

**Attachment No. 1**

**SIDEWALK DECISION TREE**

**TABLE OF CONTENTS**

- A. City Approach Toward Sidewalk Repair Responsibility - Legislative Action and Shared Responsibility.
- B. Sidewalk Maintenance Transfer Plan - Fix and Release Policy.
- C. Enforcement Program Options.
- D. Program Management and Oversight.
- E. Sidewalk Construction Program Delivery.
- F. Sidewalk Repair Financing Options.
- G. Prioritization.
- H. Street Trees.
- I. Design, Construction Standards and Alternative Materials.
- J. Cost Sharing, Financial Assistance and Incentive Programs.
- K. Sidewalk Inventory and Asset Management System.
- L. California Environmental Quality Act (CEQA).

## **SIDEWALK REPAIR PROGRAM**

This document provides an outline of the major decision points with regard to the structure of the Sidewalk Repair Program to be implemented by the City to address sidewalk repair adjacent to private and City owned property.

### **A. CITY APPROACH TOWARD SIDEWALK REPAIR RESPONSIBILITY – Legislative Action and Shared Responsibility.**

The City has several decision points with regards to sidewalk repair responsibility. The City could continue to rely on the current Los Angeles Municipal Code (LAMC) Section 62.104 regarding Curb and Sidewalk Repairs. This Section establishes the responsibility for preventative measures and repairs or reconstruction of curbs, driveways or sidewalks as the result of tree root growth damage with the Board of Public Works (Ordinance No. 146,040 effective July 3, 1974). This is also referred to as the Limited Exception to the 1911 Act and was initially funded through federal monies that ceased shortly thereafter.

State law regarding sidewalk repair is set forth in the Streets and Highways Code sections 5600 et seq. Section 31 of the Improvement Act of 1911 which was amended in 1935 to provide for the repair and maintenance of sidewalks, curbs, parking strips and retaining walls by the adjacent property owner.

The City could repeal this limited exception, which makes the City responsible for sidewalks damaged by street parkway tree roots, and return such responsibility for future sidewalk repairs to the property owner, regardless of the cause of damage. By returning the responsibility for all sidewalk repair back to the adjacent property owner, policy options are possible for a shared responsibility for the long-term maintenance of sidewalks by adjacent property owners. This action would better align the City's assets with available resources, provide a more equitable allocation of sidewalk maintenance responsibility, and provide for a greater number of sidewalk repairs because the City would be able to focus its financial resources on the cost of an inspection program, versus inspection and sidewalk repair construction costs.

#### **Possible Action:**

<b>ACTION</b>	
A.1	Which policy position shall the City pursue concerning sidewalk maintenance repair responsibility?

## **B. SIDEWALK MAINTENANCE TRANSFER PLAN - FIX AND RELEASE POLICY.**

For over 40 years, the City has had the responsibility for repair of sidewalks damaged by street tree root growth, which was initially funded by federal monies. However, subsequent to the loss of federal funding resources, City funding for this responsibility has not always been consistently available. Therefore, it may be time to transfer this responsibility back to the property owners through a phased approach.

Public Works estimates that most of the damage to sidewalks is caused by tree root growth and the majority of trees are planted in residential areas of the City. Therefore, the CAO recommended a "Fix and Release" policy for residential property owners that would obligate the City to make repairs prior to returning the responsibility for future maintenance back to the adjacent property owner.

The CAO's report did not recommend a "Fix and Release" policy for commercial property owners. This is because commercial property owners and renters providing a service have an existing obligation under the ADA and State law to provide accessible facilities. Commercial sidewalks can also be more expensive to repair because they are often larger than the sidewalks that are found in residential neighborhoods. Commercial property owners also often have more options to finance repair costs.

If the Council chooses to repeal the limited tree root damage exception, several options are available for implementation of said policy change. The following sections address the policy components and major decision points of a sidewalk repair policy.

It is noted that sidewalk repairs undertaken by adjacent commercial property owners would not credit against the City's \$31 million sidewalk repair obligation under the Willits Settlement. However, the City will receive credit against the \$31 million obligation for costs associated with administration of a sidewalk repair program and for the costs of an inspection and notice system and any costs of repairs performed by the City under that system.

### **Possible Actions:**

<b>ACTION</b>	
B.1	If the City decides to repeal the Limited Exception to the LAMC, does the City want to phase in the transfer of responsibility for sidewalk maintenance and repair back to property owners, through a Fix and Release program?

<b>ACTION</b>	
B.2	Should the Fix and Release program be extended to all types of property Owners (i.e. residential, commercial, small businesses, low-income housing, other governmental agencies, etc.) in the same manner?

### C. ENFORCEMENT PROGRAM OPTIONS.

The City has several options with regards to how sidewalk maintenance responsibilities are enforced for released sidewalks and what triggers a sidewalk inspection and repairs. It is important to note that programs like Point of Sale, Point of Permit, or Point of Service would not immediately result in contiguous blocks of sidewalk repair. Contiguous blocks or paths of travel are a desirous outcome because they provide accessibility to the disability community and all other pedestrians.

It is estimated that it will take approximately one full year to develop the sidewalk enforcement program selected in the previous section and the infrastructure to administer the program. In addition to the time it will take for program development, the City could provide additional time for property owners to make sidewalk repairs before it begins enforcement and extend the time that property owners have to make repairs after a Notice to Repair is issued by the City.

#### Possible Actions:

##### ACTION

C.1 What type of enforcement program should the City implement?

##### ACTION

C.2 How long should the grace period or moratorium on enforcement and issuing Notices to Repair be?

##### ACTION

C.3 Who should this moratorium be extended to?

##### ACTION

C.4 How long should property owners have to make repairs after a Notice to Repair is issued?

##### ACTION

C.5 As a complement to a reinstated inspection program, should sidewalks that are free and clear of damage, with an overall acceptable condition, be issued a warranty or certificate of compliance, for both responsive and proactive components? If yes, how long should the certificate be valid for?

#### **D. PROGRAM MANAGEMENT AND OVERSIGHT.**

This new program will need to be housed within a City department. Per the current Los Angeles Municipal Code, the Board of Public Works currently has the authority to notice property owners to repair damaged adjoining sidewalks. Therefore, it is appropriate for the new program to be housed within the Department of Public Works. The Bureau of Engineering has extensive experience and a proven track record in project management and delivering construction infrastructure projects through construction contracts. The Bureau of Street Services has City staff capable of providing high-quality repairs and critical urban forestry support.

##### **Possible Action:**

<b>ACTION</b>	
D.1	What City department(s) should be responsible for program implementation?

#### **E. SIDEWALK CONSTRUCTION PROGRAM DELIVERY.**

Additional City staff will need to be hired in multiple departments to oversee the administrative aspects of the program. Several options exist for performing actual repairs: 1) hire additional City staff, 2) hire contractors, 3) create a pre-approved list of contractors that constituents may use directly to repair sidewalks, and/or 4) Public Private Partnership. The use of City paid contractors or the use of a pre-qualified list can enable the City to encourage local job development and hiring of disadvantaged workers. It should be noted that these options are not mutually exclusive.

##### **Possible Actions:**

<b>ACTION</b>	
E.1	Who should perform sidewalk repairs adjacent to residential properties?

<b>ACTION</b>	
E.2	Who should perform sidewalk repairs adjacent to commercial property?

## **F. SIDEWALK REPAIR FINANCING OPTIONS.**

The City has several options with regards to the financing of a comprehensive sidewalk repair program. These options are not mutually exclusive. Citywide Bonds and Assessment Districts require a significant outlay of staff and funds to produce a proposal presentable to the City Council and to the voters. Furthermore, depending on how they were formulated, the strategies will have varying thresholds for approval by the electorate.

### **Possible Action:**

<b>ACTION</b>	
F.1	How should the City finance this program?

## **G. PRIORITIZATION.**

The Settlement Agreement sets forth the following implementation priorities:

- City government offices and facilities;
- Transportation corridors;
- Hospitals, medical facilities and other similar facilities;
- Places of public accommodation such as commercial/business zones;
- Facilities containing employers; and
- Residential neighborhoods.

The Settlement Agreement also sets aside 20 percent of annual funds to respond to sidewalk complaints, with the City 311 System acting as the primary point of entry to register sidewalk complaints and repair requests. The City does not currently maintain an inventory of its sidewalks, street trees or condition of both sidewalks and trees.

City staff note that there is a need for a sidewalk inventory and asset management system to identify the location and condition of all City sidewalks, curb ramps and street trees. There is also a need to identify overlapping planned sidewalk work, such as grant projects, Planning Development Agreements, and other capital projects. A mapping system and geographic information services (GIS) technology could be the basis of a new Sidewalk Asset Management System for planning repairs, implementing work orders, and reporting on the status of the program. The above system will play a key role in identifying "greatest use" and "worst of the worst" priorities. Close coordination with Council Offices to prioritize repair locations will be necessary.

### **Possible Action:**

<b>ACTION</b>	
G.1	Within the Willits prioritization categories, how should the City prioritize sidewalk work?

## H. STREET TREES.

The planting, maintenance and care of street trees falls under the jurisdiction of the Board of Public Works who provides for guidelines as to their removal and replacement. The Board of Public Works recently formalized the City's existing practice by adopting a Street Tree Removal and Replacement Policy (i.e. 2 replacement trees for every 1 removed or 4 to 1 if the tree removed is an endangered species). Public Works estimates that 80 percent of damage to sidewalks is caused by street tree roots. A permit is currently required for tree planting, pruning, removal, and tree root pruning. Tree removal permits are issued for damage to sidewalk/curb/driveway that cannot be repaired without tree removal, installation of a driveway that cannot be relocated, and the development of public improvements

Concern has been raised regarding the potential amount of tree removals under this program and whether the current replacement policy is sufficient given the potentially large quantity of mature trees that will be removed and replaced.

A clear and streamlined, yet responsible, tree removal and replacement process will be needed to ensure an efficient and effective Sidewalk Repair Program and maintain the quality of life within the City. Revisions to the City's current policies and practices will likely be an ongoing process throughout the life of the Program. Especially, as the City has time to see the full impact of the new Sidewalk Repair Program on the number of tree removals.

### Possible Actions:

#### ACTION

H.1	Should the City policies for tree removal and replacement be reviewed and potentially modified to ensure that a minimum number of healthy trees are removed and that the urban forest canopy is protected?
-----	--

#### ACTION

H.1	Should the Department of Public Works, with the CAO and CLA report back with suggested best practices for the maintenance of the urban forest, including tree retention standards, tree removal criteria, tree replacement standards, tree planting site selection, tree well size, tree establishment standards, and the incorporation of green infrastructure elements?
-----	---

#### ACTION

H.3	While the Willits Settlement gives priority to access, preserving the Urban Forest is critical. Should the City emphasize the retention of street trees where practical mobility options are available?
-----	---

**ACTION**

- |     |  |
|-----|--|
| H.4 | Should environmental documentation be prepared as to possible impacts to the City's Urban Forest as the result of implementing a citywide Sidewalk Repair Program? |
|-----|--|

**I. DESIGN, CONSTRUCTION STANDARDS, AND ALTERNATIVE MATERIALS.**

BOE is currently responsible for maintaining all sidewalk design and construction standards. Standard specification for concrete sidewalks are found in the BOE's Permit Manual. All materials and products that are placed in the City's public right-of-way must be approved by the City Engineer of Design. Currently, no other alternative materials to Portland Cement Concrete (PCC) have been approved by BOE.

BSS has tested various alternative products and materials to PCC, including rubber panels, recycled mixed plastic materials, and pervious concrete. In large measure, these products have not proven effective, with long term durability.

Alternative materials do exist and in the past the City has relied on vendors to bring new and innovative products to the City for testing. Alternative materials such as pavers and brick could assist with reducing stormwater runoff and add character to neighborhoods.

**Possible Actions:****ACTION**

- |     |   |
|-----|---|
| I.1 | Should the City consider using and proactively seek alternative materials to Portland Cement for sidewalk repair? |
|-----|---|

**ACTION**

- |     |  |
|-----|--|
| I.2 | How often should the Bureaus of Engineering and Street Services, in collaboration with the General Services Department, report with recommendations relative to new alternative materials for sidewalk construction, including criteria for use and costs? |
|-----|--|

**J. COST SHARING, FINANCIAL ASSISTANCE, AND INCENTIVE PROGRAMS**

Sidewalk repair generally requires an A-Permit. An A-Permit allows for minor street construction in the public right-of-way and ensures that such construction meets City design and materials specifications and that the work is properly inspected. A pilot program is currently in place which allows the City to issue no-fee A-Permits to all residential property owners repairing sidewalks regardless of the reason. The City Attorney has prepared an ordinance (transmitted November 2014) to make this pilot program permanent.

Additional options still exist to encourage property owners to pro-actively consider repairing their sidewalks instead of waiting for the City to do so, including:

1. No cost tree trimming/root pruning by the City when permanent repairs are made by adjacent property owner;
2. City pays for 50 percent or some portion of permanent repairs;
3. City pays for permanent sidewalk repairs if the property owner pays for curb and gutter repairs and tree related mitigation.

#### **Possible Actions:**

##### **ACTION**

J. 1	Should the City offer cost sharing programs to incentivize pro-active sidewalk repair?
------	--

##### **ACTION**

J. 2	What type of program should be offered to property owners to incentivize pro-active repairs?
------	--

#### **K. SIDEWALK INVENTORY AND ASSET MANAGEMENT SYSTEM.**

The City does not currently have an inventory of the locations of the citywide system of sidewalks, the number of miles there may be, or the state of their repair. Similarly, there is no central repository or database of all existing curb ramps, they were constructed or last repaired. Lacking this information, it will be difficult to manage and measure progress of a new sidewalk management program. A sidewalk inventory and management could also assist in the following:

- Plan and prioritize work;
- Prepare cost estimates;
- Implement and track progress, locations, and costs;
- Change plans; and,
- Inform constituents of program activities and progress.

The following steps could be taken to create an asset management system for sidewalks:

- Inventory;
- Assess condition;
- Determine needs (cost estimates);
- Assess available funds;
- Develop multi-year plan (budget); and,
- Create a geographic information system (GIS).

A first step would be to create an inventory of existing sidewalks and ramps. However, such an inventory is not necessary to initiate repairs. Modifications to the City's existing

GIS systems, such as Navigate LA could accomplish this. The City is currently in the process of obtaining aerial photographic imagery (LAR-IAC) from the County. Two options have been presented as they relate to sidewalks and curb ramps:

- Capture of planimetric (boundary line) features in GIS format for curb ramps and sidewalks creating an GIS inventory citywide locating every sidewalk, including its width; or,
- Sidewalk assessment where teams would walk the streets with appropriate equipment to capture sidewalk conditions to use in the above option.

Should the City capture curb ramps and sidewalks in a GIS format, this information could be used as the foundation of sidewalk asset management and complaint driven mapping, and could accomplish the following:

- Prioritize repairs;
- Group damaged sidewalk segments into projects;
- Schedule location for repairs or further evaluation;
- Gain a better understanding of long-term sidewalk maintenance needs; and,
- Comply with reporting requirement under the Willits Settlement Agreement.

#### **Possible Actions:**

<b>ACTION</b>	
K.1	Should the City instruct the Department of Public Works to develop a mapping, prioritization and asset management system to identify and coordinate repairs to sidewalks that reaches beyond the Willits Settlement Agreement and serves as a long-term management tool?

<b>ACTION</b>	
K.2	Should the City instruct the Department of Public Works to develop and implement, a Citywide inventory of the locations of sidewalks, curbs, curb ramps and other appurtenances associated with sidewalks?

#### **L. California Environmental Quality Act (CEQA).**

A long-term Sidewalk Repair Program consistent with the approved Term Sheet, which would include sidewalk repairs adjacent to all land uses and potentially result in the removal of large quantities of mature trees may require an Environmental Impact Report (EIR) under CEQA.

#### **Possible Action:**

<b>ACTION</b>	
L.1	Should the City instruct the Bureau of Engineering, with assistance from the City Attorney, to report back with the resources necessary to initiate the preparation of a project-level EIR for implementation of the Sidewalk Repair Program?

**Attachment No. 2**

**A REVIEW OF MAY 2015 CAO REPORT RECOMMENDATIONS IN THE CONTEXT  
OF THE WILLITS SETTLEMENT AGREEMENT TERM SHEET**

<i><b>CAO Recommendations</b></i>	<i><b>Required by Willits Term Sheet</b></i>	<i><b>Program Policy Options</b></i>
<b>1. Reinstatement of the sidewalk inspection program.</b>	Not required.	<ul style="list-style-type: none"> <li>• Complaint based inspections and notice program.</li> <li>• Inspections at point of sale, permit and service.</li> <li>• Limited enforcement along major, secondary highways and commercial corridors.</li> <li>• Claims driven program.</li> </ul>
<b>2. Amend LAMC Section 62.104 to repeal tree root damage exception.</b>	Not required.	<ul style="list-style-type: none"> <li>• Retain Section 62.104 and continue City responsibility for tree root damaged sidewalks in perpetuity.</li> <li>• Repeal Section 62.104 with shared responsibility approach.</li> <li>• Repeal Section 62.104 without a shared responsibility approach.</li> </ul>
<b>3. Transfer responsibility for sidewalks back to homeowner.</b>	Not required.	<ul style="list-style-type: none"> <li>• Phased transfer process.</li> <li>• Reestablishing a citywide inspection program with notice, citation, and lien provisions (City preforms damage repairs and places lien on property tax).</li> </ul>
<b>4. Fix and Release Program - Residential - City repairs with a five year warranty, thereafter property owner responsible for maintaining adjacent sidewalks.</b>	Not required.	<ul style="list-style-type: none"> <li>• Point of Sale.</li> <li>• Point of Service.</li> <li>• Point of Permit.</li> <li>• Citywide Bond.</li> <li>• Assessment District.</li> </ul>
<b>6. One year moratorium on issuance of repair notices for commercial properties.</b>	Not required.	<ul style="list-style-type: none"> <li>• Fix and release.</li> <li>• Lien program.</li> <li>• Point of Sale.</li> <li>• Point of Service.</li> <li>• Point of Permit.</li> </ul>

7.	<b>Public Works to develop system to track constituent calls and requests.</b>	Required.	--
8.	<b>Designate City Engineer as program manager</b>	Not required.	<ul style="list-style-type: none"> <li>• Director of Bureau of Street Services.</li> <li>• CAO.</li> </ul>
9.	<b>Create the position of ADA Coordinator. Must be an engineer or architect.</b>	Required.	<ul style="list-style-type: none"> <li>• Place within Bureau of Contract Administration.</li> </ul>
10.	<b>Public Works to report on framework and resources for a sidewalk inspection and repair program and asset management program.</b>	Not required.	<ul style="list-style-type: none"> <li>• Given the enhanced information requirements of this program, ITA should assist in the development of an asset management program and a public web based information system.</li> </ul>
11.	<b>Prioritize inspections and repairs:</b>  <b>Priority repairs.</b> <b>Government facilities.</b> <b>Transformation corridors.</b> <b>Medical facilities.</b> <b>Places of public accommodation.</b> <b>Facilities containing employers.</b> <b>Residential neighborhoods.</b>	Required.	<ul style="list-style-type: none"> <li>• Augment with an overarching policy that the City is to identify the most damaged sidewalk segments and implement repairs on a priority basis.</li> </ul>
12.	<b>Coordination with Council Offices as to sidewalk repair project location selection.</b>	Not required.	<ul style="list-style-type: none"> <li>• There is no substitute or option for this recommendation.</li> </ul>
13.	<b>Public Works to establish a list of pre-qualified contractors for sidewalk repair, to be used by City or public and a staffing plan for a Sidewalk Repair Program.</b>	Not required.	<ul style="list-style-type: none"> <li>• This recommendation could be expanded to include a staffing plan to accommodate sidewalk repair by City forces.</li> </ul>

<p><b>14. Public Works to report on the following:</b></p> <ul style="list-style-type: none"> <li>- Tree removal and replacement policies and procedures.</li> <li>- Ensuring that the Urban Forest is protected.</li> <li>- Ensuring that tree replacements protect the infrastructure, and minimizing operational, maintenance costs and water costs.</li> <li>- Alternatives to tree removals: meandering sidewalks, grade separations and tree relocations.</li> </ul>	<p>Required.</p>	<ul style="list-style-type: none"> <li>• The CAO and CLA with other city departments are preparing a comprehensive report, under separate file, relative to street trees and the implementation of a Citywide Sidewalk Repair Program. The treatment of street trees was a principal concern expressed by speakers at the community meetings.</li> </ul>
<p><b>15. Public Works to develop a sidewalk inventory /asset management system.</b></p>	<p>See # 10 above.</p>	<p>--</p>

## **Attachment No. 3**

### **SUMMARY**

#### **PUBLIC SPEAKER COMMENTS HEAD BY THE JOINT COMMITTEE**

##### **Harbor Area: Harbor Gateway Branch Library**

- Wanted a better understanding as to how the program would work, and funding that would that would be available for residential sidewalk repair;
- Clarification as to liability issues following certification of a repaired sidewalk, such as “trip and falls”;
- Should a tree need to be removed, does the City have a replacement policy;
- Concern expressed about “corner” residential properties which may incur greater expense as the result of curb ramps; what assistance was available;
- Speaker noted that sidewalk repair program was “not set in concrete” and there was time to address other issues such as street trees, and wanted to know current City policy on street tree removal/replacement;

##### **South LA: Estelle Van Meter Senior Center**

- Concern expressed about the “fix and release program” in that trees will continue to grow and present problems as some future time, especially for those who cannot afford to maintain street trees; also, how does a property owner prevent future sidewalk damage and express concern about costs of tree trimming and possible removal; how would “fix an release” impact homeowner insurance; who is responsible for trip and falls; forcing a liability on residents;
- Sidewalk damage could be surveyed by City employees already on the streets in the course of employment (meter readers, trash crews, etc). Need multiple contracts and put people to work – jobs; City staff could develop standard plans and specification.
- Potential for law suits; expressed opposition to a program like “fix and release”; did not want the responsibility;
- Concern for older residents, low income families and fixed-income households which do not have the resources to maintain sidewalks.
- Who pays for the work and will jobs be created; who repairs, city forces or contractor; will the work be done properly;
- Questioned whether Neighborhood Councils could perform sidewalk damage surveys and where did the trees come from and who is responsible;

- Will the City remove the trees and replace with more “root friendly” trees
- There should be City records concerning street tree plantings and past sidewalk repairs.

### **West: Mar Vista**

- Expressed the need to understand the details and the priorities of the proposed repairs program;
- An extended review period will be needed to review the policy approach offered by the City. Mentioned that the need to posting of web based GIS system of inspections and repair schedules and the use of alternative materials where appropriate.
- Speaker spoke to liability issues, the need for permeable materials and the costs of tree removal/replacement (city expense or property owner);
- Support the issuing of certifications to homeowners and asked if apartments are commercial or residential; Advocated the posting notices prior to and during repair work; support for independent contractors and use of permeable materials;
- Support for a shared responsibility on repair costs; who makes decision to remove a tree;
- Commercial property owner wanted changes to the Rent Stabilization Ordinance to pass-through costs to renters;
- Concerns as to how a City Sidewalk Repair program would be administered; sought a Special Assessment District;
- Trees may have to be removed to fix sidewalks, but the “right kind” of tree must be selected as a replacement;
- Sidewalk improvement programs must be reviewed by Neighborhood Councils, which could undertake sidewalk surveys;
- Trees are the problem, the City “dropped the ball”;
- Thirty years is too long a period, there is need for repairs now;
- Need methods to ensure median storm water capture and sidewalk arts program;
- Curbs and sewer repairs may also need repair;
- Support for a 50/50 program;
- Suggested the use of small contractors and need for the use of permeable materials;
- Problem lies with tree roots and lack of tree trimming; City has done a poor job;
- Problem is the lack adequate tree trimming and income levels many constituents;
- Trees are the problem, why fix if you keep or replace the trees;

- How will the City prioritize sidewalk repairs;
- Need for a clear understanding as to what “Fixed” means;
- Support for private contractors;
- Tax oil extraction as a source of funds for sidewalk repairs; General Funds should not be used;
- Use permeable materials when possible;
- Risk in losing trees, which a valuable community resource;
- 30 years is a long time;
- Warned of Proposition 13;
- Protect the urban forest with a 2-1 replacement program;
- Grinding methods are a good option;
- Mention of the additional expense of utility relocations;
- Concerned about “heat island effects” is too many trees are removed.

#### **West: Eagle Rock**

- The City first needs to address the tree problem; use the DWP program (replacement water lines) as a source of funds.
- Program too financially difficult for homeowners; fees/permits at time of sale, service or permit with revenue placed in an interest bearing account to pay for repair program.
- Moving too fast; City cannot be trusted; cannot replace mature trees with immature replacements.
- Program should not be exclusively for root damaged sidewalks.
- City should report on the possible use of alternative methods and materials.
- Concerned that sidewalks are taking precedence over street trees; urban forest must be preserved.
- Agrees that the City should examine different designs for replaced sidewalks.
- City failed to maintain sidewalks;
- Support for a 50/50 program for residential sidewalk repairs.
- Confused as about the entire sidewalk repair program.
- Support for the “Fix and Release” to be applied to commercial property owners.
- Concerned that the cost of the program being a burden on homeowners.

- Program offers an opportunity for the City to invest in safety of the tree canopy citywide,
- Do not make residential properties the last priority.
- Use a non-profit to help alleviate cost burden and to hasten the pace of repairs.

**Attachment 4**

**SUBMITTED QUESTIONS FROM HEARING ATTENDEES AND STAFF  
REPLIES**



## **Sidewalk Repair Program Tour**

**Questions from the Public**

Prepared by the Office of the City Administrative Officer

# Sidewalk Repair Program Tour

## Table of Contents

	<u>Page</u>
The Importance of Preserving Our Urban Forest.....	1
Questions Pertaining to Trees .....	1
Questions Pertaining to Material .....	3
Questions Pertaining to Private or Determined Contractor .....	3
Questions Pertaining to the Difference Between Residential and Commercial .....	4
Questions Pertaining to Residential Properties.....	4
Questions Pertaining to Commercial Properties .....	4
Questions Pertaining to Prioritization.....	5
Questions Pertaining to Liability and Responsibility.....	5
Questions Pertaining to Low-Income Families .....	6
Questions Pertaining to Timeframe .....	7
Questions Pertaining to Cost and Funding .....	7
Questions Pertaining to Stormwater Capture.....	8
Miscellaneous Questions .....	8

## **Urban Forestry Benefits**

The City recognizes the importance of protecting the urban forest. The urban forest provides numerous benefits to the City of Los Angeles and to the larger Southern California region. Some of the benefits that a healthy urban forest provides are as follows...

- It has the ability to beautify neighborhoods, raise property values, and stimulate economic development throughout the region;
- It can reduce stormwater runoff and improve water and soil quality;
- It will improve air quality and provide public health benefits, like decreasing the prevalence of asthma and increasing protection from UV rays;
- It will reduce carbon emissions;
- It will reduce the urban heat-island effect and reduce overall energy consumption;
- It promotes the sustainability of wildlife and biodiversity;
- It stabilizes the soil to reduce the frequency and intensity of erosion and landslides.

### Questions Pertaining to Trees

Question	Answer
Why should a property owner have to pay for a sidewalk repair when the city planted a tree after the property owner bought the property and did not want the tree?	The State code assigns the responsibility. However, we agree with you, that is why we are proposing a "Fix and Release" policy.
We recently just received new sidewalks on our street and already the same trees are lifting the concrete. Why not cut the trees down?	We are learning as we go. We may need to re-evaluate that location.  <u><a href="#">See Urban Forestry Benefits</a></u>
Fixing the sidewalks while leaving the same trees that damaged them is not a complete job, why can't we just cut down the trees?	We can. However that would not be good for the city. Trees can provide benefits that must be maintained.  <u><a href="#">See Urban Forestry Benefits</a></u>
Why can't the city use some of the funding for sidewalk repair to replace some of the old trees that are causing the damage with street friendly trees?	We intend to do so.
Can tree roots be pruned if they are impacting the sidewalk?	Yes they can. However, not all trees are good candidates for root pruning. In instances where tree pruning would kill the tree, the tree will have to be removed in accordance with the city's tree policy.
The tree belongs to the city and the sidewalk is damaged by the roots. I take a permit to fix the sidewalks and the permit states that the tree roots have to be pruned. After the sidewalk is fixed, 6 months later the tree falls. Who is responsible for the damage?	It depends on who did the work and if it was done in conformance with the City's permit.

Questions	Answers
What is the plan for trimming trees?	Funding for pro-active tree trimming has increased from no funding during the recession to \$7.7 million in the Fiscal Year of 2015-16.
How are we addressing the protection of mature trees?	With the City's existing replacement policy, which requires a permit from the Bureau of Street Services.
Can we use this as an opportunity to update the city's parkway landscape policy to address storm water capture and also the plant and tree list?	Yes we are working with the City Council to do this.
Who would be replacing the trees? City agencies? Contractors? City Plants partner groups?	The City will replace the trees when they repair the sidewalk, if tree removals are required, and based on existing city policies.
Is there going to be an advisory committee to guide the planning of the campaign? Will the Community Forest Advisory Committee be consulted?	Nothing is planned at this time.
What about damage caused by tree roots to plumbing?	This is currently the responsibility of the property owner.
Can homeowners choose to take down the tree with overgrown roots, planted by the city?	Yes. Tree removals require a tree removal permit. The Bureau of Street Services will review your application and make a decision regarding tree removal.  <u>See Urban Forestry Benefits</u>

What effect will any plan to repair the sidewalks have on the trees planted in sidewalk tree-wells?	Trees will be preserved to the extent possible; however, accessibility will be prioritized. In the event trees need to be removed, they will also be required to be replaced, per existing city policy and practice.
How can we retool our sidewalk designs to incorporate and support mature trees?	The city can design sidewalks to meander around trees. Creative design options will be considered as sidewalks are repaired in order to maximize mature tree preservation.

### Questions Pertaining to Material

Questions	Answers
Has L.A. done a trial of rubber sidewalks?	Yes it has, however the results were not ideal. The city will continue to explore other materials that it can use to replace concrete.
Can we use Terracotta colored rubber pads instead of the yellow.	Truncated dome style will be consistent with the most current ADA design standards.

### Questions Pertaining to Private or Determined Contractors

Questions	Answers
Who will do the work? Street Services or Private Contractors?	The work will likely be split between city workers and private contractors.

### Questions Pertaining to the Difference Between Residential and Commercial

Questions	Answers
Are commercial property owners who have a residential unit on the property considered a "residential property" for the repair program?	Under the CAO proposal, a residential property is defined by who collects your trash. If the city collects your trash, we consider you residential.
What will be the timeline for property owners and businesses to repair the sidewalks?	It will take 6 months to a year to fully develop the program. Property owners can begin repairs now if they choose.
Is this for commercial or residential?	Both

### Questions Pertaining to Residential Properties

Questions	Answers
If residents are last in line to receive funds under the settlement, when would residential sidewalks be repaired?	Under the settlement, the City is required to prioritize \$6 million solely for the repair of sidewalks in residential areas.

### Questions Pertaining to Commercial Properties

Questions	Answers
How much will it cost commercial property owners to repair their sidewalks?	The cost will depend on many factors. Depends on the repair location and size, and the cause of the defect.
Why are Churches (non-profit) considered to be commercial?	For simplicity, we have proposed to distinguish residential from commercial. However, further consideration can be given to changing the current definition.

### Questions Pertaining to Prioritization

Questions	Answers
<p>How will you determine what district need urgent repairs?</p> <p>Who can we contact with these issues?</p>	<p>You contact 311 for any city related issue. In regards to prioritization, the order is as follows...</p> <ul style="list-style-type: none"> <li>- City of LA Municipal Properties</li> <li>- Transit Corridors</li> <li>- Hospitals, Medical Facilities, Assisted Living Establishments</li> <li>- Public Accommodation</li> </ul>
<p>How does the prioritization system work? Will city property be done first or will some be done from each category sporadically?</p>	<p>The priority will be consistent with the Willits' Settlement.</p>
<p>How will the residential broken sidewalks, needed to be fixed, be prioritized? Will a broken sidewalk that resulted in a death be put at the top of the list?</p>	<p>Consistent with the Willits' Settlement, residential sidewalks will be prioritized based upon requests received from the disability community. 20% is set aside for access requests, with priority given to requests in residential areas.</p>
<p>Are wealthier zip-code areas getting sidewalks fixed faster than poor neighborhoods because those richer people pay more property taxes per parcel.</p>	<p>No. Sidewalk repairs will be made based on location priority and requests made for repairs by the disability community.</p>

### Questions Pertaining to Liability and Responsibility

Questions	Answers
<p>After this enactment, when injuries occur due to inadequate sidewalks who will be responsible? Will the city share in the responsibility?</p>	<p>Under the CAO proposal, after five years the focus on repair will be with the adjacent property owner. Liability currently exists with property owner according to state law. That will not change.</p>

Questions	Answers
True or False: Some people are concerned that if a homeowner repairs the sidewalk, he/she is liable for any injuries caused by sidewalk usage thereafter, rather than the city.	True: The property owner is currently liable even if the city repairs the sidewalk or if no repair is made.
Who pays for damages when someone trips and falls while the phase in approach is in progress?	It is the same as it is now. Depending on the circumstances, both the property owner and the city could be liable.
If the sidewalk is a public walkway, why is it my responsibility?	Adjacent property owners own the sidewalk according to State code.
How is the city going to notify people of the change in ownership?	The Bureau of Public Works will most likely send out a notice about the change in liability.

### Questions Pertaining to Low-Income Households

Questions	Answers
Does the on-going responsibility for sidewalk maintenance consider those qualify as fixed or low income?	No.
If there are other cities that share financial responsibility, why is L.A. proposing a less common policy that burdens lower income residents?	The City is not proposing a policy that will burden lower income residents.
What if low-income families cannot afford the repair cost to repair their sidewalks today?	The proposed policy will provide for no-cost repairs in residential neighborhoods if defects are present when inspected. After the first repair, responsibility for repairs will transfer to the adjacent property owner.

### Questions Pertaining to Timeframe

Questions	Answers
When does the ownership transfer? Is there a deadline or is it once the city fixes it?	Assuming the City adopts the "Fix and Release" method, the transfer of full liability will transfer once the city fixes.
When will the policy be voted on in both committee and full council?	We project that it will occur no later than the end of November 2015.
When will the sidewalks be repaired?	This is a long range program that is proposed. It will depend on the location of your sidewalk and the amount of damage present.

### Questions Pertaining to Cost and Funding

Questions	Answers
How much of the City's required expenditures will be made by the City's three proprietary departments?	\$2.0 million in FY 2015-2016. This amount will change from year to year depending on the demand for repairs.
How do we make sure that our neighborhoods get done before money runs out?	The Willits' Settlement ensures that funds won't run out.
Please explain your Sidewalk Funding Trust Fund that is financing repair of city property. How is it funded?	Funds are appropriated to the fund on an annual basis. It was established for transparency, given the recent Willits Settlement.
Approximately how much would it cost for homeowners to repair the sidewalks?	There are a variety of factors. It depends on the degree of repair needed which can range from sidewalk grinding to complete replacement.

Questions	Answers
How will it be paid for?	City-funds which may include the General Fund and Special Funds.

### Questions Pertaining to Stormwater Capture

Questions	Answers
Will the City consider including stormwater capture (Green Street) elements as part of the sidewalk repair work?	Yes. The City will seek to maximize the efficiency of construction by installing green street elements along with sidewalk repair where appropriate. Additionally, regardless of whether a sidewalk is being repaired or not, the City will also continue to look for opportunities to install green street elements. This will help us renew our City groundwater basins and comply with Clean Water Act obligations to ensure that water being introduced to our beaches and rivers is clean and safe.

### Miscellaneous Questions

Property owners will now be responsible for sidewalk repair; will the city forego the permit fees charged to the property owner?	Yes. The current no-fee A-permit ordinance does not sunset. The city will not collect permit fees for sidewalk repair.
If the city were to adopt the point of sale option, who would be responsible when a home is foreclosed?	Buyer/Seller or Bank all Buyer
If a point of permit policy is implemented, would a resident be forced to choose between keeping the lights on and getting their sidewalks repaired?	Hopefully not. We would try to keep that from happening.

What does "fix" mean?	Make the sidewalk ADA compliant.
If the city is no longer going to be repairing sidewalks, will our taxes go down?	The City will continue to fix the sidewalks at a level that exceeds the past level.
Are damaged driveways included in the fixing policy if they have been damaged by tree roots?	Yes. If they impede accessibility.
What kind of outreach will be done to make sure people know of the policy change and how to monitor it?	An outreach program which utilizes multiple mediums of communication will be developed.
Will sidewalks that have sections that are sinking and flood when it rains leads the water to the front door fall into the fix and release program?	Yes. Most likely as it is likely to be not compliant with ADA standards.
How will you incentive and educate property owners to properly care for trees?	Public outreach.
Is there a website where citizens can see where the annual \$31 million has been spent (specific sidewalk locations)?	Yes, please go to: <a href="http://eng.lacity.org/sidewalks/">http://eng.lacity.org/sidewalks/</a> .