

Contact Information

Neighborhood Council: South Robertson Neighborhood Council

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Date of NC Board Action: 01/19/2012

Type of NC Board Action: Against Proposal

Impact Information

Date: 02/01/2012

Update to a Previous Input: No

Directed To: City Council and Committees

Council File Number: 05-1853-S1

Agenda Date:

Item Number:

Brief Summary: SORO NC objects to the proposed amendment for the following reasons: 1.The City does not allow adjoining property owners to remove the root cause of the sidewalk damage (the offending tree); 2.“Point of Sale” part of the Ordinance fails to promote immediate repairs; 3.Exception was originally instituted because the City considers sidewalks to be “public”.

Additional Information: The Board vote was unanimous in support of the statement (16-0). The text of the full motion and Board statement is attached



# Motion to Submit a Community Impact Statement RE: Proposed Sidewalk Repair Ordinance

**Agenda Item:** GB011912-8  
**Date:** January 19, 2011  
**Proposed By:** Michael Lynn

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## Full Proposal

The State of California Improvement Act of 1911 provides cities the authority to require property owners to effect repairs to sidewalks abutting their property (California Streets and Highways Code.) Should the property owner fail to effect such repairs, City forces are authorized to make the repairs and assess the property owner for the cost. However, Los Angeles Municipal Code (Section 62.104, Ordinance No. 146.040 effective July 3, 1974) exempts homeowners from the responsibility for sidewalk repairs caused by city owned trees and places responsibility for these repairs with the City's Department of Public Works.

The Los Angeles City Council and its committees have been formulating, debating and reviewing a proposal that would remove the "Tree Root Damage" Exemption from the *Los Angeles Municipal Code Section 62.104*, and possibly adding a "Point of Sale" and/or other plan to address sidewalk repairs. The issue could come out of committee and be brought before the City Council at any time.

A significant number of residents have expressed opposition to any such proposal that would transfer the sidewalk repair liability to the homeowner for several reasons (see "Arguments" attachment).

Therefore, the South Robertson Neighborhoods Council should formally represent its residents' views to City Council by submitting a Community Impact Statement (CIS), to be placed in the Ordinance Proposal's public file.

## Proposed Motion

That the South Robertson Neighborhoods Council submits the attached CIS to the Los Angeles City Council, to be placed under File(s) # 05-1853, 05-1853-S1.

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## Considerations

**Committee review:**  
*(highly recommended)*

Votes For: 3

Against: 0

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### Arguments for:

See "Arguments" attachment

### Arguments against:

State law authorizes cities to make homeowners responsible for costs. At least sidewalk repairs could occur when houses are sold or remodeled.

**Doug Fitzsimmons**  
President

**Brian Kite**  
Vice-President

**Terrence Gomes**  
Treasurer

**Nick Burkhart**  
Secretary

**South Robertson  
Neighborhoods Council**

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**SOUTH ROBERTSON NEIGHBORHOODS COUNCIL**  
**Proposed Community Impact Statement**  
**Sidewalk Repair Ordinance**

The South Robertson Neighborhoods Council objects to the **currently proposed** ordinance that would amend Subsection (e) of Section 62.104 of the Los Angeles Municipal Code to repeal the Exception within this section that established City liability for repair of curbs, driveways and sidewalks due to tree root damage, for the following reasons:

1. The City does not allow adjoining property owners to remove the root cause of the sidewalk damage (the offending tree);
2. “Point of Sale” part of the Ordinance fails to promote immediate repairs;
3. Exception was originally instituted because the City considers sidewalks to be “public”.

Additional arguments:

4. The South Robertson Neighborhoods Council is desirous of promoting both tree-lined streets and safe sidewalks.
5. When the original Ordinance was adopted (authorized by The State of California Improvement Act of 1911), the City did not require homeowners to maintain trees on their property- the 1974 “Exemption” recognized this fact;
6. Of the damaged sidewalks in the City, it is estimated that approximately 80 percent of the damage is the result of parkway tree root growth.
7. Transfer of maintenance liability to the homeowner does not necessarily alleviate legal liability of the City;
8. The City has neglected repairs to the point where minor damage has significantly worsened- unfair to suddenly “dump” the problem on the homeowner;
9. In a poor economy, many homeowners may not be able to afford the repair, which can cost as much as \$10-20,000;
10. The “Point of Sale” plan has a major flaw. If the City does not have enough funds to fix the sidewalks now, how will they suddenly have the funds to fix the sidewalks *prior* to billing the Homeowner?
11. Council member Koretz has come out against the proposed ordinance; Council member Wesson has not taken a position;



**Council File: 05-1853, 05-1853-S1**

## **Community Impact Statement**

**As adopted by vote of the full SORO NC governing board**

<b>Yes:</b> 16	<b>No:</b> 0	<b>Abstain:</b> 0	<b>Recuse:</b> 0
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**Date of vote:** 19 January 2012

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**Submitted by:** Doug Fitzsimmons

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