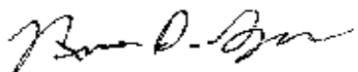


City of Calistoga

Staff Report

TO: Honorable Mayor and City Council Members
FROM: Erik V. Lundquist, Senior Planner
DATE: November 18, 2014
SUBJECT: Deckard and Franquelin Parcel Map PM 2014-3
Underground Utility Waiver

APPROVAL FOR FORWARDING:



Richard D. Spitler, City Manager

1 **ISSUE:** Consider a waiver from undergrounding existing overhead utilities within
2 the Deckard and Franquelin Parcel Map (PM 2014-3) pursuant to CMC
3 §16.02.080(B). The property is on the northwestern side of Mora Avenue
4 approximately 1,490 feet from the intersection of Grant Street.

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

7 **BACKGROUND:** The Planning Commission considered the Deckard and
8 Franquelin Parcel Map application on September 24, 2014. During this meeting
9 the Planning Commission heard presentations from staff and the applicant, and
10 heard testimony from the public. Following discussion and deliberation, the
11 Planning Commission approved the Parcel Map with conditions. Condition No.
12 13 of the Parcel Map requires existing and proposed utilities within the
13 subdivision to be placed underground. Although the applicants had previously
14 requested a waiver, the Planning Commission does not have authority to waive
15 the undergrounding requirements. As such, the applicants have submitted a
16 request to the City Council to waive the undergrounding requirements.

17 **DISCUSSION:** Overhead utility lines and utility poles currently exist along Mora
18 Avenue and within the existing right-of-way along the northern property
19 boundary. There are also distribution and service lines over Mora Avenue.
20 There are no service drops from the distribution lines along the northern property
21 boundary, although because the span is so long the communication and cable
22 television lines sag within 10-12 feet of the ground.

23 Per CMC Section 16.16.090, all existing and proposed utilities, including electric,
24 communication and cable television within the subdivision¹ must be placed
25 underground. No additional poles may be installed outside of the subdivision in
26 order to comply with the undergrounding requirements unless allowed by the
27 Public Works Director. In this case, it means the applicants will be required to
28 underground utilities along their frontage plus 800 feet beyond the property to
29 existing poles within the vicinity, and undergrounding, with the adjacent property
30 owners' approval, existing overhead service lines to properties on the opposite
31 side of Mora Avenue.

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

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

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

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

50 Recognizing that the Planning Commission does not have authority to waive the
51 utility undergrounding requirements, the Planning Commission did not specifically
52 discuss this matter but has opined on an adjoining project (i.e., White Parcel
53 Map) that it is impractical to proceed with undergrounding the existing utilities
54 since all of the surrounding properties would still have above-ground utilities
55 which obscure the view from the property. It is impractical to place a large
56 financial burden on the subdividers for placing the utilities underground if
57 surrounding landowners, the City of Calistoga, and the subdividers are not going
58 to achieve the aesthetic benefit that is desired. The City Council also agreed with
59 the Planning Commission in that case and waived the undergrounding
60 requirement since it would not be detrimental to the public welfare and would not
61 result in lots that are in conflict with the zoning ordinance.

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

62 It should be recognized that if the underground waiver is approved, the existing
63 utility poles may need to be relocated and/or new poles installed as a result of
64 the roadway construction. However, it is highly unlikely that the addition of one
65 or two new poles and/or the relocation of poles would negatively impact the
66 aesthetic environment. Staff believes that the required findings can still be made.
67 As such, the City Council may grant the waiver since the required findings have
68 been met.

69 If the Council waives the undergrounding, the applicants may still wish to
70 voluntarily place all or portions of the overhead utilities underground due to the
71 cost differential of relocating and installing new poles. Staff would work with the
72 applicants to achieve this undergrounding, if desired.

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

80 **ENVIRONMENTAL ANALYSIS:** The Planning Commission found that the parcel
81 map was exempt from the California Environmental Quality Act pursuant to
82 Section 15315 (Minor Land Divisions) of the CEQA Guidelines.

83 **CONSISTENCY WITH CITY COUNCIL GOALS AND OBJECTIVES:** One of the
84 City Councils objectives is to advance development. Waiving the utility
85 undergrounding requirement will advance this development project and will allow
86 development to proceed without negatively affecting the City's resources.

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

91

ATTACHMENTS:

1. Draft Undergrounding Utility Waiver Resolution
2. Applicant's Letter requesting Waiver
3. Undergrounding Utilities Vicinity Map
4. Planning Commission Resolution PC 2014-23, Tentative Parcel Map
5. Tentative Parcel Map
6. Correspondence from adjoining properties

RESOLUTION NO. 2014-XXX**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CALISTOGA,
COUNTY OF NAPA, STATE OF CALIFORNIA, GRANTING AN
UNDERGROUNDING UTILITY WAIVER FOR THE DECKARD AND
FRANQUELIN PARCEL MAP PM 2014-3**

1 **WHEREAS**, on September 24, 2014, the Planning Commission adopted
2 Resolution PC 2014-23 for the Deckard and Franquelin Parcel Map PM 2014-3
3 allowing the division of the property commonly referred to as Assessor Parcel
4 Number 011-351-006, into three parcels; and

5 **WHEREAS**, per CMC Section 16.16.090 and Condition No. 13 of
6 Resolution PC 2014-23, the property owners are required to underground the
7 existing and proposed utilities within the subdivision; and

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

11 **WHEREAS**, the City Council reviewed and considered the requested
12 undergrounding utility waiver at its meeting on November 18, 2014, and prior to
13 taking action on the application, the Council received written and oral reports by
14 staff, and received public testimony; and

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

17 1. Finding: The granting of the modification will not be detrimental to the
18 public welfare or injurious to the other property in the territory in which the
19 property is situated.

20 Supporting Evidence: Allowing the existing overhead utilities to remain
21 would not result in foreseeable impacts to the public welfare or harmful
22 impacts to the neighboring properties.

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

25 Supporting Evidence: It is impractical for the property owners to
26 underground utilities along their frontage when undergrounding of the
27 utilities along other sections of Mora Avenue is highly unlikely.

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

30 Supporting Evidence: The purpose and intent of the zoning ordinance is:
31 1) to provide a plan of development for the City, and to guide, control and
32 regulate the future growth of the City in accordance with the City's General
33 Plan, and 2) to protect the established character of the City. Granting a
34 waiver from the underground public utilities requirement will not be in
35 conflict with the stated purpose of the Zoning Ordinance and would not

36 alter the character or order of development already existing in the
37 neighborhood.

38 **NOW, THEREFORE, BE IT RESOLVED** that based upon the above
39 findings, the City Council waives the requirement to underground the existing
40 utilities within the Deckard and Franquelin Parcel Map PM 2014-3.

41
42 **PASSED, APPROVED AND ADOPTED** by the City Council of the City of
43 Calistoga at a regular meeting held this 18th day of November, 2014, by the
44 following vote:

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46 **AYES:**
47 **NOES:**
48 **ABSENT:**
49 **ABSTAIN:**

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CHRIS CANNING, Mayor

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ATTEST:

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KATHY FLAMSON, Deputy City Clerk