



THE CITY OF SAN DIEGO

MEMORANDUM

DATE: July 2, 2024
TO: Distribution
FROM: Rania Amen, Acting Deputy Chief Operating Officer
SUBJECT: Clarification of the Collection of Street Damage Fee on Moratorium Streets

On January 1, 2024, updates to the Street Preservation Ordinance (SPO), San Diego Municipal Code Sections 62.1101 through 62.1219, became effective. The purpose of the SPO is to provide guidelines, policies, and procedures to minimize damage to public infrastructure and to ensure public safety. Included in the SPO updates, excavators have been given the option of increasing the area of resurfacing to include the full width of the impacted travel lane. In exchange for this increase area of paving, the payment of the Street Damage Fee (SDF) is waived.


This memo is to provide clarification on the payment of the SDF when the street is to be repaved, curb-to-curb, as a result of the street being on an excavation moratorium during excavation.

Section 62.1216 of the San Diego Municipal Code (SDMC) states:

“Each excavator shall pay to the City a Street Damage Fee to recover the increased repaving and reconstruction costs incurred by the City that are reasonably attributable to the impact of the excavation to the public right-of-way, unless the excavator performs additional restoration as described in Municipal Code section 62.1211(a)(4) or Municipal Code section 62.1211(b)(3) to account for such increased repaving and reconstruction costs or as otherwise provided by law.”

The City Engineer has determined that curb-to-curb restoration performed as a result of an excavation moratorium is sufficient to meet the requirements of the additional restoration described in Municipal Code sections 62.1211(a)(4) and 62.1211(b)(3). As such, excavators who restore the impacted street with a curb-to-curb restoration after excavation shall have their SDF waived. Excavators shall have an approved Excavation Moratorium Waiver prior to excavation per SDMC 62.1207.

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Rania Amen
City Engineer
Acting Deputy Chief Operating Officer

Attachments:

1. Adopted SPO O-2023-172 (O-21701) - Amending Chapter 6, Article 2, Divisions 11 & 12 of the San Diego Municipal Code.
2. Excavation Moratorium Waiver Request Form
3. City Engineer Memorandum: Clarifying the Requirements for Resurfacing for Asphalt Concrete (AC) and Concrete Street Excavations Requirements in Public Right-of-Way

cc: Honorable City Attorney Mara Elliott
Paola Avila, Chief of Staff, Office of the Mayor
Eric K. Dargan, Chief Operating Officer
Matt Vespi, Chief Financial Officer
Kris McFadden, Deputy Chief Operating Officer
Kristina Peralta, Deputy Chief Operating Officer
Casey Smith, Deputy Chief Operating Officer
Randy Wilde, Senior Policy Advisor, Office of the Mayor
Bethany Bezak, Director, Transportation Department
Elyse Lowe, Director, Development Services Department
CIPRAC Members
Deputy City Engineers