



## **Sidewalk Repair Program Tour** **Questions from the Public**

Prepared by the Office of the City Administrative Officer

# Sidewalk Repair Program Tour

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## **Urban Forestry Benefits**

The City recognizes the importance of protecting the urban forest. The urban forest provides numerous benefits to the City of Los Angeles and to the larger Southern California region. Some of the benefits that a healthy urban forest provides are as follows...

- It has the ability to beautify neighborhoods, raise property values, and stimulate economic development throughout the region;
- It can reduce stormwater runoff and improve water and soil quality;
- It will improve air quality and provide public health benefits, like decreasing the prevalence of asthma and increasing protection from UV rays;
- It will reduce carbon emissions;
- It will reduce the urban heat-island effect and reduce overall energy consumption;
- It promotes the sustainability of wildlife and biodiversity;
- It stabilizes the soil to reduce the frequency and intensity of erosion and landslides.

### Questions Pertaining to Trees

<b>Question</b>	<b>Answer</b>
Why should a property owner have to pay for a sidewalk repair when the city planted a tree after the property owner bought the property and did not want the tree?	The State code assigns the responsibility. However, we agree with you, that is why we are proposing a "Fix and Release" policy.
We recently just received new sidewalks on our street and already the same trees are lifting the concrete. Why not cut the trees down?	We are learning as we go. We may need to re-evaluate that location.  <a href="#">See Urban Forestry Benefits</a>
Fixing the sidewalks while leaving the same trees that damaged them is not a complete job, why can't we just cut down the trees?	We can. However that would not be good for the city. Trees can provide benefits that must be maintained.  <a href="#">See Urban Forestry Benefits</a>
Why can't the city use some of the funding for sidewalk repair to replace some of the old trees that are causing the damage with street friendly trees?	We intend to do so.
Can tree roots be pruned if they are impacting the sidewalk?	Yes they can. However, not all trees are good candidates for root pruning. In instances where tree pruning would kill the tree, the tree will have to be removed in accordance with the city's tree policy.
The tree belongs to the city and the sidewalk is damaged by the roots. I take a permit to fix the sidewalks and the permit states that the tree roots have to be pruned. After the sidewalk is fixed, 6 months later the tree falls. Who is responsible for the damage?	It depends on who did the work and if it was done in conformance with the City's permit.

Questions	Answers
What is the plan for trimming trees?	Funding for pro-active tree trimming has increased from no funding during the recession to \$7.7 million in the Fiscal Year of 2015-16.
How are we addressing the protection of mature trees?	With the City's existing replacement policy, which requires a permit from the Bureau of Street Services.
Can we use this as an opportunity to update the city's parkway landscape policy to address storm water capture and also the plant and tree list?	Yes we are working with the City Council to do this.
Who would be replacing the trees? City agencies? Contractors? City Plants partner groups?	The City will replace the trees when they repair the sidewalk, if tree removals are required, and based on existing city policies.
Is there going to be an advisory committee to guide the planning of the campaign? Will the Community Forest Advisory Committee be consulted?	Nothing is planned at this time.
What about damage caused by tree roots to plumbing?	This is currently the responsibility of the property owner.
Can homeowners choose to take down the tree with overgrown roots, planted by the city?	Yes. Tree removals require a tree removal permit. The Bureau of Street Services will review your application and make a decision regarding tree removal.  <a href="#">See Urban Forestry Benefits</a>

<p>What effect will any plan to repair the sidewalks have on the trees planted in sidewalk tree-wells?</p>	<p>Trees will be preserved to the extent possible; however, accessibility will be prioritized. In the event trees need to be removed, they will also be required to be replaced, per existing city policy and practice.</p>
<p>How can we retool our sidewalk designs to incorporate and support mature trees?</p>	<p>The city can design sidewalks to meander around trees. Creative design options will be considered as sidewalks are repaired in order to maximize mature tree preservation.</p>

### Questions Pertaining to Material

<b>Questions</b>	<b>Answers</b>
<p>Has L.A. done a trial of rubber sidewalks?</p>	<p>Yes it has, however the results were not ideal. The city will continue to explore other materials that it can use to replace concrete.</p>
<p>Can we use Terracotta colored rubber pads instead of the yellow.</p>	<p>Truncated dome style will be consistent with the most current ADA design standards.</p>

### Questions Pertaining to Private or Determined Contractors

<b>Questions</b>	<b>Answers</b>
<p>Who will do the work? Street Services or Private Contractors?</p>	<p>The work will likely be split between city workers and private contractors.</p>

### Questions Pertaining to the Difference Between Residential and Commercial

<b>Questions</b>	<b>Answers</b>
Are commercial property owners who have a residential unit on the property considered a “residential property” for the repair program?	Under the CAO proposal, a residential property is defined by who collects your trash. If the city collects your trash, we consider you residential.
What will be the timeline for property owners and businesses to repair the sidewalks?	It will take 6 months to a year to fully develop the program. Property owners can begin repairs now if they choose.
Is this for commercial or residential?	Both

### Questions Pertaining to Residential Properties

<b>Questions</b>	<b>Answers</b>
If residents are last in line to receive funds under the settlement, when would residential sidewalks be repaired?	Under the settlement, the City is required to prioritize \$6 million solely for the repair of sidewalks in residential areas.

### Questions Pertaining to Commercial Properties

<b>Questions</b>	<b>Answers</b>
How much will it cost commercial property owners to repair their sidewalks?	The cost will depend on many factors. Depends on the repair location and size, and the cause of the defect.
Why are Churches (non-profit) considered to be commercial?	For simplicity, we have proposed to distinguish residential from commercial. However, further consideration can be given to changing the current definition.

### Questions Pertaining to Prioritization

<b>Questions</b>	<b>Answers</b>
<p>How will you determine what district need urgent repairs?</p> <p>Who can we contact with these issues?</p>	<p>You contact 311 for any city related issue. In regards to prioritization, the order is as follows...</p> <ul style="list-style-type: none"> <li>- City of LA Municipal Properties</li> <li>- Transit Corridors</li> <li>- Hospitals, Medical Facilities, Assisted Living Establishments</li> <li>- Public Accommodation</li> </ul>
<p>How does the prioritization system work? Will city property be done first or will some be done from each category sporadically?</p>	<p>The priority will be consistent with the Willits' Settlement.</p>
<p>How will the residential broken sidewalks, needed to be fixed, be prioritized? Will a broken sidewalk that resulted in a death be put at the top of the list?</p>	<p>Consistent with the Willits' Settlement, residential sidewalks will be prioritized based upon requests received from the disability community. 20% is set aside for access requests, with priority given to requests in residential areas.</p>
<p>Are wealthier zip-code areas getting sidewalks fixed faster than poor neighborhoods because those richer people pay more property taxes per parcel.</p>	<p>No. Sidewalk repairs will be made based on location priority and requests made for repairs by the disability community.</p>

### Questions Pertaining to Liability and Responsibility

<b>Questions</b>	<b>Answers</b>
<p>After this enactment, when injuries occur due to inadequate sidewalks who will be responsible? Will the city share in the responsibility?</p>	<p>Under the CAO proposal, after five years the focus on repair will be with the adjacent property owner. Liability currently exists with property owner according to state law. That will not change.</p>



<b>Questions</b>	<b>Answers</b>
<p>True or False: Some people are concerned that if a homeowner repairs the sidewalk, he/she is liable for any injuries caused by sidewalk usage thereafter, rather than the city.</p>	<p>True: The property owner is currently liable even if the city repairs the sidewalk or if no repair is made.</p>
<p>Who pays for damages when someone trips and falls while the phase in approach is in progress?</p>	<p>It is the same as it is now. Depending on the circumstances, both the property owner and the city could be liable.</p>
<p>If the sidewalk is a public walkway, why is it my responsibility?</p>	<p>Adjacent property owners own the sidewalk according to State code.</p>
<p>How is the city going to notify people of the change in ownership?</p>	<p>The Bureau of Public Works will most likely send out a notice about the change in liability.</p>

### Questions Pertaining to Low-Income Households

<b>Questions</b>	<b>Answers</b>
<p>Does the on-going responsibility for sidewalk maintenance consider those qualify as fixed or low income?</p>	<p>No.</p>
<p>If there are other cities that share financial responsibility, why is L.A. proposing a less common policy that burdens lower income residents?</p>	<p>The City is not proposing a policy that will burden lower income residents.</p>
<p>What if low-income families cannot afford the repair cost to repair their sidewalks today?</p>	<p>The proposed policy will provide for no-cost repairs in residential neighborhoods if defects are present when inspected. After the first repair, responsibility for repairs will transfer to the adjacent property owner.</p>

### Questions Pertaining to Timeframe

<b>Questions</b>	<b>Answers</b>
When does the ownership transfer? Is there a deadline or is it once the city fixes it?	Assuming the City adopts the "Fix an Release" method, the transfer of full liability will transfer once the city fixes.
When will the policy be voted on in both committee and full council?	We project that it will occur no later than the end of November 2015.
When will the sidewalks be repaired?	This is a long range program that is proposed. It will depend on the location of your sidewalk and the amount of damage present.

### Questions Pertaining to Cost and Funding

<b>Questions</b>	<b>Answers</b>
How much of the City's required expenditures will be made by the City's three proprietary departments?	\$2.0 million in FY 2015-2016. This amount will change from year to year depending on the demand for repairs.
How do we make sure that our neighborhoods get done before money runs out?	The Willits' Settlement ensures that funds won't run out.
Please explain your Sidewalk Funding Trust Fund that is financing repair of city property. How is it funded?	Funds are appropriated to the fund on an annual basis. It was established for transparency, given the recent Willits Settlement.
Approximately how much would it cost for homeowners to repair the sidewalks?	There are a variety of factors. It depends on the degree of repair needed which can range from sidewalk grinding to complete replacement.

Questions	Answers
How will it be paid for?	City-funds which may include the General Fund and Special Funds.

### Questions Pertaining to Stormwater Capture

Questions	Answers
Will the City consider including stormwater capture (Green Street) elements as part of the sidewalk repair work?	Yes. The City will seek to maximize the efficiency of construction by installing green street elements along with sidewalk repair where appropriate. Additionally, regardless of whether a sidewalk is being repaired or not, the City will also continue to look for opportunities to install green street elements. This will help us renew our City groundwater basins and comply with Clean Water Act obligations to ensure that water being introduced to our beaches and rivers is clean and safe.

### Miscellaneous Questions

Property owners will now be responsible for sidewalk repair; will the city forego the permit fees charged to the property owner?	Yes. The current no-fee A-permit ordinance does not sunset. The city will not collect permit fees for sidewalk repair.
If the city were to adopt the point of sale option, who would be responsible when a home is foreclosed?	Buyer/Seller or Bank all Buyer
If a point of permit policy is implemented, would a resident be forced to choose between keeping the lights on and getting their sidewalks repaired?	Hopefully not. We would try to keep that from happening.

What does “fix” mean?	Make the sidewalk ADA compliant.
If the city is no longer going to be repairing sidewalks, will our taxes go down?	The City will continue to fix the sidewalks at a level that exceeds the past level.
Are damaged driveways included in the fixing policy if they have been damaged by tree roots?	Yes. If they impede accessibility.
What kind of outreach will be done to make sure people know of the policy change and how to monitor it?	An outreach program which utilizes multiple mediums of communication will be developed.
Will sidewalks that have sections that are sinking and flood when it rains leads the water to the front door fall into the fix and release program?	Yes. Most likely as it is likely to be not compliant with ADA standards.
How will you incentive and educate property owners to properly care for trees?	Public outreach.
Is there a website where citizens can see where the annual \$31 million has been spent (specific sidewalk locations)?	Yes, please go to: <a href="http://eng.lacity.org/sidewalks/">http://eng.lacity.org/sidewalks/</a> .

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