



City Council Staff Report

Date: June 1, 2016

CONSENT CALENDAR

Subject: APPROVAL OF A SEWER CONNECTION EXEMPTION FOR THE PROPERTY LOCATED AT 2379 LEONARD ROAD IN ACCORDANCE WITH TITLE 15 OF THE PALM SPRINGS MUNICIPAL CODE

From: David H. Ready, City Manager

Initiated by: Public Works and Engineering Department

SUMMARY

The requested action will approve an exemption to the requirement to connect to the public sewer system for the residential property located at 2379 Leonard Road in accordance with Chapter 15.14.010 of the Palm Springs Municipal Code. Approval of the exemption will allow the property owner to install a private on-site septic system.

RECOMMENDATION:

Approve an exemption to the requirement to connect to the public sewer system for the property located at 2379 Leonard Road, in accordance with Chapter 15.14.010 of the Palm Springs Municipal Code, and Resolution No. 20650 – subject to a requirement to execute a Sewer Covenant obligating connection to the public sewer when available in the future.

STAFF ANALYSIS:

In accordance with Section 15.14.010 "Sewers Required for New Construction," of the Palm Springs Municipal Code (PSMC), a requirement that no person shall construct a building without connecting such building to a public sewer, unless an exemption is granted by the City Manager or City Council. The code PSMC 15.14.010 (b)(2) states:

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

ITEM NO. 2.H.

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.

A location map is provided below and a Vicinity Map is included as **Attachment 1**.



LOCATION MAP – 2379 LEONARD ROAD

The nearest public sewer is located in Racquet Club Road, approximately 200 feet north of the property; none of the residential properties in the Little Tuscan neighborhood located west of Via Monte Vista are connected to the public sewer except for the properties immediately adjacent to Racquet Club Road, and the new Tuscan Heights subdivision.

PSMC 15.14.010(b)(3) provides for an exemption to the requirement to connect to the public sewer, and states:

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.

The property owner has requested relief from the obligation to connect to the public sewer on the basis of the cost to extend a new sewer main in Leonard Road from Racquet Club Road; a copy of the request for exemption and cost estimate is included as **Attachment 2**.

To clarify an "economic hardship," on July 2, 2003, the City Council adopted Resolution No. 20650 re-establishing guidelines for the exemption of residential properties from connection to the public sewer system pursuant to Chapter 15.14 of the PSMC, and implementing adjustments to 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, to qualify for an "economic hardship" exemption, costs must exceed \$6,304 for on-site sewer connections, or \$10,507 for off-site sewer extensions. A copy of Resolution No. 20650 is included as **Attachment 3**. The owner has obtained an independent cost estimate of \$99,000 as the total cost to connect to the public sewer system, which exceeds the current amount to qualify for an "economic hardship."

Therefore, pursuant to City Council policy established by Resolution No. 20650 in implementing the exemption authorized by Chapter 15.14.010 of the PSMC, the City Council may grant an exemption to the requirement to connect to the public sewer system for the property located at 2379 Leonard Road. Staff is recommending that as a condition of the granting of the exemption, that the property owner be required to execute a Sewer Covenant obligating the property to connect to the public sewer when it is directly available to the property.

Approval of the sewer exemption will allow the property owner to construct an on-site private septic system in lieu of connecting to the public sewer.

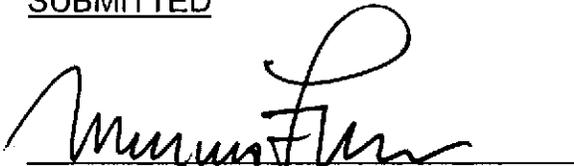
ENVIRONMENTAL IMPACT:

The requested City Council action is not a "Project" as defined by the California Environmental Quality Act (CEQA). Pursuant to Section 15378(a), a "Project" means the whole of an action, which has a potential for resulting in either a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment. According to Section 15378(b), a Project does not include: (5) Organizational or administrative activities of governments that will not result in direct or indirect physical changes in the environment.

FISCAL IMPACT:

There is no fiscal impact associated with this requested action.

SUBMITTED



Marcus L. Fuller, MPA, P.E., P.L.S.
Assistant City Manager/City Engineer



David H. Ready, Esq., Ph.D.
City Manager

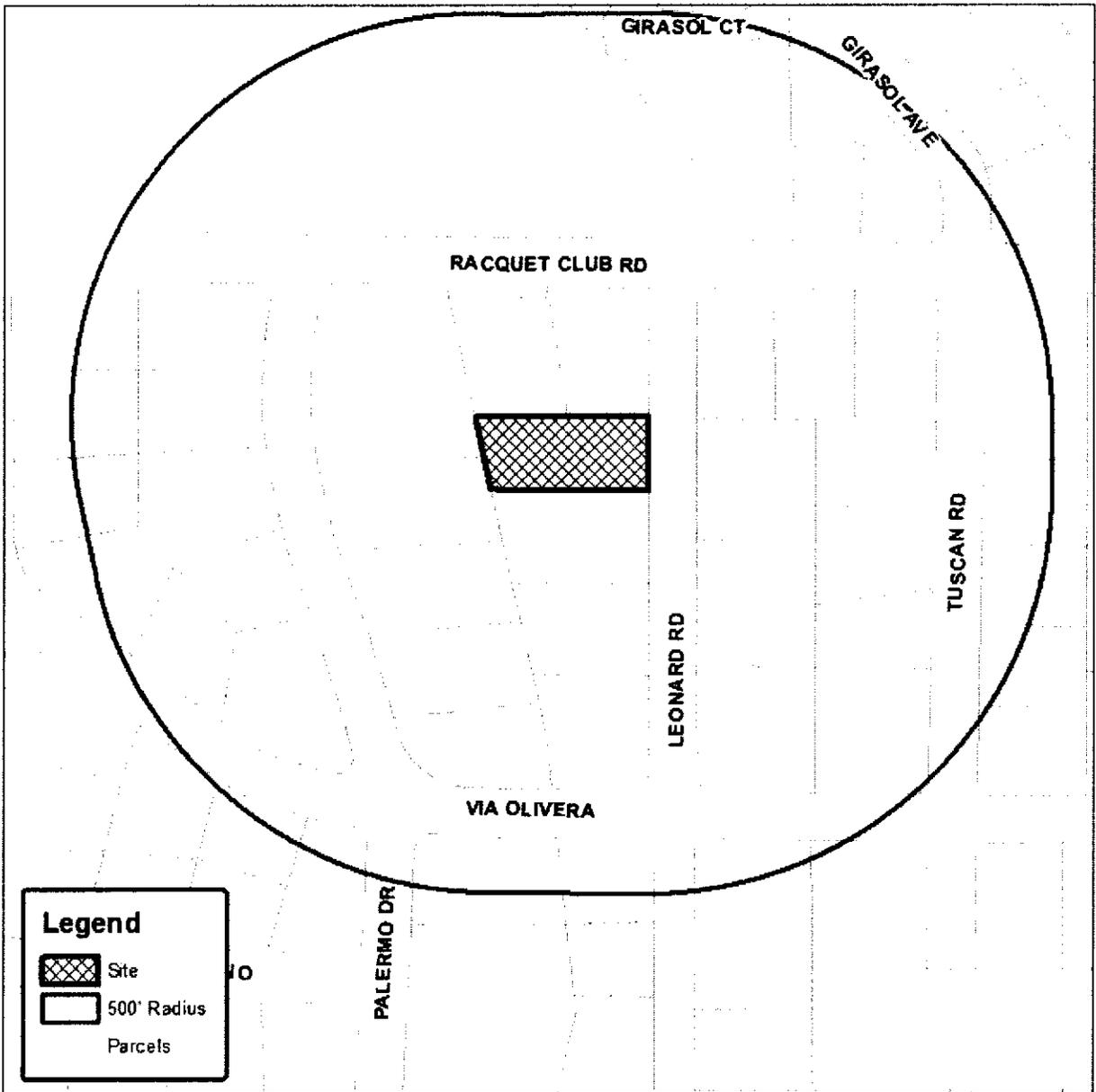
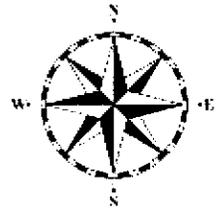
ATTACHMENTS:

1. Vicinity Map
2. Request Letter and Construction Cost Estimates
3. Resolution No. 20650

Attachment 1



Department of Public Works and Engineering
Vicinity Map



CITY OF PALM SPRINGS

Attachment 2

ROBERT SCHATZ M.D.

443 N. Avenida Caballeros
Palm Springs, CA. 92262
310 770 0120 (cell)

May 23, 2016

Mr. Rick Minjares
Engineering Department
c/o City of Palm Springs

RE: 2379 Leonard Road

Dear Gentlepersons:

We plan to build a single family residence at the above address. As per city municipal code, we are requesting a hardship exemption so that we may place a septic tank instead of a sewer line.

Sincerely yours,

Robert Schatz

ALMS UNDERGROUND CONST., INC.**Proposal**38703 Vista Drive
Cathedral City, CA92234Ca. Lic. 482180 Ph: (760) 324-1911
Fax: (760) 324-9541 Cell: (760) 578-1510Proposal No. 20160426
Sheet No. 01
Date April 24, 2016

E 4112

Proposal Submitted To**Work to be Performed At**

Name	Richard Schatz	Street	2379 Leonard
Street		City	Palm Springs
City		State	CA
State		Date of Plans	
Telephone	310-770-0120	Email	cuxolalob@aol.com

We herby propose to furnish all the materials and perform all the labor necessary for the completion of:

Install approx 250 linear feet of 8" sewer main from Racket Club to 2379 Leonard.

We include sewer lateral permits and paving.

Engineering fees and staking not included.

In the event of any action arising out of this agreement, the prevailing party will be entitled to reasonable attorney's fees. All material is guaranteed to be as specified, and the above work to be performed in accordance with the drawings and specifications submitted for above work and completed in a substantial workmanlike manner for the sum of

Dollars (\$80,000.00)**With payments to be made as follows:**

10% deposit with signed proposal. Balance upon job completion.

Any alteration or deviation from above specifications involving extra costs, will be executed only upon written orders, and will become an extra charge over and above the estimate. All agreements contingent upon strikes, accidents or delays beyond our control. Owner to carry fire, tornado and other necessary insurance upon above work. Workmen's Compensation and Public liability insurance on above work are in effect for Alms Underground Const.

"NOTICE TO OWNER"

(Section 7019--Contractors License Law)

Under the Mechanics' Lien Law, any contractor, subcontractor, laborer, material man or other person who helps to improve your property and is not paid for his labor, services or material has a right to enforce his claim against your property. Under the law, you may protect yourself against such claims by filing, before commencing such work or improvement, an original contract for the work of improvement or a modification thereof, in the office of the county recorder of the county where the property is situated and requiring that a contractor's payment bond be recorded in such office. Said bond shall be in an amount not less than fifty percent (50%) of the contract price and shall, in addition to any conditions for the performance of the contract, be conditioned for the payment in full of the claims of all persons furnishing labor, services, equipment or materials for the work described in said contract.

Respectfully submitted

Douglas Alms

Per

Alms Underground Construction, Inc.

State License No. 482180 - C-42, C-21

All bills not paid within 30 days of invoice date are subject to 1 1/2% per month interest.

Note -

This proposal may be withdrawn by us if not accepted within: 60 days.

ACCEPTANCE OF PROPOSAL

The above prices, specifications and conditions are satisfactory and are hereby accepted. You are authorized to do the work as specified. Payment will be made as outlined above.

Accepted:

Signature:

Date:

Signature:

Contractors are required by law to be licensed and regulated by the Contractor's State License Board. Any questions concerning a contractor may be referred to the Registrar, Contractors State License Board, [3132 Bradshaw Road,] Sacramento, California. [Mailing Address: P.O. Box 26000, Sacramento, California 95826.]

ALMS UNDERGROUND CONST., INC.

Proposal

Proposal No. 20160426-2
Sheet No. 01
Date April 24, 2016

E4112

38703 Vista Drive
Cathedral City, CA92234
Ca. Lic. 482180 Ph: (760) 324-1911
Fax: (760) 324-9541 Cell: (760) 578-1510

Proposal Submitted To

Work to be Performed At

Name	Richard Schatz	Street	2379 Leonard
Street		City	Palm Springs
City		State	CA
State		Date of Plans	
Telephone	310-770-0120	Email	cuxolalob@aol.com

We herby propose to furnish all the materials and perform all the labor necessary for the completion of:

Install Septic system 1500 gallons and two - ten foot seepage pits.

In the event of any action arising out of this agreement, the prevailing party will be entitled to reasonable attorney's fees. All material is guaranteed to be as specified, and the above work to be performed in accordance with the drawings and specifications submitted for above work and completed in a substantial workmanlike manner for the sum of

Dollars (\$19,000.00)

With payments to be made as follows:

10% deposit with signed proposal. Balance upon job completion.

Any alteration or deviation from above specifications involving extra costs, will be executed only upon written orders, and will become an extra charge over and above the estimate. All agreements contingent upon strikes, accidents or delays beyond our control. Owner to carry fire, tornado and other necessary insurance upon above work. Workmen's Compensation and Public liability insurance on above work are in effect for Alms Underground Const.

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Under the law, you may protect yourself against such claims by filing, before commencing such work or improvement, an original contract for the work of improvement or a modification thereof, in the office of the county recorder of the county where the property is situated and requiring that a contractor's payment bond be recorded in such office. Said bond shall be in an amount not less than fifty percent (50%) of the contract price and shall, in addition to any conditions for the performance of the contract, be conditioned for the payment in full of the claims of all persons furnishing labor, services, equipment or materials for the work described in said contract.

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Attachment 3

RESOLUTION NO. 20650

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:

16.B

- 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'B2