

RESOLUTION NO. _____

RESOLUTION OF THE BOARD OF PUBLIC UTILITIES OF THE CITY OF SANTA ROSA MAKING FINDINGS AND RECOMENDING THAT THE CITY COUNCIL OF THE CITY OF SANTA ROSA DENY THE APPEAL FILED BY CABRERA AND ASSOCIATES, ON BEHALF OF PROPERTY OWNERS ROD AND LYNNE WALLACE, OF THE FINAL DECISION BY THE DIRECTOR OF WATER DENYING A VARIANCE REQUEST TO WAIVE THE REQUIREMENT TO EXTEND A PUBLIC SEWER MAIN TO SERVE A NEW DEVELOPMENT FOR THE PROPOSED PROJECT AT 1800 BRUSH CREEK ROAD

WHEREAS, on February 12, 2018, Tony Cabrera of Cabrera and Associates, on behalf of the property owners (the “Applicant”), submitted a Variance Application requesting that Santa Rosa Water waive the requirement of a public sewer main extension for the proposed new development located at 1800 Brush Creek Road (the “Property”) and instead allow a private sewer lateral to be installed across two residential parcels to an existing sewer main in Rivera Drive; and

WHEREAS on March 21, 2018, the Director of Santa Rosa Water denied the Variance Application request finding that granting the variance request would negatively impact and place undue financial burden on neighboring properties along Brush Creek Road and Normandy Drive; and

WHEREAS on April 4, 2018, the Applicant filed an appeal seeking to overturn the Water Director’s decision denying the Variance Application; and

WHEREAS on June 21, 2018, the Board of Public Utilities of the City of Santa Rosa has reviewed the appeal and considered all comment, testimony, information and records herein and finds the following:

1. Applicant failed to submit evidence of extreme soil conditions that would differentiate the Property frontage from that of other properties along Brush Creek Road that were required to extend the sewer main.
2. There is an existing sewer main within 110 feet from the Property and the existence of other utilities, water and storm drain would indicate that such work is feasible along the frontage of the Property.
3. City staff have submitted an Engineer’s Estimate indicating that project costs would be around \$200,000, a portion of which is subject to reimbursement from other benefiting properties.
4. Granting a variance in this case would negatively impact and place undue financial burden on neighboring properties along Brush Creek Road and Normandy Drive in that they would have to unfairly bear the burden of any future sewer main extension without any proportionate contribution from the Applicant.

NOW, THEREFORE, BE IT RESOLVED that based on the findings set forth above, the Board of Public Utilities recommends that the City Council deny the appeal by Cabrera and Associates, on behalf of Rod and Lynne Wallace, and uphold the Director of Water’s decision to deny the variance request to waive the requirement of a public sewer main extension to serve a new development proposed at 1800 Brush Creek Road.

DULY AND REGULARLY ADOPTED by the City of Santa Rosa Board of Public Utilities this 21st day of June, 2018.

AYES:

NOES:

ABSENT:

ABSTAIN:

APPROVED: _____
Daniel J. Galvin, III, Chairman

ATTEST: _____
Gina Perez, Recording Secretary

APPROVED AS TO FORM:

City Attorney