

ORDINANCE 2016-03 – EXHIBIT A

SIDEWALK REPAIR POLICY APPROVED BY ALBANY CITY COUNCIL JUNE 20, 2016

Purpose

The purpose of the Sidewalk Repair Policy is to improve continuous sidewalk passability in public right of way by repairing sidewalk damage and removing vegetation obstructions.

Legal Responsibility

Under Section 5610 of the California Streets and Highways Code and per Albany Municipal Code Section 14-1.5b, property owners and persons in possession of property are required to maintain adjacent public sidewalks in a safe condition. The existence of this program does not abrogate the responsibility of the property owners to maintain their frontage improvements in a safe manner. As part of the administration of the Sidewalk Program, city staff are to use City newsletter, web page, and outreach events to provide information to property owners regarding their responsibilities for sidewalks.

Repair Program:

The City of Albany will annually determine priority areas for repair. The City will manage and pay the entire project cost of priority sidewalk repairs. Upon completion of the repair, the City will issue a certificate of compliance that returns responsibility for all future maintenance and repair to the property owner pursuant to existing State law. The Traffic & Safety Commission will annually propose prioritization of projects to the City Council as well as review sidewalk repair criteria. As part of the scope of work for a sidewalk repair project, expenditure of funds associated with the following is authorized:

- a) relocation of shallow utility lines located within area of sidewalk repair;
- b) grinding of stumps of removed trees;
- c) replacement of soil or mulch in landscape strips as necessary to avoid a hazardous condition;
- d) repair of private driveway if necessary to maintain functionality of the existing driveway;
- e) Funding for expedited repairs in locations with occupants that have special access needs (e.g., limited mobility, special events, etc.); and
- f) Extending the length of sidewalk to be repaired beyond the area of immediate hazard in order that the repaired sidewalk can tie into an existing sidewalk in relatively good condition.

Public Notice for Repair Program

A public notice will be mailed to all property owners adjacent to proposed areas of work ten days before the Traffic and Safety Commission's review of the proposed scope of work. The notice

will advise property owners that street trees may be subject to removal and that property owners are required to cut back other vegetation in the area of work. The notice will also advise owners that work may be underway for up to two weeks, and solicit requests for information regarding occupants that may have special access needs that will affect the timing of construction.

Point of Permit Program:

The City of Albany will require that specified construction projects above \$100,000 valuation will trigger a requirement that the property owner repair the sidewalk to City specifications. The City will conduct a no-cost inspection upon application. The property owner will be responsible for all repair costs of the scope of projected project would otherwise trigger sidewalk repairs, such as sewer lateral upgrades, cross-sidewalk drains, new driveway or curb-cuts, etc.

Point of Sale Program:

The City of Albany will require that specified real property transfers will trigger a requirement that the property owner upgrade damaged sidewalk (the program will function similar to the existing sewer lateral program). The City will conduct a no-cost inspection upon application. If no repairs are necessary, a certificate of compliance will be issued that discloses that the property owner has future responsibility for all maintenance and repair.

Streetscape Improvement Projects:

For sidewalks that that are in locations with fully funded streetscape-related Capital Improvement Projects, the need for repair will be evaluated on a case by case basis. The requirement for property owner repair will be deferred or an interim safety and accessibility solution may be acceptable.

Refinements to Street Tree Program:

The City will evaluate situations where street trees are causing structural damage to sidewalks. A range of options will be considered including root pruning, enlarging tree wells, realignment or ramping of sidewalks around or over roots, or alternative paving materials that extend the functional life of the sidewalk. If a street tree that is causing damage is known to cause uplift relative to other tree species, the tree shall be removed as part of the repair project and replaced with a species not expected to damage sidewalks. City staff shall have authority to remove any tree without public notice if during construction, roots are found in locations that indicate that a new sidewalk will be damaged in the relative near future and removal of the root is determined by the City Arborist to substantially weaken the health of the tree.