



Legislation Text

File #: 14-0093, **Version:** 1

Recommendation to 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 areas in certain City streets, such as the north/south alley, west of Bellflower Boulevard, between Stearns Street and Abbeyfield Street, which has been reconstructed within the previous 60 months, in accordance with Section 14.08.060 of the Long Beach Municipal Code. (District 4)

The Reynolds Group has filed for a discretionary permit for two excavations in the north/south alley west of Bellflower Boulevard between Stearns Street and Abbeyfield Street. The alley was reconstructed April 1, 2011, and is under an excavation moratorium for 60 months, until April 1, 2016. (See the attached map for the location of the two excavations.) They are requesting a discretionary permit so that they may excavate to abandon two groundwater monitoring wells in the concrete alley. The two wells monitored the groundwater adjacent to an underground storage tank (UST) site for a car wash located at 5470 Stearns Street.

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 Reynolds Group states 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 the necessity of being in compliance with the State of California State Water Resources Control Board's Order WQ 2013-0116-UST, signed and dated November 21, 2013, which requires the two monitoring wells to be abandoned within six months of the Order.

According to the "Water Well Standards: State of California", Part III, Section 20: "A well that is no longer useful must be destroyed in order to: (1) Assure that the groundwater supply is protected and preserved for further use and (2) Eliminate the potential physical hazard."

In addition, the Reynolds Group states that since the site is funded by the California State UST Clean-Up Fund, there will not be additional funding after this fiscal year to properly abandon the wells. They are required to complete this work within the fiscal year.

After the completion of the permitted work, as a permit requirement, the Reynolds Group will restore the concrete panels that were removed in the alley back to their original condition. They have also agreed to repair any concrete pavement degradation caused by or related to their excavations 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 is on file.

This matter was reviewed by Deputy City Attorney Linda Vu on December 31, 2013, and by Budget Management Officer Victoria Bell on January 6, 2014.

City Council action on this matter is not time critical.

If the discretionary permit is approved, a permit fee of approximately \$7,992 will be deposited to the General Fund (GP) in the Public Works Department (PW). There are no local job impacts associated with this recommendation.

Approve recommendation.

ARA MALOYAN, PE
DIRECTOR OF PUBLIC WORKS

APPROVED:

PATRICK H. WEST
CITY MANAGER