

COUNTY OF SAN MATEO

Inter-Departmental Correspondence

Date: August 24, 2001

Board Meeting Date: September 11, 2001

TO: Honorable Board of Supervisors
FROM: Neil R. Cullen, Director of Public Works
SUBJECT: Interpretation of "Contiguous" as Used in Ordinance No. 03656 - Bringing Roads into the County Maintained Road System - MidCoast Area

RECOMMENDATION

Determine if a non-maintained road is contiguous to a state highway:

- a) if the rights-of-ways of both roads connect; or
- b) if the traveled way of a non-maintained road must be connected to the travel way of a state highway or a county maintained road in order to meet the "contiguous" criteria of Ordinance No. 03656 for bringing a road into the County Maintained System.

Staff Recommendation

Adopt a resolution determining that for the purpose of Ordinance No. 03656, a road is considered to be contiguous to a state highway if the rights-of-ways of both roads connect.

Previous Board Action

Adopted Ordinance No. 03656, which specifies the conditions that need to be met in order to bring a road in the Mid Coast with less than standard improvements into the County Maintained Road System.

Accepted Precita Avenue and Bernal Avenue in Moss Beach; and Dolores Street, 1st Avenue, and Presidio Avenue in El Granada into the County Maintained Road System pursuant to the provisions of Ordinance No. 03656. All of these roads are physically connected to other County maintained roads.

Key Facts

1. The right-of-way acquired by the State of California to provide for the relocation of State Highway 1, cut across some original subdivisions and severed the system of streets that were laid out in some of these subdivisions.
2. The rights-of-ways for these severed streets are connected to the Highway 1 right-of-way, but in some cases are not physically connected to the travel way of Highway 1.

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3. Coronado Avenue is a severed street whose right-of-way connects to Highway 1, but the road is not physically connected to the Highway 1. Coronado is physically connected to another County maintained road via a 20-foot wide non-County maintained street called The Crossways.
4. Property owners on Coronado Avenue, east of Highway 1, are proposing to pave their road at their expense, and to petition your Board for inclusion of the road into the County Maintained Road System in accordance with the provisions of Ordinance No. 03656.
5. They will be able to meet the five conditions specified in the Ordinance only if your Board either:

considers "contiguous" as a connection of the rights-of-ways, as opposed to a physical connection of travel ways; or

allows The Crossways to be brought into the maintained road system at the same time by adopting a resolution unanimously approved by your Board, finding that "the public convenience and necessity **demand** (emphasis added) the maintenance of a highway of less than 40 feet in width (right-of-way width)", as provided by Section 906 of the California Streets and Highways Code.

6. We do not believe that the State of California Department of Transportation (Caltrans) will allow additional connections of side streets onto Highway 1, which precludes the physical connection of Coronado to Highway 1.
7. County Counsel and we do not believe there is a basis for a finding that the public convenience and necessity demand the maintenance of The Crossways, and therefore do not believe the findings, as required by Section 906 of the Streets and Highways Code, can be met.

Discussion

Residents on Coronado Avenue east of Highway 1 contacted the Department, as they are interested in having the County assume responsibility for the maintenance of their street as provided by Ordinance No. 03656. However, they have asked for a clarification of the "contiguous" requirement of the Ordinance before investing in improvements to their street.

We believe that the severing of the upper portion of Coronado from other 40 foot wide roads was a circumstance beyond the control of both the County and the property owners, and that additional connections onto Highway 1 would have negative impacts on the flow of traffic on Highway 1. We also believe that bringing The Crossways into the maintained system with less

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than 40 feet of right-of-way cannot be justified. Therefore, we are recommending that your Board adopt a resolution determining for the purpose of Ordinance No. 03656, that a road is considered to be contiguous to a state highway if the rights-of-ways of both roads connect.


Other Roads that May be Impacted by Your Board's Determination

We have reviewed the subdivision maps in the MidCoast and believe that defining contiguous as the connection of rights-of-ways would qualify Magellan Avenue east of Highway 1 and Coronado and Cortez Avenues west of Highway 1 for being brought into the County System, if the other requirements of the Ordinance are met.

Fiscal Impact

There is no direct fiscal impact associated with your Board's decision. We estimate that it could cost the County approximately \$3,900 per year to maintain this section of Coronado if it is brought into the Maintained System and an additional \$4,000 per year if the other three roads were also brought into the Maintained System. These costs would be paid for by the Road Fund. There is no impact to the General Fund.

A form of resolution has been approved by County Counsel.


Neil R. Cullen
Director of Public Works

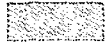
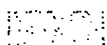
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Enclosure: Map
Ordinance 03656
Section 906 of the California Streets and Highways Code

cc: MidCoast Community Council
Robin Polastri, 441 Coronado Avenue, Half Moon Bay, CA 94019
George F. Haines, Maintenance Division Manager
Milt Mares, County Counsel



 COUNTY MAINTAINED ROADS
 NON MAINTAINED ROADS WITH RIGHTS-OF-WAYS CONTIGUOUS TO HWY 1



DESIGNED BY:
 CHECKED BY:
 DRAWN BY: GFC

STUDY ANALYSIS
 COUNTY MAINTAINED ROADS
MIRAMAR AND VICINITY

SCALE: 1" = 400'
 DATE: 8/24/01
 FILE NO:

NEIL R. CULLEN, DIRECTOR OF PUBLIC WORKS
 SAN MATEO COUNTY

555 COUNTY CENTER, 5TH FLOOR
 REDWOOD CITY, CALIFORNIA 94063-1665

Ordinance No. 03656

Board of Supervisors, County of San Mateo, State of California

**An Ordinance Amending Ordinance No. 3606
Establishing Policies Related
to Road Improvements
in the County Mid-Coast Area**

The Board of Supervisors of the County of San Mateo, State of California, ORDAINS
as follows:

SECTION 1.

Section 2c. of Ordinance No. 3606 is amended as follows:

2c. Inclusion in the County Maintained Road System - Existing Coast non-County
maintained roads in the Urban Area *and Rural Residential Area as defined in the Local
Coastal Plan* may be considered for inclusion in the County maintained road system when
each of the following conditions are met:

i. Property owners provide a valid form of petition, which requests
inclusion into the County Maintained Road System and to participate in a future assessment
district to fully improve the road to County standards, representing over 50 percent (50%) of
the road frontage for the affected project area;

- ii. The length of road proposed for inclusion in the County maintained road system shall be one or more entire block;
- iii. At least 50 percent (50%) of the road frontage for the affected project area is developed with main buildings supporting the principal permitted use for the parcels;
- iv. The existing road shall consist of a minimum 16-foot wide gravel and oil or asphalt paved traveled way and one-foot wide shoulders on each side, with drainage swales or channels; and
- v. The road shall be contiguous with an existing County maintained road or State highway.

Section 2 Effective Date

This Ordinance shall be in full force and effect thirty (30) days after passage thereof.

* * * * *

California Streets and Highways Code
Section 906

§ 906. Minimum width of county highways

The width of all county highways, other than bridges, alleys, lanes, and trails, shall be at least 40 feet, except as provided by Sections 906.5 and 969 and except that the board of supervisors of any county may, by a resolution passed by a unanimous vote of its members, determine that the public convenience and necessity demand the maintenance of a highway of less than 40 feet and may after such determination proceed with the maintenance of any such highway.

This section shall not increase or diminish the width of any county highway established, dedicated, and maintained as such prior to January 1, 1945. (Stats.1935, c. 29, p. 303, § 906. Amended by Stats.1947, 1st Ex.Sess., c. 7, p. 3785, § 1; Stats.1957, c. 418, p. 1267, § 1; Stats.1978, c. 68, p. 187, § 1.)

Historical and Statutory Notes

Derivation: Pol.C. § 2620, added by Stats. Stats.1933, c. 8, p. 16, § 1; Stats.1935, c. 577, p. 1883, c. 10, p. 6, § 1, amended by Stats.1923, c. 1671, § 1. 45, p. 80, § 1; Stats.1927, c. 635, p. 1066, § 1;

Cross References

City streets, width, see § 1805.
State highways, width, see § 160.

Library References

Highways ⇌103.
WESTLAW Topic No. 200.
C.J.S. Highways § 179 et seq.

WESTLAW Electronic Research

See WESTLAW Electronic Research Guide following the Preface.

Resolution No. _____

Board of Supervisors, County of San Mateo, State of California

* * * * *

Resolution Determining that for the Purpose of Ordinance No. 03656, that a Road is Considered to be Contiguous to a State Highway if the Rights-of-Ways of Both Roads Connect

RESOLVED, by the Board of Supervisors of the County of San Mateo, State of California, that

WHEREAS, this Board adopted Ordinance No 03656 which specifies conditions to be met in order for a road in the MidCoast area of the County to be considered by this Board for inclusion in the County's Maintained Road System (Maintained System), and

WHEREAS, a one of the five conditions of said Ordinance is that the road to be considered to be included in the Maintained System, must be contiguous to a county maintained road or a state highway; and

WHEREAS, there are roads in the MidCoast that were created by subdivisions and that were severed by relocation of State Highway 1; and

WHEREAS, while said roads' rights-of-ways are connected to Highway 1, the traveled ways are not; and

WHEREAS, the Director of Public Works has recommended for the purpose of Ordinance No. 03656, that a road be considered contiguous to a state highway if the rights-of-ways of both roads connect; and

WHEREAS, this Board has considered the recommendation of the Director of Public Works.

NOW, THEREFORE, IT IS HEREBY DETERMINED AND ORDERED that for the purpose of Ordinance No. 03656, a road shall be considered to be contiguous to a state highway if the rights-of-ways of both roads connect.

* * * * *