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November 21, 2014

Empowerment Congress Southwest Area
Neighborhood Council
City of Los Angeles, Region 9

Attention: Margaret Peters
Treasurer

RE: CORRESPONDENCE DATED NOVEMBER 10, 2014

Dear Ms. Peters:

Attached is a response to your questions submitted to this Office on November 10, 2014.

Should you have any questions, please feel free to contact Mr. David Hirano at (213) 978-7621.

Sincerely,

A handwritten signature in blue ink, appearing to read "Miguel A. Santana".

Miguel A. Santana

MAS:PJH:DHH:SMS:061500571

cc: The Honorable Bernard Parks, Council District 8

SIDEWALK REPAIR INFORMATION REQUEST FROM EMPOWERMENT CONGRESS SOUTHWEST AREA NEIGHBORHOOD DEVELOPMENT COUNCIL

CAO Response

How does the CAO define the following?

The following list of ideas have not been implemented by the City but could possibly be considered at a future date.

- **Fix and release:** *The idea is that when the cause of the sidewalk damage is street tree roots, sidewalk repairs could be made by the City prior to returning the responsibility for sidewalk repair to the adjacent property owner.*
- **50/50 program:** *This is a cost-sharing program that allows the property owners to split the cost of sidewalk repairs evenly with the City.*
- **75/25 program:** *This is a cost-sharing program that allows the property owners to split the cost of the sidewalk repairs with the City. One party is responsible for 75% of eligible costs and the other party is responsible for 25%.*
- **Point of service:** *Each time new utility services are requested, any necessary sidewalk repairs must be completed by the property owner.*
- **Point of permit:** *Each time a permit is obtained, any necessary sidewalk repairs must be completed by the property owner. It is anticipated that this option would be paired with a minimum permit valuation.*
- **Point of sale:** *When a property is sold, the parties must ensure an accessible sidewalk.*
- **Assessment District:** *An assessment district is an alternative method for financing public improvements. The procedure for forming an assessment district begins with a petition signed by the owners of the property who want the public improvement. A public hearing is held and property owners are given the opportunity to protest the assessment district. The proposed district includes all of the properties that will directly benefit from the improvements to be constructed. The assessment amount for each property is based on how much each property will benefit from the improvement. Parcels pay their total assessment through annual installments on the county property tax bill.*
Inspection and Noticing: *Sidewalks will be inspected. A notice to repair will be issued to the property owner if sidewalk defects are present. The property owner will have a specified period of time to make the repairs. The sidewalk will be subject to re-inspection(s). Multiple notice cycles could be allowed. If the repairs have not been made within a specific period of time (to be determined), the City can cause the repairs to be made and bill the property owner for the cost.*

What is the CAO's position on assessing a pedestrian or commuter fee to current Metropolitan Transit Authority (MTA) revenues and to all future transportation funding as a way of maintaining our sidewalks?

We do not have a position on this matter yet.

For example, Measure R calls for 15% of revenues generated to go towards “pedestrian improvements”. Are sidewalks considered a pedestrian improvement?

Measure R does not call for 15% of revenues generated to go towards pedestrian improvements.

The City receives a 15% Local Return share of Measure R funds from the County. In 2010, the City Council adopted a policy (C.F. 09-0600-S48) that an annual allocation of ten percent of the City Local Return Funds be set-aside for bicycle and pedestrian programs (five percent each) and directed the Department of Transportation (DOT) to prepare a pedestrian and bicycle project work plan for the expenditure of these funds. The Bike Plan has been completed and is currently being implemented. The Pedestrian Plan is still being developed.

Yes, sidewalks are considered a pedestrian improvement and are eligible to be funded by Measure R Local Return if they are for public uses.

With all the speculation surrounding homeowners paying up to half the costs of repair, could not an additional source of funds be an ordinance requiring the MTA, for example, to annually remit a small portion of its revenues for sidewalks?

We are not clear as to what is being proposed. Further clarity is required to answer this question.

What, if any, other resources are being considered by the CAO for sidewalk repair?

The City will consider all eligible special funding sources, as well as the General Fund for sidewalk repair. The City will also pursue grant funding opportunities where possible.

Legally, considering union contracts, is the city allowed to pay private businesses/contractors to repair sidewalks or must the job be performed by city employees?

Charter Section 1022 allows for the City to contract for services if work is performed more economically or feasibly by a contractor. Some union labor agreements contain provisions that prohibit the layoff of City employees if the City contracts out their job. However, this does not prevent the City from contracting out for work above the current level provided by City employees. In these instances, the contracting is also subject to Charter Section 1022.

Has an average “cost per sidewalk repair” been established based on whether it’s performed by a private entity versus a city employee?

An average cost per sidewalk repair has not been established. The CAO and City Engineer will be reviewing this issue in the near future.

What would the permit process look like? How much would it cost? How long would it take?

Sidewalk repair typically requires an A-Permit. The purpose of an A-Permit is to allow minor street construction in the public right-of-way and is the City's process of ensuring that minor street construction meets the City's design and materials specifications and that construction work is properly inspected.

Currently, an A-Permit for the repair of sidewalk damage due to tree roots does not require the applicant to pay a permit fee and is considered a "No-Fee" permit. A pilot program is also currently in place which allows for the City to issue no-fee A-Permits to all residential home owners repairing sidewalks regardless of the reason. Lastly, the City Council instructed the City Attorney to prepare and present an ordinance that will make this pilot program permanent. On November 4, 2014, the City Attorney transmitted a draft ordinance to the City Council for consideration.

The Bureau of Engineering's website estimates that it takes approximately 20 minutes to obtain an A-Permit at its Public Counters. Applications for A-Permits can also be submitted online through the Bureau of Engineering's website.

Would the city create a list of private businesses allowed to do repairs or would the homeowner be allowed the autonomy to choose?

This idea has not been implemented by the City but could possibly be considered at a future date. As we understand it, the purpose would be to make hiring a contractor easier, quicker, and more effective for a typical resident to contract for sidewalk repairs. If the City did implement this, we would expect that homeowners will still be allowed the autonomy to choose their own contractor. Regardless of whether the City establishes a list or not, homeowners who choose a contractor will still be subject to the City's permitting requirements (typically an A-Permit is required).

How would the city handle disputes between neighbors? For example, neighbor A's tree is destroying neighbor B's sidewalk? Who pays for repairs?

The City is not able to anticipate every unique situation that may arise regarding sidewalk damage and responsibility. However, as the City's Sidewalk Policy is developed and as the repair program matures, the City will try to identify as many situations as possible and create a process for dealing with these situations in a fair manner.

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