

## CHAPTER 12.12

### CONSTRUCTION OF IMPROVEMENTS IN RIGHTS-OF-WAY

#### Sections

- 12.12.010 ~~Procedural requirements—Permit—Required~~ Definitions.
- 12.12.020 ~~Variances~~ Permit - Required.
- 12.12.030 Permit – Application.
- 12.12.040 ~~Plans, estimates and fees~~ Driveway standard.
- 12.12.050 ~~Bond requirement~~ Driveway standard - Variance.
- 12.12.060 ~~Compliance to city standards required~~ Security requirement.
- 12.12.070 Permit issuance, modification and denial; interpretation of plans and standards  
Inspection.
- 12.12.080 ~~Completion—Acceptance of work~~ Inspections.
- 12.12.090 Completion – ~~Return of excess deposit~~ Acceptance of work.
- 12.12.100 Permit – Unused, refund.
- 12.12.110 Permit – Display.
- 12.12.120 Permit – Nontransferable.
- 12.12.130 Unauthorized work.
- 12.12.140 Cleanup.

#### 12.12.010 Definitions.

Unless the particular provision of the context otherwise requires, the definitions and provisions contained in this section shall govern the construction, meaning and application of words and phrases used in this chapter. Unless the context otherwise clearly indicates, words used in the singular include the plural and words used in the plural includes the singular.

“City Engineer” means the City Engineer for the City of Corona or another employee of the City of Corona who possesses a current and valid professional civil engineer license issued by the State of California and who is designated by the City Engineer to perform the duties of the City Engineer under this chapter.

“Department” means the Planning and Development Department of the City of Corona.

“Improvement” means the construction or installation of any curb, sidewalk, gutter, driveway, streetlights, driveway approach, parkways, power poles, fire hydrants, graded and oiled roadway, macadamized roadway, pavement, water or sewer lines, storm drain or culvert, or similar improvement within the right-of-way.

“Right-of-way” means the area in, upon, above, beneath, or across any of the following that has been dedicated to the public and maintained under public authority or is owned and maintained by others and that is located within the city limits: streets, roadways, highways, avenues, boulevards, lanes, alleys, courts, sidewalks, pathways, medians, parkways, easements, rights-of-way, or similar property.

#### **12.12.0210 ~~Procedural requirements~~ – Permit – Required.**

(A) No person shall lay, construct, install, reconstruct or repair any improvement in the right-of-way without first obtaining a permit therefore pursuant to this chapter. ~~engaged in the performance of any work mentioned in this chapter shall first obtain a permit from the city.~~

~~B. An application for a permit shall be submitted to the Planning and Development Department for~~ No person shall ~~work performed~~ lay, construct, reconstruct or repair in any street or other public place in the city or in, over or through any property, or public right-of-way owned by the city, or any easement dedicated to the city, any curb, sidewalk, gutter, driveway, graded and oiled roadway, macadamized roadway, pavement, sanitary sewer, storm drain or culvert, without first obtaining a permit in writing so to do from the Public Works Director and without first obtaining the lines and grades therefor from the City Engineer.

(B) All work associated with a permit issued under this chapter shall be done in accordance with the plans and specifications approved by the city and referred to in the permit and shall be performed to the satisfaction of the City Engineer under the supervision of an inspector appointed by the City Engineer. ~~The City Engineer may waive inspection during actual construction of any or all patchwork, which is defined as consisting of less than 30 lineal feet of curb, less than 100 square feet of sidewalk, less than 100 square feet of paving or less than 30 lineal feet of gutter, or a combination of any or all of the foregoing.~~

(C) No person shall lay, construct, install, reconstruct or repair any improvement in any street or other public place in the city or in, over or through any property or the right-of-way owned by the city any curb, sidewalk, gutter, driveway, graded and oiled roadway, macadamized roadway, pavement, sanitary sewer, storm drain or culvert, without first obtaining a permit ~~therefore pursuant to this chapter.~~ in writing so to do from the Public Works Director and without first obtaining the lines and grades therefor from the City Engineer. No person shall, in any event, break away, tear away, construct or reconstruct any street curb or construct, reconstruct or build any sidewalk, gutter, driveway, roadway or drain over any street curb where the curb opening would exceed 50% of the lot frontage facing the curb, and any permit granted under this section shall specify the frontage or such opening and the location thereof upon the real property adjacent thereto. No driveway or roadway shall be more than 36 feet in overall width. The minimum width between any two driveways upon or to any one lot in the city shall be 22 feet. No driveway or curb opening shall be constructed in the city nearer to the intersection of the property lines of two intersecting streets than the point of curve of the curb return at such intersection where such exists, and in any event not nearer than four feet to such property line intersection; and further, no driveway or curb opening shall be constructed nearer than three feet to any fire hydrant, ornamental light standard, telephone or electric power pole, meter box or underground vault or manhole.

(D) All work associated with a permit issued under this chapter shall be done in accordance with the plans and specifications approved by the city and referred to in the permit and shall be

performed to the satisfaction of the City Engineer under the supervision of an inspector appointed by the City Engineer.

#### **12.12.020 Variances.**

~~—(A) The City Engineer may grant a property owner a variance from the requirements for driveway dimensions and locations, as provided in § 12.12.010, if the property owner shows sufficient facts to satisfy the City Engineer that the strict application of the requirements would cause a unique and undue hardship to the property owner in the use of his or her property and that the public health, safety and welfare of the city would not be harmed by a grant of the requested variance.~~

~~—(B) If the City Engineer grants such a variance, he or she may impose reasonable conditions thereon for the purpose of protecting the public health, safety and welfare of the city and the pedestrian and vehicular traveling public.~~

~~—(C) Any person aggrieved by the City Engineer's decision concerning a variance requested under this section may appeal the decision to the City Council by filing a written notice of appeal with the City Clerk no later than ten days after the City Engineer's decision. The City Council shall consider the appeal at its next regular meeting, which is held at least seven days after the appeal has been filed with the City Clerk. The City Council's determination of the appeal shall be final.~~

#### **12.12.030 Permit – Application.**

~~(A) Any person desiring an application for a permit to perform any work mentioned in this chapter shall be filed a written application therefor with the Public Works Director/Department, on a forms furnished by the Public Works Director/Department's Development Services division and; which application shall include the following information:~~

~~(1) state the location, nature and extent of the work-improvements to be constructed, installed, reconstructed or repaired. performed,~~

~~(2) Plans and specifications for the proposed improvements.~~

~~(3) The material to be used, hours of construction, the length of time which will be required to complete the improvement.work and such~~

~~(4) Any other information as determined to be necessary by the Department. the Public Works Director may require. The Public Works Director may modify the time specified for the completion of the work and may make such changes as to the location and extent of the work as in his or her judgment are necessary to prevent undue interference with traffic or danger to the safety of persons using the same.~~

~~(B) The applicant for a permit under this chapter shall pay all permit, plan check and inspection fees in the amount established by resolution of the City Council.~~

#### **12.12.040 Plans, estimates and fees.**

~~—When, in the opinion of the Public Works Director, the work requires the making of special plans therefor, the City Engineer shall make an estimate of the total expense which will be incurred by the city in connection therewith, which shall include the cost of engineering work and estimates, the preparation of plans, inspection and all other necessary work and expense and shall make an estimate of the cost of the proposed work. If, in the opinion of the Public Works Director, the proposed work does not require the making of special plans therefor, the Public Works Director shall estimate the total expense which will be incurred by the city in connection therewith and may estimate the cost of the proposed work. The applicant shall deposit the estimated amount of the total expense with the Public Works Director; provided, however, that the minimum amount required to be deposited for a permit for any work shall be the sum of \$1. At the time a person files a written application for a permit to perform any of the work described in § 12.12.010, he or she shall simultaneously therewith pay a filing fee as established by City Council resolution and any amendments thereto to defray the costs incurred by the city in receiving, processing and reviewing the application.~~

#### **12.12.040 Driveway Standard.**

(A) No person shall break away construct or reconstruct any improvement over any street curb where the final curb opening upon the completion of construction would exceed 50% of the lot frontage facing the curb. The applicant shall specify, on the application for a permit under this chapter, the length of the lot frontage facing the curb, the length of the proposed driveway or curb opening and the location thereof.

(B) Except as otherwise provided in subsection (A) above, no driveway shall be more than 36 feet in overall width.

(C) The minimum width between any two driveways upon or to any one residential lot in the city shall be pursuant to City standards.

(D) The location of a driveway or curb opening shall be constructed per City Standard Plan Number 133, “Driveway Approach Locations”.

(E) No driveway or curb opening shall be constructed within five feet of any fire hydrant, light standard, telephone or electric power pole, meter box or underground vault or manhole.

#### **12.12.050 Driveway Standard - Variance.**

(A) The City Engineer may grant a variance from the driveway standards set forth in § 12.12.040 if the applicant provides sufficient justification to the satisfaction of the City Engineer that the strict application of such requirement would cause a unique and undue financial or other hardship in the use of the property and that the public health, safety and welfare of the city would not be harmed by the granting of the variance. The City Engineer’s decision shall be in writing included on the permit.

(B) In granting the variance, the City Engineer may impose reasonable conditions in the issuance of the permit for the purpose of protecting the public health, safety and welfare of the city and the pedestrian and vehicular traveling public.

(C) Any person aggrieved by the City Engineer's decision concerning a variance requested under this section may appeal the decision to the City Council by filing a written notice of appeal with the City Clerk no later than ten (10) working days after the City Engineer's decision. The City Council shall consider the appeal at a regular meeting within 30 calendar days after the appeal has been filed with the City Clerk. The City Council's determination on the appeal shall be final.

#### **12.12.0650 ~~Bond Security~~ requirement.**

The ~~Public Works Director~~City Engineer, may in his or her discretion, may require that the applicant, before any permit is issued, ~~shall to~~ file with the ~~Public Works Director Department~~ a good and sufficient ~~bond security~~, approved by the City Attorney and payable to the city, in ~~the following an amount equal to not less than:~~

(A) 100% of the total estimated cost of the ~~proposed work and conditions upon improvement, securing~~ the faithful performance of ~~the work for which the permit is issued, in accordance with the permit and the specifications, or plans and specifications prepared therefor and referred to in the permit such improvement;~~

(B) 50% of the total estimated cost of the improvement, securing payment for labor, materials and equipment; and

(C) 25% of the total estimated cost of the improvement, guaranteeing the work for one year after acceptance against defective workmanship or materials.

The applicant may post security in the form of a surety bond, an irrevocable letter of credit from an accredited financial institution, or other method acceptable to the city. ~~The bond shall be either a cash bond, or a bond executed by the permittee and a responsible surety company, or a bond executed by the permittee and at least two personal sureties. In the latter case each personal surety must justify before any person competent to administer an oath in double the amount specified in the bond over and above all statutory exemptions. Upon the deposit of the estimated amount of the expense to be incurred by the city with the Public Works Director, and upon the filing and approval of such bond, the Public Works Director shall issue the permit.~~

#### **~~12.12.060 Compliance to city standards required.~~**

~~—All work mentioned for which a permit has been issued as provided in this chapter shall be performed in accordance with the specifications or standard plans adopted by the city for such class of work (or the special plans and specifications prepared therefor by the City Engineer) and referred to in the permit and shall be performed to the satisfaction of the Public Works Director and under the supervision of an inspector appointed by the Public Works Director for such work; provided, however, that the Public Works Director may waive inspection during actual construction of any or all patchwork, which is defined as consisting of less than 30 lineal feet of curb, less than 100 square feet of sidewalk, less than 100 square feet of paving or less than 30 lineal feet of gutter, or a combination of any or all of the foregoing.~~

**12.12.070 Permit issuance, modification and denial; interpretation of plans and standards.**

(A) Permit Issuance. Upon compliance by the applicant with the requirements set forth in this chapter, the City Engineer shall approve the permit, subject to any conditions or restrictions the City Engineer deems necessary for the maintenance or safety of the public right-of-way or the public health, safety and welfare.

(B) Permit modification or denial. The City Engineer may modify or deny a permit as necessary to protect the public right-of-way, the property of any person, or the public health, safety and welfare. The City Engineer may modify the hours and dates of construction for the completion of the improvement in order to prevent undue interference with traffic or danger to the safety of persons using the public right-of-way.

(C) Interpretation of plans and standards. The City Engineer shall have the authority to make interpretations and determinations regarding any improvement plans submitted by an applicant under this chapter or the application of any city standards or regulations to the improvements.

**12.12.0870 Inspections.**

(A) Pre-construction inspection. Unless otherwise required in a permit issued pursuant to this chapter, prior to commencing~~No person shall commence~~ any work mentioned in ~~associated with a permit issued under this chapter, the applicant shall request an inspection from the Department. The for which a permit has been issued, except in cases wherein inspection during actual construction has been waived by the Public Works Director in granting the permit, unless the person has made application in writing to the Public Works Director for an inspection request shall be submitted therefor~~ at least 24-48 hours prior to the requested inspection before commencing the work, specifying in the application and shall include the day, time and hour when, and the location at which, the work will be commenced.

(B) Inspection during construction. Periodic inspections during actual construction shall be required in accordance with the approved plans and specifications for the improvements and the permit issued for such improvements.~~No person shall commence any work mentioned in this chapter for which a permit has been issued, except in cases wherein the inspection during actual construction has been waived by the City Engineer Public Works Director in granting the permit, no advanced notice is required, unless the person has made application in writing to the Public Works Director for an inspection therefor at least 24 hours before commencing the work, specifying in the application the day and hour when, and the location at which, the work will be commenced.~~

(C) Inspection waiver. The City Engineer shall have the authority to waive any inspections required by this section if the City Engineer determines that such inspection is unnecessary and the public health, safety and welfare of the city would not be harmed by waiving the inspection.

**12.12.0980 Completion – Acceptance of work.**

~~Whenever any permittee has completed~~ Upon completion of any work under this chapter, the permittee shall ~~so~~ notify the ~~Department~~ Public Works Director in writing. If, after the ~~Public Works Director~~ City Engineer or his or her duly authorized representative has by survey or inspection, or both, found that the work has been completed in accordance with the requirements of the permit issued for said work therefor and all the provisions of this chapter, ~~he or she shall issue, if requested by the permittee,~~ a certificate of acceptance shall be issued, which shall contain a statement of the location, nature and total amount of the work performed under the permit.

#### **12.12.090 Completion – Return of excess deposit.**

~~After the issuance of a certificate of acceptance for of any work done under a permit issued pursuant to this chapter, the City Manager or their designee~~ Public Works Director shall deduct from the deposit the amount of the total expense incurred by the city in connection therewith, including \$1 as a permit and inspection fees, if applicable, and shall return the unexpended portion thereof to the permittee. The decision of the ~~Public Works Director~~ City Manager or their designee as to the amount of expense incurred by the city in connection with any work done under the permit pursuant to this chapter shall be final, and conclusive as to such amount.

#### **12.12.100 Permit – Unused, refund.**

~~Any unused permit issued under the provisions of this chapter shall be canceled and~~ If any person issued a permit to perform work under this chapter decides to cancel the work prior to the start of construction, ~~the deposit~~ any fees made in connection with the permit therewith, less the amount of any expenses already incurred by the city ~~on account thereof~~, shall be returned to the permittee upon surrender of the permit.

#### **12.12.110 Permit – Display.**

Any person engaged in the performance of any work ~~mentioned in~~ permitted by this chapter shall at all times, while such work is in progress, keep at the work site ~~place where such work is located~~ the original permit for the work and ~~must~~ shall, on demand, present proof of the permit ~~exhibit the same to any city official,~~ the Public Works Director or to any of his or her inspectors or other employees or to any police officer.

#### **12.12.120 Permit – Nontransferable.**

~~No~~ A permit issued under the provisions of this chapter is nontransferable. ~~shall be transferable, and every such permit shall become void, unless the work thereby permitted to be done is completed within the time specified therein or any extension granted therefor.~~

#### **12.12.130 Unauthorized work.**

~~The permittee No person to whom a permit has been granted under the provisions of this chapter shall not perform any of the work mentioned in this chapter in excess of that specified in the permit issued therefor.~~

#### **12.12.140 Cleanup.**

~~—No person performing any work under the provisions of this chapter shall fail, refuse or neglect to remove all materials and debris within three days after the completion of the work; provided, however, that where new work is covered with earth, the terms of the specifications of the city governing such work shall control. During construction of any improvement, all streets shall, at the expense of the permittee, be thoroughly cleaned of all rubbish, excess earth, rock and other debris resulting from such construction. From time to time, as may be ordered by the City Engineer, and in any event immediately after completion of the improvement, the permittee shall, at its own expense, clean up and remove all refuse and unused materials of any kind resulting from the construction. If the permittee fails to do so within 24 hours after having been notified, the work may be done by the city and the cost thereof charged to the permittee. Whenever it may be necessary for the permittee to excavate through any landscaped area, the area shall be reestablished in a like manner after the excavation has been backfilled as required. All construction and maintenance work shall be done in a manner designed to leave the area clean of earth and debris and in a condition as nearly as possible to that which existed before such work began. The permittee shall not remove, even temporarily, any existing trees or shrubs without first obtaining the consent of the City Engineer.~~