

DATE: June 25, 2018

TO: Honorable Mayor and City Council

FROM: Darren Greenwood, Public Works Director
Paul Spence, Community Development Director

SUBJECT: Discussion and Direction Regarding Asset Management for Sidewalks

RECOMMENDED ACTIONS

Staff recommends that the City Council:

1. Adopt a resolution discontinuing both the City subsidy of private sidewalk repairs and the practice of the City completing repairs on behalf of private property owners.
2. Direct staff to draft an ordinance clarifying that liability for defective sidewalk rests with property owners consistent with the California Streets and Highways Code.

SUMMARY

The City is currently developing a comprehensive asset management program. This program has identified a large funding shortfall for the replacement of assets. An important part of this program is developing policy alternatives which will minimize cost or increase funding. State law currently requires adjacent property owners to maintain sidewalks. Staff is proposing to revise the current City sidewalk program with the goal of completing repairs in a more timely manner and at a lower overall cost to the community.

DISCUSSION

City staff is currently working on the development and implementation of a comprehensive asset management program in furtherance of an adopted City Council priority. The goal of this City Council priority is to ensure that the community continues to receive vital services through a sustainable infrastructure strategy. To date, staff has identified the need for \$40 million per year in order to replace all of the City's assets on an ongoing basis compared to current spending of about \$10 million per year. Current spending levels are projected to result in a backlog of \$600 million in deferred repair or

replacement projects over the next thirty years. In order to close this gap, Council has directed staff to evaluate a variety of potential policy options aimed at protecting the most critical services in a cost-effective manner.

The City of Livermore is currently home to approximately 16.2 million square feet of sidewalk. The City is directly responsible for about 160,000 square feet of sidewalk that is adjacent to City-owned properties (about 1% of total sidewalk). The City's consultant has inspected approximately 670,000 square feet in an attempt to create a profile of the condition of the sidewalk as a whole. In the surveyed section, the consultant discovered nearly 3,000 offsets with approximately 90% of those caused by tree roots. Extrapolated out to the entire City, this leads to an estimated total of almost 13,100 offsets which represents about 655,000 square feet of sidewalk that currently needs to be repaired or replaced.

Sidewalks are an important component of the public transportation network. Since 1941, the California Streets and Highways Code has placed the responsibility to maintain public sidewalk on the adjacent property owners. This responsibility applies to all sidewalks adjacent to the property, including along the frontage or side of the property, and even behind the property in areas with "backing-lot" sidewalks along arterial or collector roadways. In 1988, Livermore voters approved a measure to that permitted the City to assist private property owners in their obligations by expending "surplus funds" on a 50% subsidy for sidewalk repairs (see Attachment 1). The City expended these dedicated "surplus" funds and then began to use general funds to continue this subsidy. In 2007, the City Council approved a reduction in this subsidy to 25% citing the need to "minimize liability for both property owner and City, and to better keep pace with needed repairs" (see Attachment 1). The updated sidewalk repair policy acknowledged that, "maintenance and repair costs ultimately remain the property owner's responsibility" (see Attachment 1). Despite this acknowledgment, the City's practice has been to fund 100 percent of the replacement cost for backing-lot sidewalks behind private property.

Under the current sidewalk program, property owners notified of a defect in their sidewalk may choose to repair the sidewalk themselves and be reimbursed for 25 percent by the City, or to have the City complete the repairs and pay 75 percent of the cost. Either way, the property owner is placed on a list for reimbursement or repair and must wait until funding is available. Currently, most property owners choose to be placed on the list for the City to perform the repairs.

Since 2007, the backlog of identified sidewalk repairs has grown from two years of budgeted funds, to six years of budgeted funds. The City currently dedicates approximately \$260,000 and 1,200 hours of staff time to the sidewalk repair program which results in the repair of about 14,000 square feet per year. However, due to the fact that sidewalk repairs tend to be relatively small areas widely dispersed throughout the community, there are no economies of scale to the City's current program. In addition to these costs, staff further dedicates about 150 hours of time investigating and processing trip and fall claims related to defective sidewalk. These claims result in an average annual cost of about \$35,000.

Staff estimates that an average of 1% of the sidewalk (162,000 square feet) will fail each year. This is based on an expected lifespan of 100 years, and an anticipation that some sidewalk may fail multiple times in its lifespan, primarily due to damage caused by tree roots. At this rate, the current sidewalk repair program repairs only a small portion of the sidewalk that fails each year. Also, the existing program will not be able to address the current estimated backlog of approximately 655,000 square feet. Staff estimates that by the year 2048, 5 million square feet of sidewalk, or 31% of the total, will be damaged and in need of repair or replacement. Ultimately, the combination of the current policy and budget is unsustainable and will result in a significant degradation of the public's ability to safely and comfortably traverse the sidewalk network.

Locally, the County of Alameda and the Cities of Antioch, Brentwood, Concord, Dublin, Fremont, Foster City, San Jose, and Union City have adopted ordinances which state that private property owners bear the entire cost of maintenance of the sidewalk, as well as liability arising from claims relating to a failure to maintain sidewalk.

Staff recommends that the City immediately discontinue both the City subsidy of private sidewalk repairs and the practice of completing repairs on behalf of private property owners, instead shifting City efforts and existing resources to notification for private properties and repair of sidewalks adjacent to City properties. For property owners currently on the repair waiting list, staff recommends continuing to reimburse 25% of the repair costs, but have the private property owners complete the repair. Staff also recommends that the City adopt an ordinance clarifying that liability for defective sidewalk rests with property owners in order to better align the responsibility to maintain with the consequences of not maintaining sidewalks.

City staff reviewed the proposed sidewalk policy with the Community Asset Management Program (CAMP) Committee for their input and comments. While there were some initial concerns regarding the transfer of responsibility for backing-lot sidewalks, the CAMP members supported the proposed sidewalk policy, especially in light of the overall funding shortfall of up to \$40 million to maintain all City-owned assets.

Staff is recommending that the responsibility for all sidewalk repairs, including backing-lots, be placed on adjacent property owners at this time. However, should Council wish to minimize the potential impact on property owners from the backing-lot sidewalks, one option might be for the City to survey and complete a one-time repair of any serious defects prior to transferring responsibility. Staff estimates this one-time repair could cost up to \$1.5 million based on extrapolated survey data. If Council directs staff to include this option staff would complete a more thorough survey to confirm the estimated cost and return for Council direction.

If the proposed policy is approved by Council, the City would only fund repairs of sidewalks adjacent to City-owned property such as the Civic Center campus. However, the City would still be required to implement some level of inspection program and provide notification as well as possible enforcement to property owners with sidewalk

defects. A possible notification and enforcement program might include the City sending notices to property owners, while retaining the ability to abate the defect and place a tax-lien on the property to recoup the cost for the most serious of defects where the property owner fails to act. This might be similar to the City's annual weed abatement program.

Another component to the enforcement program might be to require an inspection or certification that there are no serious sidewalk defects at the time of property sale. Properties turn-over approximately every seven years on average and it is typical to repair property defects at time of sale. In addition to a time-of-sale certification, the City might also include a requirement to inspect or repair sidewalks as a condition of issuing larger or more significant building permits (perhaps over \$50,000 in value). And finally, as a resource to help property owners who might have previously requested the City to complete repairs, the City might establish a pre-approved list of sidewalk contractors that residents can contact for quotes or to complete the work.

Lastly, since many sidewalk defects are caused by tree roots, staff will also be updating the City's Tree Ordinance to ensure that procedures are in place to allow property owners sufficient flexibility to remove or control trees (via root pruning or barriers) that are impacting sidewalks. Staff will bring an updated Tree Ordinance back to Council for direction and consideration at the same time as the Ordinance shifting sidewalk liability.

FISCAL AND ADMINISTRATIVE IMPACTS

Staff estimates that under the current practice of funding 25 percent of private sidewalk repairs and 100 percent of private backing-lot sidewalks, the City would be responsible for an average of \$1.7 million per year in sidewalk repair costs, compared to the current funding of \$260,000 per year. Over a thirty year period, this would amount to \$51 million. Staff estimates that the proposed policies will reduce the City obligation for sidewalk repair to approximately \$200,000 per year and will result in better sidewalk conditions for the public. Over time, the proposed policy changes would eliminate the backlog of unrepaired sidewalks and result in a balance between the available City resources for sidewalks and the on-going cost to maintain those assets. Staff also estimates that the proposed policies will reduce staff time allocated to the sidewalk program by approximately 400 hours per year. As noted above, a one-time repair of the most significant backing-lot sidewalk defects is estimated to cost about \$1.5 million. If Council adds this component to the program, staff proposes to conduct a detailed survey to confirm that cost and return for direction.

ATTACHMENTS

1. Staff Report from March 12, 2007

Prepared by:

Anthony Smith
Management Analyst

Approved by:



Marc Roberts
City Manager

Fiscal Review by:



Douglas Alessio
Administrative Services Director



CITY COUNCIL AGENDA REPORT

TO: Honorable Mayor and City Council

FROM: Marc Roberts, Community Development Director *EUO for*

SUBJECT: Adopt Sidewalk Repair Resolution Revising the Sidewalk Repair Cost Sharing Policy

RECOMMENDED ACTION

Staff recommends the City Council adopt a resolution implementing a revised Sidewalk Repair Policy.

SUMMARY

A revised Sidewalk Repair Policy will change the current 50/50 cost sharing to a 25% City/75% owner split. The new policy will provide money to increase funding for sidewalk repairs, resulting in an increase in the number of sites repaired annually, and a reduction in the amount of time between notification of a defect and repair of the sidewalk.

DISCUSSION

After the passage of the Proposition 13 (1978), voters passed Proposition 4, also known as the Gann Amendment (1979), which imposed a limit on local government expenditures of surplus funds. Under Measure R (1988), Livermore voters authorized expenditure of surplus funds for four specified projects, including sidewalk repair. Since the passage of Measure R, the City has maintained a policy to assume 50% or more of the cost of sidewalk repair, continuing the policy after depletion of Measure R funds in the early 1990's by using general fund money.

The original policy placed a ceiling of \$1,000 on the amount of repairs made by the City and charged to an owner-occupied residence. For properties other than owner-occupied residences, the cost is split 50/50 with no ceiling. This policy also allows for up to 50% reimbursement to an owner who has the repairs done per City Standards and pays for them. The waiting list for sidewalk repair requests continues to grow each year due to insufficient funding. At this time, there is a two-year backlog of reported repair locations.

MEETING DATE:

3-12-07

AGENDA ITEM:

4.10

In order to minimize the liability for both property owner and City, and to better keep pace with needed repairs, staff has proposed to modify the policy.

Under the proposed policy, the City contribution would be a minimum of 25% of the repairs, and the \$1,000 property owner ceiling established in 1988 would be adjusted to a 2007 value of \$1,588 based on the change in the San Francisco Bay Area Consumer Cost Index since 1988. The property owner share includes capital administrative costs. The amount of additional funds collected would be added to the appropriation for sidewalk repair in the CIP budget. This revised policy would reduce the City's and the property owners' liability, enhance pedestrian access, and reduce the amount of time between notification of a defect and repair of the sidewalk.

FISCAL AND ADMINISTRATIVE IMPACTS

The anticipated increase in sidewalk repair monies of 25% will be added to the budget allocation for sidewalk repair, resulting in an increase in the number of repair sites and a reduction in the backlog of reported repair locations.

ATTACHMENTS

1. Resolution
2. Sidewalk Repair Program Policy

Prepared by:

Approved by:



Sandy Isganitis
Special Projects Coordinator

Linda Barton
City Manager

SIDEWALK REPAIR PROGRAM POLICY

Defective Sidewalk Area

Defective Sidewalk Area shall include but is not limited to those sidewalks, curbs, curb and gutters with $\frac{1}{2}$ " or greater step separation between adjacent panels, those that have lifted to a peak that is 4" greater than the level of the sidewalk 4 feet away in either direction, those that have an opening measuring $\frac{5}{8}$ " or greater, those with a hole that is $\frac{3}{4}$ " or deeper, and/or those that have subsided 3" or more within an 8-foot section of sidewalk. See drawing entitled "Sidewalk Repair Criteria".

Sidewalk Repair Waiting List

The City shall keep a record of when notification is sent to a property owner that the City has received notice and has confirmed a defective Sidewalk Area per Section 12.04.130, requiring repair of the Sidewalk Area. If repairs are not made by the property owner after 30 days from date of notification, the property address will be put into the queue for repair as part of an annual sidewalk repair contract as funds become available. The list shall be kept in chronological order with earlier requests being given priority. Also given priority will be those properties that are in high-pedestrian areas, near schools, parks, and retail/commercial areas; and those sidewalks adjacent to sound walls and City facilities, and wherever the City is 100% responsible. Properties to be repaired under the annual sidewalk repair program will be drawn from the list in priority order until all funds available for the repair contract are encumbered. Those properties that remain on the list will be moved up in order for repair in the subsequent year(s).

Recovery of City's Costs of Sidewalk Maintenance and Repair.

Although maintenance and repair costs ultimately remain the property owner's responsibility, if the owner does not fix the sidewalk within thirty (30) days of Notice by the City per section 12.04.130 "Notice to Repair", the City reserves the right, but shall not be obligated, to include the repairs in its annual sidewalk repair project as funds become available. The City shall pay for the required work as part of its annual contract, and shall bill the property owner for his or her share per Section 12.04.140. When the City elects to repair a defective Sidewalk Area per Section 12.04.140, the amount collected from the property owner shall be 75% of the costs incurred. Costs recoverable by the City includes a charge for the City's costs of inspection and administration whenever the City awards a contract for such maintenance and repair and including the costs of collection of assessment for the costs of maintenance and repair or the handling of any lien placed on the property due to the failure of the property owner to promptly pay such assessments. For owner-occupied residential property, the maximum chargeable amount shall not exceed \$1,588 plus the cost of the handling of any lien placed on the property due to the failure of the property owner to promptly pay such assessments. This maximum amount shall be adjusted annually in December, beginning December, 2007, using the San Francisco Bay Area Construction Cost Index as published in the Engineering News Record.

Reimbursement for Repairs by Property Owner

Encroachment permits to repair Defective Sidewalk Areas as defined in Section 12.04.100 (B) shall be issued at no cost.

If a property owner elects to repair his or her Defective Sidewalk Area before the City does, the City shall reimburse 25% of what the construction repair cost would have been under the current sidewalk repair contract, or 25% of the amount paid by the owner for the repairs, whichever is less. This reimbursement will not be made until such time as the property reaches sufficient priority on the list of properties to be included in an annual contract.

Requirements for reimbursement are as follows:

1. A pre-construction visit by a City inspector, to document the extent of qualifying work.
2. Completion of the encroachment permit process (with permit finalized)
3. An original invoice from the contractor showing that the amount has been paid in full.

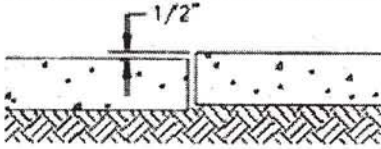
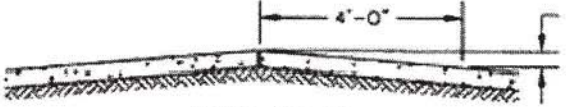
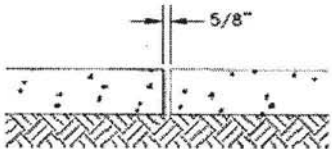
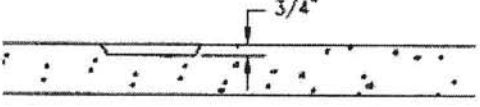
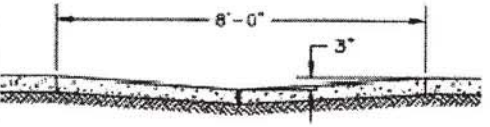
Only that work outlined by the inspector shall be included for reimbursement. Property owner shall be 100% responsible for any extra work.

Transition to New Policy

Those sites on the waiting list as of the date of adoption of this policy shall be governed by the rules of the new policy with the exception that the co-payment shall remain at 50% for both city-performed and owner-performed repairs. The owner-occupied residence ceiling for those sites shall be the adjusted \$1,588. Additions to the list after the date of the adoption of this policy shall be billed 75% according to the revised policy or reimbursed up to 25% according to the revised policy.

Sidewalk Repair Criteria

If your sidewalk defect meets the following criteria, it may be eligible for the City of Livermore 50/50 Sidewalk Repair Program:

<p>Step Separations If a sidewalk panel has lifted or subsided, and it is 1/2" or more higher or lower than an adjacent panel</p>	 <p style="text-align: center;">STEP SEPARATIONS</p>
<p>Grade Change If two sidewalk panels have lifted into a peak, and the peak is 4" or more higher than the level of the sidewalk 4 feet away in either direction</p>	 <p style="text-align: center;">GRADE CHANGE</p>
<p>Opening in Sidewalk If there is an opening in the sidewalk measuring 5/8" or greater</p>	 <p style="text-align: center;">OPENING IN SIDEWALK</p>
<p>Spalling of Surface If a chunk of the sidewalk has broken out, and the result is a hole 1/2" or deeper</p>	 <p style="text-align: center;">SPALLING OF SURFACE</p>
<p>Sunken Sidewalk If the sidewalk has subsided, and within a stretch of 8 feet of sidewalk, there is a place that is 3" or more that is lower than the rest of the sidewalk</p>	 <p style="text-align: center;">SUNKEN SIDEWALK</p>

**IN THE CITY COUNCIL OF THE CITY OF LIVERMORE
STATE OF CALIFORNIA**

A RESOLUTION ADOPTING A SIDEWALK REPAIR PROGRAM POLICY

The City's current sidewalk repair program policy provides for a 50% City/50% owner split on the cost of sidewalk repairs and places a ceiling of \$1,000 on the amount of repairs made by the City and charged to an owner-occupied residence. For properties other than owner-occupied residences, the cost is split 50/50 with no ceiling. This policy also allows for up to 50% reimbursement to an owner who has the repairs done per City Standards and pays for them.

In order to minimize the liability for both property owner and City, and to better keep pace with needed repairs, staff has proposed to modify the policy.

Therefore, the City contribution shall be a minimum of 25% of the repairs, and the \$1,000 property owner ceiling established in 1988 shall be adjusted to a 2007 value of \$1,588 based on the change in the San Francisco Bay Area Consumer Cost Index since 1988. The property owner share shall include capital administrative costs. The amount of additional funds collected shall be added to the appropriation for sidewalk repair in the CIP budget.

The revised Sidewalk Repair Policy shall change the current 50/50 cost sharing to a 25% City/75% owner split. The new policy shall provide money to increase funding for sidewalk repairs, resulting in an increase in the number of sites repaired annually, and a reduction in the amount of time between notification of a defect and repair of the sidewalk.

NOW, THEREFORE, BE IT RESOLVED the City Council of the City of Livermore hereby approves the Sidewalk Repair Program Policy, attached hereto as Exhibit A.

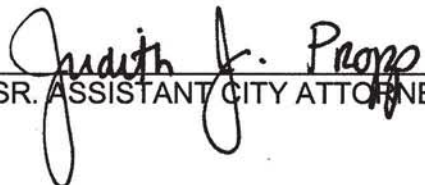
On motion of Councilmember _____, seconded by Councilmember _____, the foregoing resolution was passed and adopted this 12th day of March, 2007.

AYES: COUNCILMEMBERS:
NOES: COUNCILMEMBERS:
ABSENT: COUNCILMEMBERS:
ABSTAIN: COUNCILMEMBERS:

ATTEST:

APPROVED AS TO FORM:

CITY CLERK



SR. ASSISTANT CITY ATTORNEY

RESOLUTION NO. _____

SIDEWALK REPAIR PROGRAM POLICY

Defective Sidewalk Area

Defective Sidewalk Area shall include but is not limited to those sidewalks, curbs, curb and gutters with $\frac{1}{2}$ " or greater step separation between adjacent panels, those that have lifted to a peak that is 4" greater than the level of the sidewalk 4 feet away in either direction, those that have an opening measuring $\frac{5}{8}$ " or greater, those with a hole that is $\frac{3}{4}$ " or deeper, and/or those that have subsided 3" or more within an 8-foot section of sidewalk. See drawing entitled "Sidewalk Repair Criteria".

Sidewalk Repair Waiting List

The City shall keep a record of when notification is sent to a property owner that the City has received notice and has confirmed a defective Sidewalk Area per Section 12.04.130, requiring repair of the Sidewalk Area. If repairs are not made by the property owner after 30 days from date of notification, the property address will be put into the queue for repair as part of an annual sidewalk repair contract as funds become available. The list shall be kept in chronological order with earlier requests being given priority. Also given priority will be those properties that are in high-pedestrian areas, near schools, parks, and retail/commercial areas; and those sidewalks adjacent to sound walls and City facilities, and wherever the City is 100% responsible. Properties to be repaired under the annual sidewalk repair program will be drawn from the list in priority order until all funds available for the repair contract are encumbered. Those properties that remain on the list will be moved up in order for repair in the subsequent year(s).

Recovery of City's Costs of Sidewalk Maintenance and Repair.

Although maintenance and repair costs ultimately remain the property owner's responsibility, if the owner does not fix the sidewalk within thirty (30) days of Notice by the City per section 12.04.130 "Notice to Repair", the City reserves the right, but shall not be obligated, to include the repairs in its annual sidewalk repair project as funds become available. The City shall pay for the required work as part of its annual contract, and shall bill the property owner for his or her share per Section 12.04.140. When the City elects to repair a defective Sidewalk Area per Section 12.04.140, the amount collected from the property owner shall be 75% of the costs incurred. Costs recoverable by the City includes a charge for the City's costs of inspection and administration whenever the City awards a contract for such maintenance and repair and including the costs of collection of assessment for the costs of maintenance and repair or the handling of any lien placed on the property due to the failure of the property owner to promptly pay such assessments. For owner-occupied residential property, the maximum chargeable amount shall not exceed \$1,588 plus the cost of the handling of any lien placed on the property due to the failure of the property owner to promptly pay such assessments. This maximum amount shall be adjusted annually in December, beginning December, 2007, using the San Francisco Bay Area Construction Cost Index as published in the Engineering News Record.

Reimbursement for Repairs by Property Owner

Encroachment permits to repair Defective Sidewalk Areas as defined in Section 12.04.100 (B) shall be issued at no cost.

If a property owner elects to repair his or her Defective Sidewalk Area before the City does, the City shall reimburse 25% of what the construction repair cost would have been under the current sidewalk repair contract, or 25% of the amount paid by the owner for the repairs, whichever is less. This reimbursement will not be made until such time as the property reaches sufficient priority on the list of properties to be included in an annual contract.

Requirements for reimbursement are as follows:

1. A pre-construction visit by a City inspector, to document the extent of qualifying work.
2. Completion of the encroachment permit process (with permit finalized)
3. An original invoice from the contractor showing that the amount has been paid in full.

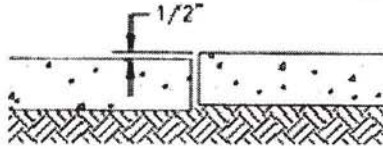
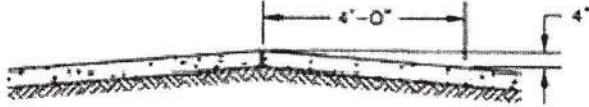
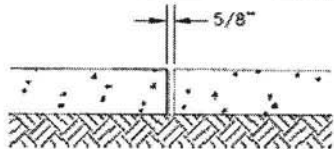
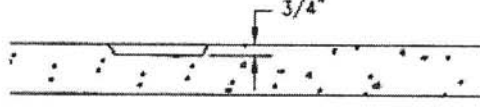
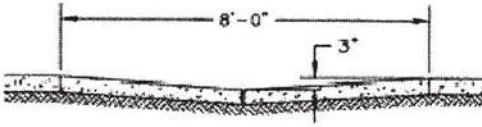
Only that work outlined by the inspector shall be included for reimbursement. Property owner shall be 100% responsible for any extra work.

Transition to New Policy

Those sites on the waiting list as of the date of adoption of this policy shall be governed by the rules of the new policy with the exception that the co-payment shall remain at 50% for both city-performed and owner-performed repairs. The owner-occupied residence ceiling for those sites shall be the adjusted \$1,588. Additions to the list after the date of the adoption of this policy shall be billed 75% according to the revised policy or reimbursed up to 25% according to the revised policy.

Sidewalk Repair Criteria

If your sidewalk defect meets the following criteria, it may be eligible for the City of Livermore 50/50 Sidewalk Repair Program:

<p>Step Separations If a sidewalk panel has lifted or subsided, and it is 1/2" or more higher or lower than an adjacent panel</p>	 <p style="text-align: center;">STEP SEPARATIONS</p>
<p>Grade Change If two sidewalk panels have lifted into a peak, and the peak is 4" or more higher than the level of the sidewalk 4 feet away in either direction</p>	 <p style="text-align: center;">GRADE CHANGE</p>
<p>Opening in Sidewalk If there is an opening in the sidewalk measuring 5/8" or greater</p>	 <p style="text-align: center;">OPENING IN SIDEWALK</p>
<p>Spalling of Surface If a chunk of the sidewalk has broken out, and the result is a hole 1/2" or deeper</p>	 <p style="text-align: center;">SPALLING OF SURFACE</p>
<p>Sunken Sidewalk If the sidewalk has subsided, and within a stretch of 8 feet of sidewalk, there is a place that is 3" or more that is lower than the rest of the sidewalk</p>	 <p style="text-align: center;">SUNKEN SIDEWALK</p>

IN THE CITY COUNCIL OF THE CITY OF LIVERMORE, CALIFORNIA
A RESOLUTION ADOPTING A NEW SIDEWALK REPAIR POLICY

The City's current sidewalk repair program offers a subsidy for property owners (25% of construction cost) and the option to have the City perform the work. Over the past six years, the City has compiled a growing backlog of sidewalks which are in need of repair.

The City has been developing a comprehensive asset management program, which has identified a large funding shortfall for the replacement of assets.

In order to promote the efficient and cost-effective repair of sidewalks, the City proposes to repeal the existing sidewalk repair program of subsidizing private property owner's obligations to repair sidewalks adjacent to their property, and replace it with a policy aimed at completing repairs in a more timely manner and at a lower overall cost to the community.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Livermore hereby adopts the sidewalk repair policy, attached hereto as Exhibit A, which shall replace and supersede all previous sidewalk repair programs.

On motion of Council Member _____, seconded by Council Member _____, the foregoing resolution was passed and adopted on June 25, 2018, by the following vote:

AYES: COUNCIL MEMBERS:
NOES: COUNCIL MEMBERS:
ABSENT: COUNCIL MEMBERS:
ABSTAIN: COUNCIL MEMBERS:

ATTEST:

APPROVED AS TO FORM:



Sarah Bunting
City Clerk

Kim Cilley
Assistant City Attorney

Exhibit A – Sidewalk Repair Policy

EXHIBIT A

SIDEWALK REPAIR POLICY

Purpose

The purpose of the City's Sidewalk Repair Policy is to encourage the timely repair of sidewalks by property owners in order to promote the safe and comfortable use of sidewalks in the City of Livermore.

Obligation of Adjacent Property Owner

In accordance with section 5610 of the California Streets and Highways Code, the owners of real property shall maintain and repair any sidewalk adjacent to their property in a safe and non-dangerous condition. The property owner shall be solely responsible for the financial cost of maintaining or repairing such sidewalk.

The owner of any real property shall owe a duty to members of the public to keep and maintain the sidewalk area in a safe and non-dangerous condition. If, as a result of the failure of the property owner to maintain the sidewalk area in a non-dangerous condition, any person suffers injury or damage to person or property, the property owner shall be liable to such person for the resulting damages or injury. This responsibility shall be detailed in a future ordinance.

Compliance Notifications

Upon notification of a defective sidewalk area, City staff shall send a notice to the property owner stating that the property owner is responsible to make repairs to the sidewalk and shall make such repairs within 30 days.

Building Permits

As a condition of the issuance of any building permit with a valuation over \$50,000, the applicant shall cause any defective sidewalk adjacent to their property to be repaired.

Transition to new policy

In the past, the City offered both a subsidy for property owners (25% of construction cost) and the option to have the City perform the work. Over the past six years, the City has compiled a growing list of locations that need repair. Property owners that are already on this list will be offered the 25% construction cost subsidy as reimbursement (not to exceed \$12 per square foot) but will have to arrange for the work to be completed themselves.