

APPEAL OF WATER DIRECTOR DECISION TO DENY A VARIANCE REQUEST FOR 1800 BRUSH CREEK ROAD

Board of Public Utilities Meeting
June 21, 2018



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Overview

- Project Overview
- Background
- Applicable Laws and Standards
- Summary of Arguments on Appeal
- Recommendation



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Project Overview

- Property located at 1800 Brush Creek Road
- Vacant 1.02 acre parcel
- Applicant desires to waive City design standard requirement to extend public sewer main to serve property
- Applicant desires instead to connect to sewer via extension of a private sewer lateral across two residential properties





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Background

2017

- Staff advised there is an existing water main in Brush Creek Road and no sewer. Per City Standard, development of the parcel would require a public sewer main extension in Brush Creek Road
- Alternatively a sewer study could be conducted to demonstrate that the surrounding properties that could benefit from the sewer main extension could not be served
- Upon review and concurrence by staff, a variance may be granted to allow a different connection

Background

2018

- In February, Variance Application was submitted requesting that the requirement to extend a public sewer main be waived and instead allow the property to be served via a private sewer lateral through an easement across two private properties
- In March, the Variance was denied by the Director of Santa Rosa Water because it would negatively impact and place undue financial burden on neighboring properties along Brush Creek Road and Normandy Drive
- In April, Cabrera and Associates submitted an appeal of the Water Director's decision to deny the variance and requesting approval of the Applicant's variance request to connect to sewer via a private lateral instead of extending the public sewer main

Applicable Laws

City Code

- Title 15 Sewers Section 15-04.036 – requires new development within 500 feet of a public sewer to connect to sewer
- Title 15 Sewers Section 15-16.020 – requires construction of all sewer lines to conform to the City's design criteria and standards.
- Title 15 Sewers Section 15-16.080 – requires sewer lines to be constructed by private development to be sized to accommodate the sewage from surrounding tributary properties

Plumbing Code

- California State Plumbing Code (2016) Section 307.1, requires that “no plumbing system, drainage system, building sewer, private sewage disposal system, or parts thereof shall be located in a lot other than the lot that is the site of the building, structure or premises served by such facilities.”



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Applicable Standards

City Design Standards

- Sewer Standards require:
 - Design incorporate any off-site sewer that is required for the connection to an existing public sewer
 - Designed at least across one-half the property frontage
 - Sewer laterals be located on the property frontage of a parcel that abuts a street and shall not be located in an easement when gravity service can be provided at the property frontage
- Allow for an appeal to the City Council of any staff decision but may first be considered by Board for recommendation

Summary of Arguments on Appeal

- Location
- Existing Improvements
- Practicable Difficulties
- Unnecessary Hardship

Location

- No evidence that 1800 Brush Creek frontage is more rocky than other locations along Brush Creek Road
- Other projects along Brush Creek Road have been required and successfully constructed public water and sewer infrastructure for the benefit of future development

Existing Improvements

- Existing public sewer main approx. 110 feet north
- Public water main and public storm water infrastructure already in place along frontage of Property
- Feasible to locate underground services in Brush Creek Road

Practicable Difficulties

- Existing public water and storm water infrastructure along frontage of Property
- Existing sewer main north and south of Property along Brush Creek Road
- City staff currently maintains infrastructure along Brush Creek Road
- Traffic Control will be addressed as part of construction

Unnecessary Hardship

- City's Engineer Estimate is \$207,500 which incorporates costs for difficult excavation
- City estimates typically higher than private construction
- Applicant may seek reimbursement from future connections to public sewer main



15

Negative Impact to Neighboring Properties

- Extension of public improvements required of new development
- Fair and consistent process will avoid undue future financial hardship
- Undeveloped properties and properties served by private septic along Brush Creek Road would bear financial burden of extending sewer main without proportional share from Applicant

Recommendation

It is recommended by the Water Department that the Board, by resolution, recommend that the City Council deny the appeal filed by Cabrera and Associates on behalf of property owners Rod and Lynne Wallace and uphold the Director of Water's decision denying a variance to waive the requirement of a public sewer main extension for new development proposed at 1800 Brush Creek Road

Questions?



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