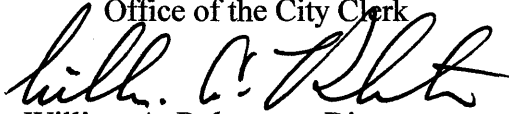


CITY OF LOS ANGELES
INTER-DEPARTMENTAL CORRESPONDENCE

DATE: February 12, 2008

TO: Honorable Bill Rosendahl, Chair
Public Works Committee
Attn: Adam Lid, Legislative Assistant
Office of the City Clerk



FROM: William A. Robertson, Director
Bureau of Street Services

SUBJECT: POINT OF SALE SIDEWALK REPAIR PLAN (C.F. 05-1853)

In response to the motion (CF 05-1853) put forth by Councilmembers Smith, and Rosendahl, requesting the Bureau of Street Services to report back with recommendations from the sub-committees for a point of sale plan for fixing the City's sidewalks including input from affected stakeholders.

On August 23, 2007, the Bureau held an orientation meeting with the various individuals from the Mayor's Office, Council Districts and City Departments (DONE, CAO, CA, DBS, CLA and CDD), Local 721, and real estate/escrow industry. After which the four sub-committees were formed (Program Structure, Workforce Development /Training, Legal Issues/Ordinance Change and Community/Business Outreach) and met on a bi-weekly basis to consider issues related to a Point of Sale Sidewalk Repair Program. The attached report details their findings and recommendations.

If you have questions or if additional information is needed, please contact William A. Robertson, Director at (213) 847-3333.

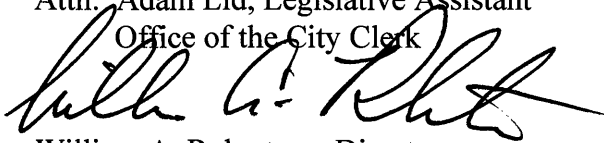
Attachment
WAR:dfh

FEB 13 2008
PUBLIC WORKS

CITY OF LOS ANGELES
INTER-DEPARTMENTAL CORRESPONDENCE

DATE: February 12, 2008

TO: Honorable Bill Rosendahl, Chair
Public Works Committee
Attn: Adam Lid, Legislative Assistant
Office of the City Clerk



FROM: William A. Robertson, Director
Bureau of Street Services

SUBJECT: POINT OF SALE SIDEWALK REPAIR PROGRAM (C.F. 05-1853)

BACKGROUND

In a report to your Committee dated June 1, 2007, the Bureau of Street Services (BSS) described the current situation with regard to sidewalk disrepair in the City of Los Angeles. BSS estimates that approximately 4,600 miles of City sidewalk currently requires some level of repair at a cost of \$1.2 billion. In addition, the City pays out an average of \$3 million per year as a result of trip and fall claims associated with sidewalk issues. **Attachment 1 – Sidewalk Maintenance in the City of Los Angeles** provides a brief history of how we've reached this point, along with some of the challenges that need to be overcome. More detailed historical information and support documentation is available from BSS in a separate report titled, **"City of Los Angeles Point of Sale Task Force – Sidewalk Repair History and Relevant Laws"**.

BSS presented an outline of how a Point of Sale Sidewalk Repair Program (POS) could make a substantial impact on reducing the problem. Such a program would require property owners to repair the sidewalk or pay for the cost of repairs when selling their property. On June 26, 2007, the City Council adopted the associated Public Works Committee Report, instructing BSS to further explore the viability of a POS.

DISCUSSION

On August 23, 2007, the Bureau of Street Services held an orientation meeting with several key Department representatives and outside stakeholders. Some of the participants included members of the real estate and escrow industries, other City departments and Public Works Bureaus, SEIU Local 721, and community activists. Also in attendance was Dr. Donald Shoup, Professor of Urban Planning at UCLA. Dr. Shoup has written articles regarding the success of a similar program in the City of Piedmont, California. Attendees were asked to participate in one or more sub-committees where their interest and expertise would be most beneficial; Program Structure, Workforce Development and Training, Legal Issues/Ordinance Change, and Community/Business Outreach. Each sub-committee was charged with working out specific issues involved with implementing a POS.

Attachment 2 - Subcommittees summarizes the various options discussed and presents the overall recommendations of the groups.

Attachment 3 – Recommended POS Flowchart presents additional detail and a process flowchart of the recommended POS.

Attachment 4 – Potential Volume of the Program presents a status of the City’s sidewalk system, along with an estimate of sidewalk repair mileage that could be realized each year through the recommended POS. The data was extrapolated from a sampling inspection of home sales in the City of Los Angeles in August – October of 2007 plus the average number of major building permits issued over the past ten years. Without any basis for estimating the percentage of repairs that would be made by City forces versus property owner’s contractors and knowing that the sample data was taken during a very slow home sales period, the total mileage demand is conservatively estimated to be 100 – 200 miles annually, with an estimated 30 percent being referred to City forces. **Attachment 5 – Required Workforce and Other Resources** details the resources that would be necessary to support the recommended program.

RECOMMENDATIONS

For the past 35 years, the City has struggled trying to fund sidewalk repair using only outside and regular City revenue. In all of those years, the sidewalks have continued to fall further and further into disrepair. Clearly if the City determines that sidewalks are a priority, the property owners need to be held responsible for their sidewalks on some level. While the most common approach would be to cite owners using the Street and Highway Code and then give the owners two weeks to make the repairs, the size of the problem would tax the current resources available. That is to say that if all of the property owners attempted to contract out the work at the same time, there is little reason to believe that there are enough trained contractors or Portland Cement Concrete available to complete the work. For this reason, any program would need to prioritize the inspection. By inspecting based on a “Point of Sale” and other triggers recommended in this report, the City can spread this requirement over time and require that repairs be made when the property owners are receiving funds from the sale of their property, when major renovations are being made, or when sidewalk hazards expose the City to an especially high level of potential liability.

It is therefore recommended that the City Council:

1. Adopt a “Point of Sale” sidewalk repair policy beginning July 1, 2008 as outlined under the in the “Recommendations” Section of Attachment 2 of this report.
2. Instruct the City Administrative Officer, BSS, and other affected departments to report back within sixty days on recommendations to support BSS with the necessary resources to implement the recommended POS, with respect to Attachments 4 and 5 of this report.
3. Instruct all affected City Departments to provide the required assistance necessary to implement the recommended POS, including training and development of the Vocational and City Workforce element, establishing the necessary account mechanisms and authority to allow BSS to properly manage and operate the program, and adding safe sidewalk certification sign-off requirements as a condition for issuance of major building permits.

4. Instruct the City Attorney to draft and present the necessary legislative amendments within thirty days to clear the way for implementation of the recommended POS.

If you have questions or if additional information is needed, please contact me or Dominique Shipp of my staff at (213) 847-3333.

Attachments
WAR:RO:DS

ATTACHMENT 1

SIDEWALK MAINTENANCE IN THE CITY OF LOS ANGELES

Sidewalk Development

There was a time in the City of Los Angeles when there were very few sidewalks and people would walk in the dirt and mud to get to their destination. In order to remedy the situation, the City began requiring property owners to construct sidewalks through the assessment process (originally through the Vrooman Act of 1885 and later through the Improvement Act of 1911) and required developers to make such improvements prior to the City accepting a street easement. While the City could have and has on occasion obtained streets through the process of eminent domain, it had been determined that the City would be best served by taking easements. This approach is the same as was used by most cities throughout the state and is supported by state law. In the same way that developers were required to construct sidewalks and streets during the permitting process, they were also often required to plant trees. The basic theory is that if property owners wish to share in the use of public easements to conveniently access their property, they should also be responsible for providing the same improvements for others on their property. This truth is evidenced by the fact that under the Vrooman Act the Council could not order the improvements if a majority of property owners protested. The residents of Los Angeles wanted to improve their streets and willingly made the decision to pay for the improvements so that they would enjoy the same citywide. The same assessment laws that allowed for new construction of sidewalks are still in effect today for use by residents wishing to place sidewalks on their streets.

State of California - Sidewalk Maintenance Legal Authority

In light of the foregoing, one might ask if the City does not own the streets and sidewalks but merely has an easement, then what rights and responsibilities does the City and property owner have with regard to streets and sidewalks. The starting point is that the City has an easement for the public use and convenience. As the steward of this easement, cities have the right to maintain and improve the easement for the valid purpose of public use. The State of California, Government Code states:

40401. In its discretion the legislative body may expend the ordinary annual city income to pay all or part of the cost of work to:

- (a) Establish, build, and repair bridges.
- (b) Acquire by purchase or otherwise land for squares, parks, playgrounds, and places within the city and improve, equip and maintain them.
- (c) Establish, lay out, alter, keep open, improve, and repair streets, sidewalks, alleys, tunnels, and other public highways, and drain, sprinkle, oil, and light them.
- (d) Remove all obstructions from them.
- (e) Establish grades for them.
- (f) Grade, pave, gravel, and curb all or part of them.
- (g) Construct gutters, culverts, sidewalks, and crosswalks in all or on any part of them.
- (h) Cause shade trees to be planted, set out, and cultivated in them.
- (i) Generally manage and control all such highways, tunnels, and places.

In furtherance of Section 40401, the City passed the City Administrative Code, Section 247, which states:

“The City shall have power to provide for public improvements by contract or by the direct employment of labor and purchase of materials. The Council may cause the costs and expenses of the improvements, including any damages to private property caused thereby, to be paid from the General Fund or a special fund of the City, or may make those costs and expenses, including incidental expenses and damages, a lien upon the abutting property, or upon property in districts according to benefits. The Council may establish, by ordinance, an assessment process, the priority of the lien and the method for enforcement, and may levy and collect or cause to be levied and collected assessments upon property according to frontage or upon property in districts according to benefits, to pay the cost of the improvements. The City may cause to be issued and sold bonds, notes and other evidences of indebtedness, bearing interest, extending over a period not exceeding such time as may be permitted by state law, to represent any or all of the assessments in accordance with requirements and procedures to be established by ordinance.”

In other words, the City Council may at its discretion construct or repair a wide variety of improvements and pay for the construction and/or repair with any funds at its disposal that it is not prohibited from using for this purpose. That having been, the City also has the choice of making the property owner pay for such improvements and repairs. In regards to sidewalk repairs Section 4502 of the Streets and Highway Codes provides a “separate and alternate procedure for performing the work specified herein...” The alternate methodology is the assessment process. Section 5610 of the Streets and Highway Code states:

“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 in the use of those works or areas save and except as to those conditions created or maintained in, upon, along, or in connection with such sidewalk by any person other than the owner, under and by virtue of any permit or right granted to him by law or by the city authorities in charge thereof, and such persons shall be under a like duty in relation thereto.”

History and Current Situation

Since the inception of the Improvement Act of 1911 until January 15, 1973, sidewalks in the City were held the responsibility of the property owner. It should be pointed out that while the terms “abutting property owner” or “adjacent property owner” are often used in discussing streets and sidewalks for common understanding, in fact it would be more accurate to say the underlying property owner as most deeds show the ownership right extending to the middle of the street. The common practice until 1973 was to inspect sidewalks, site the property owner and require that the repairs be made. When the repairs were not made in a timely manner, the City would then repair the sidewalk either by contract or through the use of City forces and the property owner would then be billed.

As the trees in the City grew, more and more sidewalks become uprooted and in need of repair. In the early 1970s a few groups of homeowners complained that did not believe they should be responsible for their sidewalk repair. For many of those complaining, they believed that the trees were the property of the City. In fact, a City Attorney Opinion dated August 11, 1939 and State law shows this to be a fallacy. In the City Attorney’s Opinion it is stated, “Whoever owns the fee title in the parking or parkway owns

the trees that grow thereon, which are a part of the realty, subject to the power to remove or regulate their growth when necessary to the enjoyment of the street for purposes of travel.” The City Attorney then addressed the question, “If the City furnishes, plants and maintains street trees, does it make any difference in the ownership”. To which the answer was, “The ownership of the trees follows the ownership of the realty upon which they are growing unless there is a contract providing otherwise”. In other words, they may be “street trees” but they are not “City trees” and the property owner can be held responsible for their trees when they endanger the public.

In response to the complaints from some property owners, the issue of sidewalk repair was sent to the City Council’s Public Works Committee. At their meeting the Council members considered the possibility of the City assuming all the costs for sidewalk repairs. In a letter from Chauncey B. Pruner, Legislative Assistant to the Public Works Committee to Dr. C. Erwin Piper, City Administrative Officer it was stated that, “At said meeting it was indicated that the processing of thousands of repair orders is costly and that the actual net cost to the City of a sidewalk repair program might not be too great. There was the concern, however, that there would be a substantial increase in complaints if the work were done free of charge.” The City Administrative Officer’s report on the matter indicated the anticipated cost per year for the City to do the work in 1973 was \$3,500,000 and was expected to go up each year after as the program became more known. It was the recommendation of Dr. Piper that, “The City continue to assess adjacent property owners for the City’s actual costs for performing repair work on curbs, gutters and Sidewalks under the provisions of the Streets and Highway Code”. In response to the City Administrative Officer’s and the Bureau of Street Maintenance reports, the Public Works Committee recommended that the assessment process remain City policy. A “minority report” was also submitted which called for an end to assessments and for the City to take on the cost of sidewalk repair. The City Council voted to replace the Public Works Committee report with the “minority report”. On January 15, 1973 the Council passed two different items that were incompatible and the City Attorney recommended that the Council needed to pass additional rules to clarify the matters. In the end, the Council reaffirmed their decision to make the City responsible for the repairs and requested the Bureau of Street Maintenance to prepare a budget for the program. Due to the costs of taking on the responsibility for sidewalk repair, on December 10, 1973 Mayor Tom Bradley requested the City Council to postpone the Sidewalk Repair program indefinitely. The City Council chose to adopt the budget and the Mayor then vetoed their decision. The City Council then appropriated approximately \$2 million for sidewalk repair. Within two years of instituting the new program, the City had a two and a half year backlog that was growing annually. In 1976 the City stopped funding and making most needed sidewalk repairs and in 1981 it attempted to re-institute the assessment process and was meant by a class action suit to hold the City responsible based upon the prior Council actions. Since that time there have been numerous attempts to fund a sidewalk repair program that have all met with limited success. In the end, the issue is the same as it was when the property owners built the sidewalks in the first place: who should pay for the repairs and where will the funds come from?

The current sidewalk repair ordinance can be found in Section 62.104 of the Municipal Code. The ordinance begins with a repair and notice requirement in furtherance of the Streets and Highways Code, section 5600 et. Seq.; however, it then adds two items which cloud the issue. Firstly, section 62.104(d) states that, “The Board is authorized to take preventative action such as root pruning or tree removal to prevent damage to curbs, driveways or sidewalks”. Section 62.104(e) then states “Whenever the Board determines that a curb, driveway or sidewalk is damaged as the result of negligence or violation of this Code and the Board determines the responsible party, all costs incurred pursuant to this section shall be a personal obligation of the responsible party, recoverable by the City in an action before any court of competent jurisdiction. The costs shall include an amount equal to 40 percent of the cost to perform the

actual work, but not less than the sum of \$100.00, to cover the City's cost for administering any contract and supervising the work required. In addition to this personal obligation and all other remedies provided by law, if the Board determines that a curb, driveway or sidewalk is damaged to such an extent as to create a menace to the public health, welfare and safety, and to constitute a public nuisance, the City may collect any judgment, fee, cost, or charge, including any permit fees, fines, or late charges, or interest, incurred in relation to provisions of this section as provided in Los Angeles Administrative Code Sections 7.35.1 through 7.35.8." It further states the exception that "Preventative measures and repairs or reconstruction to curbs, driveways or sidewalks required as the result of tree root growth shall be repaired by the Board at no cost to the adjoining property owner".

It therefore appears that due to an incorrect belief that the City owned "street trees" and sidewalks, the City should therefore be responsible for the repair of the sidewalks where the tree roots had caused damage. It should be remembered that the City did not plant the overwhelming majority of "street trees" and that the choice of which trees was made by the developer. It should further be noted that under state law the City could still hold the property owner responsible for their trees and their sidewalks.

Having reviewed the history of sidewalk repairs in the City, we now turn to consider the current situation. There are approximately 10,750 miles of sidewalk in the City and it is estimated that of those roughly 4,600 miles of sidewalk are in need of repair at a current estimated cost of \$1.2 billion dollars. With the extreme demand and high cost of Portland Cement Concrete, it is believed that this amount will continue to increase over the coming years.

ATTACHMENT 2 SUB-COMMITTEES

Participation

Following the City Council's instruction to proceed in June of 2007, the Bureau of Street Services identified a series of issues to be worked out that required participation from various City Departments and outside stakeholders. Four key specialized areas were identified for sub-committee work. Participants in each of the subcommittees are listed below:

PROGRAM STRUCTURE

Name	Affiliation
Harold	Avent Remax Realty
Glenda	Brass Glenda Brass Mortgage Solutions
Laurel	Broyles BSS-Admin
Deanna	Gomez Mayors Office
George	Gonzalez BSS-Urban Forestry Division
David	Hersch Council District Eight
Grace	Harper Department of Building and Safety
Rose	Ibanez Dept of Neighborhood Empowerment
Michael	Kantor Bureau of Engineering
BongHwan	Kim Dept of Neighborhood Empowerment
David	Kissinger South Bay Assoc of Realtors
Julie	Lee Council District Eight
Nick	Lopez BSS-Special Projects Division
Laura	McLennan Council District Eleven
Laura	Olhasso Pasadena/Foothills Assoc of Realtors
Ron	Olive BSS-Executive Division
William	Robertson BSS-Executive Division
Ed	Roes City Administrative Office
Dennis	Rogers BSS-Administration Division
Roslyn	Carter-Phillips City Legislative Analyst
Teresa	Sanchez SEIU Local 721
Nazario	Sauceda BSS-Executive Division
Dominique	Shipp BSS-Executive Division
Donald	Shoup UCLA, Dept of Urban Planning
Chris	Smith Bureau of Contract Administration
Ryan	Snyder Developer, Mid-Wilshire Area
Daniel	Tarica Council District Two
Daniel	Tenenbaum Pacific Crest Realty (Valley)
Dennis	Weber BSS-Special Projects Division

WORKFORCE DEVELOPMENT AND TRAINING

Deanna	Gomez	Mayors Office
Cecy	Gomez	Community Development Department
George	Gonzalez	BSS-Urban Forestry Division
David	Hersch	Council District Eight
Grace	Harper	Department of Building and Safety
Nick	Lopez	BSS-Special Projects Division
George	Gonzalez	BSS/ Urban Forestry Division
Laura	McLennan	Council District Eleven
Renee A.	Moon	Community Development Department
Jimmy	Newsom	BSS-Administration Division
Ron	Olive	BSS-Executive Division
William	Robertson	BSS-Executive Division
Dennis	Rogers	BSS-Administration Division
Robert	Sainz	Community Development Department
Teresa	Sanchez	SEIU Local 721
Nazario	Sauceda	BSS-Executive Division
Dominique	Shipp	BSS-Executive Division
Chris	Smith	Bureau of Contract Administration
Dennis	Weber	BSS-Special Projects Division

LEGAL ISSUES AND REQUIRED ORDINANCE CHANGES

Grace	Harper	Department of Building and Safety
David	Hersch	Council District Eight
David	Kissinger	South Bay Assoc of Realtors
James	Litz	Beverly Hills Greater LA Assoc of Realtors (Valley)
Nick	Lopez	BSS-Special Projects Division
Laura	McLennan	Council District Eleven
Jim	McQuiston	McQuiston and Associates
Michael	O'Brien	Department of City Planning
Ron	Olive	BSS-Executive Division
Mitch	Pomerantz	Department on Disability
Keith	Pritsker	City Attorney
William	Robertson	BSS-Executive Division
Ed	Roes	City Administrative Office
Dennis	Rogers	BSS-Administration Division
Roslyn	Carter-Phillips	City Legislative Analyst
Nazario	Sauceda	BSS-Executive Division
Dominique	Shipp	BSS-Executive Division
Debra	Verin	BSS-Administrative Division
Dennis	Weber	BSS-Special Projects Division
Christopher	Westhoff	City Attorney
Mel	Wilson	South LA Assoc of Realtors

COMMUNITY AND BUSINESS OUTREACH

This sub-committee will convene when the POS is approved.

Maricela	Gomez	Playa Vista
Rose	Ibanez	Dept of Neighborhood Empowerment
BongHwan	Kim	Dept of Neighborhood Empowerment
Nick	Lopez	BSS-Special Projects Division
David	Hersch	Council District Eight
Ron	Lorenzen	BSS/ Urban Forestry Division
Jim	McQuiston	McQuiston and Associates
Ron	Olive	BSS-Executive Division
Tom	Pizzo	BSS-Administrative Division
William	Robertson	BSS-Executive Division
Nazario	Sauceda	BSS-Executive Division
Dominique	Shipp	BSS-Executive Division
Beryl	Taylor	City Administrative Office
Dennis	Weber	BSS-Special Projects Division

Issues

The *Legal Issues/Ordinance Change Sub-Committee* first developed the following list of sidewalk maintenance alternatives:

1. The City under Government Code Section 40401 may choose to pay for some or all of the costs using any funds at its disposal that it is not otherwise prohibited from using. An example of this would be the current 50/50 sidewalk repair program. While the City could pay for the sidewalks using General Fund monies this would mean that other programs would need to be reduced.
2. In accordance with the Streets and Highway Code the individual property owner could be cited and required to repair their sidewalk as was previously done.
3. The City could create assessment districts and spread the cost to property owners within an area. This may prove difficult, as a two-thirds majority of the property owners would have to be in agreement and vote on the assessment.
4. The City might obtain outside funding from the State or Federal Government. The City has been attempting to do this for 35 years with only limited availability and success.
5. The City could attempt to have a bond issue. The City has tried this for sidewalk repairs in the recent past and the voters chose not to support it.
6. The City may continue with the current limited program.
7. The City might choose to inform the public of their responsibility to repair their sidewalks and rely on self-compliance.
8. The City could do nothing and allow the sidewalks to continue to deteriorate.

This sub-committee then outlined inspection and enforcement options if it were recommended that property owners should be made responsible for the safe condition of their sidewalk, including:

1. The City may create an inspection program that covers the complete City by grids and cites property owners as they are inspected.

2. The City may create a program that prioritizes inspections by type of property. For instance, major streets first and eventually residential streets.
3. The City might inspect and enforce based upon complaints and/or accidents.
4. The City may continue to accept the liability for not inspecting and citing.
5. The City may inspect based upon a “trigger” such as a home sale or the issuance of a building permit.

The *Workforce Development and Training Sub-Committee* was charged with estimating the volume of various potential programs along with projecting the necessary resource needs. This group weighed issues including:

1. Should all property sales be included (residential only or include commercial and industrial)?
2. Should building permits with modifications valued over a certain amount (presumably including a structural component) also be included?
3. The property owner may be required to complete the work either by themselves or by using contractors.
4. The City may do the work using City forces, hiring hall or contractors.
5. The City may give the owner the option of doing the work themselves or using City forces or contractors.
6. When must repairs be made?

The *Program Structure Sub-Committee* refined the details of a comprehensive POS process, including the process itself, how the selected program should be financed, and answering questions such as:

1. What degree of damage will require repair?
2. What standards should the repairs be made to?
3. Should damaged curb, driveway approaches, tree replacement requirements be included along with sidewalk repair?
4. How should substandard conditions such as narrow sidewalk due to lack of City easement of encroachments, missing infrastructure, ADA non-compliant issues be handled?
5. How will specialized or custom sidewalk be handled?
6. Does it matter how the damage occurred?

The *Community/Business Outreach Sub-Committee* will convene to develop a comprehensive public outreach program once the City Council approves the specifics of a POS.

Recommendations

1. The majority of members in all three sub-committees agree that property owners should be held responsible to maintain safe sidewalk adjacent to their property. While inspecting and citing presents the greatest opportunity for making a substantial impact within an acceptable time frame, an approach is needed to achieve compliance in a systematic manner over time. The composite recommendation of the sub-committees is to implement a Program requiring safe sidewalk compliance when any of the following occurs: at Point of Sale for all property sales and transfers, when obtaining a Building Permit covering modifications valued at \$5,000 or more, and when a claim is filed against the City related to an unsafe sidewalk situation for properties located in commercial and industrial zones. For the latter case, it is

recommended that the Los Angeles Municipal Code be amended to increase the current two week compliance period to ninety days. In residential areas, interim asphalt repairs will be completed when the BSS is notified.

2. The property owner will have the discretion whether they want to have the work done by their own contractor or pay the City to do so. If they select their own contractor, all work must be completed before the close of escrow and under required City permits and inspection. In addition, any associated tree work that BSS deems necessary to ensure a complete repair must be done under permit and inspection before the close of escrow or must be arranged to the satisfaction of BSS. If the property owner chooses to pay the City, it is recommended that BSS be given three years to complete the work given the anticipated volume and challenges of building up the required resources. This committed time period can be reviewed and amended by the City Council on an annual basis.
3. The recommended POS will only target damaged sidewalk at this time, along with any applicable tree replacements which the property owner will be responsible to pay for. Trained BSS inspectors will determine the required repairs on a case by case basis, including offsets of ¼-inch and greater, significantly cracked areas, and “floating sections”. Repair or replacement of substandard width sidewalk will be allowed in-kind, as long as the resulting condition is in compliance with the American with Disabilities Act (ADA). The property owner will not be required to install sidewalk in locations where none has ever existed. Any specialized or custom sidewalk work must be done by the property owner (their contractor) and accepted by BSS before the close of escrow. All work shall be in compliance with City Standards, including the “Standards Specifications for Public Works Construction (Green Book).

ATTACHMENT 3 PROCESS FLOWCHART

The recommended Point of Sale Program requires property owners to obtain a “Safe Sidewalk Certificate” from the Bureau of Street Services (BSS) before: (1) any property in the City is sold or transferred before the close of escrow, (2) before a substantial building permit is issued by the Department of Building and Safety, or (3) when an unsafe sidewalk-related claim is filed against the City in commercial or industrial zoned areas. The certificate is evidence that the sidewalk and street trees have been found to be in compliance with City standards.

To clear the condition for cases (1) and (2) above, the owner must request an inspection by BSS. If the sidewalk and/or street tree(s) are not in compliance, the following procedures will apply to obtain the compliance certificate.

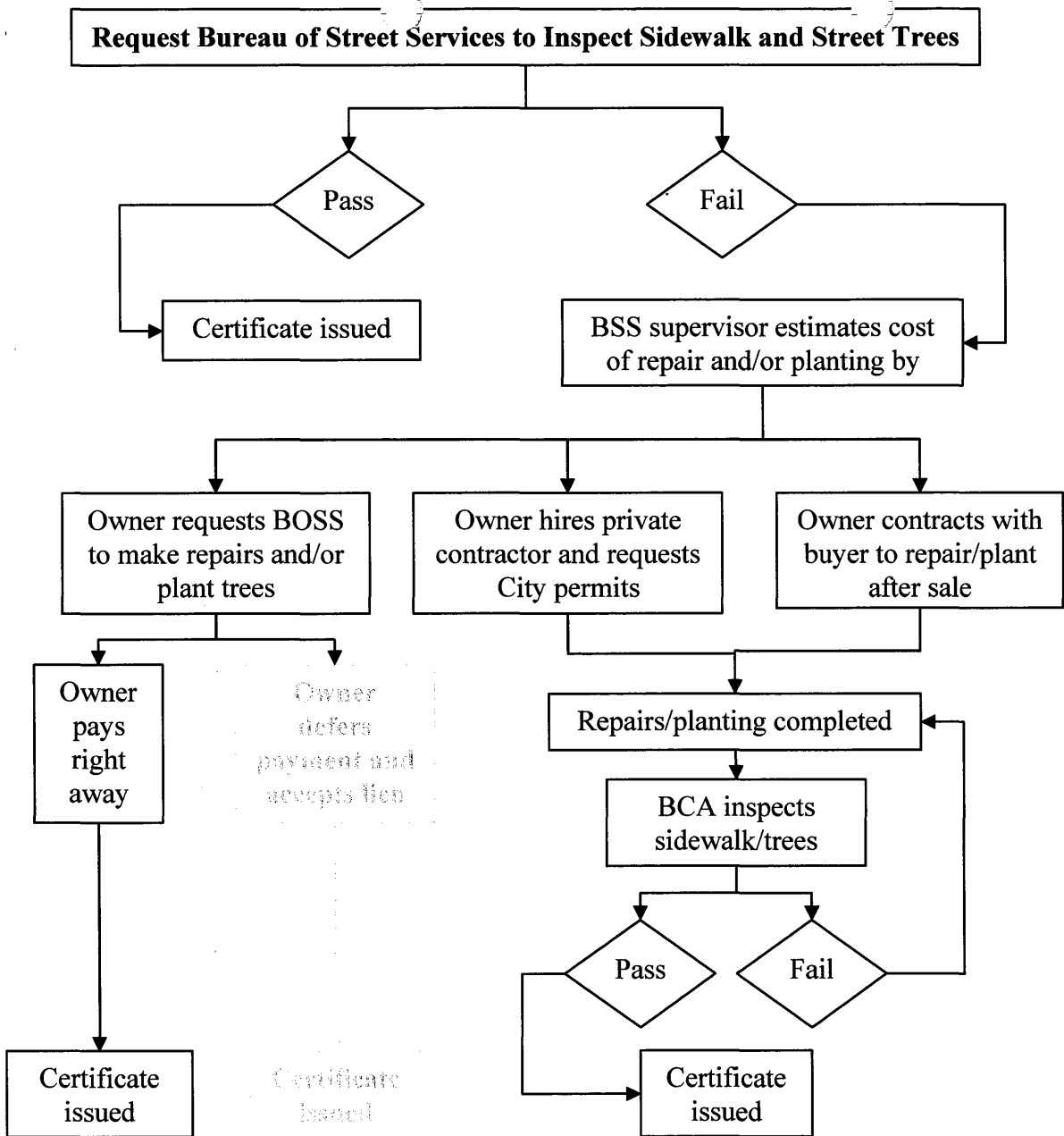
1. The BSS supervisor or other qualified personnel (BSS supervisor) finds that the sidewalk is in good repair and that healthy street tree(s) are planted. The BSS supervisor then issues a compliance certificate.
2. The BSS supervisor finds that there is no sidewalk and that no street tree(s) are required (perhaps due to a lack of space or potential interference with overhead power lines). The BSS supervisor then issues a compliance certificate.
3. The BSS supervisor finds that the sidewalk is damaged but no street tree(s) are required. The BSS supervisor estimates what BSS would charge to repair the sidewalk.
 - a. The owner requests BSS to repair the sidewalk and pays the cost. The BSS supervisor then issues a compliance certificate.
 - b. The owner chooses to have a private contractor repair the sidewalk.
 - i. The owner or contractor applies for a permit for the repairs from the Bureau of Engineering.
 - ii. The repairs are made and are inspected by the Bureau of Contract Administration (BCA). If the repairs pass the inspection, the Contract Administration Inspector notifies BSS, who will issue a compliance certificate.
4. The BSS supervisor finds that the sidewalk is in good repair but that there are no street tree(s) and that it is appropriate to plant street tree(s). The owner applies for a street tree planting permit from BSS – Urban Forestry Division (UFD) who will determine the tree species, size, and location of the tree(s) to be planted, and will specify the City's requirements for planting street trees. This inspector will also estimate what BSS would charge to plant the tree(s).
 - a. The owner requests UFD to plant the tree(s) and pays the cost. The BSS supervisor then issues a compliance certificate.
 - b. The owner chooses to have a private contractor plant the tree(s).

- i. The UFD supervisor or other qualified personnel issues a City permit to plant the tree(s).
 - ii. The tree(s) are planted, and are inspected by the BCA Inspector. If the planting passes the inspection, the BSS supervisor issues a compliance certificate.
5. The BSS supervisor finds that the sidewalk is damaged *and* that it is appropriate to plant street tree(s). The procedure is a combination of 3 and 4 above.

The above process will also apply to Case (3) but will be triggered by citation with a 90-day compliance period. In every case, the records of the inspection and subsequent sidewalk repairs/tree planting will be entered into a geographic information system data base that will provide a record of the condition of sidewalks and street trees in the City.

The Program Structure Sub-Committee also explored the possibility of allowing property owners, who are not covered by the specified triggers, to participate in the Program at any time by means of a lien placed on their property. This option appears to be feasible, especially through third-party financing, but requires further development and is not included as a recommendation at this time.

The following page shows a flowchart for obtaining sidewalk and street-tree certificates of compliance. .



Interest charges begin on lien after BOSS work is completed

Pay lien before sale

Pay lien at sale

Note: The lightened requires further development and is not a recommended option at this time.

ATTACHMENT 4 POTENTIAL VOLUME OF THE PROGRAM

Sidewalk Condition in L.A.	DAMAGE ASSESSMENT					
	Less than 1%	1% - 10%	11% - 25%	26% - 50%	Over 50%	Total
Linear Feet of Sidewalk	35,429,809	6,145,987	4,338,344	7,953,631	2,892,229	56,760,000
Miles of Sidewalk	6,710	1,164	822	1,506	548	10,750
Linear Feet of Repair Needed	0	307,299	954,436	3,260,989	2,458,395	6,981,118
Miles of Repair Needed	0	58	181	618	466	1,322
Linear Feet of Tree Damage	0	55,314	639,472	1,402,225	1,081,694	3,178,705
Miles of Tree Damage	0	10	121	266	205	602

	Avg. Sales	Avg. Permits	Possible Properties Elected	Est. Properties Needing Repair	Annual Number of Properties Needing Repair Based on Percentage of Sidewalk Damaged			
					1% - 10%	11% - 25%	26% - 50%	Over 50%
Point of Sale	51,412	N/A	51,412	19,537	5,666	3,907	7,229	2,735
POS and Permits over \$10,000	51,412	20,525	71,937	27,336	7,927	5,467	10,114	3,827
POS and Permits over \$5,000	51,412	28,537	79,949	30,381	8,810	6,076	11,241	4,253

1. The sales figure is based on annual sales and does not deduct for properties sold twice in the same year.
2. The permit figure is based on total permits issued and does not deduct for multiple permits issued at the same location nor does it deduct for permits issued on properties sold in the same year.
3. Permits issued annually in the last 10 years has ranged from 22,549 to 36,670 for \$5,000 and over.
4. Permits issued annually in the last 10 years has ranged from 15,306 to 26,880 for \$10,000 and over.
5. Based on our survey, 38% of properties have some sidewalk damage.
6. 29% of properties needing repair had 1 to 10% damage
7. 20% of properties needing repair had 11% to 25% damage
8. 37% of properties needing repair had 26% to 50% damage
9. 14% of properties needing repair had over 50% damage

	LINEAR FEET OF REPAIR PER YEAR				
	1% - 10%	11% - 25%	26% - 50%	Over 50%	Total
Point of Sale	14,164	42,980	148,185	116,243	321,572
POS and Permits over \$10,000	19,819	60,139	207,344	162,650	449,952
POS and Permits over \$5,000	22,026	66,837	230,437	180,765	500,065

1. For purposes of this report the average property is presumed to be 50 foot long.
2. The average percentage of repair needed between 1% to 10% was 5%
3. The average percentage of repair needed between 11% and 25% was 22%
4. The average percentage of repair needed between 26% and 50% was 41%
5. The average percentage of repair needed over 50% was 85%

	MILES OF REPAIR PER YEAR				
	1% - 10%	11% - 25%	26% - 50%	Over 50%	Total
Point of Sale	2.7	8.1	28.1	22.0	60.9
POS and Permits over 10,000	3.8	11.4	39.3	30.8	85.2
POS and Permits over \$5,000	4.2	12.7	43.6	34.2	94.7

Estimate of amount of work to be done by City forces or Property Owners

City Forces	MILES OF REPAIR PER YEAR				
	1% - 10%	11% - 25%	26% - 50%	Over 50%	Total
Point of Sale	0.8	2.4	8.4	6.6	18.3
POS and Permits over 10,000	1.1	3.4	11.8	9.2	25.6
POS and Permits over \$5,000	1.3	3.8	13.1	10.3	28.4

Property Owners	MILES OF REPAIR PER YEAR				
	1% - 10%	11% - 25%	26% - 50%	Over 50%	Total
Point of Sale	1.9	5.7	19.6	15.4	42.6
POS and Permits over 10,000	2.6	8.0	27.5	21.6	59.7
POS and Permits over \$5,000	2.9	8.9	30.6	24.0	66.3

1. According to the Directors of Street Maintenance, Transportation and the Inspector of Public Works in a joint Council Report dated July 16, 1973 30% of the sidewalk repair was done by City forces and 70% was done by cited property owners.

Damage done by trees

	ANNUAL MILES OF REPAIR WITH TREES INVOLVED				
	1% - 10%	11% - 25%	26% - 50%	Over 50%	Total
Point of Sale	0.5	5.5	12.1	9.7	27.7
POS and Permits over \$10,000	0.7	7.6	16.9	13.6	38.7
POS and Permits over \$5,000	0.8	8.5	18.8	15.1	43.1

ATTACHMENT 5

REQUIRED WORKFORCE AND OTHER RESOURCES

City Forces and Contracting – First Year

A construction crew configuration of approximately 50 employees (four crews) for every 26 miles of sidewalk reconstruction per year has been used as a guideline over the past several years for the general-funded sidewalk reconstruction program. The current cost for this program, which includes tree trimming, root pruning or tree removal, sprinkler repair, reconstructing affected driveway approaches and curb, and replacement of survey monuments averages about \$15 per square foot. However, over the past three years with the advent of the 50/50 Sidewalk Reconstruction Program, the BSS has experienced a substantial increase in cost when reconstructing one property frontage at a time (double the cost). It is therefore projected that four (4) Special Projects Division, i.e. concrete crews, in addition to the necessary tree support crews and resources will be required to reconstruct 13 miles, or approximately 500 – 1,000 locations per year.

While contracting is an option, the City process would require more than a year to set up contracts for overflow work. At this time, it is not anticipated that contracting will lead to quicker or less expensive repairs during the first year or two of the Program. After the first year of the Program, BSS will have a better idea of how many property owners choose to hire their own contractor versus how many will pay the City to do the work. BSS can then better evaluate its capacity to reconstruct sidewalk based on what resources are provided. At that time, an assessment can be made with regard to what the need is, if any, for overflow contract work. The City Council can also reassess at that time whether BSS should be required to make repairs in three years or some other time frame, which will certainly affect the need for contracting out work.

While the Program is ramping up, it is envisioned that a maximum of 3-4 vocational workers can be accommodated for each 13-14 member concrete crew (a similar ratio is envisioned for the tree support crews). BSS will continue to work with the Community Development Department, SEIU Local 721 and trade unions to develop a training curriculum to ensure a constant stream of qualified and motivated entry level vocational workers to supplement the journeyman work force.

Special Projects Division Requirements

Four (4) of the unit modules outlined below will be required to reconstruct 13 miles of sidewalk per year (approximately 500 – 1,000 number of locations):

Crew Complement*

- (1) Street Services (SS) Supervisor II
- (1) Equipment Operator
- (2) Heavy Duty Truck Operators
- (1) Carpenter
- (2) Cement Finishers
- (3) Cement Finisher Workers
- (3-4) Vocational Workers

*The purpose for a crew complement of 13-14 is to allow work to be performed at various locations within the grid, i.e. close vicinity, thereby maximizing productivity and providing the Vocational Workers on-going on-the-job training in every aspect of the process.

Crew Equipment

- (1) Backhoe
- (2) Heavy Duty Dump Trucks
- (1) Carpenter Truck
- (1) Stake bed Truck
- (1) Box Van
- (1) Concrete Saw
- (2) Generators
- (1) Vibratory Compactors
- (2) Skill Saws w/ Batteries
- (2) Hiltis
- (1) Sawsall

Office Support Staff (to support every 4-5 field crews)**

- (1) SS Superintendent I
- (1) Senior Clerk Typist
- (1) Clerk Typist
- (3) Personal Computers

** Office staff will be responsible for tracking the program, preparing reports, processing performance evaluations and other personnel matters, and coordinating training.

Urban Forestry Division Requirements

One typical tree crew module will be required to support each 4-5 concrete crews as follows:

Personnel

- (1) Tree Surgeon Supervisor (with salary adjustment (5.5 percent above EO)
- (1) Equipment Operator
- (1) Heavy Duty Truck Operator
- (3) Tree Surgeon
- (3) Tree Surgeon Assistant

Equipment

- (1) Crew Cab Pickup
- (1) Case Loader
- (1) Truck Tractor
- (1) 40' Trailer, push out
- (3) Aerial Tower
- (1) Vermeer Root Grinder (w/trailer)

- (1) Vermeer Stump Grinder
- (1) Laptop Computer (w/online services)

For every two tree crew modules:

Personnel

- (1) Tree Surgeon Supervisor II
- (1) Clerk Typist

Equipment

- (1) Pickup
- (2) Desktop Computers

For every four tree crew modules:

Personnel

- (1) Street Tree Superintendent I
- (1) Senior Clerk Typist

Equipment

- (2) Desktop Computers