

**CITY OF ALBANY  
CITY COUNCIL AGENDA  
STAFF REPORT**

Agenda Date: April 19, 2021  
Reviewed by: NA

**SUBJECT:** Ordinance No. 2021-08 Amending Albany Municipal Code Section 14-1.7 “Property Owner Responsibility for Sidewalk Repair” – First Reading

**REPORT BY:** Jeff Bond, Community Development Director

---

**SUMMARY**

The action before the City Council is introducing first reading of an ordinance to eliminate the requirement for sidewalk repairs to be made at the point of sale.

**STAFF RECOMMENDATION**

That Council introduce Ordinance No. 2021-08 for first reading, amending Albany Municipal Code Section 14.1.7 “Property Owner Responsibility for Sidewalk Repair”.

**BACKGROUND**

On June 20, 2016, the Council passed Resolution No. 2016-29 adopting Sidewalk Repair Policy. Among other things, this Policy included a Point of Sale Program which requires property owners repair damaged sidewalks adjacent to their property at the time of real property transfer. Ordinance No. 2016-03. The voters of the City of Albany approved Ordinance No. 2016-03 enacting a special parcel tax to fund repairing and upgrading public sidewalks and removing obstructions to improve safety and accessibility at the November 2016 General Municipal Election. The approval of this Ordinance creates a guaranteed source of local funding for Albany’s public sidewalks that must be spent locally for Albany residents.

The City Council also established property owner responsibility for sidewalk repair with the adoption of Ordinance No. 2018-01 on July 2, 2018. On July 6, 2020, the City Council was provided a status report of the implementation of the Point of Sale Program within the Sidewalk Repair Policy and explained the delay in implementing the Program. In addition, on March 15, 2021, upon the recommendation of Vice Mayor Jordan, the City Council directed staff to prepare an ordinance removing the requirement in Albany’s Municipal Code.

## **DISCUSSION**

The proposed ordinance eliminates the requirement for the point of sale portion under Albany Municipal Code Section 14-1.7 “Property Owner Responsibility for Sidewalk Repair”. Staff report prepared by Vice Mayor Jordan is attached (Attachment 2).

## **Attachments**

1. Ordinance No. 2021-08
2. Vice Mayor Jordan Memorandum 2021-03-15

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

**ORDINANCE NO. 2021-08**

**AN ORDINANCE OF THE ALBANY CITY COUNCIL AMENDING  
ALBANY MUNICIPAL CODE SECTION 14-1.7  
“PROPERTY OWNER RESPONSIBILITY FOR SIDEWALK REPAIR”**

**WHEREAS**, on July 2, 2018, the City Council approved Ordinance No. 2018-01, an ordinance of the Albany City Council establishing property owner responsibility for sidewalk repair; and

**WHEREAS**, on March 15, 2021, the City Council approved a motion to direct staff to prepare an ordinance removing the requirement in Albany’s Municipal Code §14-1.7 that property owners 1) repair damaged sidewalks adjacent to their property at the time of property transfer if needed and 2) secure a Sidewalk Compliance Certificate from the City before property transfer, whether or not the sidewalk needed repair.

**NOW, THEREFORE, THE ALBANY CITY COUNCIL ORDAINS AS FOLLOWS:**

**SECTION 1: CHAPTER 14 OF THE ALBANY MUNICIPAL CODE, SECTION 14-1.7 TITLED “PROPERTY OWNER RESPONSIBILITY FOR SIDEWALK REPAIR” IS HEREBY AMENDED AS FOLLOWS:**

Section 14-1.7 a.2 entitled “Title Transfer” is deleted in its entirety.

Section 14-1.7b entitled “Time Extension Certificates” is deleted in entirety.



# ALBANY CALIFORNIA



CITY OF ALBANY  
1000 SAN PABLO AVENUE  
ALBANY, CA 94706  
[www.AlbanyCA.org](http://www.AlbanyCA.org)

23 February 2021

## MEMORANDUM

To: Albany City Council Members

From: Vice Mayor Jordan

Re: Point-of-sale sidewalk repair requirement

## RECOMMENDATION

That the Council direct staff to prepare an ordinance removing the requirement in Albany's Municipal Code §14-1.7 that property owners 1) repair damaged sidewalks adjacent to their property at the time of property transfer if needed and 2) secure a Sidewalk Compliance Certificate from the City before property transfer, whether or not the sidewalk needed repair.

## BACKGROUND

On 20 June 2016 the Council passed Resolution No. 2016-29 adopting Ordinance No. 2016-03. This Ordinance 1) reiterated the legal responsibility of owners of property adjacent to damaged sidewalks on City property to repair such sidewalks, 2) established the City-managed and funded sidewalk repair program, 3) created a requirement that property owners repair damaged sidewalks adjacent to their property at the time of property transfer, and 4) created a requirement that property owners repair damaged sidewalks as part of remodel projects valued over \$100,000. The Resolution was passed in the context of the Council placing Measure P1 on the ballot, a new property tax to fund the City's sidewalk repair program.

On 2 July 2018 the Council passed Ordinance No. 2018-01 on second reading. This Ordinance amended Albany's Municipal Code to implement Ordinance No. 2016-03.

## DISCUSSION

The Council's FY 2013/2014 strategic plan included the goal "Develop more comprehensive approach to increase pace of sidewalk repairs" and the metric "City Council approves enhanced sidewalk repair program." The FY 2013-2018 Capital Improvement Plan allocated \$200,000 to sidewalk repair in each of FY 2013 and 2014. The strategic plan goal was not completed and capital funding not spent during this period.

The Council's FY 2015/2016 strategic plan included the same goal but changed the metric to "Completed Sidewalk Repair Program with different alternative methods of repair" and "Identify funding options for increasing pace of sidewalk program." The City fulfilled the first metric with completion of a pilot sidewalk repair program managed and funded by the City in spring 2016. The pilot program was deemed a management and financial success.

In the context of the City managing and funding repairs, the Council pursued updating the City's sidewalk repair policy to reiterate the legal responsibility for property owners to maintain sidewalks adjacent to their property and to institute mechanisms to hold owners to this responsibility. As relayed above the Council passed the updated policy in June 2016.

The success of the pilot project and update to the sidewalk repair policy provided the Council the confidence to place a ten-year property tax measure to fund the City continuing to make repairs on the 2016 general election ballot. It did so on 18 July 2016. Measure P1 subsequently passed. This fulfilled the second metric in the FY 2015/16 strategic plan regarding sidewalk repair.

The enhanced mechanisms to require property owners adjacent to damaged sidewalk to fulfill their legal obligation to make repairs contained in the sidewalk repair policy update adopted in June 2016 were implemented in regulation in July 2018. Since this time, implementing the requirement at property transfer has been the subject of ongoing discussion between staff and the real estate industry.

No repairs at property transfer have been undertaken since the initial policy adoption in 2016. During this time the City has repaired and contracted for repair of over 300 locations (see Attachment 1). There are about 600 blocks of sidewalk in Albany. This rate of repair is more than twice the historic rate undertaken by adjacent property owners in the prior two decades. And repairs by adjacent property owners are not targeted to the worst locations in the manner of repairs by the City.

As a result, the backlog of sidewalk damage that had accumulated over decades due to the City's lack of enforcing the requirement for adjacent property owners to make repairs is rapidly diminishing. Consequently, the value of administering the requirement at property transfer relative to the cost of such administration is diminishing and is likely already inverted (the costs of administration are greater than the repair cost savings to the City).

## **SUSTAINABILITY CONSIDERATIONS**

Rescission of the sidewalk repair at property transfer requirement may result in slightly slower restoration of Albany's sidewalks. The safety for and consequently willingness of people to travel by sidewalks rather than by other means, including private motor vehicles, is partly dependent on sidewalk conditions. Consequently slowing the rate of sidewalk restoration could result in slightly fewer trips by sidewalk.

## **SOCIAL EQUITY AND INCLUSIVITY CONSIDERATIONS**

Requiring sidewalk repair at the time of property transfer adds expense and complication to an already costly and complicated transaction. At the margin this could prevent some less economically fortunate households from being able to buy property in Albany. It also does not provide a ready welcome to the city.

## **CITY COUNCIL STRATEGIC PLAN INITIATIVES**

The topic of this report does not regard any items in the current strategic plan but rather administration of an ongoing City program.

## **FINANCIAL CONSIDERATIONS**

As evident from the property transfer requirement still not being in effect almost four years after the Council adopted it, setting up and running a program to implement this requirement is costly in staff time. During this time hundreds of locations have been repaired by the City itself. As such, it is likely the cost of administering this program is now more than the cost saved in repairs because a diminishing portion of property transfers would trigger a repair. Rescinding the requirement at property transfer will likely save money by foregoing expending additional staff time setting it up and administering the program implementing this requirement.

### **Attachment:**

1. Map of sidewalk locations repaired or currently contracted for repair (indicated by color of the adjacent property parcel).