

**CITY OF CALISTOGA**  
**STAFF REPORT**

**To:** Calistoga Planning Commission  
**From:** Samantha Thomas, Associate Planner  
**Meeting Date:** August 25, 2021  
**Subject:** **Setback Variance for PG&E Utility Shed (VA 2021-1) at 1890 Mora Avenue**

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1 **ITEM**

2 Consideration of a variance application to allow an 8-  
3 foot and 4.5-inch setback reduction for a PG&E utility  
4 shed at 1890 Mora Avenue (APN 011-022-003).

5 **PROJECT SETTING**

6 The 41,349-square foot subject property is located  
7 on Mora Avenue and is zoned RR: Rural Residential.  
8 The neighborhood is primarily characterized by  
9 single-family dwellings on larger lot sizes. The  
10 frontage of the subject property consists of an  
11 existing active vineyard, with the single-family  
12 residence and associated structures located at the  
13 back of the property, approximately 225 feet from the  
14 street. The subject property is adjoined to the east by  
15 a smaller lot with a zoning designation of R-1: One-  
16 Family Residential and remaining surrounding lots  
17 larger in size to the north, west, and south zoned RR:  
18 Rural Residential.

19 Previously, the subject property  
20 contained a high voltage primary  
21 service crossing the existing active  
22 vineyard with a power pole in the  
23 middle of the property next to the  
24 existing driveway which terminated at  
25 a power panel on a pre-existing  
26 outbuilding, maintained by PG&E.

27 The property is occupied by a 1,586-  
28 square foot single-family residence,  
29 557-square foot garage, 983-square  
30 foot ADU/wine tasting outbuilding,  
31 308-square foot workshop



*New PG&E Utility Shed*

32 outbuilding, and a new 118-square foot  
33 PG&E utility shed outbuilding, for a total  
34 lot coverage of 3,552-square feet.

35 **VARIANCE REQUEST**

36 The owner's original intent was to  
37 request PG&E remove a high voltage,  
38 primary service power line and pole  
39 from the middle of the existing active  
40 vineyard and bury it under the vineyard.  
41 The primary power line went  
42 approximately 200 feet to an existing  
43 outbuilding which has now been rebuilt  
44 into the existing ADU/wine tasting  
45 outbuilding. The rebuilt ADU/wine  
46 tasting outbuilding had a side shed  
47 which was the location for the  
48 agriculture irrigation pump station for  
49 the existing active vineyard.



*Aerial view of the subject property.*

50 PG&E determined that they could not  
51 bury primary service under the existing active vineyard as it would fall under the  
52 definition of a 'plowed field' and under Electric Rule No. 16 is considered an  
53 'obstruction, deterrent obstacle, or hazard'. In addition, the number of 90 degree turns  
54 that would have been required, and the root system of the existing oak next to the  
55 rebuilt ADU/wine tasting outbuilding was an impediment. Therefore, PG&E determined  
56 the only location for the new primary service and associated panels is at the edge of the  
57 existing active vineyard, in the northern corner of the property within the front setback.

58 At a minimum, this service requires a mounting wall and two (2) brace walls. The  
59 footprint for the new utility shed that would house PG&E's equipment as well as the  
60 agriculture irrigation pump station is 118-square feet. The new utility shed is proposed  
61 to be clad with stone, incorporating a cross dormer and two (2) windows with the goal  
62 that the building will look like an agricultural outbuilding from 100 years ago. There are  
63 several other 'utility sheds' along Mora Avenue whose locations also appear to be  
64 dictated by PG&E with some of these 'utility sheds' being much larger in size as well as  
65 closer to the street. The new 118-square foot utility shed with a height of 8-feet 6-inches  
66 (11-feet 4-inches to ridge) are below the threshold for which a building permit is  
67 required. If this property did not have an existing active vineyard, the new utility shed  
68 could have been pushed behind the 20-foot front setback required per CMC 17.38.050  
69 rather than the current 11-foot 7 ½-inch setback. However, the subject property features  
70 a single-family residence and associated structures at the rear of the property and an  
71 existing active vineyard in the front near the street.

72 The applicant seeks approval of a variance application to reduce the setback by 8-feet  
73 and 4.5-inch in order to accommodate the PG&E utility shed.

74 **DISCUSSION**

75 Staff explored alternative methods to approve the new PG&E utility shed  
76 administratively but determined a method did not apply to the project.

77 CMC Section 17.38.050.A (3) states that landscaped features and structures such as  
78 uncovered and unenclosed walkways, patios and porches having a height of not more  
79 than 18 inches, ornamental gate archways having a height of not more than eight feet,  
80 planters, light standards, posts designed to support landscape features, ornamental  
81 fixtures, arbors, trellises, flagpoles, and similar features shall be permitted anywhere on  
82 a lot. It was determined that the new PG&E utility shed does not qualify as one of the  
83 listed structure types and therefore cannot be located anywhere on a lot.

84 CMC Section 17.38.050.D allows the Planning and Building Director to grant an  
85 exception from accessory building and structure standards regulating required yards in  
86 residential districts, following notice to the adjacent property owner(s), for the  
87 reconstruction, renovation or expansion of existing accessory buildings or structures. As  
88 the new PG&E utility shed is not a reconstruction, renovation or expansion of an  
89 existing accessory building or structure, this section of the CMC does not apply.

90 CMC Section 17.42.020 requires that all of the following findings be made to approve  
91 the requested setback variances.

92 The applicant maintains in their application that there is sufficient factual basis to  
93 support the mandatory findings, and staff concurs, as described below.

94 1. Finding: *Conditions apply to the property that do not apply generally to other*  
95 *properties in the same zone or vicinity, which conditions are a result of lot size or*  
96 *shape, topography, or other circumstances over which the applicant has no control.*

97 Supporting Evidence: The property is unique in that the single-family residence and  
98 associated structures are located at the back of the property, with an existing active  
99 vineyard located at the front of the property. Although many of the properties on  
100 Mora Avenue contain agriculture/vineyards, many newly constructed single-family  
101 residences on smaller lots do not and are much closer to their property's frontage.  
102 When the owner chose to remove the power pole and bury the high voltage primary  
103 service in order to rebuild the existing ADU/wine tasting outbuilding, PG&E gave  
104 preliminary approval to have the panel on the side of the rebuilt ADU/wine tasting  
105 outbuilding. However, when the PG&E visited the site, they indicated that the  
106 proposed underground service would not be allowed due to the restrictions under  
107 Electrical Rule No. 16. Electrical Rule No. 16 does not allow buried service under  
108 'plowed land' (i.e. existing active vineyard), the number of 90 degree turns that would  
109 have been required, and the root system of the existing oak next to the rebuilt  
110 ADU/wine tasting outbuilding was an impediment. Therefore, it was not possible for  
111 PG&E to install the system through the existing active vineyard. PG&E ultimately

112 decided where the new system would be installed, at the edge of the existing active  
113 vineyard, in the northern corner of the property within the front setback due to  
114 restrictions under Electrical Rule No. 16.

115 2. Finding: *The variance is necessary for the preservation of a property right of the*  
116 *applicant substantially the same as is possessed by owners of other property in the*  
117 *same zone or vicinity.*

118 Supporting Evidence: The location of the new utility shed was determined by PG&E  
119 and the agricultural pump station is required for the existing active vineyard as well  
120 as the ADU/wine tasting outbuilding and single-family residence located on the  
121 subject property. If the PG&E connection is not finalized, then the ADU/wine tasting  
122 outbuilding and single-family residence will not be habitable as there will be no  
123 electricity for the buildings and the water well requires power to be operational.  
124 Along Mora Avenue, there are additional PG&E utility sheds in close proximity to the  
125 street, some of which are closer to the street than the new utility shed on the subject  
126 property. It appears these are located here due to PG&E rules, with some located  
127 right on property lines. It appears that an update to the zoning code may be  
128 warranted to address the needs of larger parcels with active agriculture. Due to  
129 PG&E requirements as previously discussed and the location of additional PG&E  
130 utility sheds along Mora Avenue, the variance is needed here to maintain the same  
131 property right.

132 3. Finding: *The authorization of the variance will not be materially detrimental to the*  
133 *purposes of this Title, be injurious to property in the zone or vicinity in which the*  
134 *property is located, or otherwise conflict with the objectives of City development*  
135 *plans or policies.*

136 Supporting Evidence: The authorization of the variance will be beneficial to the title  
137 on this property and appropriate given the precedent along Mora Avenue. The Rural  
138 Residential zone is intended for single family residential and agricultural activities,  
139 and the subject property has had vineyards for over 70 years. The new 118-square  
140 foot utility shed that was constructed is a small, authentic, agricultural shed, clad  
141 with stone, which incorporated a cross dormer and 2 windows. The intension is for  
142 the new utility shed to look as though it has been there for 100 years. The location is  
143 on the side of the field and is nearly completely blocked visually from several trees  
144 on the neighboring property at 1912 Mora Avenue as well as bushes along Mora  
145 Avenue. The 11-foot 4-inch, 118-square foot shed is also under the required  
146 minimum size for a building permit and diminutive in scale when compared to the 2-  
147 story garage/ADU next door at 1912 Mora Avenue.

148 4. Finding: *The variance requested is the minimum variance which will alleviate the*  
149 *hardship.*

150 Supporting Evidence: The new 118-square foot utility shed is the minimum size  
151 needed to safely support the PG&E primary service equipment and the agricultural  
152 irrigation station. The owners are emphatic that the new utility shed blend in with the

153 surrounding vicinity – a discreet structure with the intent of it looking as though it has  
154 been there for 100 years.

155 **PUBLIC COMMENTS**

156 As of August 17, 2021, no public comments had been received regarding this  
157 application.

158 **ENVIRONMENTAL REVIEW**

159 Staff has determined that the project is Categorical Exempt from the requirements of  
160 the California Environmental Quality Act (CEQA) pursuant to Section 15303 of the  
161 CEQA Guidelines (New Construction).

162 **RECOMMENDATION**

163 Approve the requested setback variance, subject to conditions.

**ATTACHMENTS**

1. Draft Resolution
2. Vicinity Map
3. Drawing Set
4. Project Description and Findings Response from Applicant