

PUBLIC WORKS AND GANG REDUCTION COMMITTEE REPORT relative to modifying the proposed sidewalk repair responsibility draft ordinance.

Recommendation for Council action:

REQUEST the City Attorney to prepare and present an ordinance, including an urgency clause, to effect the following requirements:

- a. Restore the requirement for developers to fix sidewalks fronting development projects.
- b. Transfer sidewalk responsibility to the property owner if a private tree prevents sidewalk repair, or the neighboring property owner if the tree is located on abutting private property.
- c. Provide fee waivers for easements provided for meandering sidewalks to save street trees.

Fiscal Impact Statement: None submitted by the City Engineer. Neither the City Administrative Officer nor the Chief Legislative Analyst has completed a financial analysis of this report.

Community Impact Statement: None submitted.

SUMMARY

In a report to the Public Works and Gang Reduction Committee and the Budget and Finance Committee dated October 20, 2016, the City Engineer discusses modifications of the proposed sidewalk repair responsibility draft ordinance. The City Engineer recommends the restoration of the requirement for developers to fix sidewalks fronting development projects, transferring sidewalk responsibility to the property owner if a private tree prevents sidewalk repair, and waiving easement fees for meandering sidewalks on private properties constructed to save street trees.

At its meeting held November 28, 2016, the Public Works and Gang Reduction Committee discussed this matter with a representative of the Bureau of Engineering. The Bureau representative discussed the three recommendations for modifying the sidewalk repair responsibility draft ordinance.

Currently, property owners are responsible for the repair of sidewalks fronting their properties for by-right projects. The Bureau proposes exemptions be made for single-family residential projects, residential projects in which no additional units are added, and for commercial additions of no more than 500 square feet.

Second, owners of properties on which a tree is located and causing damage to the fronting sidewalk shall be asked to remove the tree. If the owner refuses to remove the tree, the owner shall be responsible for the repair and maintenance of the fronting sidewalk.

Third, property owners who wish to preserve an existing street tree that needs to be removed to repair and maintain the sidewalk can agree to allow the construction of a meandering sidewalk onto their private property. The Bureau recommends that all easement and filing fees for such meandering sidewalks be waived.

The Public Works and Gang Reduction Committee recommended that Council approve the Bureau's recommendation to request the City Attorney to prepare an ordinance to effect the amendments discussed above. It was stated that the sidewalk repair responsibility ordinance was scheduled for Council consideration. Committee members expressed concerns regarding a potential loophole during which time developers would not be responsible for sidewalk repair and construction. To hasten the closure of the potential loophole, Committee recommended that the new ordinance requested by the Bureau include an urgency clause. Committee further recommended that the Bureau's proposal to transfer sidewalk responsibility to the property owner if a private tree prevents sidewalk repair, include owners of neighboring properties if the tree is located on abutting private property.

Respectfully Submitted,

PUBLIC WORKS AND GANG REDUCTION COMMITTEE



MEMBER    VOTE

BUSCAINO: YES

MARTINEZ: ABSENT

PRICE: YES

O'FARRELL: YES

RYU: YES

jaw

-NOT OFFICIAL UNTIL COUNCIL ACTS-