

**CITY OF LONG BEACH**

DEPARTMENT OF PUBLIC WORKS

333 West Ocean Boulevard 9<sup>th</sup> Floor • Long Beach, CA 90802 • (562) 570-6383 • Fax (562) 570-6012

February 3, 2015

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 in Pacific Avenue between Broadway and 3rd Street, a City street that has been reconstructed within the previous 60 months, in accordance with Section 14.08.060 of the Long Beach Municipal Code. (Districts 1 and 2)

**DISCUSSION**

The Broadway Property Company, LLC (BPC), has filed for a discretionary permit to relocate an existing 84-inch storm drain from under their proposed seven-story development, Parc Broadway, located at 245 Broadway. The storm drain is in the way of the foundation of the new building and is proposed to be relocated it into Pacific Avenue between Broadway and 3rd Street, and also into a portion of 3<sup>rd</sup> Street (see the attached map for the location of the proposed storm drain). Pacific Avenue was reconstructed November 17, 2010, and is under an excavation moratorium for 60 months until November 17, 2015.

Long Beach Municipal Code Section 14.08.060, Public Works permit-issuance, requires that a permit for an excavation in a City street that has been reconstructed within the previous 60 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.

The BPC states that the relocation of the storm drain is necessary for the general health, safety, and welfare of the City. Delaying the relocation until after the moratorium has expired will push the completion date of the Parc Broadway development back an entire year, resulting in a negative economic impact to the Downtown.

BPC also states that there are no other alternatives to excavating that are practical for the storm drain relocation. An open cut trench in the pavement is the most practical method to use.

After the completion of the storm drain relocation, as a permit requirement, the BPC will repave the following three street locations:

- 1.) Pacific Avenue from the Metro train tracks to the west gutter of Pacific Avenue between Broadway and 3<sup>rd</sup> Street.
- 2.) 3<sup>rd</sup> Street from its centerline to its south gutter between Cedar Avenue and Pacific Avenue.
- 3.) Broadway from its centerline to its north gutter between Cedar Avenue and Pacific Avenue.

The paving will be done in order to restore the street surfaces back to their original conditions or better. The paving will be done in a good and workmanlike manner to the satisfaction of the City Engineer. The BPC will repair any street degradation on Pacific Avenue caused by or related to their excavation for a full year.

The Public Works Department has reviewed the application and found the proposed excavation to be compatible with existing installations and not an obstacle to any street use or any other 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.

This matter was reviewed by Deputy City Attorney Linda Vu on January 5, 2015 and by Budget Management Officer Victoria Bell on January 9, 2015.

#### TIMING CONSIDERATIONS

City Council action on this matter is not time critical.

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FISCAL IMPACT

If the discretionary permit is approved, an excavation permit fee of approximately \$7,950 will be deposited to the General Fund (GF) in the Public Works Department (PW). There are no local jobs impacted by this recommendation.

SUGGESTED ACTION:

Approve recommendation.

Respectfully submitted,



ARA MALOYAN P.E.  
DIRECTOR OF PUBLIC WORKS

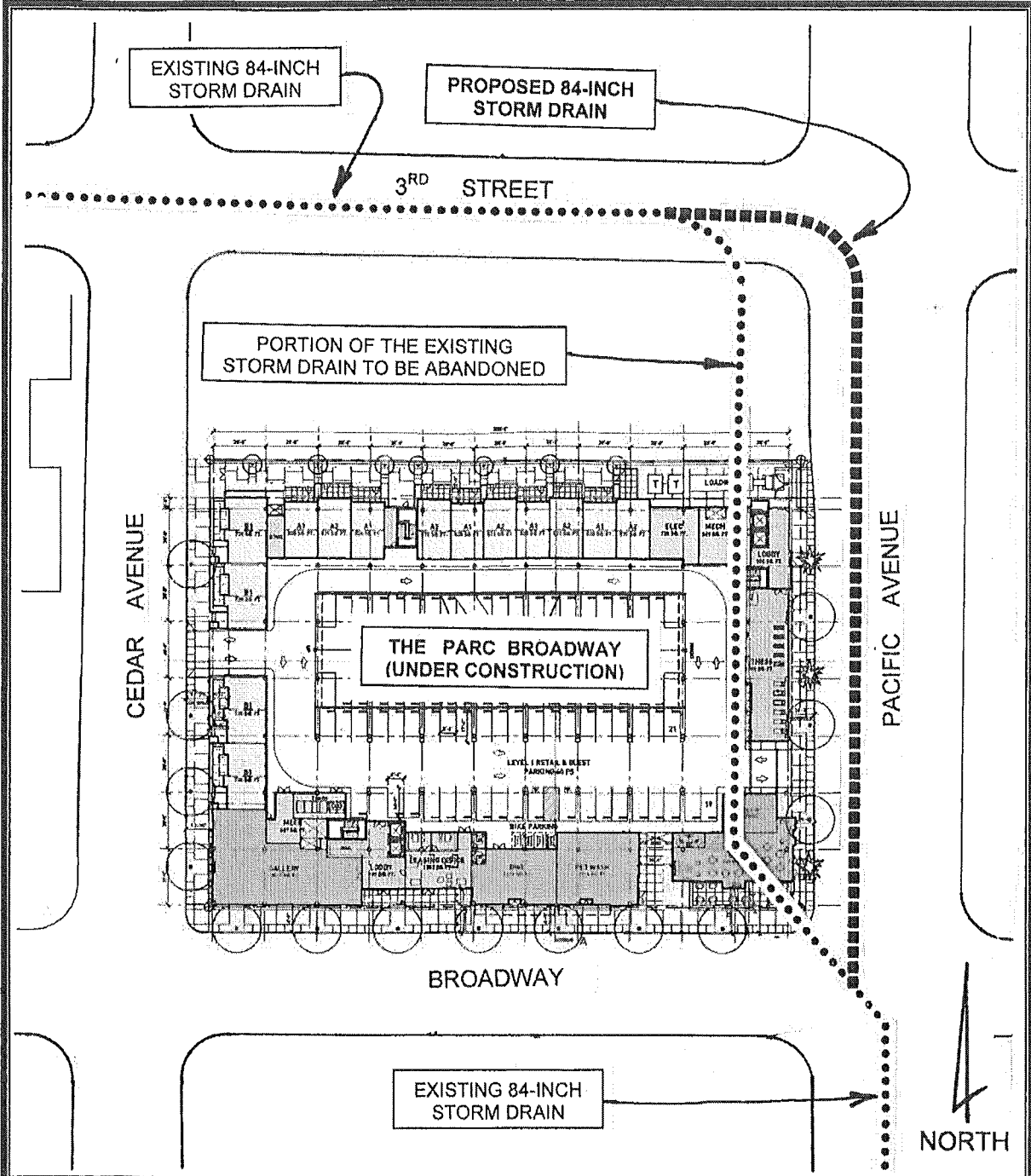
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P:\CL\BPC drain in Pacific Ave moratorium CL.doc

APPROVED:



PATRICK H. WEST  
CITY MANAGER

Attachment: Location Map



**LOCATION MAP**  
**LOCATION OF PROPOSED DISCRETIONARY PERMIT FOR BROADWAY**  
**PROPERTY COMPANY TO EXCAVATE IN PACIFIC AVENUE, WHICH WAS**  
**RECONSTRUCTED NOVEMBER 17, 2010, AND IS UNDER AN EXCAVATION**  
**MORATORIUM FOR 60 MONTHS TO NOVEMBER 17, 2015**