

1 FULL TEXT OF MEASURE C

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3 **ORDINANCE NO. 2024-02**

4 **AN ORDINANCE OF THE CITY OF ALBANY, CALIFORNIA, ENACTING**  
5 **A SPECIAL PARCEL TAX TO FUND REPAIRING AND UPGRADING**  
6 **PUBLIC SIDEWALKS AND PATHWAYS AND REMOVING OBSTRUCTIONS**  
7 **TO IMPROVE SAFETY AND ACCESSIBILITY**

8  
9 **WHEREAS**, Albany residents have identified safe, passable sidewalks and pathways  
10 as an important aspect of quality of life and a high priority for investment by the City to ensure  
11 that pedestrians, including individuals with disabilities that affect mobility, and people biking  
12 are able to move safely through the City without using cars; and

13 **WHEREAS**, the City of Albany, like all California cities, has faced decreasing  
14 revenues to make essential infrastructure investments, resulting in deferred maintenance to  
15 many public facilities, including sidewalks and pathways; and

16 **WHEREAS**, a continued dedicated source of additional funding to invest in deferred  
17 maintenance to Albany's public sidewalks and pathways is important to the City's ability to  
18 address in a timely way needed repairs and upgrades to its sidewalks and pathways and to  
19 remove obstructions to improve safety and accessibility; and

20 **WHEREAS**, delaying maintenance and repairs to Albany's sidewalks and pathways  
21 increases the replacement costs in the long-run, and the City is committed to repairing  
22 deteriorating sidewalks and pathways before the costs become more expensive in the future;  
23 and

24 **WHEREAS**, with a dedicated source of funding to address needed sidewalk and  
25 pathway repairs and upgrades, the City can continue to accelerate urgent work to improve the  
26 safety and quality of Albany's sidewalks and pathways, avoiding the steeper costs of deferring  
27 the work later. Repairing and upgrading Albany's sidewalks and pathways and removing  
28 mobility obstacles will improve opportunities for residents and visitors to safely use alternative  
modes of transit to get around the City to play, work, and shop; and

1           **WHEREAS**, in 2010, the City approved a Climate Action Plan, which included a  
2 vision for an interconnected transportation system and land use pattern that shifts travel from  
3 autos to walking, biking, and public transit; and

4           **WHEREAS**, Climate Action Plan Measure TL 1.3 calls for implementation of  
5 improvements to encourage walking in the community by eliminating obstacles such as  
6 deteriorated sidewalks; and

7           **WHEREAS**, in 2012, the City approved an Active Transportation Plan that includes a  
8 detailed strategy to encourage pedestrian travel throughout the City. A key part of this strategy  
9 is improving the safety and convenience of pedestrian facilities; and

10           **WHEREAS**, in April 2016, the City adopted an updated General Plan that includes a  
11 variety of policies that will lead to improvements to sidewalks; and

12           **WHEREAS**, General Plan Policy T-2.10 calls for the City to establish reliable and  
13 sustained funding sources to ensure maintenance of transportation facilities including  
14 sidewalks; and

15           **WHEREAS**, General Plan Policy T-3.6 calls for priority walking corridors to be  
16 identified and targeted for sidewalk improvements including maintenance; and

17           **WHEREAS**, in light of the foregoing benefits and considerations, in 2016, Albany's  
18 voters previously adopted Ordinance No. 2016-03 pursuant to Measure P1, enacting the City  
19 of Albany's Safe and Accessible Sidewalks Special Parcel Tax in order to create a guaranteed  
20 source of local funding for Albany's public sidewalks that must be spent locally for Albany  
21 residents; and

22           **WHEREAS**, since Albany adopted its special tax pursuant to Measure P1, Albany  
23 identified additional revenue requirements and adjustments to the City's Sidewalk Repair  
24 Policy that are advisable for a continued successful sidewalk repair program, as described more  
25 fully in the Sidewalk and Pathway Repair Policy, attached hereto as Exhibit A, which  
26 necessitate an increase and extension to the special tax; and

1           **WHEREAS**, the proposed increased and extended special tax to be submitted to the  
2 voters is authorized by Article XIII A of the California Constitution and Section 50075 of the  
3 California Government Code. It will be approved if two-thirds of voters voting on the measure  
4 vote in favor of it.

5  
6  
7           **NOW, THEREFORE, THE PEOPLE OF THE CITY OF ALBANY DO ORDAIN A**  
8 **FOLLOWS:**

9  
10           Section 1.     Article 4-14 of Chapter IV of the Albany Municipal Code is hereby  
11 amended in its entirety as follows:

12  
13           4.14   SAFE AND ACCESSIBLE SIDEWALKS AND PATHWAYS SPECIAL  
14 PARCEL TAX

15  
16                   4.14.1 TITLE. This Article shall be known as the “City of Albany Safe and  
17 Accessible Sidewalks and Pathways Special Parcel Tax.”

18  
19                   4.14.2 DEFINITIONS.

20                           A. “City” means the City of Albany.

21                           B. “Consumer Price Index” or “CPI” means Consumer Price Index for All  
22 Urban Consumers (CPI-U) for San Francisco-Oakland-San Jose as published by the U.S.  
23 Department of Labor, Bureau of Labor Statistics. If the Consumer Price Index is discontinued  
24 or revised, such other government index or computation with which it is replaced shall be used  
25 in order to obtain substantially the same result as would be obtained if the Consumer Price  
26 Index had not been discontinued or revised.

1 C. "Multi-family residential parcel" means all parcels that are improved  
2 with more than one residential unit.

3 D. "Owner" means the owner or owners of the real property located within  
4 the City.

5 E. "Parcel" means any real property designated by an assessor's parcel map  
6 and parcel number and carried on the secured property tax roll of the County of Alameda.

7 F. "Sidewalk maintenance and obstruction removal" means repairing and  
8 upgrading public sidewalks and Class I multiuse pathways, and removing obstructions to  
9 improve safety and accessibility, and includes but is not limited to the following:

- 10 1. Relocation of shallow utility lines located within area of sidewalk  
11 repair;
- 12 2. Grinding of stumps of removed trees;
- 13 3. Replacement of soil or mulch in landscape strips as necessary to  
14 avoid a hazardous condition;
- 15 4. Repair of private driveway if necessary to maintain functionality of  
16 the existing driveway;
- 17 5. Funding for expedited repairs in locations with occupants that have  
18 special access needs (e.g., limited mobility, special events, etc.);
- 19 6. Extending the length of sidewalk or pathway to be repaired beyond  
20 the area of immediate hazard in order that the repaired sidewalk or  
21 pathway can tie into an existing sidewalk in relatively good  
22 condition;
- 23 7. Widening sidewalks to five (5) feet where feasible and appropriate;
- 24 8. Sidewalk shaving and similar measures which address defects  
25 without replacement;
- 26 9. Funding program support costs including staff, design, and  
27 administrative costs and a comprehensive survey of the public right-  
28 of-way every 5 years.

1 G. "Single-family residential parcel" means all parcels which are improved  
2 with only one residential unit.

3 H. "Special tax" means the special tax imposed by this Article.  
4

5 4.14.3 TAX IMPOSED.

6 A. An annual special tax in the amounts set forth in Section 4-14.4 is hereby  
7 imposed on every parcel of real property within the City.

8 B. The special tax constitutes a debt owed by the owner of each parcel of  
9 real property to the City.

10 C. The special tax shall be levied and collected on each parcel of real  
11 property within the City for which the owner receives a separate ad valorem property tax bill,  
12 at the same time and manner, and subject to the same penalties and procedures as ad valorem  
13 property taxes collected by the County of Alameda except as otherwise set forth in this Article.

14 D. If the owner of real property is by law exempt from ad valorem taxation,  
15 the parcel tax imposed herein shall be assessed to the holder of the possessory interest in such  
16 parcel, unless such holder is also by law exempt from ad valorem taxation. The special parcel  
17 tax shall not apply to: (A) any person, entity, parcel, or property as to whom or which is beyond  
18 the power of the City to impose the tax herein provided; and (B) any person qualifying for an  
19 exemption described in Section 4.14.3(E) below.

20 E. The tax imposed by this Section shall be subject to the exemptions and  
21 discounts set forth in this Section.

- 22 1. Single-family residential parcels and units on multi-family  
23 residential parcels shall be exempt from the special tax if they are  
24 owned and occupied by a person or persons whose combined family  
25 income, from all sources for the previous calendar year, is at or  
26 below the income level qualifying as "very low-income" for a family  
27 of such size under Section 8 of the United States Housing Act of  
28 1937 (42 U.S.C.A. Sections 1437 *et seq.*), for such year. This  
application process will be in the form of self-certification under

1 penalty of perjury. Owners must apply for the exemption provided  
2 for in this Section annually by application to the Finance Director in  
3 the manner and at the time set forth by the Finance Director. Such  
4 applications shall be on forms provided by the Finance Director and  
5 shall provide such information as the Finance Director may require.  
6 If the Finance Director determines the need to audit an application,  
7 the Finance Director may require additional information, including,  
8 but not limited to, federal income tax returns and W-2 forms of  
9 owner-occupants eligible for this exemption.

10 2. Renters who reside in a rental unit within the City of Albany whose  
11 combined family income, from all sources for the previous calendar  
12 year, is at or below the income level qualifying as “very low-  
13 income” for a family of such size under Section 8 of the United State  
14 Housing Act of 1937 (42 U.S.C.A. Sections 1437 *et seq.*), for such  
15 year may apply for a rebate of the special tax imposed by this Section  
16 that applies to the rental unit in which they reside. Renters must  
17 apply for the exemption provided for in this Section annually by  
18 application to the Finance Director in the manner and at the time set  
19 forth by the Finance Director. Such applications shall be on forms  
20 provided by the Finance Director and shall provide such information  
21 as the Finance Director may require. If the Finance Director  
22 determines the need to audit an application, the Finance Director  
23 may require additional information, including, but no limited to,  
24 federal income tax returns and W-2 forms of renter occupants  
25 eligible for this exemption. Only one such rebate shall be allowed  
26 annually to a rental unit.

27 3. Single-family residential parcels and units on multi-family  
28 residential parcels shall receive a 50% discount on the effective rate  
for the special tax if they are owned and occupied by a person or

1 persons whose combined family income, from all sources for the  
2 previous calendar year, is at or below the income level qualifying as  
3 “low-income” for a family of such size under Section 8 of the United  
4 States Housing Act of 1937 (42 U.S.C.A. Sections 1437 *et seq.*), for  
5 such year. This application process will be in the form of self-  
6 certification under penalty of perjury. Owners must apply for the  
7 exemption provided for in this Section annually by application to the  
8 Finance Director in the manner and at the time set forth by the  
9 Finance Director. Such applications shall be on forms provided by  
10 the Finance Director and shall provide such information as the  
11 Finance Director may require. If the Finance Director determines the  
12 need to audit an application, the Finance Director may require  
13 additional information, including, but not limited to, federal income  
14 tax returns and W-2 forms of owner-occupants eligible for this  
15 exemption.

- 16 4. Renters who reside in a rental unit within the City of Albany whose  
17 combined family income, from all sources for the previous calendar  
18 year, is at or below the income level qualifying as “low-income” for  
19 a family of such size under Section 8 of the United State Housing  
20 Act of 1937 (42 U.S.C.A. Sections 1437 *et seq.*), for such year may  
21 apply for a rebate of 50% of the special tax imposed by this Section  
22 that applies to the rental unit in which they reside. Renters must  
23 apply for the exemption provided for in this Section annually by  
24 application to the Finance Director in the manner and at the time set  
25 forth by the Finance Director. Such applications shall be on forms  
26 provided by the Finance Director and shall provide such information  
27 as the Finance Director may require. If the Finance Director  
28 determines the need to audit an application, the Finance Director  
may require additional information, including, but no limited to,

1 federal income tax returns and W-2 forms of renter occupants  
2 eligible for this exemption. Only one such rebate shall be allowed  
3 annually to a rental unit.  
4

5 4.14.4 TAX RATES.

6 A. The rate of the special tax for fiscal year commencing July 1, 2025, shall  
7 be \$0.017 per lot square foot, provided that the special tax shall not exceed \$6,000 for any one  
8 parcel in the noted fiscal year.

9 B. The tax rate noted above shall apply beginning July 1, 2025, and ending  
10 June 30, 2026. Commencing July 1, 2026, the tax per year shall be adjusted as set forth in this  
11 Section to reflect any increase in the Consumer Price Index beyond the first fiscal year the tax  
12 is levied. The increase shall apply both to the tax rate and to the cap per parcel. The tax rate  
13 per year on each parcel for each year subsequent to the first year shall be an amount determined  
14 as follows:

15  
16 
$$\begin{array}{ccccc} \text{Tax rate for} & = & \text{Tax rate for the} & \times & \text{Change in Consumer} \\ \text{the current} & & \text{preceding year} & & \text{Price Index from April} \\ \text{year} & & & & \text{of the immediately} \\ & & & & \text{preceding year to April} \\ & & & & \text{of the current year or} \\ & & & & \text{1.03, whichever is less} \end{array}$$

20  
21 In no event shall the special tax rate for any type of parcel for any year be  
22 less than the amount established for the preceding year.

23 C. The assessment roll data of the Alameda County Tax Assessor as of  
24 January 1 of each year and City records shall be used to determine the lot square footage of  
25 each parcel of real property for purposes of determining the amount of the special tax for each  
26 parcel and data related to each parcel necessary to determine applicability of exemptions.

27 D. For parcels divided by Tax Rate Area lines, the amount of the special  
28 tax for the portion of the parcel within Alameda County shall be calculated at the same rates  
as set forth above. For properties wholly within Alameda County and divided by Tax Rate



1 Area lines into multiple parcels, the property shall be taxed as a single parcel at the rates set  
2 forth above.

3  
4 4.14.5 COLLECTION OF TAX. The special tax shall be collected in the same  
5 manner as ordinary ad valorem taxes are collected and shall have the same lien priority and be  
6 subject to the same penalties and the same procedure and sale in cases of delinquency as  
7 provided for ad valorem taxes collected by the County of Alameda. The City Council may  
8 provide for other alternative methods of collection of the special tax by resolution.

9  
10 4.14.6 COLLECTION OF UNPAID TAX. The amount of the special tax, any  
11 penalty, and any interest imposed under the provisions of this Article shall be deemed a debt  
12 to the City. Any person owing money under the provisions of this Article shall be personally  
13 liable to an action brought in the name of the City, at its option, for the recovery for such  
14 amount.

15  
16 4.14.7 USE OF TAX REVENUE.

17 A. Revenue from the special tax, including penalties and interest thereon,  
18 shall be used for sidewalk maintenance and obstruction removal as such term is defined in  
19 Section 4.14.2(F), including but not limited to, repairing and upgrading public sidewalks and  
20 Class I multiuse pathways and removing obstructions to improve safety and accessibility  
21 consistent with the Sidewalk and Pathway Repair Policy adopted by the City Council. The  
22 currently approved Sidewalk and Pathway Repair Policy is attached as Exhibit A. The City  
23 Council may amend the Sidewalk and Pathway Repair Policy from time to time at its  
24 discretion, which changes shall be incorporated into this Article. In no case, however, shall  
25 changes to the Sidewalk and Pathway Repair Policy authorize the use of special tax revenue  
26 for projects unrelated to repairing and upgrading public sidewalks and Class I multiuse  
27 pathways and removing obstructions from public sidewalks to improve safety and accessibility  
28 or for other purpose authorized in this Article.

1                   B. At the City Council’s discretion, revenue from the special tax, including  
2 penalties and interest thereon, may also be used to pay for the costs of holding an election to  
3 seek voter approval of this Article, for the costs of administering the special tax, and for the  
4 costs of defending the special tax and this Article, including attorneys’ fees and related costs.  
5

6                   4.14.8 ACCOUNTABILITY. In accordance with the requirements of  
7 California Government Code Sections 50075.1 and 50075.3, the following accountability  
8 measures, among others, shall apply to the special tax:  
9

10                  A. A separate, special account, referred to as the Safe and Passable  
11 Sidewalk and Pathway Special Tax Fund, shall be utilized, into which the proceeds of the  
12 special tax, including penalties and interest earned on such proceeds, must continue to be  
13 deposited.

14                  B. The specific purposes of the special tax are for the funding of public  
15 sidewalk maintenance and obstruction removal projects and for related election,  
16 administration, and legal fees as set forth in Section 4-14.7. The proceeds of the special tax  
17 shall be applied only to those specific purposes.

18                  C. The Finance Director shall annually prepare and submit to the City  
19 Council a report regarding the special tax funds collected and expended, as well as any other  
20 information required by Government Code sections 50075.1 and 50075.3. The report may be  
21 presented as a separate section within the Annual Comprehensive Financial Report.

22                   4.14.9 ADMINISTRATION OF TAX. The City Council may establish rules  
23 and regulations that it determines are necessary and desirable for the administration and  
24 implementation of this Article.  
25

26                   4.14.10 AMENDMENTS. This Article may only be amended by a vote of the  
27 people if the amendment would result in the special tax being imposed, extended, or increased  
28 in a manner not authorized by this Article as originally approved by the voters, or if the  
amendment would substantially alter the purpose of the special tax. The City Council may

1 enact other amendments including but not limited to amendments necessary to implement or  
2 administer the special tax.

3  
4 4.14.11 EXPIRATION OF TAX. The authority to levy the special tax shall  
5 remain in effect until June 30, 2035, and as of that date is repealed unless a later ordinance is  
6 adopted and approved by the voters that either deletes or extends that date. Special taxes  
7 imposed in 2035 shall remain due and owing until paid, even after the authority to impose the  
8 special tax has expired.

9  
10 Section 2. The People of the City of Albany find that all Recitals contained in this  
11 Ordinance are true and correct and are incorporated herein by reference.

12  
13 Section 3. Reserved.

14  
15 Section 4. This Ordinance is exempt from the California Environmental Quality  
16 Act (Public Resources Code §§ 21000 et seq., “CEQA,” and 14 Cal. Code Reg. §§ 15000 et  
17 seq., “CEQA Guidelines”). The special tax authorized by this Ordinance is a special tax that  
18 can only be used to fund the projects, facilities, and services described in the Ordinance but  
19 does not approve any of the described projects or services. As such, under CEQA Guidelines  
20 section 15378(b)(4), the special tax is not a project within the meaning of CEQA because it  
21 creates a government funding mechanism that does not involve any commitment to any specific  
22 project or service that may result in a potentially significant physical impact on the  
23 environment. If revenue from the tax were used for a purpose that would have such effect, the  
24 City would undertake the required CEQA review for that particular project or service.  
25 Therefore, pursuant to CEQA Guidelines Section 15060, review of the Ordinance under CEQA  
26 is not required. Prior to commencement of any project or service funded by the special tax,  
27 any necessary environmental review required by CEQA shall be completed. The City shall  
28 perform CEQA analysis for the project prior to approving the project or service, if the project  
or service requires analysis under CEQA.

1           Section 5.     If any provision of this Ordinance is held by any court or by any Federal  
2 or State agency of competent jurisdiction, to be invalid as conflicting with any Federal or State  
3 law, rule or regulation now or hereafter in effect, or is held by such court or agency to be  
4 modified in any way in order to conform to the requirements of any such law, rule or regulation,  
5 such provision shall be considered a separate, distinct, and independent part of this ordinance,  
6 and such holding shall not affect the validity and enforceability of all other provisions hereof.  
7 In the event that such law, rule or regulation is subsequently repealed, rescinded, amended or  
8 otherwise changed, so that the provision thereof which had previously been held invalid or  
9 modified is no longer in conflict with such law, rule or regulation, said provision shall  
10 thereupon return to full force and effect and shall thereafter be binding. If any section,  
11 subsection, phrase, clause, sentence, or word in this Ordinance shall for any reason be held  
12 invalid or unconstitutional by a court of competent jurisdiction, it shall not nullify the  
13 remainder of this Ordinance but shall be confined to the article, section, subsection,  
14 subdivision, clause, sentence or word so held invalid or unconstitutional.

15  
16           Section 6.     This Ordinance shall be considered adopted on the date that the City  
17 Council declares the results of the election at which it was voted upon and shall be effective  
18 immediately because it is an ordinance relating to taxes.

1 Ordinance No. 2024-02 was submitted to the People of the City of Albany at the  
2 November 5, 2024 general municipal election. It was approved by the following vote of the  
3 People:

4 YES: 6,322

5 NO: 2,644  
6

7 Ordinance No. 2024-02 was thereby adopted by the voters at the November 5, 2024  
8 election and took effect upon adoption of a resolution declaring the results of the election at a  
9 meeting of the City Council held on December 9, 2024, by the following vote:

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

11 NOES: None

12 ABSENT: None  
13

14 I HEREBY CERTIFY that the foregoing is a true and correct copy of an ordinance duly  
15 and regularly adopted by the People of the City of Albany, California.  
16

17   
18 Anne Hsu, City Clerk

19  
20  
21 **ATTACHMENT:**

22 Exhibit A - Resolution Adopting a Sidewalk and Pathway Repair Policy  
23  
24  
25  
26  
27  
28

**ORDINANCE NO. 2024-02 – EXHIBIT A**  
**RESOLUTION NO. 2024-55 ADOPTING A SIDEWALK AND PATHWAY REPAIR POLICY**  
**APPROVED BY ALBANY CITY COUNCIL JUNE 17, 2024**

**[ATTACH EXHIBIT]**

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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

## **EXHIBIT A**

### **SIDEWALK AND PATHWAY REPAIR POLICY**

#### **Purpose**

The purpose of the Sidewalk and Pathway Repair Policy is to improve continuous sidewalk and pathway passability in public right of way by repairing sidewalk and Class I multiuse pathway 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 and Class I multiuse pathway repairs. Upon completion of the repair, the City will issue a certificate of compliance that returns responsibility for all future maintenance and repair of adjacent sidewalks to the property owner pursuant to existing State law. The Transportation 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.);
- 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.



1                   **Public Notice for Repair Program**

2                   A public notice will be mailed to all property owners adjacent to proposed areas of  
3                   work ten days before the Transportation Commission’s review of the proposed scope  
4                   of work. The notice will advise property owners that street trees may be subject to  
5                   removal and that property owners are required to cut back other vegetation in the area  
6                   of work. The notice will also advise owners that work may be underway for up to two  
7                   weeks, and solicit requests for information regarding occupants that may have special  
8                   access needs that will affect the timing of construction.

9                   **Point of Permit Program**

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

16                  **Streetscape Improvement Projects**

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

21                  **Refinements to Street Tree Program**

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