

1 FULL TEXT OF MEASURE C

2
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.
27
28

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 Tax rate for the current year = Tax rate for the preceding year X Change in Consumer
17 Price Index from April of the immediately
18 preceding year to April of the current year or
19 1.03, whichever is less
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 A. A separate, special account, referred to as the Safe and Passable
10 Sidewalk and Pathway Special Tax Fund, shall be utilized, into which the proceeds of the
11 special tax, including penalties and interest earned on such proceeds, must continue to be
12 deposited.

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

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

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

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21 **ATTACHMENT:**

22 Exhibit A - Resolution Adopting a Sidewalk and Pathway Repair Policy
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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 The purpose of the Sidewalk and Pathway Repair Policy is to improve continuous
5 sidewalk and pathway passability in public right of way by repairing sidewalk and Class
6 I multiuse pathway damage and removing vegetation obstructions.

7 **Legal Responsibility**

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

14 **Repair Program**

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

- 21 a) Relocation of shallow utility lines located within area of sidewalk repair;
- 22 b) Grinding of stumps of removed trees;
- 23 c) Replacement of soil or mulch in landscape strips as necessary to avoid a
24 hazardous condition;
- 25 d) Repair of private driveway if necessary to maintain functionality of the existing
26 driveway;
- 27 e) Funding for expedited repairs in locations with occupants that have special
28 access needs (e.g., limited mobility, special events, etc.);
- 29 f) Extending the length of sidewalk or pathway to be repaired beyond the area of
30 immediate hazard in order that the repaired sidewalk or pathway can tie into an
31 existing sidewalk in relatively good condition;
- 32 g) Widening sidewalks to five (5) feet where feasible and appropriate;
- 33 h) Sidewalk shaving and similar measures which address defects without
34 replacement;
- 35 i) Funding program support costs including staff, design, and administrative costs
36 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.