

RESOLUTION NO. 2017-053

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

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

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

WHEREAS, per §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 June 6, 2017, 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 §16.02.080(B) has made the following findings:

1. **Finding:** 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.

Supporting Evidence: 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. **Finding:** The property is to be devoted to such use that it is impossible or impracticable in the particular case for full compliance.

Supporting Evidence: It is impractical for the property owners to underground utilities along their frontage when undergrounding of the utilities along sections of Grant Street to the east and west is highly unlikely.

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

Supporting Evidence: 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 stated purpose of the Zoning Ordinance and would not

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

NOW, THEREFORE, BE IT RESOLVED that based upon the above findings, the City Council waives the requirement to underground the existing utilities within the Merchant-Luk Parcel Map PM 2017-1.

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

AYES: Vice Mayor Dunsford, Councilmembers Lopez-Ortega and Kraus and Mayor Canning
NOES: None
ABSTAIN: None
ABSENT: Councilmember Barnes



CHRIS CANNING, Mayor

ATTEST:


KATHY FLAMSON, City Clerk