



City Council Staff Report

September 5, 2012

NEW BUSINESS

Subject: REQUEST TO AMEND TENTATIVE TRACT MAP 28308 BY DOS PALMAS DEVELOPMENT, LLC, A CALIFORNIA LIMITED LIABILITY COMPANY, BY WAIVER OF CONDITION OF APPROVAL TO UNDERGROUND EXISTING OVERHEAD UTILITY LINES ON THE 1.6 ACRE SITE LOCATED ON THE NORTH SIDE OF SUNNY DUNES ROAD BETWEEN CALLE AMIGOS AND S. SUNRISE WAY, IN SECTION 23, TOWNSHIP 4 SOUTH, RANGE 4 EAST

From: David H. Ready, City Manager

Initiated by: Public Works and Engineering Department

SUMMARY:

The applicant, Dos Palmas Development, LLC is requesting an amendment of a condition of approval for a previously approved 7-unit single-family residential tract, Tentative Tract Map No. 28308. The amendment would eliminate the requirement to underground the existing overhead utility lines running in a north to south orientation between Lot 3 and Lot 4 of recorded Tract Map No. 28308.

RECOMMENDATION:

- 1) Staff recommends that City Council not waive Condition No. 24, but allow for the undergrounding of utilities on the tract map site in accordance with the City Engineer's recommendation on page 3 and as shown on attached map.

STAFF ANALYSIS:

On November 12, 2008, the Planning Commission recommended approval of Amended Tentative Tract Map No. 28308, which was subsequently approved by the City Council, subject to conditions, on January 21, 2009, for construction of seven single family residences located on 1.6 acres along the north side of Sunny Dunes Road between Calle Amigos and Sunrise Way. Tract Map No. 28308 was recorded on March 13, 2012.

ITEM NO. 5.A.

Included in the conditions of approval for Tract Map No. 28308 is Engineering Condition (numbered ENG 24 on this project) which requires the conversion of all existing overhead utilities to be installed underground adjacent to the project:

ENG 24. In accordance with Chapter 8.04.401 of the City of Palm Springs Municipal Code, all existing and proposed electrical lines of thirty-five thousand volts or less and overhead service drop conductors, and all gas, telephone, television cable service, and similar service wires or lines, which are on-site, abutting, and/or transecting, shall be installed underground unless specific restrictions are shown in General Orders 95 and 128 of the California Public Utilities Commission, and service requirements published by the utilities. The existing overhead utilities across the property meet the requirement to be installed underground. Utility undergrounding shall extend to the nearest off-site power pole; no new power poles shall be installed unless otherwise approved by the City Engineer. A letter from the owners of the affected utilities shall be submitted to the Engineering Division prior to approval of a grading plan, informing the City that they have been notified of the City's utility undergrounding requirement and their intent to commence design of utility undergrounding plans. When available, the utility undergrounding plan shall be submitted to the Engineering Division identifying all above ground facilities in the area of the project to be undergrounded. Undergrounding of existing overhead utility lines shall be completed prior to issuance of a certificate of occupancy."

This condition is generally applied uniformly on similar projects throughout the City, in accordance with the Palm Springs Municipal Code.

On July 25, 2012, Dos Palmas Development, LLC, the applicant, submitted a letter requesting relief from Engineering Condition No. 24 (see attached letter).

With regard to Engineering Condition No. 24, staff notes that this condition reflects the requirements of the state Public Utilities Code for new utility service and is beyond the staff's ability to waive. Consequently, the only issue for the City Council is whether or not to waive Engineering Condition No. 24.

The email dated July 5, 2012 outlines a number of issues that potentially affect the applicant's ability to comply with the requirement of utility undergrounding (see attached email). The existing overhead utility lines exist in a north to south orientation located between Lot 3 and Lot 4 of Tract Map No. 28308. See Attachment 1.

In order to avoid the disruption to Ramon Mobile Home Park residents, the City Engineer recommended not undergrounding the utilities into the Ramon Mobile Home Park; in lieu of undergrounding the utilities into the mobile home park, the City Engineer would allow the relocation of the one existing utility pole on the project site 7 feet to the

north, to the northeast corner of Lot 3 in Tract Map No. 28308. The existing power pole contains a capacitor bank, which would have to be installed on the relocated pole. A representative of Southern California Edison has stated that in conjunction with this relocation, a support guy wire would have to be installed that would extend 30 feet south (horizontally) into the backyard of Lot 3. The owner of Dos Palmas Development, LLC (Mr. Paul Hryn) does not want a 30 feet long support guy wire in the backyard of Lot 3. This scenario would underground only 150 feet of overhead utility lines, maintaining the same pole count, and adding the support guy wire.

The cost of the utility undergrounding has not been calculated by Southern California Edison (SCE) because Mr. Hryn (of Dos Palmas Development, LLC) is not satisfied with either of the utility undergrounding scenarios suggested by the City and SCE to date, so Mr. Hryn has not paid the necessary deposit to SCE for a cost estimate to be completed. Because there are only 7 single family homes in Tract Map No. 28308, the cost to underground the existing utilities would be divided among only 7 homes. Mr. Hryn has requested that the City Council waive the utility undergrounding condition for Tract Map No. 28308.

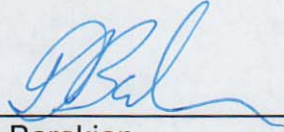
Engineering staff has conferred with the Southern California Edison (SCE) planners, Matthew Odell and Amber Wright, working on the Tract Map No. 28308 undergrounding project, regarding the applicant's issues with the utility undergrounding. An e-mail response from Matthew Odell was received on May 23, 2012, after the City inquired from SCE what the issues were for utility undergrounding on this site (see attached email). Mr. Hryn (owner of Dos Palmas Development, LLC) has informed staff verbally that the construction of the seven homes will not proceed if the utility undergrounding requirement is not waived and that he will sell the property rather than build on it.

ENVIRONMENTAL ASSESSMENT:

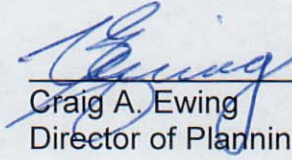
Pursuant to Section 15162 of the California Quality Environmental Act, the preparation of further environmental assessment is not necessary since the circumstances of the project have not changed. The present request could not therefore, result in any new environmental impacts beyond those already assessed in the Negative Declaration adopted by the City Council on January 21, 2009.

FISCAL IMPACT:

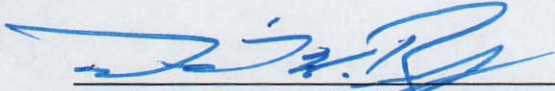
None



David J. Barakian
Director of Public Works/City Engineer



Craig A. Ewing
Director of Planning Services



David H. Ready, City Manager
City Manager

Thomas J. Wilson
Assistant City Manager

ATTACHMENTS:

1. Map of Lot 3 and 4 of Tract Map No. 28308
2. Email from SCE dated May 23, 2012
3. Email from the applicant dated July 5, 2012
4. E-Mail from SCE dated July 12, 2012
5. Letter from the applicant dated July 25, 2012

ATTACHMENT 1

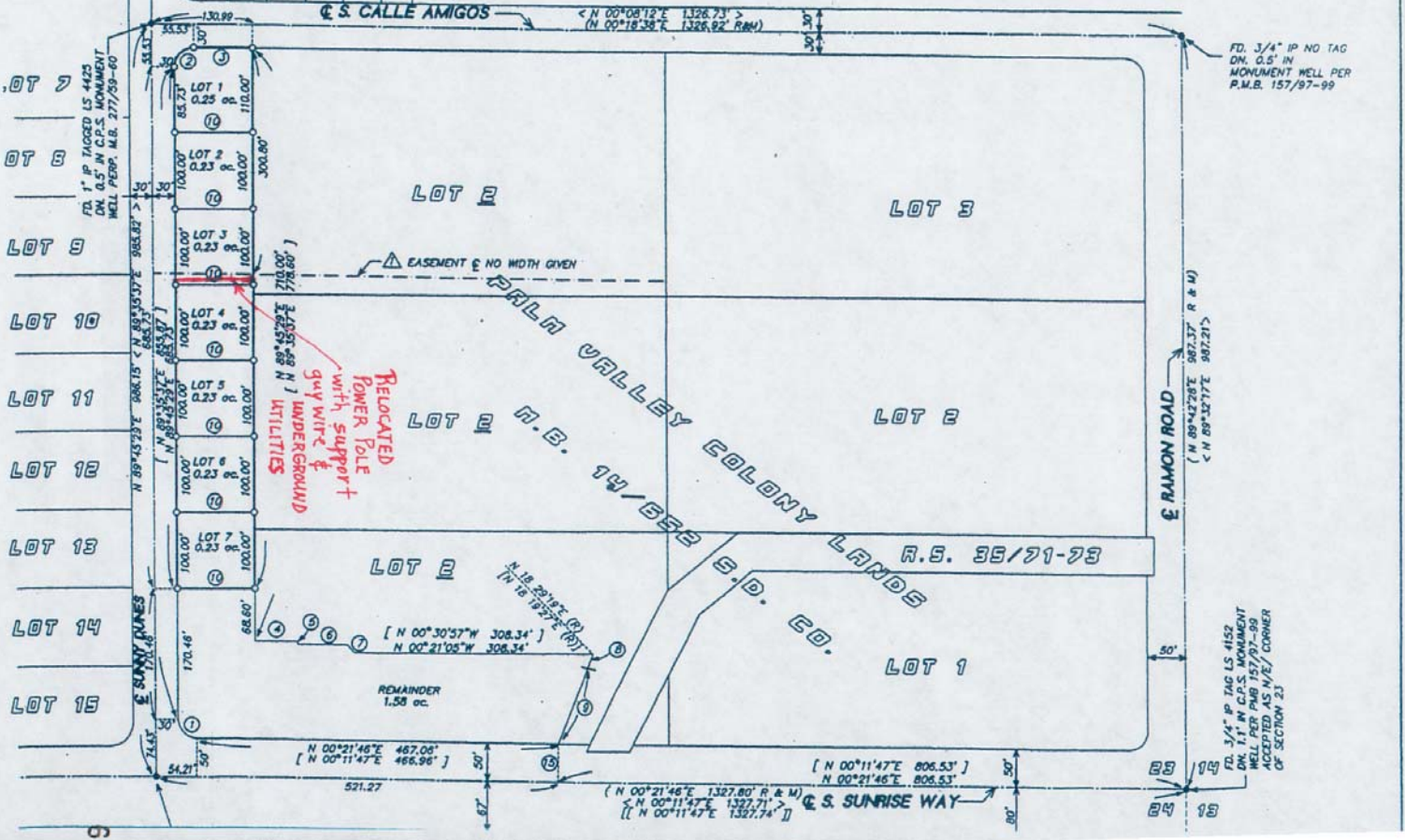
MAP OF LOT 3 AND 4 OF TRACT MAP NO. 28308

IN THE CITY OF PALM SPRINGS
TRACT NO. 28308

SHEET 3 OF 3 SHEETS

BEING A SUBDIVISION OF THE 3 EASTERLY LOTS ALL NUMBERED
 LOT 2 AS SHOWN ON MAP OF THE PALM VALLEY COLONY LANDS
 AS RECORDED IN MAP BOOK 14, PAGE 652 OF MAPS, RECORDS OF
 SAN DIEGO COUNTY IN SECTION 23, T4S, R4E, S.B.M.
 SANBORN A/E Inc. AUGUST 2011

TRACT NO. 28852
 RB 277/89-80
 LOT 12
 LOT 11
 LOT 10
 LOT 9
 LOT 8
 LOT 7



ATTACHMENTS 2 THROUGH 5
ELECTRONIC COMMUNICATION & LETTER

Carol Templeton

From: Matthew.Odell@sce.com
Sent: Wednesday, May 23, 2012 11:36 AM
To: Carol Templeton
Cc: Amber.Wright@sce.com
Subject: 1420 E. Sunny Dunes- Dos Palmas development project

Hi Carol,

We have a customer named Paul Hryn who is looking to build four homes on the vacant property at 1420 E. Sunny Dunes.

The customer stated he could possibly be asked by the city to relocate the existing span of overhead electrical utilities crossing his property underground. While Southern California Edison's position on this matter is neutral, I wanted to send you a brief email to let you know that while undergrounding this span of conductor is possible, it could be difficult and very expensive.

If you have any interest regarding the specifics pertaining to Edison's distribution facilities at this location please feel free to contact me.

Thanks,

Matt Odell
Southern California Edison
Palm Springs Planning
Cell: 760 332 9825
Office: 760 202 4286/ PAX: 14290
Fax: 760 202 4294
36100 Cathedral Canyon Dr.
Cathedral City, Ca 92234

From: Hrynco [<mailto:hrynco@cox.net>] **Sent:** Thursday, July 05, 2012 1:43 PM **To:** Dave Barakian **Cc:** Carol Templeton; Amber.Wright@sce.com; Hrynco **Subject:** Fwd: 1420 E. Sunny Dunes-Dos Palmas development project

Mr. David J. Barakian

As you are aware I am the owner of Tract Map 28308. I have been working with Edison to resolve the requirement to under ground existing utilities. Over the past 8 months I have met with four different representatives on site and have discussed the many challenges to get this resolved. the nearest off site pole is located to the north of 3 existing mobile homes , the existing pole on my property contains a bank of capacitor and the required easements are not in place at this time.

I have conveyed these obstacles to Carol Templeton and requested that we have this requirement waived from the subdivision improvement agreement .

I was requested by Carol to have Edison present the challenges in writing , they did on two separate occasion , first being an email from Matt Odell see below, when that proved to be insufficient , then we worked with Amber Wright who responded with a formal letter discussing the challenges of the project .

I understand you have the authority to make a revision to the placement of the pole in which the underground will terminate at.

In this case you have requested me to move the existing pole on my property 7 feet to the north property line of lot 3 .

In doing so Edison will also have to install a support guy wire, which would extend to the south in to the residential lot approximately 25 feet.

Guy wires can be extremely dangerous ,

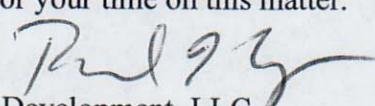
I agree that under grounding utilities are beneficial in many cases , but to underground approximately 150 feet of overhead lines and still maintaining the same pole count and adding a trip hazard i.e. guy wire in to somebody's backyard is unacceptable.

The existing overhead lines meet all the required set backs for the residential home proposed on this lot.

Mr. Jams Cioffi has the plans ready to submit for review , mr. John Sanborn has grading plan ready and we have over a dozen subcontractors waiting to go to work.

I'm requesting that you expedite the procedure to get this requirement waved, so we can move forward with this project.

Thank you for your time on this matter.

Paul Hryn 
Dos Palmas Development, LLC

Carol Templeton

From: Amber.Wright@sce.com
Sent: Thursday, July 12, 2012 10:07 AM
To: Carol Templeton
Cc: Hrynco
Subject: RE: 1420 E. Sunny Dunes- Dos Palmas development project
Attachments: Down Guy.pdf

Carol, I have attached a drawing of the proposed guying required on the pole, located at the N/E corner of Mr Hryn's property. The lead length on the guy would be approximately 25'-30'. The down guy is a 9/32" aluminum wire. Please let me know if you need any additional information.

Thanks in advance!

Amber N Wright
Planner
Palm Springs Service Center
Pax 14250 (760)202-4250

From: "Carol Templeton" <Carol.Templeton@palmsprings-ca.gov>
To: <Amber.Wright@sce.com>
Cc: "Hrynco" <hrynco@cox.net>
Date: 07/10/2012 05:34 PM
Subject: RE: 1420 E. Sunny Dunes- Dos Palmas development project

Hi Amber,

The City Engineer wants to see a letter from Edison (on letterhead) stating if a 25 feet long support guy wire is going to be required (as described in the letter below from Paul Hryn) for this project. Mr. Barakian wants to know what type of support guy wire (a drawing would be good) and what the support guy wire material is.

Call me if you have questions.

Thanks,

Carol Templeton, Engineering Associate
City of Palm Springs Engineering Division
Direct Line (760) 323-8253 Ext. 8741
Fax Line (760) 322-8360 or 322-8325

Please note new email address: Carol.templeton@palmspringsca.gov

Dos Palmas Development, LLC

July 25, 2012

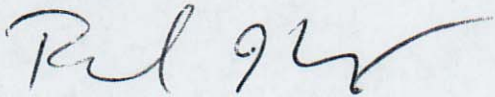
Carol Templeton,
Engineering Associate
City of Palm Springs Engineering Division

Dear Carol,

I Paul Hryn of Dos Palmas Development, LLC would like to appeal the Utility Undergrounding requirement for Tract Map 28308.

Please see attached email to Mr. Barakian from July 05, 2012.

Sincerely,

A handwritten signature in black ink, appearing to read "Paul Hryn", with a long, sweeping horizontal stroke extending to the right.

Paul Hryn
Dos Palmas Development, LLC
1278 Glenneyre Street, Suite 133
Laguna Beach, Ca 92651

EX: Overhead
Conductor

