



Legislation Details (With Text)

**File #:** 19-201      **Version:** 1      **Name:**

**Type:** Consent Calendar      **Status:** Passed

**File created:** 2/6/2019      **In control:** City Council and Authorities Concurrent

**On agenda:** 2/19/2019      **Final action:** 2/19/2019

**Title:** Action on Adoption of an Ordinance to add section 12.25.230 (“Pavement Preservation”) to Chapter 12.25 (“Excavation and Use of City Rights-of-Way”) of Title 12 (“Streets, Sidewalks, and Public Places”) of “The Code of the City of Santa Clara, California”

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. Ordinance, 2. ORDINANCE NO. 1998

Date	Ver.	Action By	Action	Result
2/19/2019	1	City Council and Authorities Concurrent	Adopted	

**REPORT TO COUNCIL**

**SUBJECT**

Action on Adoption of an Ordinance to add section 12.25.230 (“Pavement Preservation”) to Chapter 12.25 (“Excavation and Use of City Rights-of-Way”) of Title 12 (“Streets, Sidewalks, and Public Places”) of “The Code of the City of Santa Clara, California”

**BACKGROUND**

At the February 5, 2019 Council meeting, proposed Ordinance No. 1998 was passed for the purpose of publication. Pursuant to City Charter Sections 808 and 812, proposed Ordinance No. 1998 was published on February 6, 2019, and copies were posted in three public places.

**DISCUSSION**

The proposed Ordinance would preserve street surfaces by placing a restriction on the excavation of recently treated pavement. Consistent with neighboring jurisdictions, the restriction would be 3 years from the treatment date for streets that have been resealed, and 5 years for streets that have been constructed, reconstructed, or resurfaced. The Ordinance also takes into consideration that although the goal is to avoid cutting into streets during these timeframes, sometimes it cannot be avoided. As such the ordinance allows an exemption for 1) Emergency encroachments that are immediately necessary to preserve life or property; 2) Work that is mandated by a county, State or federal agency; 3) Work necessary to provide utility service for buildings or parcels where no other reasonable means of providing service exists; 4) Repairs or modifications that are necessary to prevent the interruption of essential utility service; 5) Other situations deemed by the Director of Public Works or City Engineer to be in the best interest of the general public.

**ENVIRONMENTAL REVIEW**

The action being considered does not constitute a “project” within the meaning of the California Environmental Quality Act (“CEQA”) pursuant to CEQA Guidelines section 15378(a) as it has no

potential for resulting in either a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment.

### **FISCAL IMPACT**

There is no cost to the City other than administrative staff time and expense to adopt the Ordinance. While it is impossible to determine a specific dollar value, there may be a potential fiscal impact to permittees seeking to make encroachments in recently maintained streets that are regulated under the Ordinance. Permittees may need to expedite or delay planned excavations, modify work plans or service routes, or request an exemption from the Director of Public Works or City Engineer. This could require additional permit conditions to ensure the complete restoration of the street and pavement, each of which could have a potential fiscal impact on the permittee greater than if the Ordinance were not adopted. However, there is also a potential fiscal impact of not adopting the Ordinance. Failing to preserve recently maintained streets from the effects of encroachments may greatly reduce the pavement service life extension expected from a maintenance treatment, resulting in higher costs for the City to maintain street pavement infrastructure.

### **COORDINATION**

This report has been coordinated with the Finance Department, Water and Sewer utilities Department, Silicon Valley Power and the City Attorney's Office. A copy of the Ordinance was also transmitted to utility companies and developers currently operating or performing work in the City rights-of-way, including the City's municipal utility departments.

### **PUBLIC CONTACT**

Public contact was made by posting the Council agenda on the City's official-notice bulletin board outside City Hall Council Chambers. A complete agenda packet is available on the City's website and in the City Clerk's Office at least 72 hours prior to a Regular Meeting and 24 hours prior to a Special Meeting. A hard copy of any agenda report may be requested by contacting the City Clerk's Office at (408) 615-2220, email [clerk@santaclaraca.gov](mailto:clerk@santaclaraca.gov) <<mailto:clerk@santaclaraca.gov>> or at the public information desk at any City of Santa Clara public library.

### **RECOMMENDATION**

Adopt Ordinance No. 1998 to add section 12.25.230 ("Pavement Preservation") to Chapter 12.25 ("Excavation and Use of City Rights-of-Way") of Title 12 ("Streets, Sidewalks, and Public Places") of "The Code of the City of Santa Clara, California"

Reviewed by: Brian Doyle, City Attorney

Approved by: Deanna J. Santana, City Manager

### **ATTACHMENTS**

1. Ordinance