

STAFF REPORT
City of Lancaster

NB 1
03/25/08
MVB

Date: March 25, 2008

To: Mayor Hearn and City Council Members

From: James R. Williams, Director of Public Works

Subject: **Acceptance of Improvements (Landscape Maintenance District No. 1, Annexation No. 294 - Tract No. 47583 – Southeast Corner of Avenue I and 90th Street West)**

Recommendation:

Approve and accept for maintenance the work and materials for the landscape improvements for Landscape Maintenance District No. 1, installed by the Developer of the subject project.

Fiscal Impact:

The first year's maintenance cost of \$10,880.00 has been paid by the Developer; subsequent costs will be assessed against the benefiting properties.

Background:

At the March 11, 2008, City Council meeting, the City Council directed this item to be continued. This staff report provides additional information for the Council's consideration in their deliberation about the acceptance of landscape improvements for Tract No. 47583 (also known as West View Estates) into the City's Landscape Maintenance District. This information is intended to help clarify and address concerns raised by residents during the March 11 Council meeting and to describe work being done by City staff to deal with these concerns.

The residents are concerned that they have inadequate water pressure. Although there is some connection between these issues and the acceptance of landscaping, the portion of landscaping that will be turned over to the City has been inspected and found to be compliant with City requirements. Staff is unaware of any dispute regarding the suitability of the landscape work except statements made on March 11 of dead plants. We inspected for dead plants immediately before and after March 11 finding dormant plants but no dead plants.

Prior to the March 11 Council meeting, City staff became aware of the residents' dissatisfaction with water pressure. From a staff perspective, it was an odd situation because twenty-two certificates of occupancy had been issued. Each application for the certificate of occupancy had been approved by the water purveyor, Los Angeles County Waterworks, and Los Angeles County Fire Department.

We conducted an investigation and found that Waterworks had taken several steps to enhance the tract's water system because of the residents' frustration with water pressure. Waterworks installed a hydropneumatic tank and control system, required the developer to begin installing a water well that was planned for another tract, and put recording pressure gauges into the water system. To enforce the installation of the water well, Waterworks representatives told the

Developer that they would not approve any additional certificates of occupancy, which included nine homes that were substantially complete.

City staff conducted its own inspection of the water pressure. In the presence of Waterworks representatives and the homeowner, a water pressure gauge was placed on a second floor shower head of a West View Estate home. Water pressures were measured at 6:30 a.m. during a peak flow time. Water was flowed in a variety of worst case scenarios (two landscape control valves operating as well as multiple plumbing fixtures). Residual water pressure exceeded the requirements of the plumbing code (15 psi). An evening test was also conducted and exceeded the requirements of the plumbing code.

The City has an ordinance that prohibits the issuance of a certificate of occupancy to a residence that is connected to a temporary utility, unless expressly permitted by the Building Official. The ordinance was drafted because of an attempt by a Developer to obtain certificates of occupancy using electrical generators while waiting for installation of permanent power lines. Because there was a question whether the hydropneumatic tank and control system is a permanent part of a water system, the City requested a letter from Waterworks stating their position on the matter. Their letter acknowledges that the system installed is of a permanent nature. A letter was also requested from the Fire Department to address the adequacy of water flows from fire hydrants in the West View Estates tract. The Fire Department memo states that the fire protection system is adequate for the homes for which the certificates of occupancy were issued. The letters described above and other supporting documents are attached to this staff report for Council's review.

Since the March 11 Council meeting, City staff has taken more steps to resolve the water concerns at West View Estates. First, the Director of Public Works met with the Assistant Deputy Director of Waterworks Division, Los Angeles County Public Works Department, to discuss responsibilities that Waterworks has to the residents of West View Estates. In the course of that meeting, the Waterworks Assistant Deputy Director indicated that he is fully committed to resolving water concerns at the tract. To this end, he has approved the attached letter with his written commitment. The second step was setting up a meeting between the homeowners, their attorney, the City Attorney, and staff members for March 25, 2008. This meeting is to discuss homeowner concerns and the appropriate actions for the City to take in support of the residents' concerns. A third step was to broker a binding agreement between Waterworks and K. Hovnanian.

In summary, the approval and acceptance of landscape improvements installed in intended Landscape Maintenance District areas for the West View Estates were continued from the March 11, 2008, City Council Meeting because of water concerns expressed by some of its residents. The issues are primarily between the residents and Waterworks. City staff has been and continues to work to help bring clarity to the issues and bring about a final resolution to all water concerns. Staff recommends that landscape work be approved and accepted into Lancaster's Landscape Maintenance District.