

Cary Brazeman

From: LA Neighbors United [info@LANeighbors.org]
Sent: Tuesday, October 18, 2011 6:20 PM
To: cary@thecorporatetorteller.com
Subject: Sidewalk Repair Transfer Back on City Council Agenda Tomorrow

Date: 10-19-11
Submitted in PW
Council File No: 000-07-1873 Committee
Item No.: 1
Deputy: RUBUC



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FOR THE OF OUR CITY

October 18, 2011

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LA City Council to Consider Sidewalk Repair Responsibility Shift at Committee Meeting Tomorrow

The Los Angeles City Council's Budget and Finance, and Public Works Committees, tomorrow will take up the issue of shifting to property owners the responsibility for sidewalk repairs due to tree root damage, including from city trees. The committees will meet jointly on Wednesday at 2:00 pm in room 1010 of City Hall downtown.



LA Neighbors United opposes the proposed ordinance to shift sidewalk responsibility, and opposes the point-of-sale sidewalk repair plan.

"We accept the notion of shared responsibility, but there's nothing shared about shifting the entirety of responsibility for tree trimming and sidewalk repair to homeowners," says a policy paper published recently by LA Neighbors United. The LA Neighbors report explores "How did we get in this mess?" and offers five "Key Principles for Constructive Action" on tree trimming and sidewalk repair.

"The gist of the report, beyond the key principles, is that the city got us into this mess, and the city needs to get us out of it," said Cary Brazeman, founder of LA Neighbors United. "If the existing problems can be fixed, then it becomes reasonable to talk about shared responsibility going forward."

Read the proposed new city law and LA Neighbors' report on the [LA Neighbors United website](#).



LA Neighbors Notifies City of Intent to File Suit to Stop Sidewalk Repair Transfer to Property Owners

In extensive comments provided to the city this morning, LA

Neighbors United said that if the city adopts the sidewalk repair transfer ordinance and the point-of-sale repair plan as currently proposed, the organization will take swift legal action to halt implementation of the new program. LA Neighbors believes the city's actions would violate the California Environmental Quality Act and the Americans with Disabilities Act.

"We take absolutely no joy in the prospect of suing the city, but the health and safety of the people of Los Angeles and our urban forest is at stake," said Cary Brazeman, founder of LA Neighbors United.

In 155 pages of comments and expert testimony submitted today, LA Neighbors argues that the proposed sidewalk repair program is very likely to produce material changes in the behavior of property owners, which will result in the significant loss of trees to the city, including the health benefits provided by such trees. The impacts of the ordinance are likely to be most severe in low-income neighborhoods, where the cost of sidewalk and tree maintenance is proportionately higher relative to home values.

"We understand the frustration of some City Council members, and we share their frustration," Brazeman said. "But dumping a billion dollars of liability on property owners with no preventive tree maintenance program and no financing mechanism for sidewalk repairs isn't right and it won't solve the problem. This problem didn't happen overnight and it won't be fixed overnight. Patience, creativity and a focus on outcomes are required to solve this problem and maintain a livable city."

"The city has the financial capacity to fix the problem over time, starting with the worst cases. That should happen first, while the Bureau of Street Services inventories the condition of all of our sidewalks. Demonstration projects can follow that allow the city to experiment with different repair approaches, and then we can implement a rational program citywide. As current problems are fixed, potentially a system of shared responsibility can be phased in."

LA Neighbors' comments to the city will be posted at www.LAneighbors.org by tomorrow morning.

HOA Puts LA "On Notice" to Repair Tree Root Damaged Sidewalks, Signaling Potential Class Action Suit if City Abrogates Repair Responsibility

At least one homeowners association has put the city "on notice" that numerous sidewalks in their area have been damaged due to tree root growth, and are now in need of repair. Their letter cites Los Angeles Municipal Code Section 62.104, which makes mandatory the city's responsibility to preventively maintain street tree roots, and repair any damage to sidewalks caused by tree roots.

The Tract No. 7260 Association, which represents Century City neighborhoods, addressed the issues in an October 17 letter to the city's Board of Public Works. The association attached photographs of damaged locations, and expressed its expectation that the sidewalks will be repaired in accordance with the law.

LA Neighbors United is careful not to provide legal advice, but encourages residential and commercial property owners and associations to consult with their attorneys and other advisors, potentially including insurance carriers, about the prospect of the city shifting sidewalk repair responsibility without fixing current problems first. A class action suit against the city is a real possibility given the financial implications and other impacts of this proposed change in the law.

Cheviot Hills Home Owners' Association
P.O. Box 64458, Los Angeles, CA 90064
www.cheviot hills.org

October 18, 2011

TO: Public Works Committee
Budget and Finance Committee

RE: Public Works Committee and Budget and Finance Committee at its joint meeting on October 19, 2011 - Items 1 and 2, File Numbers 05-1853/05-1853-S1

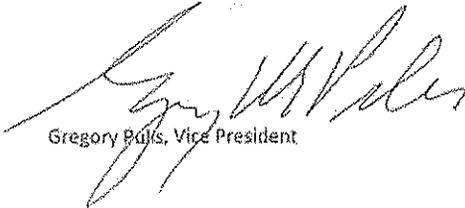
Dear Council Members:

The Cheviot Hills Home Owners Association ("CHHOA") represents the homeowners and residents of Cheviot Hills. We are writing with reference to the above files scheduled for review by the Public Works Committee and Budget and Finance Committee at their joint meeting on October 19, 2011. We object to the proposed transfer of obligations to maintain public sidewalks and liability for damaged public sidewalks caused by street trees from the City of Los Angeles to owners of the property adjoining the sidewalks in question. This transfer of responsibility and financial liability from the City to homeowners is a change in longstanding City policy and should not be approved. We specifically reference and join in the comments forwarded to you on this matter by the Tract No. 7260 Association, Inc.

Thank you for your attention to our opinions and concerns.

Sincerely,

Cheviot Hills Home Owners' Association



Gregory Puls, Vice President

cc: Marc Roggenkamp