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October 20, 2016

The Honorable Paul Krekorian, Chair
Budget and Finance Committee
Los Angeles City Council

The Honorable Joe Buscaino, Chair
Public Works and Gang Reduction Committee
Los Angeles City Council

PROPOSED ORDINANCES RELATED TO SIDEWALK REPAIR RESPONSIBILITY COUNCIL FILE NO. 14-0163-S3

Dear Councilmembers Krekorian, Buscaino and Honorable Members:

RECOMMENDATION

Request the City Attorney to prepare and present ordinances to effectuate the changes described in this report to:

1. Restore the requirement for developers to fix sidewalks fronting development projects
2. Transfer sidewalk responsibility to the property owner if a private tree prevents sidewalk repair
3. Provide fee waivers for easements provided to meander sidewalks and save street trees

DISCUSSION

Upon further review and consideration of the proposed ordinance submitted under Council File No. 14-0163-S3 to amend Section 62.104 of the Los Angeles Municipal Code (LAMC) to return the repair and maintenance of sidewalks, driveway approaches, curb returns, and curbs to property owners, to provide a fix and release program for the repair and maintenance of sidewalks and to authorize a sidewalk repair warranty and a sidewalk repair and incentive program; The Bureau of Engineering recommends consideration of three related LAMC amendments. The Bureau of Engineering is not



proposing to delay the adoption of the proposed 62.104 amendment, but rather consideration of independent adjustments to the LAMC.

The three proposed revisions are as follows:

1. Restore the requirement for developers to fix sidewalks fronting development projects

Currently LAMC 62.104 is the mechanism used to require sidewalk, curb, curb return, and driveway repairs for by-right projects when a Bureau of Engineering sign-off is required for the building permits. The revised 62.104 language would transfer responsibility to the City for many of these sidewalks under the fix and release program. The Bureau of Engineering recommends a revision to the LAMC to remove development projects from the fix and release program by adding a condition that property owners would have to repair sidewalks as necessary to make them ADA compliant as a condition of obtaining a building permit. It is also recommended that no warranty period be provided and that exceptions be provided for small projects consistent with the exceptions listed under LAMC 12.37.

2: Transfer sidewalk responsibility to the property owner if a private tree prevents sidewalk repair

The Bureau of Engineering anticipates cases where the removal of a private property tree might be necessary to enable the City to fix the adjacent sidewalk. In such cases, if the property owner refuses to remove the tree, it would put the City in a difficult position of being responsible for the sidewalk but unable to perform necessary repairs. The Bureau of Engineering proposes consideration of an LAMC amendment to return responsibility for the sidewalks to the property owners in such cases that a private property tree is preventing sidewalk repair and the owner refuses to remove the tree.

3: Fee waivers for easements to meander sidewalks and save street trees

Recently a property owner proposed to dedicate a public right of way easement to the City to make room to meander a sidewalk around an existing street tree that would otherwise have to be removed. However, when the owner discovered that the fees to grant the dedication would exceed \$2,000, they requested that the City waive the fees because the purpose is to save the street tree and grant the City additional right of way. The current code does not allow the City to waive the fees. The Bureau of Engineering recommends an amendment to the LAMC to allow fee waivers for permit or other fees necessary to transfer dedications or easements to the City for the purpose of meandering a sidewalk around a street tree in order to save it from having to be removed provided that the design complies with Bureau of Street Services Urban Forestry Division recommendations.

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If you have any questions, please contact Ted Allen of my staff at (213) 485-4915.

Sincerely,



Gary Lee Moore, PE, ENV SP
City Engineer

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cc: Ted Bardacke, Mayor's Office
Jennifer Pope, Mayor's Office
Matthew Hale, Council District 2
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David Hirano, Office of the City Administrative Officer
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Steve Chen, Bureau of Engineering
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