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CITY ATTORNEY

REPORT NO. R 1 6 - 0 2 6 3
AUG 1 8 2016

REPORT RE:

DRAFT ORDINANCE AMENDING SECTION 62.104 OF THE LOS ANGELES MUNICIPAL CODE TO RETURN THE REPAIR AND MAINTENANCE OF SIDEWALKS, DRIVEWAY APPROACHES, CURB RETURNS AND CURBS TO PROPERTY OWNERS, TO PROVIDE A FIX AND RELEASE PROGRAM FOR THE REPAIR AND MAINTENANCE OF SIDEWALKS AND TO AUTHORIZE A SIDEWALK REPAIR WARRANTY AND A SIDEWALK REPAIR INCENTIVE PROGRAM

The Honorable City Council
of the City of Los Angeles
Room 395, City Hall
200 North Spring Street
Los Angeles, California 90012

Council File No. 14-0163-S3

Honorable Members:

Pursuant to your request, this Office has prepared and now transmits for your consideration the enclosed draft ordinance, approved as to form and legality. This draft ordinance amends Section 62.104 of the Los Angeles Municipal Code to return repair and maintenance of sidewalks, driveway approaches, curb returns and curbs to property owners. The draft ordinance also provides a fix and release program for the repair and maintenance of sidewalks and authorizes a Sidewalk Repair Incentive Program.

Under State law, property owners are responsible for the repair and maintenance of all sidewalks, driveway approaches, curb returns and curbs on their property. Starting in 1973, the City voluntarily took over the responsibility to repair and maintain these improvements if the damage was caused by root growth from public street trees. The City seeks to transfer this responsibility back to property owners.

With respect to sidewalks, the City seeks to couple the transfer of the responsibility of repair and maintenance back to the property owner with a fix and release program. The transfer of responsibility back to a property owner will occur after the City inspects the sidewalk to determine whether it is in compliance with the standards of the Americans with Disabilities Act (ADA). If the inspection reveals that the sidewalk is not in compliance with the ADA, then the City will repair the sidewalk to the extent necessary to achieve compliance with the ADA, up to \$20,000 per lot. The City will then issue the property owner a compliance certificate which will provide the owner with a limited warranty up to 20 years.

The City also intends to implement a limited Sidewalk Repair Incentive Program to assist financially a property owner who desires to repair his or her sidewalk to ADA standards.

Council Rule 38 Referral

A copy of the draft ordinance was sent, pursuant to Council Rule 38, to the Department of Public Works with a request that all comments, if any, be presented directly to the City Council when this matter is considered.

If you have any questions regarding this matter, please contact Assistant City Attorney Edward M. Jordan at (213) 978-8199. He or another member of this Office will be present when you consider this matter to answer any questions you may have.

Very truly yours,

MICHAEL N. FEUER, City Attorney

By 

DAVID MICHAELSON
Chief Assistant City Attorney

DM:EJ:ac
Transmittal