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RESOLUTION NO. 2024-55

**A RESOLUTION OF THE ALBANY CITY COUNCIL ADOPTING
A SIDEWALK AND PATHWAY REPAIR POLICY, REPLACING THE PRIOR**

WHEREAS, the residents of Albany have recognized the need for safe, passable sidewalks to improve walkability throughout the City’s entire network; and

WHEREAS, 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; and

WHEREAS, in November 2016, Albany voters approved Measure P1, a parcel tax for the purposes of publicly funding repairs to the City sidewalks; and

WHEREAS, the Sidewalk Program funded by this tax has been successful, completing eight project Phases of sidewalk upgrade and repair, funded by approximately \$1.17 million in tax revenues; and

WHEREAS, in the process of preparing a ballot measure for the November 2024 election to renew and update said parcel tax, additional scope items for holistic Sidewalk Program activities were identified that the Council directed to be added to the Sidewalk Repair Policy as eligible uses of tax funds, as appropriate under §4.14 of the Albany Municipal Code.

NOW, THEREFORE, BE IT RESOLVED, that the Albany City Council hereby adopts the Sidewalk and Pathway Repair Policy (Exhibit A attached), replacing the prior Sidewalk Repair Policy.



JOHN MIKI, MAYOR

ATTACHMENT: Exhibit A – Sidewalk and Pathway Repair Policy

1 **EXHIBIT A**

2 **SIDEWALK AND PATHWAY REPAIR POLICY**

3 **Purpose**

4
5 The purpose of the Sidewalk and Pathway Repair Policy is to improve continuous
6 sidewalk and pathway passability in public right of way by repairing sidewalk and
7 Class I multiuse pathway damage and removing vegetation obstructions.

8 **Legal Responsibility**

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

17 **Repair Program**

18 The City of Albany will annually determine priority areas for repair. The City will
19 manage and pay the entire project cost of priority sidewalk and Class I multiuse
20 pathway repairs. Upon completion of the repair, the City will issue a certificate of
21 compliance that returns responsibility for all future maintenance and repair of adjacent
22 sidewalks to the property owner pursuant to existing State law. The Transportation
23 Commission will annually propose prioritization of projects to the City Council as well
24 as review sidewalk repair criteria. As part of the scope of work for a sidewalk repair
25 project, expenditure of funds associated with the following is authorized:

- 26
- 27 a) Relocation of shallow utility lines located within area of sidewalk repair;
 - 28 b) Grinding of stumps of removed trees;
 - 29 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.);
 - f) Extending the length of sidewalk or pathway to be repaired beyond the area of
immediate hazard in order that the repaired sidewalk or pathway can tie into an
existing sidewalk in relatively good condition;
 - g) Widening sidewalks to five (5) feet where feasible and appropriate;
 - h) Sidewalk shaving and similar measures which address defects without
replacement;
 - i) Funding program support costs including staff, design, and administrative costs
and a comprehensive survey of the public right-of-way every 5 years.

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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 Transportation 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 if the scope of the projected project would otherwise trigger sidewalk repairs, such as sewer lateral upgrades, cross-sidewalk drains, new driveway or curb-cuts, etc.

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 relatively near future and removal of the root is determined by the City Arborist to substantially weaken the health of the tree.



City of Albany

1000 San Pablo Avenue • Albany, California 94706
(510) 528-5710 • www.albanyca.org

RESOLUTION NO. 2024-55

PASSED AND APPROVED BY THE COUNCIL OF THE CITY OF ALBANY,

The 17th day of June, 2024, by the following votes:

AYES: Council Members Hansen-Romero, Jordan, Tiedemann and Mayor Miki

NOES: none

ABSENT: Council Member López

ABSTAINED: none

RECUSED: none

WITNESS MY HAND AND THE SEAL OF THE CITY OF ALBANY, this

18th day of June, 2024.

Anne Hsu
CITY CLERK