



COUNCILMEMBER VIVIAN MORENO
City of San Diego
Eighth District
MEMORANDUM

DATE: July 14, 2020
TO: Honorable Mayor Kevin Faulconer
FROM: Councilmember Vivian Moreno
SUBJECT: Council Policy 200-01 and Maintenance of Unimproved Streets and Alleys

The City of San Diego is a world-class municipality, with a Streets Division that is committed to efficiency, effectiveness, and providing exceptional customer service. Our most historic neighborhoods were established over a hundred years ago, including communities within my district such as Stockton, Memorial, and Palm City, to name a few.

In 1952, the City Council approved Resolution No. 107424, outlining the City’s policy for maintaining “unimproved” streets and alleys. The resolution states that City forces are not permitted to work on unimproved roads unless dust conditions become “unbearable” to neighboring residents, or unless a minor improvement will result in a reduced maintenance cost to the City. Throughout the City, there are about 40 miles of unimproved roads, which potentially affects thousands of San Diego residents.

In the 68 years that have passed since this resolution came into effect, San Diego’s population has increased by over a million, and the City continues to maintain the streets in communities fortunate to already have had those roads built. However, unimproved roads, which never received the initial investment they should have decades ago, have been left behind. This creates an inequitable level of service to our residents.

Council Policy 200-01 identifies the parties responsible for financing the maintenance and construction of various types of streets within the City. Absent from this policy is any mention of unimproved streets, as previously defined in Resolution No. 107424. However, Council Policy 200-01 indicates that communities which require “reconstruction of existing streets to bring them up to modern standards commonly justify a higher level of City financing because of special public benefit- such as reduced maintenance costs, reduction in traffic congestion or increased safety ”

The conditions of unimproved roads have worsened over time, and the rainy season brings added challenges to the properties adjacent to these streets. One particular example is the area near the

intersection of Greely Avenue and South 32nd Street in the community of Memorial. Seven residences are affected in that area alone, and are forced to deal with the financial implications of mud slides and dirt roads due to inadequate infrastructure.

In the interest of seeking consistency within the level of service provided to our residents, and to give all of our communities world class streets, I formally propose eliminating points 3-6 in the "Practice and Policy" section of Resolution No. 107424, which prohibits the City from working on unimproved streets except for very specific circumstances related to dust (Attachment 1). Additionally, I propose amending Council Policy 200-01 to add language placing the financial responsibility of unimproved streets on the City (Attachment 2).

Thank you for your assistance with this matter.

CC: Kris McFadden, Director, Transportation and Stormwater
Andrea Tevlin, Independent Budget Analyst
Honorable Council President Georgette Gomez
Honorable Councilmember Mark Kersey, Chair, Active
Transportation and Infrastructure Committee

DOCUMENT # 451783

June 26, 1952

PROPOSED POLICY GOVERNING MAINTENANCE OF UNIMPROVED STREETS AND ALLEYS
AND MARGINAL STREETS AND ALLEYS

Purpose

The purpose of this policy is to provide for the maintenance of marginal and unimproved streets and alleys by the City Department of Public Works in such a way that the majority of the city's taxpayers, which majority has been and is paying for the full cost of improvement of the streets and alleys abutting their properties, will be protected; and to insure equitable treatment to the abutting property owners along all marginal and unimproved streets and alleys in the City of San Diego.

In view of the fact that the city now has definite design standards and specifications for improved streets and alleys, we should not be confronted with any additions to the present number of marginal streets and alleys; but, rather, this policy is intended to look toward their complete elimination.

Definitions

For the purpose of this policy only, and not to be construed in any way as design standards, the following definitions apply:

Unimproved Street or Alley

An unimproved street or alley includes any street or alley having no surfacing whatsoever, or some type of surfacing of a quality and thickness less than the following: 2" of asphaltic macadam, asphaltic plant mix, or portland cement concrete. In any case, a street or alley having asphaltic road mix surfacing will be considered as an unimproved street or alley, regardless of the thickness of such surfacing.

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Marginal Street/or Alley

For the purpose of this policy, a marginal street or alley will be construed to be an improved street or alley which has not been constructed to present design standards. In every case the marginal street or alley shall meet the following conditions:

- (a) The abutting property owners on the section of street or alley involved shall be able to prove that they have paid for the grading and surfacing work which has been done to date, except for patching maintenance which may have been done by the city.
- (b) The street or alley shall have been graded to, or approximately to, the official grade.
- (c) The street or alley shall have not less than 2" of pavement surface for its full width, which surface shall consist of either asphaltic macadam, asphaltic plant mix, or portland cement concrete surfacing.

Dust Palliative Treatment

A dust palliative treatment may consist of the application of fuel oil, asphaltic emulsion, asphaltic emulsion plus water, or calcium chloride, or any other material suited to the purpose.

Practice and Policy

1. Improved streets and alleys will be maintained to the highest standard possible within the limits of available funds.
2. Marginal streets and alleys will be maintained by the city on the same basis as streets and alleys in the "improved" category and will be gradually converted to "improved" status as funds permit.
3. ~~City forces will not do any work on any dedicated, unimproved street or alley which has not been opened and graded for traffic prior to the effective date of this policy.~~
4. ~~City forces will make no changes in existing drainage conditions on unimproved streets other than minor adjustments which will result in reduced maintenance cost to the city.~~
5. ~~City forces will maintain unimproved streets and alleys already in existence up to the standard of the improvement as of the effective date of this policy, subject to the following provisions:~~
 - (a) ~~In instances where dust conditions on an unimproved street or alley are considered to be intolerable by the abutting property owners, and provided there is a 1911 Act Improvement Petition which has been accepted by the City Council, the city will shape and apply dust palliative treatments at city expense to the section of unimproved street or alley involved. This work will be done upon the written request of abutting property owners, addressed to the Superintendent, Street Division, Department of Public Works, 20th and "B" Streets. If, at any time, the city finds that a 1911 Act Improvement Petition has been withdrawn from consideration at the request of the property owners, or~~

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~~that a majority protest is made at any hearing, the street or alley involved will thereafter be maintained as a dirt street.~~

~~(b) In instances where dust conditions on an unimproved street or alley are considered by the abutting property owners to be intolerable; where no 1911 Act Improvement Petition has been accepted by the City Council, and where the value of the abutting property is such that in the opinion of the City Engineer, assessments for 1911 Act Improvements would be excessive, or the bonds issued thereunder would find no ready market, the abutting property owners may be permitted to pay for the furnishing and spreading of a dust palliative treatment, should they desire such a treatment. In such a case, the spokesman for the property owners involved shall contact the Superintendent of the Street Division of the Department of Public Works, who will inform the property owners as to the quantity and type of dust palliative required. City forces will shape the unimproved street or alley to receive this treatment. City forces will maintain an unimproved street or alley on which the dust palliative treatment has been paid for by the property owners, by patching for one year. At the end of the year or at the time when patching is no longer economical, city forces will scarify and reshape the street. If the property owners desire another dust palliative treatment, the same procedure shall be followed. In all cases, after the Superintendent of the Street Division has informed the property owners of the type and quantity of the dust~~

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palliative treatment needed, the property owners shall make their own arrangements with a contractor of their own selection, to have the required quantity of dust palliative material delivered and applied at the time specified by the Superintendent. No applications of dust palliatives will be sanctioned for less than the full width of the street between curb lines, nor will they be sanctioned unless the treatments are applied on a "full block" basis.

6. In instances where the city or any private utility does any work in an unimproved street or alley which has received a dust palliative treatment, during the time when it is being maintained by the Street Division of the Department of Public Works, the city or the public utility involved will:

- (a) If minor surface scars result from the work, patch such areas with the appropriate material.
- (b) If extensive trench work and equipment operation on the street or alley results in major damage to the surface, reshape the street or alley, and apply an additional dust palliative treatment, at no cost to the property owners.

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City Policy Concerning Trees in Dedicated, Unimproved Streets and Alleys

City Council Resolution No. 107424, dated July 1, 1952, states:

"City forces will not do any work on any dedicated, unimproved street or alley which has not been opened and graded for traffic prior to the effective date of this policy."

However, it has also been the City's policy to eliminate hazards from public rights of way or other City property. These conflicting policies shall be interpreted as follows:

"City forces will not do any work on trees located on any dedicated, unimproved street or alley which has not been opened and graded for traffic, except where a tree poses an imminent threat to persons or property. This policy is intended to provide for tree maintenance only in exceptional cases and for only as much corrective action as is absolutely necessary."

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SUBJECT: DISTRIBUTION OF STREET IMPROVEMENT COSTS
 POLICY NO.: 200-01
 EFFECTIVE DATE: August 13, 1979

BACKGROUND:1. General

Adequate streets to serve San Diego's developing neighborhood communities are essential to the orderly development of the City. Local and Collector Streets in developed areas are fixed by existing dedications and those in developing areas are established during the subdivision process. Arterial Streets, both existing and future, are delineated in the City's General Plan.

Financing construction and reconstruction of the City street system involves a division of costs between property owners and city tax revenues, particularly gas tax apportionments. Improvements may be installed by city cash payment contract, city assessment contract, by private contract accomplished under a public improvement permit or subdivision agreement, or by combinations of such contracts.

2. Definitions

ABUTTER: Property that is adjacent and contiguous to a street. Normally abutting property is construed to extend to a depth of only 1/2 block back from the street.

ARTERIAL: A street whose primary purpose is to carry through traffic and provide a network connecting to the State Highway system. It is seldom less than a 4-lane facility and is further divided into:

MAJOR STREET - an arterial which still provides unrestricted access to abutting property.

PRIMARY ARTERIAL - an arterial which limits access to the street from abutting property.

COLLECTOR STREET: A street whose purpose is not only to provide for local traffic movement and access to abutting property, but also for movement between local and arterial streets. Usually it is a two-lane facility, but it may on occasion be four-lane.

COMMUNITY: A geographical area served either directly or indirectly by a collector or arterial street. The configuration of community areas is greatly influenced by a topography, but in a general sense a community is considered to extend on either side of an arterial street half the distance to the next arterial street. It includes properties which also have status as abutters, but no single parcel should be included in more than one community area.

Community areas are designated by the Council based upon recommendations derived from traffic and land use studies.

LOCAL STREET: A street whose primary purpose is to provide for local traffic movement and direct access to abutting property. Usually it is a two-lane facility.

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PLANNED URBANIZING AREA: This area is defined in the Council adopted Progress Guide and General Plan as the newly developing communities not included in the Urbanized Area. The Planned Urbanizing Area is delineated on the Council adopted General Plan map.

UNIMPROVED STREETS AND ALLEYS: An unpaved, primarily dirt street whose purpose is to provide access to abutting residences. It has not been previously maintained by the City.

URBANIZED AREA: This area is defined in the Council adopted Progress Guide and General Plan as the central portion of San Diego as well as the remaining older sections of the City. These areas are more specifically delineated on the Council adopted General Plan map.

PURPOSE:

To establish the distribution of costs for street repair.

POLICY:

1. General

Division of the cost involved in improving the City street system is based upon the following fundamental considerations:

a. That portion of the street system which provides for local traffic movement and access to abutting property should be the responsibility of the property owners who receive the benefit, except for unimproved streets and alleys, which have never been maintained by the City and whose financing would result in a special public benefit such as reduced maintenance cost and increased safety.

Streets which facilitate the movement of through traffic, or serve in a collector function, are of benefit to the general area, and this community should share in the cost.

Ordinarily, only features which expedite the movement of large volumes of traffic or which provide major service for other areas are of general benefit to the City and merit funding from tax sources.

b. New localities being developed in either the Urbanized or Planned Urbanizing Areas should provide all street financing, identified either as the abutters' share or the community share, so that the City will not be required to spend money for improvements not of benefit to the general public.

However, older developed or partially developed localities in the Urbanized Area requiring construction of new streets or reconstruction of existing streets to bring them up to modern standards commonly justify a higher level of City financing because of special public benefit—such as reduced maintenance costs, reduction in traffic congestion or increased safety.

c. Within the Planned Urbanizing Areas where there has been adopted by Council, a specific capital improvements program and financing plan, that financing plan will supercede this Policy.

2. Basic Criteria:

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The distribution of improvement costs is based upon the following basic criteria, which are to be adhered to in all types of contracts unless there is a special condition which justifies a departure therefrom.

Abutter. Abutting property is responsible for improvements of local streets, or for that portion of collector and arterial streets which is equivalent to the width of a local street.

This responsibility is up to a 40' curb-to-curb width in a 60' right-of-way providing two 12' travel lanes and two 8' parking lanes in residential and commercial areas, and 50' curb-to-curb width in a 70' right-of-way providing two 12' travel lanes and two 13' parking lanes in industrial zones. Such improvements include right-of-way, grading, drainage structures, curbs, sidewalks, paving and landscaping (See Appendix 1 - Example 1).

Community. The community identified with a street is responsible for the additional cost of improving any new street to a four or six lane width, and for major structures. Such improvements include 24' to 62' right-of-way, depending upon the number of lanes required and width of median area, and associated grading, drainage facilities, structures, paving, median curb, channelization lanes, and median landscaping. An example of a major structure might be a bridge over a railroad. The community is also responsible for any improvement costs on sections of a street crossing another right-of-way, such as a state freeway, railroad or power transmission line, which has been determined not to be the responsibility of the other agency. With respect to major structures, when there is an existing unmet need the City may assume all, or a portion of, the community's share.

City. In the Urbanized Area, the City is responsible for traffic control features plus all costs of providing more than 4 travel lanes. Such improvements include right-of-way in excess of a standard 4-lane street, associated grading drainage facilities, structures, and paving, plus traffic signals, signs and safety lighting. In the Urbanized Area where traffic signals are required to accommodate a single major development, a sharing in the cost may be appropriate. In the Planned Urbanizing Area, the City has no responsibility for any of these costs, except that when there is an existing unmet need the City may assume all, or a portion of, the community's share of the cost of major structures.

3. General Categories

Following are the arterial and extra width collector street improvement categories which are generally encountered, and a summary of the cost allocation applicable.

- a. New Construction - Undeveloped Localities: (See Appendix 1 - Example II). This situation is encountered when new localities are being opened to development.

Abutters. Abutters are responsible for their basic share of costs except where access to the street is denied, in which case the property affected is relieved of its normal share of improvement costs.

Community. The Community is responsible for its basic share of costs, and, in addition, is responsible for the entire abutters' share where access either is denied due to physical factors,

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such as a canyon location or double frontage lots, or is denied because of the street's designation as a limited access thoroughfare.

City. The City is responsible only for its basic share of costs, which occur only in the Urbanized Area.

- b. New Construction - Partially Developed Localities (See Appendix 1 - Example III). This situation usually involves construction of a new street in an undeveloped canyon which is surrounded by developed localities.

Abutters. Same as an undeveloped locality.

Community. Same as in an undeveloped locality, except that adjustments may be made in the Community share in the Urbanized Area because of special conditions. Such conditions vary widely but typically include such factors as :

The fact that construction of streets in partially developed localities is usually more expensive than in new localities, and allocating all basic costs to the community would constitute an unreasonable burden.

Because of topography or existing street patterns, the benefiting area may be so small that it would be inequitable to allocate all basic Community costs to it.

Ownerships, such as Federal property, may exist which the City cannot charge for improvement costs.

Partial financing may be available from other sources, such as Federal Aid Urban funds or grant funds which impose special requirements.

In such cases, a recommendation is developed regarding what portion of the basic share should be allocated to the Community, and the excess cost is shifted to the City (Urbanized Area only).

City. Same as in an undeveloped area, except that the City's share may be increased by the amount of the normal community share which is determined to be excess and which is shifted to the City (Urbanized Area only).

- c. Reconstruction or Widening of Existing Street (See Appendix 1 - Example IV). This situation usually involves an existing street which must be widened or rebuilt to bring it up to major street standards. In undeveloped localities, the curb, sidewalk or paved parking lanes ordinarily have not been installed previously. In developed localities, all abutting improvements may have been installed.

Abutters. Abutting property is responsible for its basic share of costs, except in the occasional instance where usable access is denied, in which case the affected property is relieved of its normal share of improvement costs. In localities in the Urbanized Area that are primarily

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residential in character, the affected property may be relieved of its normal share of improvement costs.

The abutters' share of right-of-way costs usually have been taken care of by an original dedication.

If abutters' improvements have been installed previously, the improvement responsibility has been discharged. If existing abutters' improvements must be removed, the abutting property is not responsible for replacement construction in the new location.

Community. There is no community share unless factors, such as accelerated timing of scheduled improvements, or radical changes in land use since the street was opened, create conditions requiring the designation of a benefited area and the apportioning of a share of costs to that area. Situations of this kind are subject to special analysis and recommendation.

City. The City is responsible for its basic share of costs plus all other costs not apportioned to the abutters or the community.

Unimproved Streets and Alleys. It shall be the Council's policy that unimproved streets and alleys are eligible to receive funding for the purposes of partial or full improvement efforts in order to bring them up to City standards and become included within the City's recognized street network. Funding for unimproved streets and alleys shall be determined during the City Council's approval of the annual budget.

4. Extra Width Construction to Obtain Access

a. New Construction

Where the City's General Plan calls for a new street to be constructed as a Primary Arterial which would deny access from fronting property, developers may gain access rights by constructing additional travel lanes entirely at their expense. Such additional lanes and areas where access rights are restored are subject to the limitations outlined in Council Policy 600-4, Standards for Rights-of-Way and Improvements Installed Therein. The extra costs involved include the excess right-of-way plus grading, drainage structures and paving for additional lanes. These costs become a Community responsibility and Abutters are charged for their normal basic share of costs in return for right of access to the street.

b. Reconstruction - To Regain Access:

Where a street has already been constructed as a Primary Arterial with access from fronting property denied, owners may elect to widen the street entirely at their expense in order to gain access. Here again, additional lanes required and areas where access rights will be permitted are subject to the limitations outlined in Council Policy 600-4, Standards for Rights-of-Way and Improvements Installed Therein. The extra costs involved include the excess right-of-way, removing and revising existing improvements as required, plus grading, drainage structures and paving for additional lanes. All such costs are a responsibility of the Abutters participating in the project.

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HISTORY:

Adopted by Resolution R-135374	09/15/1956
Amended by Resolution R-169943	03/15/1962
Amended by Resolution R-173507	11/15/1962
Amended by Resolution R-205514	05/04/1972
Amended by Resolution R-212001	11/14/1974
Amended by Resolution R-250028	08/13/1979

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