

City of Calistoga

Staff Report

TO: Honorable Mayor and City Council Members
FROM: Erik V. Lundquist, Senior Planner
DATE: June 6, 2017
SUBJECT: Underground Utility Waiver – 2016 Grant Street Merchant-Luk Parcel Map PM 2017-1

APPROVAL FOR FORWARDING:



Dylan Feik, City Manager

1 **ISSUE:** Consideration of a waiver from undergrounding existing overhead utilities
2 within the Merchant-Luk Parcel Map pursuant to CMC §16.02.080(B). The
3 property is located at 2016 Grant Street.

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

6 **BACKGROUND:** The Planning Commission considered the Merchant-Luk Parcel
7 Map application on May 10, 2017. During this meeting the Planning Commission
8 heard presentations from staff and the applicant, and testimony from the public.
9 Following discussion and deliberation, the Planning Commission approved the
10 parcel map with conditions. Condition No. 8 of the parcel map requires existing
11 and proposed utilities within the subdivision to be placed underground. The
12 applicants have submitted a request to the City Council to waive the
13 undergrounding requirement because it is financially burdensome and no
14 development of the parcels is proposed at this time.

15 **DISCUSSION:** Overhead utility lines and utility poles currently exist along the
16 north side of Grant and from these lines are service drops that feed the existing
17 residence.

18 Per CMC §16.16.090, all existing utilities, including electric, communication and
19 cable television within an approved subdivision¹ must be placed underground. No
20 additional poles may be installed outside of the subdivision in order to comply
21 with the undergrounding requirements unless allowed by the Public Works
22 Director. In this case, it means the applicants would be required to underground
23 utilities approximately 327 feet along their Grant Street frontage and any service
24 connections that extend across Grant Street.

25 CMC §16.02.080(B) allows the City Council to waive the undergrounding
26 requirement upon making certain findings:

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

31 *1. There are unique circumstances or conditions affecting*
32 *the property relative to size, shape or topography; or*

33 *2. The waiver or modification will improve the overall*
34 *subdivision design; or*

35 *3. The property is to be devoted to such use that it is*
36 *impossible or impracticable in the particular case for full*
37 *compliance; and*

38 *4. Approval of any waiver or modification does not result in*
39 *lots which are in conflict with the zoning ordinance.*

40 *In all cases in which such modifications are authorized, the Council*
41 *shall require such evidence as it deems necessary that the*
42 *conditions required in connection with such modifications are being*
43 *met.”*

44 It seems impractical to proceed with undergrounding the existing utilities at this
45 time since the parcel map creates one developable parcel. Additionally, it is
46 highly unlikely that development would occur on adjoining properties that would
47 warrant undergrounding.

48 It should be recognized that if the underground waiver is approved, all new
49 utilities would be underground. As such, staff believes the City Council may
50 grant the waiver since the required findings have been met, per the evidence
51 provided in the attached resolution.

52 **GENERAL PLAN CONSISTENCY:** Several of the General Plan Character Areas
53 contained within the General Plan Land Use Element provide direction to
54 underground utilities, such as in the Downtown Historic District, Gliderport and
55 Lower Washington Character Areas. However, the subject site has a land use

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

56 designation of Medium Residential, which does not contain any specific language
57 regarding undergrounding utilities. As such, waiving the undergrounding would
58 not conflict with the General Plan.

59 **ENVIRONMENTAL ANALYSIS:** The proposed project is Categorically Exempt
60 from the requirements of the California Environmental Quality Act (CEQA)
61 pursuant to Section 15315 (Minor Land Divisions) of the CEQA Guidelines.

62 **CONSISTENCY WITH CITY COUNCIL GOALS AND OBJECTIVES:** One of the
63 City Councils objectives is to advance development. Waiving the utility
64 undergrounding requirement will advance this parcel map and allow the estate
65 planning to proceed without negatively affecting the City's resources.

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

ATTACHMENTS:

1. Draft Resolution
2. Applicant's Letter requesting Waiver
3. Location Map
4. Planning Commission Resolution PC 2017-9, Tentative Parcel Map
5. Tentative Parcel Map

RESOLUTION NO. 2017-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 MERCHANT-LUK PARCEL
MAP PM 2017-1**

1 **WHEREAS**, on May 10, 2017, the Planning Commission adopted
2 Resolution PC 2017-9 for the Merchant-Luk Parcel Map PM 2017-1 allowing the
3 division of the property located at 2016 Grant Street, into two parcels; and

4 **WHEREAS**, per CMC §16.16.090 and Condition No. 8 of Resolution PC
5 2017-9, the property owner is required to underground the existing and proposed
6 utilities within the subdivision; and

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

10 **WHEREAS**, the City Council reviewed and considered the requested
11 undergrounding utility waiver at its meeting on June 6, 2017, and prior to taking
12 action on the application, the Council received written and oral reports by staff,
13 and received public testimony; and

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

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

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

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

24 Supporting Evidence: It is impractical for the property owners to
25 underground utilities along their frontage when undergrounding of the
26 utilities along sections of Grant Street to the east and west is highly
27 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 Merchant-Luk Parcel Map PM 2017-1.

41 **PASSED, APPROVED AND ADOPTED** by the City Council of the City of
42 Calistoga at a regular meeting held this 6th day of June 2017, by the following
43 vote:

44 **AYES:**

45 **NOES:**

46 **ABSENT:**

47 **ABSTAIN:**

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CHRIS CANNING, Mayor

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51 **ATTEST:**

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KATHY FLAMSON, City Clerk