

**CITY OF DANA POINT**  
**AGENDA REPORT**

<b>Reviewed By:</b>	
DH	X
CM	X
CA	

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**DATE:           OCTOBER 12, 2005**

**TO:             CITY MANAGER/CITY COUNCIL**

**FROM          BRAD FOWLER, DIRECTOR OF PUBLIC WORKS AND ENGINEERING SERVICES**

**SUBJECT:      SECOND READING AND ADOPTION OF AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA AMENDING SECTION 14.01.540 OF THE DANA POINT MUNICIPAL CODE, PAVING SPECIFICATIONS FOR ROADWAY RESURFACING**

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**RECOMMENDED ACTION:**

That the City Council (1) adopt an Ordinance of the City of Dana Point (Action Document A) as follows:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA AMENDING SECTION 14.01.540 OF THE DANA POINT MUNICIPAL CODE, PAVING SPECIFICATIONS FOR ROADWAY RESURFACING

**ISSUES:**

Whether to approve the ordinance included in Action Document A designed to update and improve an existing City code section on paving specifications for roadway resurfacing.

**BACKGROUND:**

The Dana Point Municipal Code addresses specifications for roadway resurfacing as it relates to encroachment permits in Chapter 14. Periodic amendments are needed to keep pace with best practices. The City has identified the need to update Section 14.01.540 to allow staff to better manage our streets and highways.

Section 14.01.540 of the Dana Point Municipal Code currently reads as follows:

**14.01.540 Specifications for Resurfacing.**

(a) Resurfacing After Refilling and Compaction. After completion of refilling and compaction of the back fill material in the excavation as specified in Section 14.01.590 and the removal of the obstruction, the permittee shall promptly replace, with temporary or permanent patching material, or repair any portion of the highway surface removed

or damaged by the excavation, obstruction, and construction operations as specified elsewhere herein, to the satisfaction of the Director.

(b) Permanent Paving. Where the pavement (except Portland Cement Concrete pavement) or surface has been removed, the permittee shall replace it with three (3) inches of Asphalt Concrete (AC) over six (6) inches of Crushed Aggregate Base (CAB) on local roads and six (6) inches of AC over eight (8) inches of CAB on arterial streets but in no case shall the AC be less than one inch thicker than the existing AC and the CAB shall be one inch thicker than the existing CAB. Plant-mixed surfacing shall consist of material, aggregate and liquid asphalt grade AR-4000. If Portland Cement Concrete (PCC) pavement is removed, it shall first be sawed at the neat line not less than six (6) inches larger than the excavation and subsequently replaced with PCC. Notwithstanding the provisions of Section 300-1.3.2 (b) of the Green Book, if a saw cut in concrete pavement falls within five (5) feet (1,500 mm) of a construction joint, cold joint, expansion joint or edge, the concrete shall be removed to the joint or edge.

(c) Tunneling and Boring. Excavation of pavement or surfacing on an arterial highway (as shown on the Circulation Element of the General Plan) and determined by the Director as having been improved with plant-mixed surfacing or PCC pavement, will be permitted only when physical conditions make boring or tunneling impossible. All boring and tunneling and placing conduits, casings and pipelines shall be done in such a manner that the existing driving lanes will not be disturbed. If a casing is installed to receive the conduit or pipeline, all voids between the casing and conduit shall be filled with grout or sand.

(d) Replacing Entire Driving Lane. If the surfacing or pavement within the driving lanes of an arterial highway (as shown on the Circulation Element of the General Plan) are determined by the Director as having been improved with asphalt surfacing or Portland Cement Concrete and is removed or damaged by parallel construction operations, the existing surfacing or pavement of the width of the driving lane for the length of the damaged surfacing shall be removed and replaced except that such a removal and replacement shall in no case be less than one hundred (100) feet in length. All material and construction operations shall conform to the applicable provisions of the Standard Specifications. If the surfacing or pavement within any other street is removed or damaged by parallel construction operations and is greater than three (3) feet from the curb face, the existing surface or pavement of one-half the width of the street shall be slurry-sealed except that such a slurry-seal shall in no case be less than one hundred (100) feet in length.

(e) Any excavation within any right-of-way paved or slurry sealed within the preceding two (2) years may be assessed an additional deterioration and maintenance fee established by resolution of the Council.

(f) The Director shall schedule utility coordination meetings on a semi-annual basis with all utility companies serving Dana Point to coordinate capital improvement projects. (Added by Ord. 98-04, 6/23/98)

## **DISCUSSION:**

The proposed ordinance section as amended is as follows (proposed changes are in bold):

**14.01.540 Specifications for Resurfacing.**

(a) Resurfacing After Refilling and Compaction. After completion of refilling and compaction of the back fill material in the excavation as specified in Section 14.01.590 and the removal of the obstruction, the permittee shall promptly replace, with temporary or permanent patching material, or repair any portion of the highway surface removed or damaged by the excavation, obstruction, and construction operations as specified elsewhere herein, to the satisfaction of the Director.

(b) Permanent Paving. Where the pavement (~~except Portland Cement Concrete pavement~~) surface has been removed, the permittee shall replace it with ~~three (3)~~ **four (4)** inches of Asphalt Concrete (AC) over six (6) inches of Crushed Aggregate Base (CAB) on local roads **streets** and six (6) inches of AC over eight (8) inches of CAB on arterial streets, but in no case shall the **newly placed AC and CAB** be less than one inch thicker than the existing AC and ~~the CAB shall be one inch thicker than the existing CAB~~. **The material utilized for permanent paving shall be one of the following depending on the AC pavement that exists in the area of work, subject to the discretion of the City Engineer, and shall be per the following:**

- 1) **Conventional Asphalt Concrete Pavement:** The AC pavement base course shall be Class B-AR-4000, and be placed according to applicable sections of the Standard Specifications for Public Works Construction, edition per Municipal Code Section 14.01.500. Upon completion of the AC pavement base course, a minimum 2-inch AC pavement overlay course shall be constructed above the base course per Sections 203-6, 302-5, 400-4, and all other applicable sections of the Standard Specifications for Public Works Construction. AC pavement overlay shall be Type III-C3-AR-4000 with a minimum thickness of two (2) inches per course.
- 2) **Asphalt Rubberized Hot Mix (ARHM):** The AC pavement base course for paving with ARHM shall be per conventional AC pavement (Class B-AR-4000), and be placed according to applicable sections of the Standard Specifications for Public Works Construction, edition per Municipal Code Section 14.01.500. Upon completion of the AC pavement base course, a minimum 2-inch AC pavement overlay course shall be constructed above the base course per Sections 203-11, 302-9, 400-4, and all other applicable sections of the Standard Specifications for Public Works Construction. AC pavement overlay course shall be Asphalt Rubber Hot Mix (ARHM-GG-C) with a minimum thickness of two (2) inches per course.

The limits of asphalt repairs shall be the following:

- 1) **Case A, Perpendicular Street Cut in Parking Lane (Non-Travel Lane):** If the street cut is perpendicular to the street and is not in a travel lane, the repair shall be one (1) foot wider each side than the street cut subject to the approval of the City Engineer. The AC pavement overlay portion of the repair shall be extended to the curb or gutter edge. Also, if asphalt in the adjacent area of the repair shows stress or fails due to applicant's work, the applicant shall repair those areas in conjunction with the work. If the distance between

perpendicular trenches is less than ten (10) feet from the inside edge of the trenches, the overlay portion of the repair shall be extended to encompass the area between trenches.

- 2) **Case B, Parallel Street Cut in Parking Lane (Non-Travel Lane):** If the street cut is parallel to the street and is not in a travel lane, the repair shall be one (1) foot wider each side than the street cut subject to the approval of the City Engineer. The AC pavement overlay portion of the repair shall be extended one (1) foot from the street side of the repair to the curb or gutter edge. Also, if asphalt in the adjacent area of the repair shows stress or fails due to applicant's work, the applicant shall repair those areas in conjunction with the work.
- 3) **Case C, Perpendicular Street Cut in Travel Lane:** If the street cut is perpendicular to the street and is in a travel lane, the repair shall be one (1) foot wider each side than the street cut subject to the approval of the City Engineer. The AC pavement overlay portion of the repair shall be extended to the edge of the travel lane on both sides subject to the approval of the City Engineer. If the edge of the street cut or travel lane is within 5 feet of the curb or gutter, then the AC pavement overlay portion of the repair shall be extended to the gutter or curb edge. Also, if asphalt in the adjacent area of the repair shows stress or fails due to applicant's work, the applicant shall repair those areas in conjunction with the work. If the distance between perpendicular trenches is less than ten (10) feet from the inside edge of the trenches, the overlay portion of the repair shall be extended to encompass the area between trenches.
- 4) **Case D, Parallel Street Cut in Travel Lane:** If the street cut is parallel to the street and is in a travel lane, the repair shall be one (1) foot wider each side than the street cut subject to the approval of the City Engineer. The AC pavement overlay portion of the repair shall be extended to the edge of the travel lane on both sides subject to the approval of the City Engineer. If the edge of the travel lane or street cut is within 5 feet of the curb or gutter edge, then the AC pavement overlay portion of the repair shall be extended to the gutter or curb edge. Also, if asphalt in the adjacent area of the repair shows stress or fails due to applicant's work, the applicant shall repair those areas in conjunction with the work.

If street cuts occur in concrete sidewalks, cross gutters, or other concrete facilities, all repairs shall be per the Standard Specifications for Public Works Construction and be to the nearest joint in all directions.

If street cuts occur in private streets, the applicant shall also secure approval from the homeowners association or other applicable party prior to commencement of the work to allow pavement requirements to be incorporated.

The City Engineer may require an applicant to utilize tunneling techniques to install below grade infrastructure in cases where adverse impacts to the public are determined to be significant. Adverse impacts can be impacts to the integrity of the street, significant anticipated traffic congestion, impacts to other utilities, or impacts to existing improvements.

~~Plant-mixed surfacing shall consist of material, aggregate and liquid asphalt grade AR-4000. If Portland Cement Concrete (PCC) pavement is removed, it shall first be sawed at the neat line not less than six (6) inches larger than the excavation and subsequently replaced with PCC. Notwithstanding the provisions of Section 300-1.3.2 (b) of the Green Book, if a saw cut in concrete pavement falls within five (5) feet (1,500 mm) of a construction joint, cold joint, expansion joint or edge, the concrete shall be removed to the joint or edge.~~

~~(c) Tunneling and Boring. Excavation of pavement or surfacing on an arterial highway (as shown on the Circulation Element of the General Plan) and determined by the Director as having been improved with plant-mixed surfacing or PCC pavement, will be permitted only when physical conditions make boring or tunneling impossible. All boring and tunneling and placing conduits, casings and pipelines shall be done in such a manner that the existing driving lanes will not be disturbed. If a casing is installed to receive the conduit or pipeline, all voids between the casing and conduit shall be filled with grout or sand.~~ **Moratorium on Newly Paved Streets. The City does not allow street cuts on streets that have been newly paved or resurfaced for a period of five (5) years unless an emergency to public health and safety exists. If a street with a moratorium is cut for any reason, the required asphalt repairs will be per the City Engineer. In most cases, the street will need to be entirely resurfaced with a minimum two (2) inch overlay from curb to curb in the area of work. In streets where a moratorium exists, the City Engineer may allow tunneling as an alternative to street cuts as long as there is enough space outside the paved surface to accommodate the tunneling operation. Tunneling will not be allowed in a street where a moratorium exists if the asphalt concrete pavement surface will be impacted. All damage caused during the work shall be repaired in kind within five working days from the completion of the work.**

~~(d) Replacing Entire Driving Lane. If the surfacing or pavement within the driving lanes of an arterial highway on any public street (as shown on the Circulation Element of the General Plan) are determined by the Director as having been improved with asphalt surfacing or Portland Cement Concrete and is removed or damaged by parallel construction operations, the existing surfacing or pavement of the width of the driving lane for the length of the damaged surfacing shall be removed and replaced except that such a removal and replacement shall in no case be less than one hundred (100) feet in length. All material and construction operations shall conform to the applicable provisions of the Standard Specifications. If the surfacing or pavement within any other street is removed or damaged by parallel construction operations and is greater than three (3) feet from the curb face, the existing surface or pavement of one-half the width of the street shall be slurry-sealed except that such a slurry seal shall in no case be less than one hundred (100) feet in length.~~

~~(e) Any excavation within any right-of-way paved or slurry sealed within the preceding two (2) years may be assessed an additional deterioration and maintenance fee established by resolution of the Council.~~

~~(f)~~ **(d)** The Director shall schedule utility coordination meetings on a semi-annual basis with all utility companies serving Dana Point to coordinate capital improvement projects. (Added by Ord. 98-04, 6/23/98)

It is important that we manage our streets effectively and require those working here to meet our standards. A first reading of the ordinance was held at the September 28, 2005 City Council meeting, and staff was directed by the Council to bring the ordinance back at the next meeting for final approval.

**NOTIFICATION/FOLLOW-UP:**

None

**STRATEGIC PLAN INITIATIVE:**

In compliance with the Strategic Plan Initiative to maintain, modernize and beautify the City's infrastructure and neighborhoods, this project implements the tactical element of upgrading and maintaining roads and bridges.

**FISCAL IMPACT:**

None

**ALTERNATIVE ACTIONS:**

- 1. Other City Council directed actions.

**ACTION DOCUMENTS:**

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**SUPPORTING DOCUMENTS:**

None

**Action Document A – Ordinance****ORDINANCE NO. \_\_\_\_\_****AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA  
AMENDING SECTION 14.01.540 OF THE DANA POINT MUNICIPAL CODE, PAVING  
SPECIFICATIONS FOR ROADWAY RESURFACING**

WHEREAS, the City of Dana Point (“City”) has determined that Section 14.01.540 of the Dana Point Municipal Code that is used to specify requirements for asphalt resurfacing needs to be amended to provide better guidance to the public;

THE CITY COUNCIL OF THE CITY OF DANA POINT DOES ORDAIN AS FOLLOWS:

SECTION 1. Section 14.01.540 of the Dana Point Municipal Code is hereby amended to read in its entirety as follows:

**14.01.540 Specifications for Resurfacing.**

(a) Resurfacing After Refilling and Compaction. After completion of refilling and compaction of the back fill material in the excavation as specified in Section 14.01.590 and the removal of the obstruction, the permittee shall promptly replace, with temporary or permanent patching material, or repair any portion of the highway surface removed or damaged by the excavation, obstruction, and construction operations as specified elsewhere herein, to the satisfaction of the Director.

(b) Permanent Paving. Where the pavement surface has been removed, the permittee shall replace it with four (4) inches of Asphalt Concrete (AC) over six (6) inches of Crushed Aggregate Base (CAB) on local streets and six (6) inches of AC over eight (8) inches of CAB on arterial streets, but in no case shall the newly placed AC and CAB be less than one inch thicker than the existing AC and CAB. The material utilized for permanent paving shall be one of the following depending on the AC pavement that exists in the area of work, subject to the discretion of the City Engineer, and shall be per the following:

- 1) Conventional Asphalt Concrete Pavement: The AC pavement base course shall be Class B-AR-4000, and be placed according to applicable sections of the Standard Specifications for Public Works Construction, edition per Municipal Code Section 14.01.500. Upon completion of the AC pavement base course, a minimum 2-inch AC pavement overlay course shall be constructed above the base course per Sections 203-6, 302-5, 400-4, and all other applicable sections of the Standard Specifications for Public Works Construction. AC pavement overlay shall be Type III-C3-AR-4000 with a minimum thickness of two (2) inches per course.

- 2) Asphalt Rubberized Hot Mix (ARHM): The AC pavement base course for paving with ARHM shall be per conventional AC pavement (Class B-AR-4000), and be placed according to applicable sections of the Standard Specifications for Public Works Construction, edition per Municipal Code Section 14.01.500. Upon completion of the AC pavement base course, a minimum 2-inch AC pavement overlay course shall be constructed above the base course per Sections 203-11, 302-9, 400-4, and all other applicable sections of the Standard Specifications for Public Works Construction. AC pavement overlay course shall be Asphalt Rubber Hot Mix (ARHM-GG-C) with a minimum thickness of two (2) inches per course.

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- 2) Case B, Parallel Street Cut in Parking Lane (Non-Travel Lane): If the street cut is parallel to the street and is not in a travel lane, the repair shall be one (1) foot wider each side than the street cut subject to the approval of the City Engineer. The AC pavement overlay portion of the repair shall be extended one (1) foot from the street side of the repair to the curb or gutter edge. Also, if asphalt in the adjacent area of the repair shows stress or fails due to applicant's work, the applicant shall repair those areas in conjunction with the work.
- 3) Case C, Perpendicular Street Cut in Travel Lane: If the street cut is perpendicular to the street and is in a travel lane, the repair shall be one (1) foot wider each side than the street cut subject to the approval of the City Engineer. The AC pavement overlay portion of the repair shall be extended to the edge of the travel lane on both sides subject to the approval of the City Engineer. If the edge of the street cut or travel lane is within 5 feet of the curb or gutter, then the AC pavement overlay portion of the repair shall be extended to the gutter or curb edge. Also, if asphalt in the adjacent area of the repair shows stress or fails due to applicant's work, the applicant shall repair those areas in conjunction with the work. If the distance between perpendicular trenches is less than ten (10) feet from the inside edge of the trenches, the overlay portion of the repair shall be extended to encompass the area between trenches.
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the repair shows stress or fails due to applicant's work, the applicant shall repair those areas in conjunction with the work.

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The City Engineer may require an applicant to utilize tunneling techniques to install below grade infrastructure in cases where adverse impacts to the public are determined to be significant. Adverse impacts can be impacts to the integrity of the street, significant anticipated traffic congestion, impacts to other utilities, or impacts to existing improvements.

c) Moratorium on Newly Paved Streets. The City does not allow street cuts on streets that have been newly paved or resurfaced for a period of five (5) years unless an emergency to public health and safety exists. If a street with a moratorium is cut for any reason, the required asphalt repairs will be per the City Engineer. In most cases, the street will need to be entirely resurfaced with a minimum two (2) inch overlay from curb to curb in the area of work. In streets where a moratorium exists, the City Engineer may allow tunneling as an alternative to street cuts as long as there is enough space outside the paved surface to accommodate the tunneling operation. Tunneling will not be allowed in a street where a moratorium exists if the asphalt concrete pavement surface will be impacted. All damage caused during the work shall be repaired in kind within five working days from the completion of the work.

(d) The Director shall schedule utility coordination meetings on a semi-annual basis with all utility companies serving Dana Point to coordinate capital improvement projects. (Added by Ord. 98-04, 6/23/98)

SECTION 2. If any section, subsection, subdivision, sentence, clause, phrase, or portion of this Ordinance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council hereby declares that it would have adopted this Ordinance and each section, subsection, subdivision, sentence, clause, phrase, or portion thereof, irrespective of the fact that any one or more sections, subsections, subdivisions, sentences, clauses, phrases, or portions thereof be declared invalid or unconstitutional.

SECTION 3. The City Clerk shall certify as to the adoption of this Ordinance and shall cause a summary thereof to be published within fifteen (15) days of the adoption and shall post a certified copy of this Ordinance, including the vote for and against the same, in the Office of the City Clerk, in accordance with Government Code Section 36933.

PASSED, APPROVED, AND ADOPTED this \_\_\_\_\_ day of \_\_\_\_\_, 2005.

\_\_\_\_\_  
WAYNE RAYFIELD, MAYOR

ATTEST:

\_\_\_\_\_  
ELIZABETH EHRLING, CITY CLERK

STATE OF CALIFORNIA)

COUNTY OF ORANGE ) ss

CITY OF DANA POINT )

I, Elizabeth Ehring, City Clerk of the City of Dana Point, California, do hereby certify that the foregoing is a true and correct copy of Ordinance No. \_\_\_\_\_ introduced at a regular meeting of the City Council held this 28<sup>th</sup> day of September, 2005, and passed and adopted at a regular meeting held \_\_\_\_\_, by the following roll call vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

(SEAL)

\_\_\_\_\_  
ELIZABETH EHRLING, CITY CLERK