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CITY OF LOMPOC  
CITY CLERK'S OFFICE

2019 APR -5 P 4:12

# Sewer Service Separation

209 West Pine Avenue

&

204 West Oak Avenue

**Morris & Gloria Sobhani**  
**204 Rametto Road**  
**Santa Barbara, CA 93108**  
**mngsobhani@icloud.net**  
**Office: (805) 736-5744 Cell: (805) 705-3674**  
**APRIL 4<sup>TH</sup> 2019**

Honorable Mayor and City Counsel

We appeal the decision of Utility Director of March 22, 2019, regarding 209 W. Pine Avenue and 204 W. Oak Ave. in the City of Lompoc as follows:

It is my understanding that municipalities are obligated to provide maintenance and upkeep of the sewage collection and treatment for their respective city. Property owners are responsible to design and construct sewer lines per City standards and dedicate the necessary easement for the City to maintain the system.

Our sewer line was designed and constructed per City standards. Our existing 6 inch sewer line has served the properties without any maintenance or repairs, for the past 40 to 50 years. This is proof that the 6 inch line is in complete compliance with the City's standards and was properly constructed.

The fact that the property was divided into two parcels has not negatively impacted in any way the safety, maintenance and orderly operation of the sewer system. Nor has the separation impacted the City's waste water collection or plant. It also has not prevented the monthly billing charges to respective property owner or tenants.

The Subject property has gone before various Committees and Departments, for review, approval and inspection for 3 major renovation and modification in the past 16 years as follows:

1. In 2006 Parcel Map LOM 536-P was approved by the City Planning Commission. Followed by the City Council's approval and final recordation. Attached as Exhibit A is copy of Conditions of Approval. Please note on page 5 of said Condition of Approval, Item IX, WASTE WATER "no general or project Specific Condition". No

condition by the waste water is proof that the existing line was adequate to serve both buildings. SEE EXHIBIT "A"

2. In 2009 major reconstruction of the interior of 209 W. Pine for the State of California, DMV, and as such did not require that we obtain review, inspection or approval from the City. However, we felt that the City of Lompoc should be involved with the project, so the project went for review before the City Building Dept, Engineering, Utilities ( electric, water and waste water) with no comments or changes from Waste Water Dept.

3. In 2014 major reconstruction of interior of 204 W. Oak Ave building, very similar to that at 209 W Pine . Again, the City's various Departments reviewed the project and no comments or changes relating to the sewer line. As part of that evaluation, City Utility department said that in the event of the sale of the parcels we should separate the utilities to ensure proper billing for each parcel, to avoid ambiguity and dispute regarding utility charges/fees. At that time, I spoke with Utilities Department staff, and after they had examined the line, they agreed that existing 6 inch sewer line was adequate to service the 2 properties, but it had to be either dedicated to the City of Lompoc then or execute the Covenant to do it at a later date, i.e. transfer of ownership. Had we dedicated the sewer line to the City we would have had to pay additional monthly fees between \$200 to \$300/mo for 209 W Pine Ave. At that time, the DMV had vacated 209 W Pine Ave. and we did not see the need to pay for an extra utility for an empty building (approximately \$15,000 to date ). We accepted the covenant with the understanding that when and if we had the need for a separate utility it would be implemented. We relied on the fact that the City would accept the dedication of the sewer line when the Covenant was executed. At that time we did not know what the future development of the property would be. We even prepared preliminary plans to demolish the building and construct condos, but the zoning issue was an uphill obstacle.

Now we have sold 209 W Pine Ave and separated the water lines for the two parcels.

For the sewer line we have 3 alternate options as follows:

1. We provide the necessary easement and dedicate the existing line to the City to serve both parcels. See attached plan. SEE EXHIBIT 'ALTERNATE 1'

2. We can construct a manhole at the point where the 6 inch line meets the lateral from 209 W. Pine, a distance of approximately 140 ft. from the main on Pine Ave. City would accept the maintenance of the 6 inch line. See attached plan. SEE EXHIBIT "ALTERNATE 2"

3. We maintain the 6 inch line for 204 W. Oak Ave and construct a new 4 inch line for 209 W. Pine, connecting it to the 6 inch line at the North RW line of W. Pine Ave, a distance of approximately 40 ft from the main line on Pine Ave, all inside the City RW. SEE EXHIBIT "ALTERNATE 3"

The 3 options listed above prevent the unnecessary demolition of the paved Pine Ave, to connect a 4 inch lateral to the main at a depth of 14 feet deep. See Exhibit B showing that City has similar 6 inch services for 2 properties, within 200 feet of this location used by multi-tenant buildings on Pine Avenue. Let me reiterate, our existing line is not a lateral (normally 4 ") it is a 6" sewer main per City code and used by nearby properties. City has many similar cases as ours and they maintain the same.

During all these major construction, which were properly reviewed by the City Engineers, staff as well as City consultants, nobody interpreted Code 13.16.04 as you are doing it today and asking us to make a major excavation in the middle of Pine Ave (newly constructed multi-million dollar road improvement ) for a 7ft X 7ft X 14ft deep hole to provide a new 4 inch sewer lateral connection.

Request the City Council's consideration.

  
Morris Sobhani

**CONDITIONS OF APPROVAL  
LOM 563-P – TENTATIVE PARCEL MAP  
209 WEST PINE AVENUE - APN: 89-070-49**

The following Conditions of Approval apply to the plans for LOM 563-P, prepared by Sobhani Engineering, received by the Planning Division and stamped on June 20, 2006, and reviewed by the Planning Commission on September 11, 2006.

**I. PLANNING**

**Planning - General Conditions**

- P1. All applicable provisions of the Lompoc City Code are made a part of these conditions of approval in their entirety, as if fully contained herein.
- P2. In conformity with Sections 8900, 8935, and 8936 of the Lompoc City Zoning Ordinance, the violation of any condition listed herein shall constitute a nuisance and a violation of the Lompoc City Zoning Ordinance and the Lompoc City Code. In conformity with Section 0107 of the Lompoc City Code, a violation of the Lompoc City Code and the Lompoc City Zoning Ordinance is a misdemeanor and shall be punishable as provided by law. In addition to criminal penalties, the City may seek injunctive relief. The applicant agrees to pay for all attorney's fees and costs, including, but not limited to, staff time incurred by the City in obtaining injunctive relief against the applicant as a result of a failure of the applicant to fully perform and adhere to all of the Conditions of Approval.
- P3. Owner agrees to and shall indemnify, defend, protect, and hold harmless City, its officers, employees, agents and representatives, from and against any and all claims, losses, proceedings, damages, causes of action, liabilities, costs and expenses, including reasonable attorney's fees, arising from or in connection with, or caused by (i) any act, omission or negligence of Owner, or their respective contractors, licensees, invitees, agents, sublessees, servants or employees, wherever on or adjacent to the Property the same may occur; (ii) any use of the Property, or any accident, injury, death or damage to any person or property occurring in, or on or about the Property, or any part thereof, or from the conduct of Owner's business or from any activity, work or thing done, permitted or suffered by Owner or its sublessees, contractors, employees, or invitees, in or about the Property, other than to the extent arising as a result of City's sole active negligence or to the extent of any willful misconduct of the City; and (iii) any default in the performance of any obligations of Owner's part to be performed under the terms of this Agreement, or arising from any negligence of Owner, or any such claim or any action or proceeding brought thereon; and in case any action or proceedings be brought against the City, its officers, employees, agents and representatives, by reason of any such claim, Owner, upon notice from City, shall defend the same at its expense by counsel reasonably satisfactory to City.

Owner further agrees to and shall indemnify, defend, protect, and hold harmless the City, its officers, employees, agents and representatives, from and against any and all actions brought by any third party to challenge the Project or its approval by the City, including environmental determinations. Such indemnification shall include any costs and expenses incurred by Agency and City in such action(s), including reasonable attorney's fees.

- P4. Planning Commission approval of LOM 563-P is valid for twenty-four (24) months, prior to the expiration of the Map the applicant may request a twelve (12) month extension. LOM 563-P shall expire on September 11, 2008 unless the applicant requests a time extension as outlined by City standards.

## II. BUILDING AND FIRE SAFETY

### Building - General Conditions

- B1. Project shall comply with the most recent adopted City and State building codes. New locations of property lines shall not create any violations of the California Building or Fire Code.
- B2. Plans shall be submitted by a California licensed architect and/or engineer.
- B3. Approved fire-resistive assemblies shall be provided for occupancy and/or exterior wall protection. Parapets may be required in accordance with the UBC and UFC.
- a. New locations of property lines create Building and Fire Code violations regarding exterior wall and opening protection at existing buildings. Plans and specifications mitigating violations shall be submitted to the Building and fire Safety Division. Permits shall be required for alterations to the existing buildings.
- B4. Dimensioned building setbacks and property lines, street centerlines, and between buildings or other structures shall be designated on plot plans.
- B5. All property lines and easements must be shown on the plot plan. A statement that such lines and easements are shown is required.
- B6. The Title Sheet of the plans shall include:
- a. Occupancy group
  - b. Description of use
  - c. Type of construction
  - d. Height of the building
  - e. Floor area of building(s)

This information is required to determine required mitigation for existing buildings.  
(Exterior wall and opening protection and emergency access)

- B7. California disabled access regulations shall be incorporated within the plans. Retrofitting of disabled access may be required depending upon the extent of building retrofitting.

**III. FIRE**

**Fire - Access Conditions**

- F1. All required access roads on the site should be clearly indicated on the plans for both new parcels.
- F2. Fire Department access shall comply with UFC Appendix 3-D and UFC Chapter 9.

**Fire - Water Supply Conditions**

- F3. Fire Hydrants shall be provided in accordance with UFC Chapter 9 and UFC Appendix 3-B.
- a. The number and spacing of fire hydrants shall be in accordance to UFC Table A-3-B-1.
  - b. Fire Department access and water supply shall be in accordance with UFC Article 9 and UFC Appendix 3-A.

Locate all fire hydrants on the plans to determine minimum compliance with the California Fire Code.

**IV. POLICE DEPARTMENT**

No General or Project Specific Conditions

**V. ENGINEERING**

**Engineering – General Conditions**

**Parcel Map**

- EN1. A Parcel Map shall be required for this project as per the Subdivision Map Act, Section 66463. Upon approval or conditional approval of the Tentative Map by the Planning Commission, a complete review by the Engineering Division of all plans and documentation required by the Subdivision Ordinance of the City of Lompoc shall be required before the acceptance of the Parcel Map by the City Engineer.
- EN2. The Parcel Map shall be prepared by or under the direction of a registered civil engineer or licensed land surveyor.

- EN3. After the Parcel Map has been prepared and is ready for review, the Applicant's Engineer shall submit three (3) sets of prints to the Engineering Division for first plan check.
- EN4. Parcel Map shall comply with Engineering Division's "Development Assistance Brochure" entitled "Checklist For Completeness of Subdivision Maps," available at the Engineering Division.
- EN5. In conformance with Chapter 27, Section 2824 of the Lompoc City Code, the Parcel Map shall be prepared based upon the control monuments as established by the City of Lompoc Coordinate Control System by Record Of Survey filed August 22, 2003, in Book 172, Pages 4 through 7, Santa Barbara County Records. The Parcel Map shall indicate and identify the control monuments utilized in the preparation thereof. The Parcel Map shall be delivered in a computer format readily compatible for transfer to the City Geographic Information System at the time of map approval. The following computer formats are acceptable for delivery: DGN. (native Microstation); DWG (same as or less than Version 14); DXF.
- EN6. Compliance with the Subdivision Map Act pertaining to monument security, Section 66496, is required if the interior monuments are not set at the time the Parcel Map is recorded. The Monument security shall be received and approved by the Engineering Division prior to final acceptance of the Parcel Map.

A cost estimate for setting the interior monuments shall be provided by the registered engineer or surveyor responsible for setting the monuments for determining the amount of the Monument Security.

The City will release the Monument Security after the Engineering Division has received the following: (reference Section 66497 of the Subdivision Map Act)

1. Written notice from the engineer or surveyor indicating that the final monuments have been set.
  2. Evidence indicating payment has been made to the engineer or surveyor for setting the final monuments.
- EN7. At completion of plan review and before final approval of the Parcel Map, the Engineering Division will submit a letter to the Applicant, or his/her representative, requesting the following documentation, fees, and submittals:
1. A Title Report current within the last ninety (90) days.
  2. A Parcel Map Application Fee per current fee schedule at time Parcel Map is filed.
  3. Recording Fees and Duplicating Fees.
  4. Monument Security (if required)
  5. Proof "TAX BOND" has been posted with County of Santa Barbara.



6. Parcel Map delivered in a computer format readily compatible for transfer to the City Geographic Information System.

**VI. SOLID WASTE**

No General or Project Specific Conditions

**VII. ELECTRIC**

No General or Project Specific Conditions

**VIII. WATER**

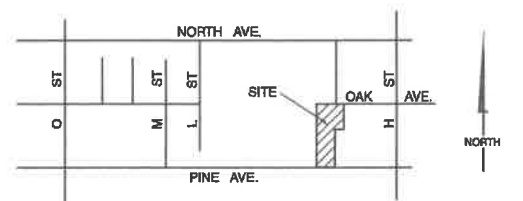
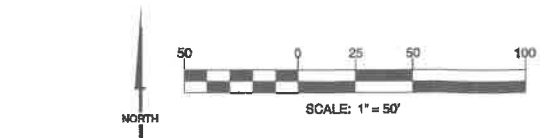
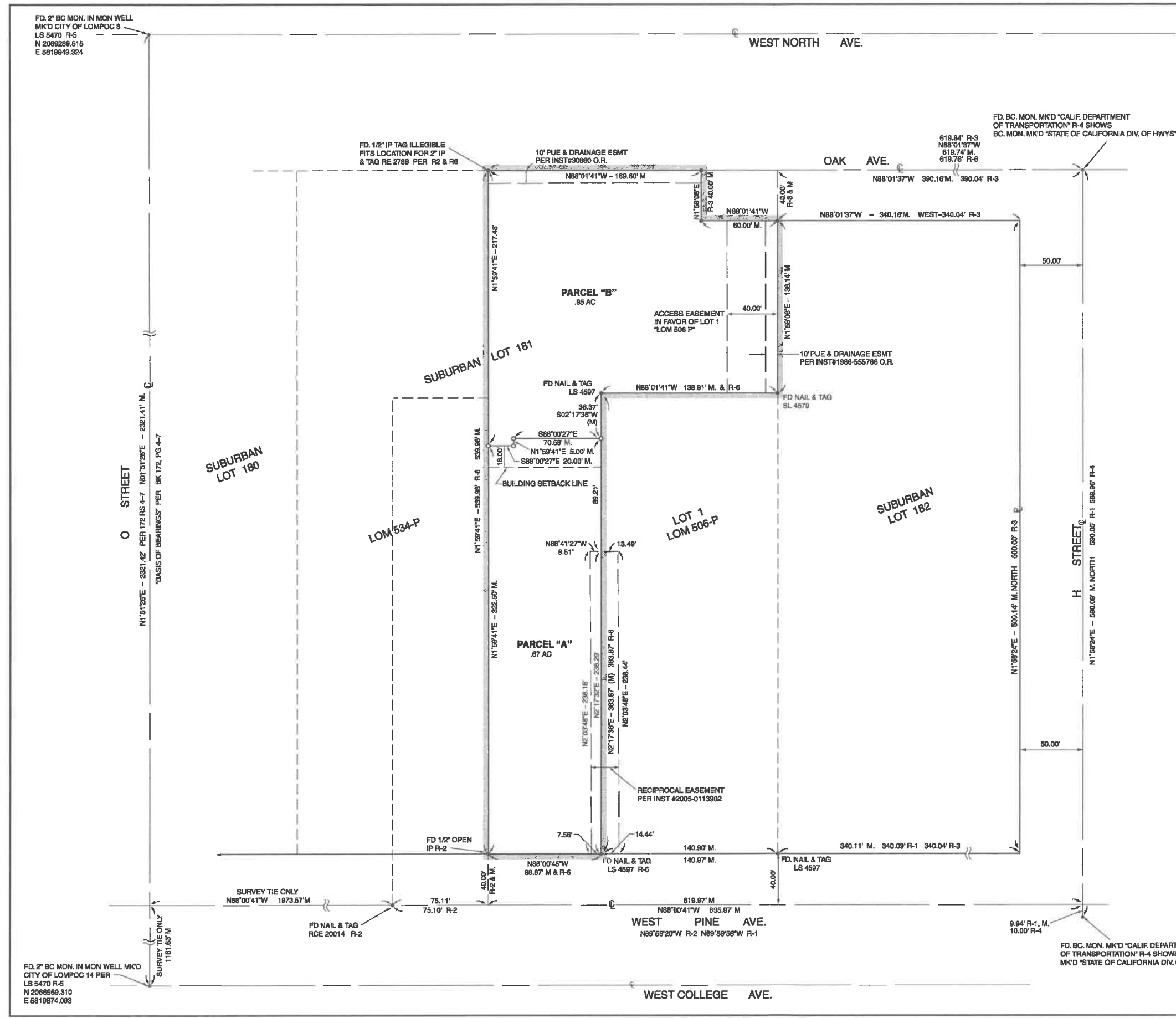
No General or Project Specific Conditions

**IX. WASTEWATER**

No General or Project Specific Conditions

I, Morris Sobhani of Sobhani Engineering, the applicant, do hereby declare under penalty of perjury that I accept all conditions imposed by the Planning Commission in their approval of the Tentative Parcel Map. As the applicant, I agree to comply with these conditions and all other applicable laws and regulations at all times.

  
Name \_\_\_\_\_ Date 10-02-06



VICINITY MAP  
NO SCALE

**LEGEND**

- SET NAIL & TAG RCE 23675
- FOUND MONUMENT AS NOTED
- R-1 RECORD OF SURVEY BK. 66 PG. 8
- R-2 PARCEL MAP BK. 33 PG. 93
- R-3 RECORD OF SURVEY BK. 46 PG. 26
- R-4 PARCEL MAP BK. 25 PG. 54
- R-5 RECORD OF SURVEY BK. 172 PG. 4-7
- R-6 PARCEL MAP BK. 56 PG. 81 & 32

**EXHIBIT 'A'**

**PARCEL MAP LOM 563-P**

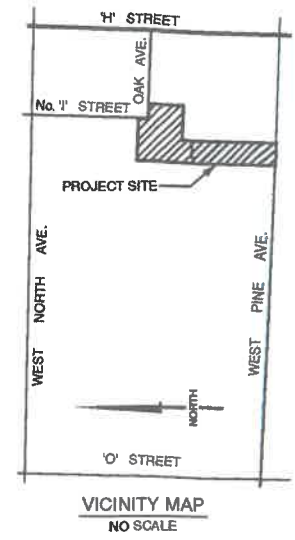
BEING A SUBDIVISION OF LOT 2 OF PARCEL MAP LOM 506-P PER PARCEL MAP BOOK 56 PAGE 82 FILED IN THE COUNTY RECORDERS OFFICE, COUNTY OF SANTA BARBARA, STATE OF CALIFORNIA.

**SOBHANI ENGINEERING**

1503 E. CHESTNUT AVE.  
LOMPOC, CA 93436  
PHONE: 805-736-5744 FAX: 805-969-7970

DATE: FEBRUARY 8, 2007

SHEET 2 OF 2

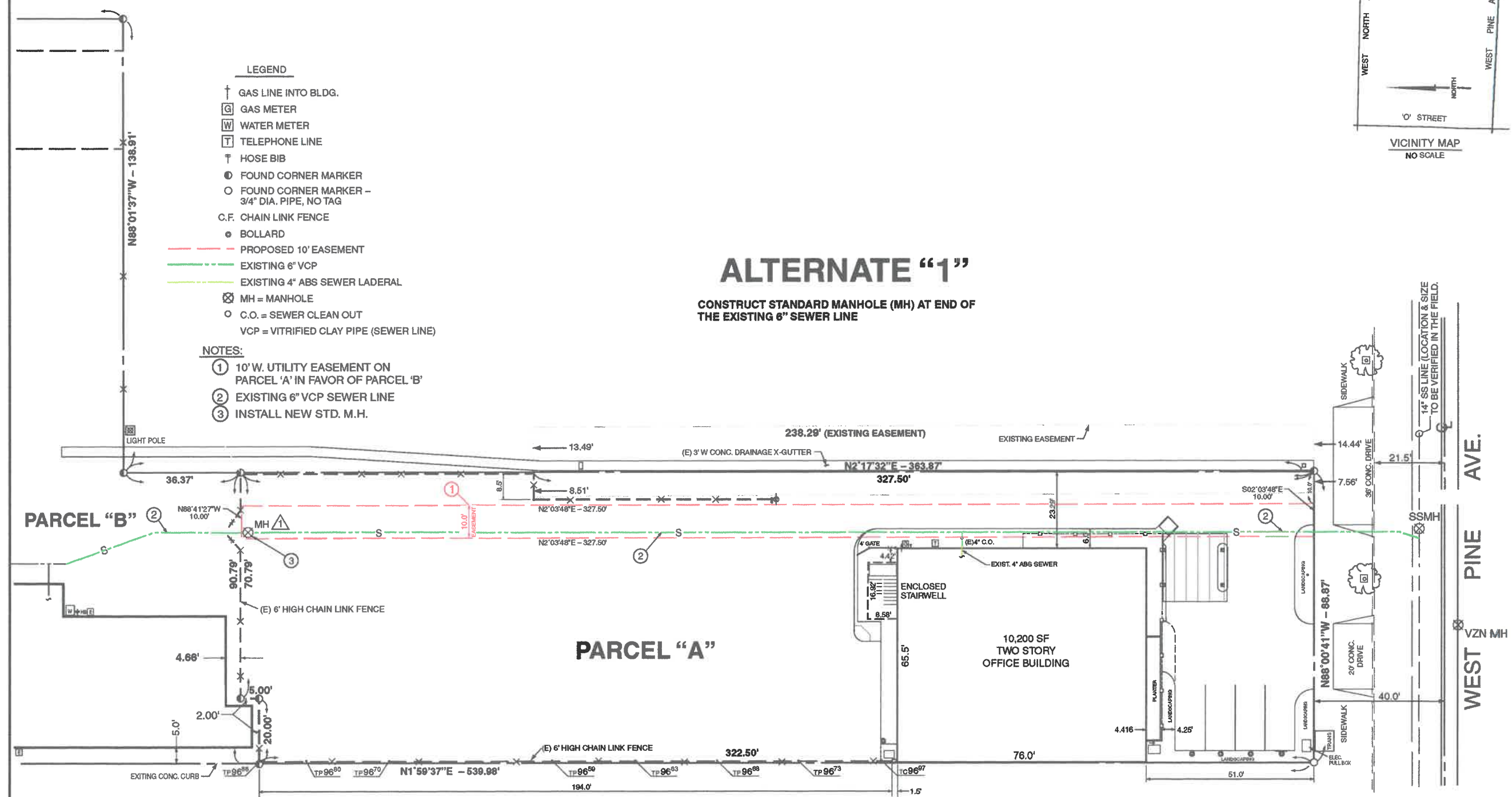


- LEGEND**
- ↑ GAS LINE INTO BLDG.
  - G GAS METER
  - W WATER METER
  - T TELEPHONE LINE
  - † HOSE BIB
  - FOUND CORNER MARKER
  - FOUND CORNER MARKER - 3/4" DIA. PIPE, NO TAG
  - C.F. CHAIN LINK FENCE
  - BOLLARD
  - - - PROPOSED 10' EASEMENT
  - - - EXISTING 6" VCP
  - - - EXISTING 4" ABS SEWER LADERAL
  - ⊗ MH = MANHOLE
  - C.O. = SEWER CLEAN OUT
  - VCP = VITRIFIED CLAY PIPE (SEWER LINE)

- NOTES:**
- ① 10' W. UTILITY EASEMENT ON PARCEL 'A' IN FAVOR OF PARCEL 'B'
  - ② EXISTING 6" VCP SEWER LINE
  - ③ INSTALL NEW STD. M.H.

## ALTERNATE "1"

**CONSTRUCT STANDARD MANHOLE (MH) AT END OF THE EXISTING 6" SEWER LINE**



**NOTE:**  
LOCATION OF ALL UNDERGROUND UTILITIES ARE APPROXIMATE. CONTRACTOR TO VERIFY LOCATION BEFORE STARTING ANY WORK.

NO	DATE	REVISIONS
1	4-5-2019	ALT 1 CONST. STD M.H. AT END OF 6" S-LINE

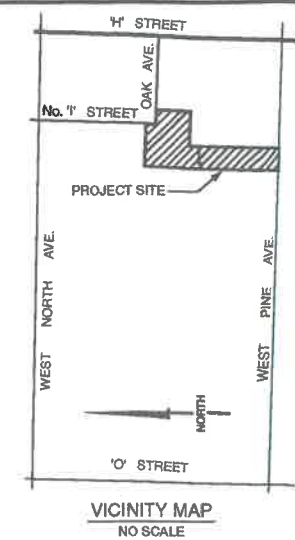
**SOBHANI ENGINEERING**  
1503 EAST CHESTNUT AVE.  
LOMPOC, CALIFORNIA  
(805) 736-5744

CITY OF LOMPOC, CA  
REVIEWED BY:  
DATE:

SCALE:  
1" = 20.0"  
DATE:  
01-10-19

**SEWER SERVICE SEPARATION**  
209 WEST PINE AVENUE  
CITY OF LOMPOC, CALIFORNIA

SHEET:  
**C-3A**  
OF 1 SHEETS

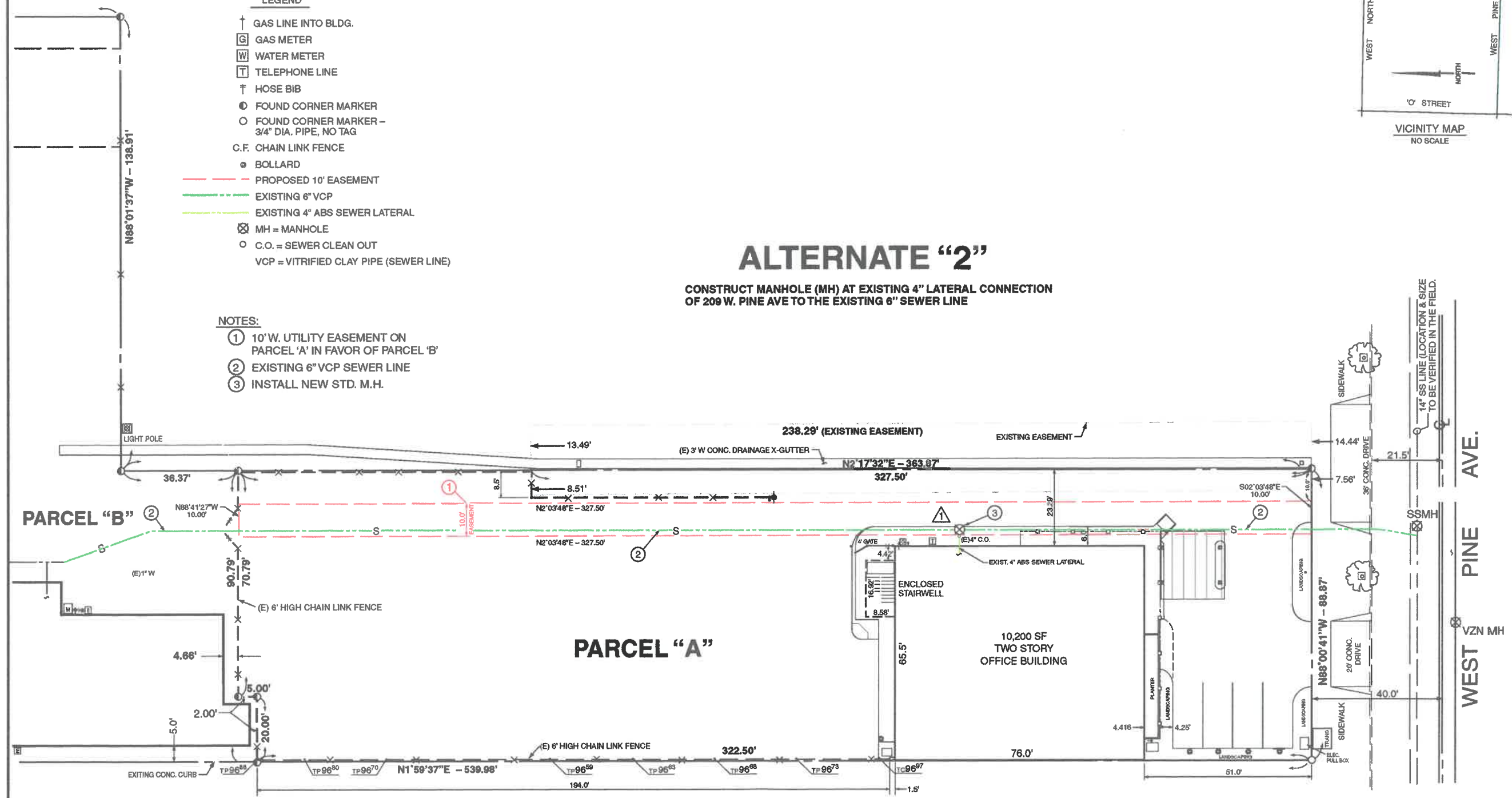


- LEGEND**
- † GAS LINE INTO BLDG.
  - G GAS METER
  - W WATER METER
  - T TELEPHONE LINE
  - † HOSE BIB
  - FOUND CORNER MARKER
  - FOUND CORNER MARKER - 3/4" DIA. PIPE, NO TAG
  - C.F. CHAIN LINK FENCE
  - BOLLARD
  - - - PROPOSED 10' EASEMENT
  - - - EXISTING 6" VCP
  - - - EXISTING 4" ABS SEWER LATERAL
  - ⊗ MH = MANHOLE
  - C.O. = SEWER CLEAN OUT
  - VCP = VITRIFIED CLAY PIPE (SEWER LINE)

- NOTES:**
- ① 10' W. UTILITY EASEMENT ON PARCEL 'A' IN FAVOR OF PARCEL 'B'
  - ② EXISTING 6" VCP SEWER LINE
  - ③ INSTALL NEW STD. M.H.

## ALTERNATE "2"

CONSTRUCT MANHOLE (MH) AT EXISTING 4" LATERAL CONNECTION OF 209 W. PINE AVE TO THE EXISTING 6" SEWER LINE



NOTE: LOCATION OF ALL UNDERGROUND UTILITIES ARE APPROXIMATE. CONTRACTOR TO VERIFY LOCATION BEFORE STARTING ANY WORK.

NO	DATE	REVISIONS
1	4-5-2019	ALT 2 CONST. STD M.H. AT EXIST 4" LATERAL

**SOBHANI ENGINEERING**  
1503 EAST CHESTNUT AVE.  
LOMPOC, CALIFORNIA  
(805) 736-5744

CITY OF LOMPOC, CA  
REVIEWED BY:  
DATE:

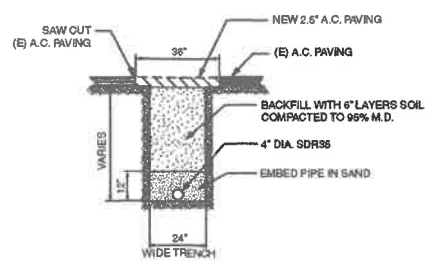
SCALE:  
1" = 20.0"  
DATE:  
01-10-19

SEWER SERVICE SEPARATION  
209 WEST PINE AVENUE  
CITY OF LOMPOC, CALIFORNIA

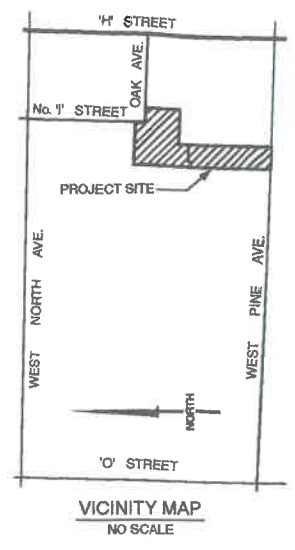
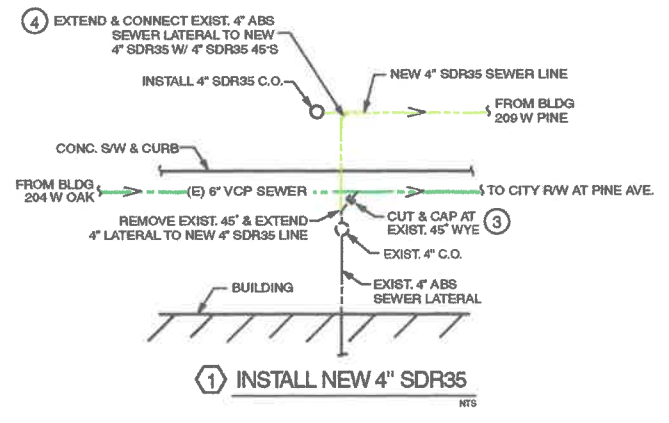
SHEET:  
**C-3A**  
OF 1 SHEETS

**LEGEND**

- ↑ GAS LINE INTO BLDG.
- Ⓜ GAS METER
- Ⓦ WATER METER
- Ⓣ TELEPHONE LINE
- † HOSE BIB
- FOUND CORNER MARKER
- FOUND CORNER MARKER - 3/4" DIA. PIPE, NO TAG
- C.F. CHAIN LINK FENCE
- BOLLARD
- - - PROPOSED 10' EASEMENT
- - - EXISTING 6" VCP
- - - NEW 4" SDR 35
- ⊠ MH = MANHOLE
- C.O. = SEWER CLEAN OUT
- VCP = VITRIFIED CLAY PIPE (SEWER LINE)



**SECTION A-A**  
SCALE: 1/4" = 1'-0"

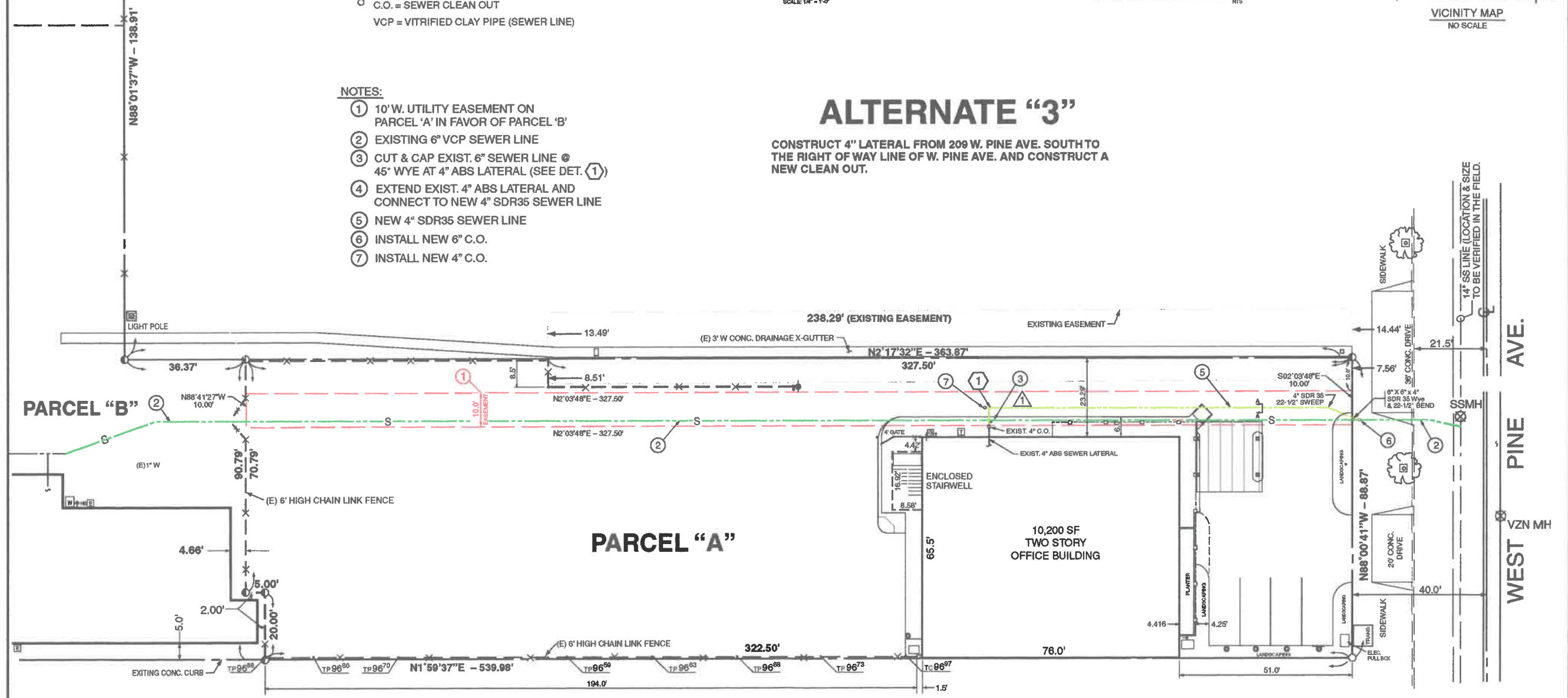


**NOTES:**

- 1 10' W. UTILITY EASEMENT ON PARCEL 'A' IN FAVOR OF PARCEL 'B'
- 2 EXISTING 6" VCP SEWER LINE
- 3 CUT & CAP EXIST. 6" SEWER LINE @ 45° WYE AT 4" ABS LATERAL (SEE DET. 1)
- 4 EXTEND EXIST. 4" ABS LATERAL AND CONNECT TO NEW 4" SDR35 SEWER LINE
- 5 NEW 4" SDR35 SEWER LINE
- 6 INSTALL NEW 6" C.O.
- 7 INSTALL NEW 4" C.O.

**ALTERNATE "3"**

CONSTRUCT 4" LATERAL FROM 209 W. PINE AVE. SOUTH TO THE RIGHT OF WAY LINE OF W. PINE AVE. AND CONSTRUCT A NEW CLEAN OUT.



**NOTE:** LOCATION OF ALL UNDERGROUND UTILITIES ARE APPROXIMATE. CONTRACTOR TO VERIFY LOCATION BEFORE STARTING ANY WORK.

NO	DATE	REVISIONS
1	4-5-2019	ALT 3 CONST. 4" LATERAL & SEWER LINE

**SOBHANI ENGINEERING**  
1503 EAST CHESTNUT AVE.  
LOMPOC, CALIFORNIA  
(805) 736-5744

CITY OF LOMPOC, CA  
REVIEWED BY:  
DATE:

SCALE:  
1" = 20.0"  
DATE:  
01-10-19

SEWER SERVICE SEPARATION  
209 WEST PINE AVENUE  
CITY OF LOMPOC, CALIFORNIA

SHEET:  
**C-3A**  
OF 1 SHEETS