

# CITY OF LONG BEACH

# R-11

DEPARTMENT OF PUBLIC WORKS

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November 12, 2013

HONORABLE MAYOR AND CITY COUNCIL  
City of Long Beach  
California

## RECOMMENDATION:

Find that excavations are immediately required for the general health, safety, and welfare of the City and cannot be delayed; that alternatives to excavating, such as alternative routing, or construction methods, such as boring or excavation of the parkway, are not possible; approve a discretionary permit to excavate at the intersection of Burnett Street and Fashion Avenue, which has been slurry sealed within the previous 24 months, in accordance with Section 14.08.060 of the Long Beach Municipal Code. (District 7)

## DISCUSSION

Tesoro Refining & Marketing Company LLC (Tesoro) has filed for a discretionary permit for two excavations in Burnett Street (at Fashion Avenue), which was slurry sealed December 1, 2012, and is under an excavation moratorium for 24 months until December 1, 2014, location map attached. Tesoro is asking for the permit so that they can excavate down to a pipeline and physically examine the outside of its walls to determine if they are or are not within state and federal specifications.

Long Beach Municipal Code Section 14.08.060, Public Works Permit-Issuance requires a permit for an excavation in a City street that has been slurry sealed within the previous 24 months and is not for an emergency repair or for a new utility service connection, be deemed discretionary and subject to the approval of the City Council.

Section 14.08.060 further states that the City Council may authorize a discretionary permit if:

- The applicant can demonstrate that the permit for excavation is immediately required for the general health, safety, and welfare of the City and cannot be delayed until after the street's moratorium has expired; and
- The applicant can demonstrate that alternatives to excavating, such as alternative routing; or construction methods, such as boring or excavation of the parkway, are not possible.

Tesoro claims the proposed excavations are necessary for the general health, safety, and welfare of the City and cannot be delayed until after the moratorium has expired because of

anomalies found inside the pipeline during an internal survey. The anomalies are associated with the thinning of the pipeline's walls. Two excavations to expose the pipeline and perform tests on its exterior walls are essential in evaluating the pipeline's structural integrity. This evaluation is needed to determine if they still meet the current standards of the California State Fire Marshal and Federal DOT regulations. Tesoro notes that the residential intersection is a high consequence area, and if any sections of the pipeline are found that do not meet those standards, those sections will be immediately replaced. Tesoro wishes to be proactive and does not think it is prudent to wait until the excavation moratorium expires on December 1, 2014, to examine the pipeline.

Tesoro claims there are no other alternatives to excavating that are practical for gaining physical access to the pipeline for testing. An open excavation directly over the pipeline is the only practical method to use.

After the completion of the permitted work, as a permit requirement, Tesoro will slurry seal the intersection 90-feet in either direction, curb to curb, in order to restore Burnett Street back to its original condition. Tesoro has also agreed to repair any street degradation caused by or related to the excavation, during the remaining period of the street moratorium, to the satisfaction of the City Engineer.

The Department of Public Works has reviewed the application and found the proposed excavations to be compatible with existing installations and not an obstacle to any street use or any known proposed developments. Traffic control requirements stipulated by the Traffic and Transportation Engineering Division will be made a part of the special conditions for the discretionary excavation permit. City approved liability insurance for the discretionary permit on file.

This matter was reviewed by Deputy City Attorney Linda Vu on October 15, 2013, and by Budget Management Officer Victoria Bell on October 18, 2013.

#### TIMING CONSIDERATIONS

City Council action on this matter is requested on November 12, 2013 in order to proceed with the work in a timely manner.

#### FISCAL IMPACT

If the discretionary permit is approved, a permit fee of approximately \$1,354 will be deposited to the General Fund (GP) in the Department of Public Works (PW). There is no local job impact associated with this recommendation.

SUGGESTED ACTION:

Approve recommendation.

Respectfully submitted,



ARA MALOYAN, PE  
ACTING DIRECTOR OF PUBLIC WORKS

APPROVED:

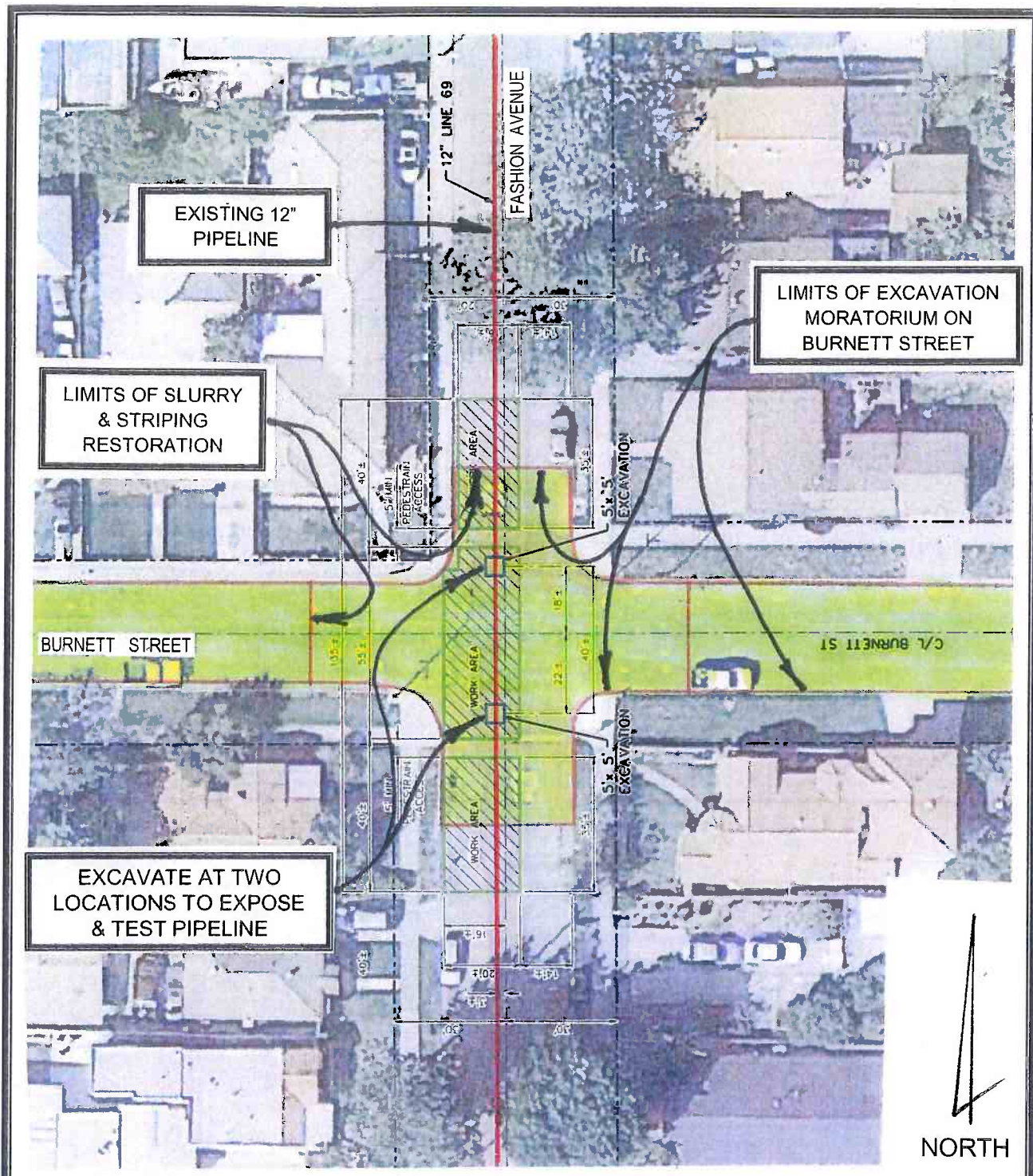


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PATRICK H. WEST  
CITY MANAGER

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Attachment – Location Map



**LOCATION MAP**  
**LOCATION OF PROPOSED DISCRETIONARY PERMIT FOR TESORO REFINING & MARKETING COMPANY LLC FOR TWO EXCAVATIONS IN BURNETT STREET (AT FASHION AVENUE), WHICH WAS SLURRY SEALED DECEMBER 1, 2012, AND IS UNDER AN EXCAVATION MORATORIUM FOR 24 MONTHS**