



## Legislation Text

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**File #:** 05-2448, **Version:** 1

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Recommendation to determine that the granting of Facility/Pipeline Permit Supplement No. S-5-05, under existing Facility/Pipeline Permit No. P-164-88, to ARCO Terminal Services Corporation, will not be contrary to the public interest; authorize City Manager to issue said permit supplement in accordance with Section 15.44.060, Permit Issuance, of the Long Beach Municipal Code; and authorize a discretionary permit to excavate in City streets that have been reconstructed within the previous sixty months and slurry sealed within the previous twenty-four months in accordance with Section 14.08.060, Public Works Permit-Issuance, of the Long Beach Municipal Code.  
(District 1)

ARCO Terminal Services Corporation (ARCO) has filed an application for Facility/Pipeline Permit Supplement No. S-5-05, under existing Facility/Pipeline Permit No. P-164-88, to install 2,314 feet of a new 12-inch petroleum pipeline. The pipeline will begin at a point on an existing 12-inch pipeline in Fashion Avenue at 17th Street, then head westerly in 17th Street to Harbor Avenue, then northerly in Harbor Avenue to 19th Street, then easterly in 19th Street to end on the same existing 12-inch pipeline in Fashion Avenue. This installation will replace a failing portion of the existing pipeline in Fashion Avenue between 17th Street and 19th Street. The route of the proposed pipeline is shown on the attached vicinity map. The Department of Public Works has reviewed the application and found the proposed pipeline to be compatible with existing installations and not an obstacle to any street use or any known proposed developments. A City approved letter of self-insurance and bonding for the permit supplement is on file.

Excavating in City streets is necessary to install the proposed pipeline. The pipeline route, which passes through City streets that are under an excavation moratorium, is shown on the attached vicinity map. All the moratoriums that impact the proposed pipeline expire after June 2007. Recently adopted Ordinance No. C-7933 requires that a permit for an excavation in a City street that has undergone reconstruction within the previous sixty months or has been slurry sealed within the previous twenty-four 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. The Ordinance further states that the City Council may authorize a discretionary permit if:

0 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. The applicant can demonstrate that alternatives to excavating, such as alternative routing or construction methods including boring or excavation of the parkway, are not possible.

ARCO claims that they meet the above criteria. The portion of the pipeline that needs to be replaced (in Fashion Avenue between 17th Street and 19th Street) is inaccessible because of freeway on- and off-ramps and the Pacific Coast Highway overcrossing, which have been constructed over it. This inaccessibility makes it virtually impossible to perform inspections, maintenance and repairs, which are measures that ensure the general health, safety, and welfare of the City. Replacing the pipeline in its current location will not correct the access problem. An alternate route other than the one shown on the attached vicinity map would be longer,

impractical and economically infeasible. Installing the pipeline by boring in the parkway is not possible due to the lack of room for the bore pits. ARCO will be given specific construction instructions designed to restore the integrity of the streets after the excavations, and has agreed to slurry seal and restripe the streets that fall under the excavation moratorium. Traffic control requirements stipulated by the Traffic and Transportation Bureau will be made a part of the special conditions for the excavation permit. City approved liability insurance for the excavation permit is on file. In conformance with the California Environmental Quality Act, a statutory exemption for this installation was filed with the County Clerk. This matter was reviewed by Deputy City Attorney J. Charles Parkin on February 4, 2005.

[Timing Considerations]

[Fiscal Impact]

Approve recommendation.

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[Respectfully Submitted,]