

# City of Calistoga

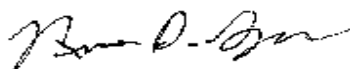
## Staff Report

**TO:** Honorable Mayor and City Council Members  
**FROM:** Erik V. Lundquist, Senior Planner  
**DATE:** April 1, 2014  
**SUBJECT:** White Parcel Map PM 2013-1 – Undergrounding Utility Waiver

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APPROVAL FOR FORWARDING:



Richard Spitler, City Manager

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1 **ISSUE:** Consideration of a waiver from undergrounding existing overhead  
2 utilities within the White Parcel Map PM 2013-1. The property is on the  
3 northwestern side of Mora Avenue approximately 1,774 feet from the intersection  
4 of Grant Street.

5 **RECOMMENDATION:** Adopt a Resolution granting a waiver from  
6 undergrounding utilities.

7 **BACKGROUND:** The Planning Commission considered the White Parcel Map  
8 application on February 26, 2014. During this meeting the Planning Commission  
9 heard presentations from staff and the applicant, and heard testimony from the  
10 public. One of the items of discussion was the requirement to underground the  
11 existing overhead utilities, which consist of electricity and telephone poles and  
12 distribution lines within the subdivision along its Mora Avenue frontage. The  
13 Planning Commission expressed their support for a waiver from undergrounding  
14 the existing utilities. Following discussion and deliberation, the Planning  
15 Commission adopted a Mitigated Negative Declaration and approved the Parcel  
16 Map with conditions. Condition No. 16 of the Parcel Map requires existing and  
17 proposed utilities within the subdivision to be placed underground.

18 **DISCUSSION:** The property owners have submitted a request to waive the  
19 undergrounding requirements. There are currently no service drops to the  
20 property since it is vacant. However, there are service lines that extend across  
21 the street to neighboring properties.

22 Per CMC Section 16.16.090, all existing and proposed utilities, including electric,  
23 communication and cable television within the subdivision<sup>1</sup> must be placed  
24 underground. No additional poles may be installed outside of the subdivision in  
25 order to comply with the undergrounding requirements unless allowed by the  
26 Public Works Director. In this case, it means the subdividers will be required to  
27 underground utilities along their frontage plus 260 feet beyond the property to the  
28 nearest existing pole, and undergrounding, with the adjacent property owners'  
29 approval, existing overhead services to properties on the opposite side of the  
30 street.

31 Section 16.02.080(B) does allow the City Council to waive the undergrounding  
32 requirement upon making certain findings:

33 *“B. The Council shall find that the granting of the modification will*  
34 *not be detrimental to the public welfare or injurious to other property*  
35 *in the territory in which the property is situated, and that:*

- 36 1. *There are unique circumstances or conditions affecting the*  
37 *property relative to size, shape or topography; or*
- 38 2. *The waiver or modification will improve the overall*  
39 *subdivision design; or*
- 40 3. *The property is to be devoted to such use that it is*  
41 *impossible or impracticable in the particular case for full*  
42 *compliance; and*
- 43 4. *Approval of any waiver or modification does not result in lots*  
44 *which are in conflict with the zoning ordinance.*

45 *In all cases in which such modifications are authorized, the Council*  
46 *shall require such evidence as it deems necessary that the*  
47 *conditions required in connection with such modifications are being*  
48 *met.”*

49 Although the Planning Commission does not have authority to waive the utility  
50 undergrounding requirements, the Planning Commission discussed and agreed  
51 with the applicant's position that it is impractical to proceed with undergrounding  
52 the existing utilities since all of the surrounding properties would still have above-  
53 ground utilities which obscure the view from the property. It is impractical to place  
54 a large financial burden on the subdividers for placing the utilities underground if  
55 surrounding landowners, the City of Calistoga, and the subdividers are not going  
56 to achieve the aesthetic benefit that is desired.

57 The Planning Commission further opined that the waiver would not be  
58 detrimental to the public welfare and would not result in lots that are in conflict  
59 with the zoning ordinance. As such, the City Council may grant the waiver since  
60 the required findings have been met.

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<sup>1</sup> The subdivision boundary is considered to be the centerline of the street or streets adjacent to the subdivision.

61 **GENERAL PLAN CONSISTENCY:** Several of the General Plan Character Areas  
62 contained within the General Plan Land Use Element provide direction to  
63 underground utilities, such as the Downtown Historic District, Gliderport and  
64 Lower Washington Character Areas. However, the subject site has a land use  
65 designation of Rural Residential, which does not contain any specific language  
66 regarding undergrounding utilities. As such, waiving the undergrounding would  
67 not conflict with the General Plan.

68 **ENVIRONMENTAL ANALYSIS:** The Planning Commission adopted a Mitigated  
69 Negative Declaration, in accordance with the California Environmental Quality Act  
70 (CEQA). Waiving the undergrounding requirements is not considered a  
71 substantial change, so no further action is required by the City Council.

72 **FISCAL IMPACT:** Staff time and direct expenses associated with the processing  
73 of this project has been offset by the applicant through application processing  
74 fees. Long-term economic benefits to the City of Calistoga associated with this  
75 project are anticipated in terms of increased property tax.

**ATTACHMENTS:**

1. Draft Undergrounding Utility Waiver Resolution
2. Applicant's Letter requesting Waiver
3. Planning Commission Resolution PC 2014-6, Tentative Parcel Map
4. Planning Commission Meeting Minutes Excerpt dated February 26, 2014
5. Vicinity Map
6. Tentative Parcel Map

RESOLUTION NO. 2014-XXX

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CALISTOGA, COUNTY OF NAPA, STATE OF CALIFORNIA GRANTING AN UNDERGROUNDING UTILITY WAIVER FOR THE WHITE PARCEL MAP PM 2013-1

WHEREAS, on February 26, 2014, the Planning Commission adopted Resolution PC 2014-6 for the White Parcel Map PM 2013-1 allowing the division of the property commonly referred to as Assessor Parcel Number 011-351-007, into three parcels; and

WHEREAS, per CMC Section 16.16.090 and Condition No. 16 of Resolution PC 2014-6, the property owners are required to underground the existing and proposed utilities within the subdivision; and

WHEREAS, per Section 16.02.080 of the Calistoga Municipal Code the property owners have requested that the requirement of placing all existing utilities underground be waived; and

WHEREAS, the City Council reviewed and considered the requested undergrounding utility waiver at its meeting on April 1, 2014, and prior to taking action on the application, the Council received written and oral reports by staff, and received public testimony; and

WHEREAS, the City Council, pursuant to CMC Section 16.02.080(B) has made the following findings:

- 1. The granting of the modification will not be detrimental to the public welfare or injurious to the other property in the territory in which the property is situated.

Finding: Allowing the existing overhead utilities to remain would not result in foreseeable impacts to the public welfare or harmful impacts to the neighboring properties.

- 2. The property is to be devoted to such use that it is impossible or impracticable in the particular case for full compliance.

Finding: The City Council finds that is impractical for the property owners to underground utilities along their frontage when undergrounding of the utilities along other sections of Mora Avenue is highly unlikely.

- 3. Approval of any waiver or modification does not result in lots which are in conflict with the zoning ordinance.

Finding: The purpose and intent of the zoning ordinance is: 1) to provide a plan of development for the City, and to guide, control and regulate the future growth of the City in accordance with the City's General Plan, and 2) to protect the established character of the City. Granting a waiver from the underground public utilities requirement will not be in conflict with the

42            stated purpose of the Zoning Ordinance and would not alter the character  
43            or order of development already existing in the neighborhood.

44            **NOW, THEREFORE, BE IT RESOLVED** that based upon the above  
45 findings, the City Council waives the requirement to underground the existing  
46 utilities within the White Parcel Map PM 2013-1.

47  
48            **PASSED AND ADOPTED** by the City Council of the City of Calistoga at  
49 a regular meeting held this **1st day of April, 2014**, by the following vote:

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51            **AYES:**

52            **NOES:**

53            **ABSENT:**

54            **ABSTAIN:**

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**CHRIS CANNING, Mayor**

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60            **ATTEST:**

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64            **KATHY FLAMSON, Deputy City Clerk**