



OFFICE OF THE CITY ATTORNEY
Long Beach, California

ORD-27

CHARLES PARKIN
City Attorney

MICHAEL J. MAIS
Assistant City Attorney

MONTE H. MACHIT
Assistant City Attorney

MUNICIPAL COUNCIL

Gary J. Anderson
Dominic Holzhaus
Anne C. Lattime

MEMBERS

C. Geoffrey Alfred
Richard F. Anthony
William R. Baerg
Kendra L. Carney
LaTasha N. Corry
Charles M. Gale
Haleh R. Jenkins
Michele L. Levinson
Barbara J. McTigue
Lauren E. Misajon
Howard D. Russell
Arturo D. Sanchez
Linda T. Vu
Amy R. Webber
Theodore B. Zinger

August 16, 2016

HONORABLE MAYOR AND CITY COUNCIL
City of Long Beach
California

RECOMMENDATION:

Recommendation to declare ordinance amending the Long Beach Municipal Code by amending Section 14.08.170 relating to subsurface installations-depths, read the first time and laid over to the next regular meeting of the City Council for final reading. (Citywide)

DISCUSSION:

Pursuant to your request on August 9, 2016, this ordinance has been prepared and is submitted for your consideration.

SUGGESTED ACTION:

Approve recommendation.

Very truly yours,

CHARLES PARKIN, City Attorney

By

AMY R. WEBBER
Deputy City Attorney

ARW:bg A16-00976
L:\Apps\CityLaw32\WPDocs\ID009\PO28\00654815.DOC

REDLINE

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

14.08.170 - Subsurface installations—Depths

A. No person shall install any conduit, duct, shoring structure or tunnel within three feet (3') ~~in any right-of-way at a distance of less than two and one-half feet (2½')~~ below established grade of ~~the gutter of any~~ right-of-way, ~~or install any shoring structure, main pipe or service pipe in any right-of-way at a distance of less than three feet (3') below established grade of the gutter of the right-of-way, or install any hazardous liquid main pipe or service pipe in any right-of-way at a depth less than that required by applicable federal and State regulations, except~~ Installations such as manholes, culverts, and catch basins, within three feet (3') ~~provided that where, by reason of the construction of any tunnel, storm drain, structure, pipe, conduit, or other subsurface structures, it is not possible to make such installation at such distances~~ below the established grade of the gutter of the right-of-way will, then require the City Engineer's approval. ~~may, at his or her discretion, upon satisfactory showing of necessity or the public benefit, grant a special permit for the installation at a distance of less than two and one-half feet (2½') or three feet (3') below the established grade of the gutter of the right-of-way or the surface of such other public place. A shoring structure shall include, but is not limited to, tieback rods and supporting structures, over-excavation on right-of-way, Caisson/Solider piles, and Raker/Brace system. For all other installations below the established grade of the right-of-way, the City Engineer may, at his or her discretion, upon receipt of sufficient evidence of necessity or public benefit, grant a special permit for these installations. A shoring structure shall include, but is not limited to, tiebacks, excavation, caisson/soldier piles, and raker/brace system. Tiebacks shall include, but is not limited to, the steel tendon, coupler, bearing plate, anchor plate, and element made of cementitious or similar material anchoring the tieback tendon in the soil or rock. For any structure left in place within the public right-of-way, applicants shall provide to the satisfaction of~~

1 the City Engineer the as-built construction drawings and electronic files in current
2 Geographic Information System (GIS) format, as per the latest official City datum
3 plane to be used to update the City's GIS.

4 B. ~~A subsurface shoring system that requires tieback rods pursuant to a permit~~
5 ~~issued under this Chapter shall be detensioned and removed when the shoring~~
6 ~~structure is no longer required due to the construction of a permanent retaining~~
7 ~~structure to maintain the stability of the embankments. The City may issue an~~
8 ~~administrative citation and impose administrative penalties for violation of and~~
9 ~~failure to satisfy these requirements in accordance with Chapter 9.65 of this~~
10 ~~Code.~~This Subsection shall apply to a proposed subsurface shoring system
11 requiring tiebacks pursuant to a permit issued under this Chapter. When the
12 tiebacks are no longer required due to the construction of a permanent retaining
13 structure to maintain the stability of the subterranean structure, the tiebacks shall
14 comply with the following:

- 15 1. Remove the tiebacks installed within eight feet (8') below the established
16 grade of the right-of-way.
- 17 2. For any proposed tieback left in place between eight feet (8') and twenty
18 feet (20') below the established grade of the right-of-way, applicants shall
19 pay to the Public Works Department a mitigation fee, as determined by
20 City Council Resolution, for each tieback or portion thereof. This fee will
21 be refunded upon proof of the entire tieback removal.
- 22 3. Where the tieback is allowed to remain in place at more than eight feet (8')
23 below the established grade of the right-of-way, de-tension, decouple and
24 remove the last extension of the tendon installed.
- 25 4. For any portion of the tieback made of cementitious or similar material left
26 in place between eight feet (8') and twenty feet (20') below the established
27 grade of the right-of-way, the compressive strength shall not exceed two
28 thousand (2,000) pounds per square inch (psi).

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

5. Tiebacks shall maintain a minimum of two feet (2') clearance from any existing utility line or subsurface structure.

6. The City Engineer may modify the tieback requirements if extensive utility lines are present in the area or the street is on the Paving Moratorium List.

C. Exception: The City Engineer shall have the authority to exempt City-owned projects.

D. The City may issue an administrative citation and impose administrative penalties for violation of and failure to satisfy these requirements in accordance with Chapter 9.65 of this Code.

OFFICE OF THE CITY ATTORNEY
CHARLES PARKIN, City Attorney
333 West Ocean Boulevard, 11th Floor
Long Beach, CA 90802-4664

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

ORDINANCE NO.

AN ORDINANCE OF THE CITY COUNCIL OF THE
CITY OF LONG BEACH AMENDING THE LONG BEACH
MUNICIPAL CODE BY AMENDING SECTION 14.08.170
RELATING TO SUBSURFACE INSTALLATIONS-DEPTHS

The City Council of the City of Long Beach ordains as follows:

Section 1. Section 14.08.170 of the Long Beach Municipal Code is
amended to read as follows

14.08.170 Subsurface installations - Depths.

A. No person shall install any conduit, duct, shoring structure or
tunnel within three feet (3') below established grade of any right-of-way.
Installations such as manholes, culverts, and catch basins, within three feet
(3') below the established grade of the right-of-way will require the City
Engineer's approval. For all other installations below the established grade
of the right-of-way, the City Engineer may, at his or her discretion, upon
receipt of sufficient evidence of necessity or public benefit, grant a special
permit for these installations. A shoring structure shall include, but is not
limited to, tiebacks, excavation, caisson/soldier piles, and raker/brace
system. Tiebacks shall include, but is not limited to, the steel tendon,
coupler, bearing plate, anchor plate, and element made of cementitious or
similar material anchoring the tieback tendon in the soil or rock. For any
structure left in place within the public right-of-way, applicants shall provide
to the satisfaction of the City Engineer the as-built construction drawings
and electronic files in current Geographic Information System (GIS) format,
as per the latest official City datum plane to be used to update the City's

1 GIS.

2 B. This Subsection shall apply to a proposed subsurface shoring
3 system requiring tiebacks pursuant to a permit issued under this Chapter.
4 When the tiebacks are no longer required due to the construction of a
5 permanent retaining structure to maintain the stability of the subterranean
6 structure, the tiebacks shall comply with the following:

7 1. Remove the tiebacks installed within eight feet (8') below the
8 established grade of the right-of-way.

9 2. For any proposed tieback left in place between eight feet (8')
10 and twenty feet (20') below the established grade of the right-of-way, applicants
11 shall pay to the Public Works Department a mitigation fee, as determined by City
12 Council Resolution, for each tieback or portion thereof. This fee will be refunded
13 upon proof of the entire tieback removal.

14 3. Where the tieback is allowed to remain in place at more than
15 eight feet (8') below the established grade of the right-of-way, de-tension,
16 decouple and remove the last extension of the tendon installed.

17 4. For any portion of the tieback made of cementitious or similar
18 material left in place between eight feet (8') and twenty feet (20') below the
19 established grade of the right-of-way, the compressive strength shall not exceed
20 two thousand (2,000) pounds per square inch (psi).

21 5. Tiebacks shall maintain a minimum of two feet (2') clearance
22 from any existing utility line or subsurface structure.

23 6. The City Engineer may modify the tieback requirements if
24 extensive utility lines are present in the area or the street is on the Paving
25 Moratorium List.

26 C. Exception: The City Engineer shall have the authority to
27 exempt City-owned projects.

28 D. The City may issue an administrative citation and impose

OFFICE OF THE CITY ATTORNEY
CHARLES PARKIN, City Attorney
333 West Ocean Boulevard, 11th Floor
Long Beach, CA 90802-4664

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

administrative penalties for violation of and failure to satisfy these requirements in accordance with Chapter 9.65 of this Code.

Section 2. The City Clerk shall certify to the passage of this ordinance by the City Council and cause it to be posted in three (3) conspicuous places in the City of Long Beach, and it shall take effect on the thirty-first (31st) day after it is approved by the Mayor.

I hereby certify that the foregoing Ordinance was adopted by the City Council of the City of Long Beach at its meeting of _____, 2016, by the following vote:

Ayes: Councilmembers: _____

Noes: Councilmembers: _____

Absent: Councilmembers: _____

City Clerk

Approved: _____
(Date)

Mayor