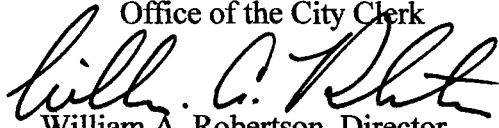


CITY OF LOS ANGELES
INTER-DEPARTMENTAL CORRESPONDENCE

DATE: June 1, 2007

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)

This report is presented in response to the City Council motion (CF 05-1853) introduced by Councilmembers Parks and Smith, instructing the Bureau of Street Services (BSS) to report back with recommendations for implementing a point-of-sale plan for repairing City sidewalks.

RECOMMENDATIONS

That the City Council:

1. Support the concept of a point-of-sale program as a viable policy for the City.
2. Instruct BSS to conduct orientation meetings with all sub-committee participants within thirty (30) days.
3. Instruct the Office of the Chief Legislative Analyst, City Administrative Officer, Office of the City Attorney, Department of Building and Safety, Community Development Department, and Department of Neighborhood Empowerment to appoint their most knowledgeable Manager(s) to participate in the applicable sub-committees with BSS and representatives of the Mayor's Office, City Council Offices, real estate/escrow industry, chambers of commerce, neighborhood councils, and SEIU Local 721.
4. Instruct BSS to present status reports to the Public Works Committee on a quarterly basis.

BACKGROUND

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 property owner is assessed for the cost. This was the policy of the City for over half a century, from 1911 to 1973.

In 1973, Federal funds became available to make sidewalk repairs at no cost to the property owner. In order to make use of these funds, the City Council rescinded its authorization to require sidewalk repair by the adjacent property owner granted under the 1911 Act. By 1976, these funds were exhausted and the City found itself without a sidewalk repair program. From 1976-1979, no funds were provided for City sidewalk repair. In 1980, the City initiated a pilot program to reinstate the 1911 Act sidewalk repair policy. The program was subsequently halted because of a flood of protests from property owners having to pay for a perceived City service.

City policy on sidewalk repair is also set forth in the Los Angeles Municipal Code. Provisions in the Code (Section 62.104, Ordinance No. 146,040 effective July 3, 1974) exempt homeowners from the responsibility for sidewalk repairs caused by parkway tree root growth and places the responsibility for these repairs with the City.

In 1998, the City Council placed Proposition JJ on the ballot, which would have provided \$550 million over 20 years for construction of ADA mandated curb ramps as well as the repair of City sidewalks. The ballot measure was soundly rejected by the voters and it was not until the 1999-2000 fiscal year that the Mayor and City Council allocated the first funding for permanent sidewalk repairs in nearly 25 years. City funding has been provided to BSS in each of the past eight years providing for sidewalk repair ranging from 26-98 miles per year.

It is estimated that there are approximately 10,750 miles of sidewalks in the City of Los Angeles and that as many as 4,600 miles of these sidewalks require some repair. Because of the hazards posed by these broken sidewalks, the City pays out approximately \$2 to \$4 million per year in injury settlements. BSS has experimented with less costly sidewalk rehabilitation methods to help mitigate the problem such as grinding and sawcutting; and ramping, meandering, and narrowing around tree roots. Despite these efforts and having a sidewalk repair program in place over the past several years, the magnitude of the problem has not been reduced. A new City policy for repairing sidewalks is necessary.

DISCUSSION

As a result of on-going interaction with neighborhood councils and various community groups, BSS has become very aware that sidewalk repair is near the top of the list as an important neighborhood quality of life issue. Over the past eight years, the Bureau has expanded its research to identify alternative funding sources and has continued its dialog with numerous cities and counties across the state and nation regarding effective sidewalk repair policies. Those cities and counties that share the cost to some degree with the property owners have had the greatest success with their programs. The City's 50/50 Program has been a success over its first two years but the volume of repair potential has been limited. Perhaps the most successful program belongs to the City of Piedmont, California. Their ordinance (enacted in 1979) requires the property owner to repair the adjacent sidewalk before a property is sold.

BSS came across a study conducted by Dr. Donald Shoup of UCLA, which estimated that 1 in 7 residential properties sell each year in the City of Los Angeles. If the City were to enact an ordinance similar to the City of Piedmont's, it is estimated that 400 to 600 miles of sidewalk could be repaired in the first year of the program. With such an ordinance in place, the City's backlog of damaged sidewalks could be eliminated in just over ten years.

Some of the advantages of a point of sale sidewalk repair program would be that:

1. Owners are not required to pay or do anything until they sell their property.
2. The cash that the owners receive from the sale of the property provides them the opportunity to pay for the repairs.
3. The repairs will actually improve the value of the property being sold and the neighborhood as a whole.
4. There will be no cost to the City.
5. The repair training program will create new skilled local jobs.
6. Many properties are sold when the owner leaves the area and other properties are sold by absentee owners thereby reducing the burden on residents.

In February 2007, the Bureau enlisted the assistance of two University of Southern California (USC) graduate students from the School of Policy, Planning and Development to identify and interview stakeholders, report findings and recommend viable alternatives under the direction of the Bureau. After four months of interviews with stakeholders, several options were developed. These options include returning to the practice of citing property owners for the repair of damaged sidewalks in front of their property, continuing with City funded repairs, placing a bond measure before the voters, and the "point-of-sale" concept. The team's final recommendation was to establish a point of sale program involving a workforce training and outreach/education program.

BSS envisions the formation of four sub-committees to iron out the details and the various issues facing a Point of Sale Sidewalk Repair Program in the City, including workforce development/training, legal issues/ordinance changes, program structure and community/business outreach. These sub-committee members will be comprised of individuals from the Mayor's Office, SEIU Local 721, City Departments (CLA, CAO, CA, DBS, CDD, and DONE), Council Districts, real estate/escrow industry, neighborhood councils and chambers of commerce. BSS anticipates that the sub-committees will be fully staffed and that an orientation meeting will be held within 30 days, which will provide a briefing of the historical aspects of sidewalk repair, the Point of Sale Sidewalk Repair Proposal and related issues.

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

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