adverse effects may include, but are not limited to those produced by the design, location and characteristics of the following:

(a) Areas, paths, and rights-of-way for the containment, movement or general circulation of persons and

vehicles; The proposal will not negatively impact the right-of-way or the existing on-street parking supply. Parking demand triggered by the development is all accommodated onsite.

(b) *Other developments or improvements that may result in a diminution or elimination of sun and light exposure, views, vistas, and privacy*;

See response to No. 1 above.

(5) *When possible all existing trees shall be protected.*

No trees will be removed.

ENVIRONMENTAL REVIEW

Categorically Exempt per California Environmental Quality Act (CEQA) Guideline; Class 1, Existing Facilities

STRATEGIC PLAN GOAL

Is item Identified in Strategic Plan? Yes

If yes, Identify Strategic Goal and Objective. **Quality of Life:** The Town enhances the livability of Yountville by providing well-maintained public facilities, parks, and trails, and quality programs and events.

Briefly Explain Relationship to Strategic Plan Goal and Objective. The Variance process ensures that projects comply with the Yountville Municipal Code, will maintain the Yountville aesthetic, and will not result in adverse impacts for neighbors.

RECOMMENDATION

Receive staff report and direct questions to staff.

Receive the applicant's presentation.

Conduct public hearing and receive testimony.

Conduct ZDRB discussion on Design Review for exterior modifications to a legal nonconforming structure.

Motion and second to approve the Design Review application with the conditions proposed by staff.