

RESOLUTION NUMBER R- 315064

DATE OF FINAL PASSAGE AUG 03 2023

A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN DIEGO APPROVING AN UPDATE TO THE STREET DAMAGE FEE SCHEDULE AND AMENDING THE CITY OF SAN DIEGO RATE BOOK.

WHEREAS, on July 10, 2023, the San Diego City Council introduced San Diego City Attorney Ordinance O-2023-172, which upon final passage will update the Street Preservation Ordinance to, among other things, provide a mechanism for annually updating the Street Damage Fee to full cost recovery using RS Means Construction Cost Data; and

WHEREAS, the City of San Diego (City) previously conducted a full evaluation of the costs and revenues associated with providing City services, in accordance with the California Constitution and the California Government Code, which authorize local jurisdictions to impose fees, charges, and rates in order to recover costs associated with provided services; and

WHEREAS, it is the policy of the City to establish fees to recover the costs of providing services in accordance with the City of San Diego Administrative Regulation 95.25 and Council Policy 100-05 "User Fee Policy;" and

WHEREAS, approved by voters in 2010, California Proposition 26 amended articles XIII A and XIII C of the California Constitution to provide that a levy, charge, or exaction of any kind of fee imposed, increased, or extended by a local government is a tax, requiring two-thirds voter approval, unless an exception applies; and

WHEREAS, Proposition 26 includes an exception for a charge imposed for a specific benefit conferred or privilege granted directly to the payor that is not provided to those not charged, and which does not exceed the reasonable costs to the local government of conferring the benefit or granting the privilege; and

WHEREAS, the Street Damage Fee is only charged to parties seeking to excavate in the City's public right-of-way and does not attempt to recover revenues in excess of the costs incurred by the City to mitigate damage to public streets caused by excavation; and

WHEREAS, the City desires to amend the fee schedule for the Street Damage Fee, as shown in Attachment 1, to reflect current costs incurred by the City to maintain streets damaged by excavation; and

WHEREAS, the Street Damage Fee is authorized by Chapter 6, Article 2, Division 12 of the San Diego Municipal Code; and

WHEREAS, to allow the excavation industry sufficient time to prepare for implementation of the updated fee, this resolution shall not take effect until January 1, 2024; and

WHEREAS, the Office of the City Attorney has drafted this resolution based on the information provided by City staff, with the understanding that this information is complete, true, and accurate; NOW, THEREFORE,

BE IT RESOLVED, by the Council of the City of San Diego, that the schedule of Street Damage Fee as described in Attachment 1, is approved and will be effective beginning on January 1, 2024.

BE IT FURTHER RESOLVED, that the City Clerk is hereby directed to amend the Fiscal Year 2024 Rate Book to reflect the Street Damage Fee schedule as described in Attachment 1.

APPROVED: MARA W. ELLIOTT, City Attorney

By 
Ryan P. Gerrity
Deputy City Attorney

RPG:cw
June 29, 2023
Or.Dept: Transportation Dept.
CC No. N/A
Doc. No. 3345329

Attachment: Proposed Street Damage Fee Matrix (2023)

I certify that the foregoing Resolution was passed by the Council of the City of San Diego, at this meeting of JUL 25 2023.

DIANA J.S. FUENTES
City Clerk

By 
Deputy City Clerk

Approved: 8/3/23
(date)


TODD GLORIA, Mayor

Vetoed: _____
(date)

TODD GLORIA, Mayor



**Proposed Street Damage Fee Matrix (2023)
Price per Square Foot**

Street Classification	Utility Type	Age of Street In Years					
		<=5	>5 & <=10	>10 & <=15	>15 & <=20	>20 & <=25	>25
Prime	Wet	\$ 6.60	\$ 4.72	\$ 2.84	\$ 0.96	\$ -	\$ -
Prime	Dry	\$ 4.59	\$ 3.28	\$ 1.97	\$ 0.66	\$ -	\$ -
Major	Wet	\$ 4.54	\$ 3.23	\$ 1.92	\$ 0.66	\$ -	\$ -
Major	Dry	\$ 2.27	\$ 1.62	\$ 0.96	\$ 0.31	\$ -	\$ -
Collector	Wet	\$ 9.26	\$ 7.21	\$ 5.16	\$ 3.10	\$ 1.05	\$ -
Collector	Dry	\$ 2.58	\$ 2.01	\$ 1.44	\$ 0.87	\$ 0.31	\$ -
Residential	Wet	\$ 3.93	\$ 3.06	\$ 2.19	\$ 1.31	\$ 0.44	\$ -
Residential	Dry	\$ 3.15	\$ 2.45	\$ 1.75	\$ 1.05	\$ 0.35	\$ -

Street Classification	Excavation Influence Area Width (ft)	
	Wet	Dry
Prime	5.17	4.25
Major	5.92	4.58
Collector	6.83	3.58
Residential	6.17	3.83

Passed by the Council of The City of San Diego on JUL 25 2023, by the following vote:

Councilmembers	Yeas	Nays	Not Present	Recused
Joe LaCava	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Jennifer Campbell	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Stephen Whitburn	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Monica Montgomery Steppe	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Marni von Wilpert	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Kent Lee	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Raul A. Campillo	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Vivian Moreno	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sean Elo-Rivera	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Date of final passage AUG 03 2023.

(Please note: When a resolution is approved by the Mayor, the date of final passage is the date the approved resolution was returned to the Office of the City Clerk.)

AUTHENTICATED BY:

TODD GLORIA
Mayor of The City of San Diego, California.

(Seal)

DIANA J.S. FUENTES
City Clerk of The City of San Diego, California.

By Kristell Medina, Deputy

Office of the City Clerk, San Diego, California
Resolution Number R- 315064