



City Council Staff Report

Date: January 16, 2013 CONSENT CALENDAR
Subject: SEWER CONNECTION EXEMPTION AT 565 SANTA ROSA DRIVE
From: David H. Ready, City Manager
Initiated by: Public Works and Engineering Department

SUMMARY

Per City of Palm Springs by Resolution No. 20650 in reference to Municipal Code 15.14.010 exemptions to sewer connection may be granted by the City Council in any case (in the sole judgment of the council) where unusual topographic or terrain conditions exist which make the connection to the public sewer impractical, unreasonable, unfeasible or impose extreme economic hardship upon the property owner if he/she is required to connect such building to the public sewer system.

RECOMMENDATION:

Approve the sewer connection exemption at 565 Santa Rosa Drive, pursuant to City Council Resolution No. 20650.

STAFF ANALYSIS:

On August 15, 1984, the City adopted Resolution No. 15188 which allowed for exemptions to the mandatory requirement to connect to the public sewer, if the costs associated with the on-site sewer connection exceeded \$3,000; or, if the costs associated with the off-site sewer extension exceeded \$5,000. On July 2, 2003, the City adopted Resolution No. 20650, repealing resolution 15188 and re-establishing guidelines for the exemption of residential properties from connection to public sewer pursuant to chapter 15.14 of the Palm Springs Municipal Code, which adjusted the prior exemptions to exceeding \$4,776 for on-site sewer connections, or exceeding \$7,960 for off-site sewer extensions, with annual adjustments in accordance with the Engineering News Record Construction Cost Index. Currently, for an exemption, costs must exceed \$6,483 for on-site sewer connections, or \$10,805 for off-site sewer extensions.

Per the letter of request by the homeowners at 565 Santa Rose Drive and an independent cost estimate of \$80,117.90 provided for the construction of the mainline, this cost estimate meets the exemption criterion for off-site sewer line extensions.

ITEM NO. 28

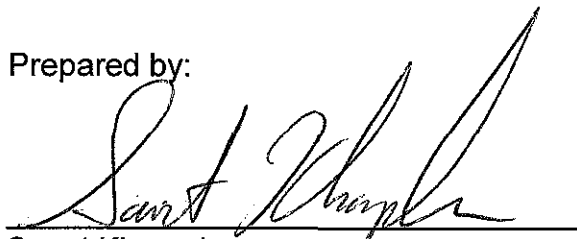
Generally, the City's Building Codes require a property to connect to the public sewer at the time a building permit is issued for new construction, or if the existing on-site septic tank system fails or requires expansion. However, mandatory connections are exempted if the public sewer is more than 500 feet away, or if the costs for on-site connection or off-site extension exceed the amounts previously identified.

Although there is a mainline connection within 210 feet away from the property, construction estimates generally do come in at a higher rate because of the rocky terrain in the area.

FISCAL IMPACT:

There will be no fiscal impact to the City.

Prepared by:



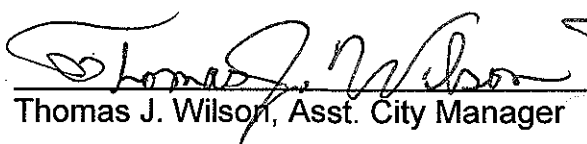
Savat Khamphou
Assistant Director of Public Works

Recommended by:

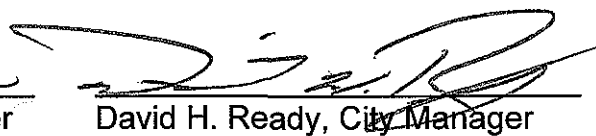


David J. Barakian
Director of Public Works/City Engineer

Approved by:



Thomas J. Wilson, Asst. City Manager



David H. Ready, City Manager

ATTACHMENTS:

1. Letter from Homeowner (includes map and Municipal Code section 15.14.010)
2. Resolution No. 20650, 15188, and 11248



Lorcan O'Herlihy Architects [LOHA]
1537 La Cienega Blvd, Los Angeles, CA 90035
t 310.657.4363 f 310.657.4980 www.loharchitects.com

REQUEST FOR SEWER CONNECTION EXEMPTION

DATE:

December 21, 2012

TO:

City of Palm Springs
Department of Public Works and City Council
3200 E. Tahquitz Canyon Way
Palm Springs, CA 92262

RE:

Sewer Exemption Request
new single family residence
565 Santa Rosa Drive
Palm Springs, CA 92262
APN # 513-193-003-9

Greetings,

This letter is a request for an exemption to section 15.14.010 of the Palm Springs Municipal Code. Per Resolution 20650 4.a, an exemption may be granted if the cost of a sewer connection exceeds a set amount. Based on the location of the property to the nearest potential sewer main connection, an independent cost analysis was done by a licensed contractor (attached), the amount of which exceeds the amount stipulated by Resolution 20650 granting an exemption.

If you have any questions or require additional documentation, please email or call. We appreciate your attention to this matter.

Sincerely,

Jennifer Davidson and Tara Sandler
Owners - 565 Santa Rosa Drive



133 ft

CityGIS

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November 16, 2012

PRELIMINARY PROPOSAL

Quote: 1

Nick Hopson
LOHA Architects
1537 S. La Cienega Blvd
Los Angeles, CA 90035
310-657-4363
310-657-4980

Job Name: Palm Springs Offsite Sewer Lateral
Job Location: Santa Rosa Dr, Palm Springs, Ca

Arch: LOHA
Plan Date: N/A
Specification: N/A
Geotechnical Report Date: N/A

TKE Construction is pleased to submit the following budget estimate for the above mentioned project and propose to furnish material, equipment, and labor to complete the above scope for an Estimated Costs listed in this Estimate. Attached please find our bid breakdown and general description. Should you have questions or need any clarification of this estimate, please call me at your earliest convenience to review.

Sincerely,

Kelly McCall
Construction Manager
TKE Construction Inc

2305 Chicago Ave
Riverside, Ca 92507
P-951-680-0440 F-951-346-3138



Project Name:	Palm Springs Offsite Sewer Lateral	Date:	11/16/12
Project Address:	Santa Rosa Dr, Palm Springs, Ca		

OFFSITE COST		Off Site Area: 1,380	230lf of 4" sewer lateral			
Description	Cost Code	Type	Value	Included	Excluded	Notes
Off Site - Soils Testing	02-001		1,500.00	X		Geo Compaction Testing
Off Site - Dust Control	02-003		2,400.00	X		Dust Control
Off Site - Surveying & Staking	02-005		1,200.00	X		Survey (Offset Staking)
Off Site - Hard Demo & Grading	02-060		2,200.00	X		Demo Asphalt/Haul/Disposal
Off Site - Grade/Excavation	02-200		11,500.00	X		Utility Trench Excavation/Backfill/Compaction
Off Site - Erosion Control	02-205		-		x	Excluded
Off Site - Traffic Signals	02-240		-		x	Excluded
Off Site - Traffic Control / Barricades	02-241		2,500.00	X		Traffic Control Items (plan by other)
Off Site - Asphalt Paving	02-500		13,248.00	X		5" AC Over 10" AB (estimated design) Includes Grind and 1.5" Overlay 3' each side
Off Site - Curb & Gutter	02-530		-		x	Excluded
Off Site - Electrical / Dry Utilities	02-570		-		x	Excluded
Off Site - Telephone / Cable Tv	02-572		-		x	Excluded
Off Site - Sewer Main	02-660		6,625.00	X		4" Clay Lateral (includes 2 man holes)
Off Site - Water Main & Hydrants	02-662		-		x	Excluded
Off Site - Reclaimed Water	02-725		-		x	Excluded
Off Site - Storm Drain	02-803		-		x	Excluded
Off Site - Gas Main	02-805		-		x	Excluded
Off Site - Street Lights	02-807		-		x	Excluded
Off Site - Telephone Poles	02-900		-		x	Excluded
Off Site - Landscaping	02-920		-		x	Excluded
Off Site - Street Plates	02-930		-		x	Excluded
Off Site - Temporary Asphalt Patch	02-940		-		x	Excluded
Off Site - Misc.	02-950		-		x	Excluded
Total Offsite			41,173.00			

PRELIMINARY PROPOSAL

2305 Chicago Ave
 Riverside, Ca 92507
 P 951-680-0440 F 951-346-3138



Project Name:	Palm Springs Offsite Sewer Lateral	Date:	11/16/12
Project Address:	Santa Rosa Dr, Palm Springs, Ca		

Site Work	Site Sq. Ft.	Est. Cost	Cost Per Sq. Ft.	Notes
Total Offsite	N/A	41,173.00		Offsite - NIC
Total Onsite	1,380	-	\$0.00	Onsite Improvements
Total Site Cost:		\$41,173.00		

Building	Building Sq. Ft.	Est. Cost	Cost Per Sq. Ft.	Notes
Total Buildings	0	-		#DIV/0!
Total Building Cost:		\$0.00		

General Conditions	Est. Cost	Qualifications / Comments
Total Construction Cost	\$41,173.00	Per Breakdown Above
Supervision/Project Management	\$8,600.00	1 Superintendent & 1 PM
G/C's/Equipment/Traffic Control	\$22,500.00	
SWPPP	\$0.00	Implement Only (Plan By Owner)
Contingency	\$0.00	Excluded
Insurance	\$017.60	1.5%
Permits / Fees	\$0.00	Excluded (By Owner)
Overhead & Profit	\$7,227.30	10.0%
Performance & Payment Bond	\$0.00	Excluded
Total Cost:		\$80,117.90

PRELIMINARY PROPOSAL



Alternate Adds:

Performance Bond (4% Of Total)	\$	3,204.72
	\$	-
	\$	-
	\$	-

All Materials and Labor is warranted for a period of 1-year as specified. All work to be completed in a workmanlike manner according to standard practices. Any alteration or deviation from the above specifications involving extra costs will be executed only upon written order, and will become an extra charge over and beyond the estimate. All agreements contingent upon strikes, accidents or delays beyond our control. Owner to carry fire, tornado and other necessary insurance.
 Our workers are fully covered by Workmen's Compensation Insurance.

Payment to be made as follows: Upon Completion and or Percent of Completion

Signed: _____

Date: 11/16/12

Addendums: N/A
Plan Pages: N/A
Standards: N/A

Exclusions: Any and All (Other than Items Listed)

2305 Chicago Ave
 Riverside, Ca 92507
 P 951-680-0440 F 951-346-3138

Palm Springs Municipal Code

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Title 15 WATER AND SEWERS

Chapter 15.14 REQUIRED USE OF SEWERS

15.14.010 Sewers required for new construction.

(a) ~~No person shall construct a building without connecting such building to a public sewer, unless an exemption is granted by this chapter, the city manager or the city council.~~

(b) Exemptions.

(1) Buildings constructed without plumbing and thereafter utilizing no plumbing are exempt.

(2) ~~An exemption may be granted by the city manager in any case where the development involves a single-family dwelling on a lot of record and the distance from the lot line to the public sewer is greater than five hundred feet.~~ Although such an exemption is granted, the maximum residential connection fee shall be paid prior to the issuance of a building permit. At the time of eventual connection of a dwelling given initial exemption under the terms of this subsection, any portion of the maximum residential connection fee that has been paid which is found to exceed the sewer connection fee schedule of charges currently applicable at the time to residences shall be refundable.

(3) ~~An exemption may be granted by the city council in any case (in the sole judgment of the council) where unusual topographical or other terrain conditions exist which make the connection to the public sewer impractical, unreasonable, unfeasible or impose extreme economic hardship upon the property owner if he is required to connect such building to the public sewer system. It shall be the responsibility of the applicant for such exemption to provide to the city council such data or proof as the council deems necessary, including but not limited to engineering cost estimates and feasibility reports, to substantiate any such application.~~

(4) In any case where an exemption cannot be granted pursuant to subdivisions (2) or (3) of this subsection, an exemption may be granted by the city manager whenever the city council has by resolution or ordinance declared that the city's central sewage treatment facilities are incapable of serving the area involved. A condition of any such exemption shall be that the maximum sewer connection fee (otherwise applicable) shall be paid at or prior to the time of issuance of building permit(s). A further condition shall be that there be installed (at the usual time this would otherwise occur incidental to development) all sewerage lines, laterals, mains and facilities which would otherwise be needed or required were the development to be connected to a public sewer, except that the same shall not be physically connected to the public system until the city has given notice at a later time that this will be done. The capping off of the said "dry" lines and facilities, and distances such lines and facilities shall be kept from the public mains, shall be as reasonably prescribed by the city engineer.

(5) Any exemption granted under the provisions of this section shall require that during the exemption period, the building or development involved shall be properly and adequately sewered with a private sewer system designed, constructed, installed, and maintained to standards approved by the city engineer and the Riverside County health department, and additionally in the case of developments of five or more units, to standards and technical requirements prescribed after review by the Desert Water Agency and the Regional Water Quality Control Board. An additional condition to the granting of any exemption pursuant to subdivision (2) or (4) of this subsection shall be the recording of a covenant running with the land that, within one year after official notice, in the case of subsection (2) exemptions, that an operating public sewer has been completed within five hundred feet of the permittee's lot line, or within ninety days after official notice, in the case of subsection (4) exemptions, that the central treatment facilities are capable of serving the area, the permittee (or then owner of record) will extend the private lines the necessary distance and connect to the public system. Any such covenant shall also contain an appropriate and reasonable commitment that the permittee (and successors in interest) will cooperate and participate in any future assessment district proceeding designed to provide adequate

public sewerage mains and facilities to serve the area in which the permittee's land is located.

(Ord. 1084 § 1, 1979; Ord. 1001 § 1, 1975; Ord. 982 § 1 (part), 1974)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, REPEALING RESOLUTION 15188 AND RE-ESTABLISHING GUIDELINES FOR THE EXEMPTION OF RESIDENTIAL PROPERTIES FROM CONNECTION TO PUBLIC SEWER PURSUANT TO CHAPTER 15.14 OF THE PALM SPRINGS MUNICIPAL CODE.

WHEREAS, the City Council of the City of Palm Springs, California, by Resolution No. 11248 adopted November 20, 1974, established a policy requiring all then existing buildings and all buildings to be built thereafter, if such buildings contained plumbing, to be connected to public sewers; and

WHEREAS, said resolution refers to an ordinance of the City implementing such policy, such ordinance being Ordinance No. 982, adopting Chapter 15.14 of the Palm Springs Municipal Code; and

WHEREAS, said Chapter 15.14 of the Palm Springs Municipal Code contains certain provisions for exemption from such connection to public sewer; and

WHEREAS, the City Council of the City of Palm Springs, California, had previously adopted by Resolution, guidelines to regulate the granting of said exemptions; and

WHEREAS, the City Council of the City of Palm Springs, California, now desires to adopt by Resolution, guidelines to regulate the granting of exemptions pursuant to said Chapter 15.14 of the Palm Springs Municipal Code,

NOW THEREFORE BE IT RESOLVED by the City Council of the City of Palm Springs, California, as follows:

1. Resolution 15188 previously approved on August 15, 1984 is hereby repealed.
2. The general policy stated in Resolution No. 11248, requiring that all existing or future buildings now or hereafter containing plumbing be connected to the public sewer system is continued in full force and effect, the purpose of this resolution being only to establish guidelines for exemptions therefrom.
3. Each of the exemptions stated in Ordinance 982, including without limitation the exemptions provided in Section 15.14.010 and 15.14.020, introduced simultaneously with the adoption of said Resolution No. 11248, and thereafter enacted into law, are continued in full force and effect.
4. The condition that "...unusual topographic or other terrain conditions exist which make the connection to the public sewer impractical, unreasonable, unfeasible or impose extreme economic hardship upon the property owner if he is required to connect such building to the public sewer system..." is deemed to be met if the following circumstances shall be found to exist:

16B

- a) If the cost of on-site sewer construction and connection, exclusive of sewer facility fee, shall exceed the sum of \$4,776 per dwelling unit, or such greater sum as shall hereafter be determined by resolution of the City Council; or
- b) If the cost of sewer main construction, in the event no sewer main exists in proximity to said property, shall exceed \$7,960 per dwelling unit, or such greater sum as shall hereafter be determined by resolution of the city council.

The amounts in "a)" and "b)" above shall be adjusted annually in accordance with the Engineering News Record Construction Cost Index.

Adopted this 2nd day of July, 2003.

AYES: Members Mills, Oden, and Mayor Kleindienst
NOES: None
ABSENT: Members Hodges and Reller-Spurgin

ATTEST:

CITY OF PALM SPRINGS, CALIFORNIA

By

City Clerk


City Manager

REVIEWED AND APPROVED

16'BZ

RESOLUTION NO. 15188

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS ESTABLISHING GUIDELINES FOR THE EXEMPTION OF RESIDENTIAL PROPERTIES FROM CONNECTION TO PUBLIC SEWER PURSUANT TO CHAPTER 15.14 OF THE PALM SPRINGS MUNICIPAL CODE.

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WHEREAS the City Council of the City of Palm Springs by Resolution No. 11248 adopted November 20, 1974, established a policy requiring all then existing buildings and all buildings to be built thereafter, if such buildings contained plumbing, to be connected to public sewers; and

WHEREAS said resolution refers to an ordinance of the City implementing such policy, such ordinance being Ordinance No. 982, adopting Chapter 15.14 of the Palm Springs Municipal Code; and

WHEREAS said Chapter 15.14 of the Palm Springs Municipal Code contains certain provisions for exemption from such connection to public sewer; and

WHEREAS the City Council now desires to adopt guidelines to regulate the granting of exemptions pursuant to said Chapter 15.14 of the Palm Springs Municipal Code,

NOW THEREFORE BE IT RESOLVED by the City Council of the City of Palm Springs as follows:

1. The general policy stated in Resolution No. 11248, requiring that all existing or future buildings now or hereafter containing plumbing be connected to the public sewer system is continued in full force and effect, the purpose of this resolution being only to establish guidelines for exemptions therefrom.
2. Each of the exemptions stated in Ordinance No. 982, including without limitation the exemptions provided in Section 15.14.010 and 15.14.020, introduced simultaneously with the adoption of said Resolution No. 11248, and thereafter enacted into law, are continued in full force and effect.
3. The condition that "...unusual topographical or other terrain conditions exist which make the connection to the public sewer impractical, unreasonable, unfeasible or impose extreme economic hardship upon the property owner if he is required to connect such building to the public sewer system..." is deemed to be met if the following circumstances shall be found to exist:
 - (a) If the cost of on-site sewer construction and connection, exclusive of sewer facility fee, shall exceed the sum of \$3,000 per dwelling unit, or such greater sum as shall hereafter be determined by resolution of the City Council; or
 - (b) If the cost of sewer main construction, in the event no sewer main exists in proximity to said property, shall exceed \$5,000 per dwelling unit, or such greater sum as shall hereafter be determined by resolution of the City Council.
4. In the case of single family residential units as to which exemption was granted pursuant to Section 15.14.010(b)(2), and single family residential units existing prior to the adoption of

Chapter 15.14 of the Palm Springs Municipal Code, where such single family residential units now have and continue to have a properly sized, properly functioning private sewage disposal system, and where no exemption may be granted pursuant to Section 15.14.010(b)(3) or (4) or pursuant to Section 15.14.020(b)(2) the City Council reserves the right to grant extensions of time for connection to public sewer for periods not to exceed five years from the date of adoption of this resolution, provided (1) that sewer facilities fee in such amount as heretofore established by resolution of the City Council shall have been paid prior to approval of any such application for extension of time, and (2) provided that in the event of failure of such private sewage disposal system, such extension of time may be terminated, and the owner of said residential unit shall be required to connect the same to the public sewer within 30 days after notice thereof. Application for any such extension of time shall be subject to such filing fee or recovery of costs as shall be determined by resolution of the City Council.

ADOPTED this 15th day of August, 1984.

AYES: Councilmembers Birer, Foster, Maryanov and Mayor Bogert
NOES: None
ABSENT: Councilmember Smith

ATTEST: CITY OF PALM SPRINGS, CALIFORNIA
By *[Signature]* *[Signature]*
City Clerk City Manager

REVIEWED & APPROVED *[Signature]*

RESOLUTION NO. 11248

OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS,
CALIFORNIA, ADOPTING AS A POLICY OF THE CITY THAT
ALL EXISTING OR FUTURE BUILDINGS NOW OR HEREAFTER
CONTAINING PLUMBING SHALL BE CONNECTED TO THE PUBLIC
SEWER SYSTEM.

WHEREAS, the existing municipal wastewater treatment facility is nearing capacity; and

WHEREAS, the City of Palm Springs is seeking a Clean Water Grant pursuant to the Clean Water Bond Law of 1970 to expand the existing Municipal Wastewater Treatment Facility; and

WHEREAS, the State and Environmental Protection Agency have indicated that sewer connections are necessary to obtain maximum grant participation; and

WHEREAS, an Ordinance of the City has been introduced requiring all new construction within the City to connect to a public sewer and also requiring all existing buildings in the City to connect to a public sewer by December 31, 1983;

NOW THEREFORE BE IT RESOLVED that the City Council of the City of Palm Springs hereby adopts as a policy of the City that all existing buildings containing plumbing shall connect to a public sewer on or before December 31, 1983, with eighty (80) percent of all existing unconnected buildings containing plumbing connecting on or before December 31, 1980.

BE IT FURTHER RESOLVED that, as a policy of the City, all future buildings containing plumbing shall be connected to a public sewer.

ADOPTED this 20th day of November, 1974.

AYES: Councilmen Beirich, Field, Garcia, Schlecht and Mayor Foster
NOES: None
ABSENT: None

ATTEST: CITY OF PALM SPRINGS, CALIFORNIA

By *[Signature]*
Deputy City Clerk

[Signature]
City Manager

REVIEWED AND APPROVED *[Signature]*