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Submitted in PNQR/BF Committee

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Item No.: 1

Deputy: CAO



Sidewalk Repair Program

Ensuring Accessibility Now and Forever

Policy Overview by:
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Policy Goals

- Permanent and on-going.
- Consistent with the Willits Settlement Agreement.
- Ensures accessibility.
- Shares responsibility for on-going sidewalk maintenance and repair with the adjacent property owner.

Policy Summary

- ***Residential Property***

- “Fix and Release”

- The City will repair damaged sidewalks prior to returning responsibility back to the adjacent property owner.

- ***Commercial Property***

- One Year Moratorium

- A one year moratorium is recommended for the issuance of Notices to Repair Sidewalks for commercial property owners.

- Both residential and commercial property owners will be able to obtain a no-fee A-Permit.
- The primary point of entry for these requests should be the City’s 311 system.

Questions Regarding Policy

1. *Whose responsibility is it to repair sidewalks under existing State law?*
2. *What is the City's tree root exception?*
3. *What is the City's obligation under Willits Settlement Agreement?*
4. *What options does the City have to be in compliance?*
5. *A) What do other cities do?
B) What do other California cities do?*
6. *What are the CAO's recommendations?*
7. *Why ultimately turn over the responsibility to maintain sidewalks to property owners?*
8. *Why should the City treat residential and commercial property owners differently?*
9. *How do we protect the urban forest?*
10. *When would the new program begin?*

Q1: Whose responsibility is it to repair sidewalks under existing State law?

State law has long placed the responsibility for sidewalk repairs on adjacent property owners.

“5610. The owners of lots or portions of lots fronting on any portion of a public street or place when that street or place is improved or if and when the area between the property line of the adjacent property and the street line is maintained as a park or parking strip, shall maintain any sidewalk in such condition that the sidewalk will not endanger persons or property and maintain it in a condition which will not interfere with the public convenience...” (State Streets and Highways Code, Division 7, Part 3, Chapter 22, Article 2, Section 5610.)

Q2: What is the City's tree root exception?

Adjacent property owners are responsible for the repair of sidewalks within the City of Los Angeles **EXCEPT when caused by street tree root growth.** (*LAMC Section 62.104, Ordinance No. 146,040*)

Q3: What is the City's obligation under Willits Settlement Agreement?

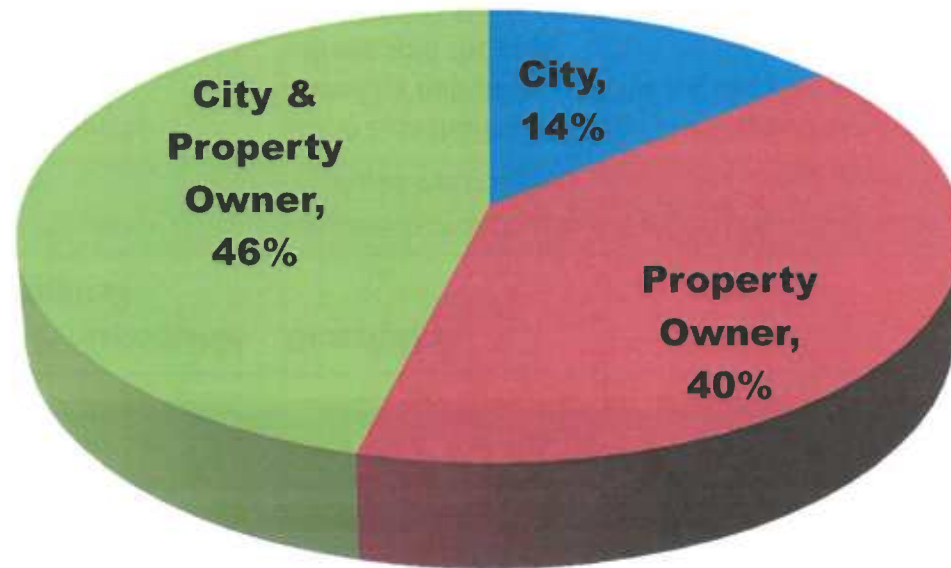
- Ensure that accessible sidewalks comply with the Americans With Disabilities Act (ADA).
 - Spend \$31 million (adjusted for inflation every five years) per year over 30 years on providing accessible sidewalks; \$1.4 billion total.
 - Accountable and transparent with the public and the plaintiffs.
 - Responsive to requests,
 - Prioritizes are of greatest use and the “worst of the worst”.
 - Provide cost-effective stewardship of public funds.

Q4: What options does the City have to be in compliance?

Option	Who is responsible for repairs?	Who Pays?	When will repair be completed?
Notice and Inspection	Property Owners	Property Owners	Up to 2 years after notice
Point of Sale	Property Owners	Property Sellers or Property Buyers depending on sale points	Before completion of sale or a short time after
Point of Permit	Property Owners	Property Owners	Before sign off on inspection
Point of Service	Property Owners	Property Owners	Before initiation of service or a short time after.
Cost Sharing Model (50/50)	City & Property Owners	City and Property Owners	Upon City-Property Owner agreement being approved; based on funding.
City Repairs All Sidewalks	City	City	Unknown, limited number due to funding.
Fix and Release	City -1 st time, Property Owner thereafter	City -1 st time, Property Owner thereafter	Based on funding availability over 30 years. Individual request handled according to program policies.

Q5_A: What do other cities do?

Based on a survey of 82 cities in 45 states, the majority of cities share the financial responsibility with property owners.



(Shoup, *Fixing Broken Sidewalks* [Access, No. 36, Spring 2010] pp. 30-36)

Q5_B: What do other California cities do?

City	Who is responsible for repairs?	Description
Anaheim	City & Property Owners	Property Owners are responsible for sidewalks damaged by their trees. City repairs all others.
Berkeley	City & Property Owners	50/50 cost sharing program. The City performs the repairs and bills the property owner for half the cost. If the property owner repairs their own sidewalk, the City will not split the cost.
Oakland	City & Property Owners	The City repairs sidewalks damaged by City trees. Notice to Repair is issued for sidewalks damaged by anything other than a City tree.
Pasadena	Property Owners	Point of Permit program triggered by the issuance of a single-family or multifamily occupancy permit, or a building permit in excess of \$5,000. Property owner responsible, even if damages is from street tree.
Sacramento	Property Owners	Sidewalk inspections triggered by citizen complaints. Property owners can (1) have the City make the repairs (5 year warranty), (2) hire a licensed contractor, or (3) make the repairs themselves. No action will result in the City making repairs and billing the cost back to property owners.
San Francisco	City & Property Owners	Proactive inspections of sidewalks on a 25 year cycle. Property owners are not liable for sidewalks damaged by street trees.
San Diego	City & Property Owners	75-City / 25-Property Owner cost sharing program. Repairs are made by the City.
Santa Monica	City	Sidewalks in business districts are inspected annually. Residential sidewalks are inspected every 3 years. Repairs are made by the City.

Q6: What are the CAO's recommendations?

- Re-establish a sidewalk repair program that is consistent with Willits;
- Designate the Board of Public Works to oversee the Sidewalk Repair Program and the City Engineer as the Program Manager;
- Return responsibility for sidewalk repair due to tree root damage to adjacent property owners through a phased-in program;
- Develop a tracking system for sidewalk repair requests
- Appoint an ADA Coordinator for the Pedestrian Rights of Way;
- Implement a Sidewalk Asset Management System;
- Provide assistance to property owners initiating repairs by creating a pre-qualified (and/or bonded) contractor list for sidewalk repair as well as waive permit fees; and,
- Create a plan for Urban Forestry to ensure that street trees remain a healthy and vibrant component to the City's infrastructure

Q7: Why ultimately turn over the responsibility to maintain sidewalks to property owners?

- **Status quo is not working** due to limited resources and confusion over responsibility for sidewalk damage not caused by street tree roots.
- On-going program to ensure long term accessibility.
- All sidewalk repair requirements that were not created by tree roots are, and have always been, the responsibility of the adjacent property owner.
- Responsibilities are now being clarified for both City and property owners.

Q8: Why should the City treat residential and commercial property owners differently?

- Commercial property owners and renters providing a service have an obligation under the ADA and State law
- \$1.4 Billion not enough to ensure accessibility city-wide
- Commercial sidewalks are more expensive to fix
- Commercial property owners have more options to finance costs

Q9: How can we protect the urban forest?

- The City's urban forest is a critical part of the City's infrastructure and the livability of the City.
- The urban forest provides landscaping beauty, creates shade which lowers the urban heat island effect and reduces energy consumption on hot days, assists with clean air, and provides urban habitat for birds and animals.
- The City will explore various alternatives to removing trees and implement those that are reasonably viable; and,
- Mandate that lost trees be replaced with drought tolerant trees that can best interact with the urban landscape consisting of sidewalks, street lights, and power lines.

Q10: When would the new program begin?

- Portions of the Sidewalk Program detailed in the report which pertain to sidewalks adjacent to City facilities began in 2013-14.
- The repair of sidewalks adjacent to private property will formally begin upon the approval by the Council and Mayor of the sidewalk policy and resource allocations required to re-establish the sidewalk repair program. It is estimated that the program could start as early as the beginning of the calendar year 2016.