

Agenda Item # _____

For City Council Meeting of September 4, 2018

CITY OF SANTA ROSA
CITY COUNCIL

TO: MAYOR AND CITY COUNCIL
FROM: GREATER CHERRY STREET NEIGHBORHOOD ASSOCIATION (GCSNA)
SUBJECT: FY 2017-18 COMMUNITY IMPROVEMENT GRANT APPLICATION APPEALS
APPELLANT'S REBUTTAL TO STAFF REPORT; PRAYER

PRAYER

GCSNA prays that the Santa Rosa City Council approve the grant applications, in part or in full based on the merits of finding durable solutions for correcting OUR CITY's hazardous public sidewalks, unmaintained verges, and uninformed dog walkers. We pray that the City Council support Santa Rosa's neighborhood groups by administering an adequate and transparently Neighborhood Communication Fund, starting with the approval of Community Improvement Grant (CIG) Application #1720 in the amount of \$5,000. The total amount of the CIG Applications under appeal by GCSNA is \$16,000; we pray for City Council approval of this amount, to be paid to GCSNA upon filing the proof of match for each application retroactive to 9/27/17.

GCSNA - EXECUTIVE SUMMARY

Citizens of Santa Rosa are encouraged to interact with their Community Advisory Board (CAB), including applying for CIGs. The CIG program is an opportunity for the City to maximize their financial support for neighborhood groups by leveraging volunteer labor and management as well as outside fundraising to accomplish positive community actions. To build from our success in the 2016/17 funding cycle, GCSNA submitted several applications after consulting with CAB staff and members months prior to the application deadline. In 2016, and again in 2017, GCSNA was assured by CAB that there would be adequate feedback and guidance so we, as applicants, could learn about other funding sources if needed, and to be advised as to coordinating with other City departments. These assurances were not to be relied upon, thereby creating extraordinary financial damages to GCSNA. After GCSNA was forced to endure a defective process in 2017/18, CAB brought in outside consultants to attend to these defects.

REBUTTAL TO STAFF REPORT EXECUTIVE SUMMARY

Although GCSNA did meet with staff and some CAB members on February 20, 2018, additional research promised by staff to present alternatives to GCSNA for durable sidewalk repair coordinated with other City departments so that GCSNA would be moved to withdraw their appeals, never materialized. (Although during this entire process with the City going back over 2 years, why were no temporary repairs made to these obvious and numerous sidewalk and verge defects immediately when GCSNA brought them to the City's attention?) GCSNA did withdraw their appeal of applications 1704 - 1715, considering the response to the firestorms made finding licensed contractors interested in performing concrete sidewalk repairs very difficult, in what is already a very difficult marketplace. Although we believe that the property owners of GCSNA deserve to have a cost-share in addition to co-operative pricing for sidewalk repairs and verge maintenance because the parking enforcement district, and historic district overlay represent unusual impacts on these areas by increasing usage of the sidewalks.

REBUTTAL TO STAFF REPORT 'BACKGROUND' SECTION

GCSNA appeals can be categorized by three topics: Sidewalks and Verge Repair, Responsible Dog Walkers, and Neighborhood Communication. Although the Staff Report contains some attachments, information submitted with our applications and requested during the review process was omitted, so we attached that information for City Council review (See list of Attachments.)

REBUTTAL TO STAFF REPORT 'AWARD DETERMINATION' AND 'ANALYSIS' SECTIONS

Note that several times in the grant application, on the website, and in their Staff Report responses, the City claims that the grant applications need a 1:1 match. This apparently is incorrect. The program requires at least a 1:1 match. Although discussed and promised to GCSNA, CAB said that some sort of scoring system was used to rank the applications so that everybody involved in the process would learn how to work with the CIG process to maximize the impact and value of their present and future applications. This information never materialized from CAB. That failure, along with the lack of substantive feedback from CAB members to the applicants, make the entire CIG process flawed and subjective and open to politically driven animus.

GCSNA submitted information that not only showed at least a 1:1 match, but also compelling analysis of "triple bottom line" impacts that multiplied the City's award combined with the GCSNA match to create even larger positive impacts. "Triple bottom line" analysis considers impacts to our community overall including such factors as: trip and fall prevention, sanitary impacts, reduction in City costs for temporary repairs or lawsuit defense, decreased crime, increased neighborhood beautification, impacts on property values, safety for pedestrians

(including those mobility challenged, the elderly, and children), decreased crime, increased employment, and net positive environmental impacts (especially when the repairs are durable).

GCSNA takes issue with the time allowance for presenting grant applications to CAB. According to the Staff Report each application had the option of a 5 minute presentation to CAB followed by discussion. Although GCSNA submitted 20 applications, we were allowed only 7 minutes to present all applications. We had prepared neighbors to speak separately on behalf of each and every application but were denied participation in this process due to the arbitrary decision to limit us to only 7 minutes. It is ridiculous for staff to assert that these presentations have “no weight in CAB’s decision-making process”. As an advisory committee of the City, any contact with CAB will have some impact on the decision making processes used by CAB members to make their determinations, as well as for the applicants to determine with CAB’s guidance how to proceed to accomplish their goals. How was it that this process was designed so applicants’ oral presentations would not carry any “weight” in CABs decision making-process?

CAB presents a list of 8 criteria claimed to be used to determine the best applications, so that they could be awarded. This list appears to make the process we were subjected to look objective. But absent some sort of ranking or scoring, and feedback loop to the applicant, the success of a CIG application is actually determined behind the scenes using arbitrary political considerations.

GCSNA’s applications showed outstanding support for the 8 criteria, and prior to submission to the CIG applications every opportunity to discuss with CAB and staff was pursued by GCSNA to be sure the applications supported the stated criteria. GCSNA submitted their applications with support of a broad range of residents, workers, visitors, and business owners. Although only a couple years old, GCSNA successful used a small \$1,000 CIG to unite the neighborhood to support a public art project in 2016/17. The total value creation of public art project exceeded \$15,000.

According to criteria #4, “projects must have clear neighborhood and community support”. CAB is not clear about what it wants here, alternately insisting on “letters of support and petitions”, but awarding CIGs to organizations who presented none of that as part of their applications.

CAB is asking for engagement by the applicants to substantiate their applications using these criteria. For instance, criterium #3 asks for references to “partnering organizations, individuals, and associations involved”, in essence asking the applicant to place their cart before their horse. Anybody who is sensitive to local businesses knows that you don’t bother them with hypothetical partnerships. A competent project manager would submit a well thought out plan, gain support from CAB through the CIG process , then use that momentum to attract the funds needed to complete the project (simularily with engaging volunteers). Local businesses and residents are inundated with requests for financial support. For our applications, according to the Staff Report, staff had “already determined” that GCSNA’s grants 1701-1715 were not

eligible - but when did it make that determination? After the discussions with GCSNA in June and July prior to CIG submission? Why didn't staff inform GCSNA of that determination? Why would staff persist with questioning GCSNA about its supporters and partners if the determination was already made that their CIGs were not eligible?

Staff, "and later CAB", based their opinions about the ineligibility of GCSNA's CIGs by citing Council Policy 13-32.020 Maintenance and Repair of Sidewalks by claiming that education and repair regarding defective sidewalks, street trees, and verges is the responsibility of the property owner. However, GCSNA discussed this policy specifically with staff beforehand and fashioned its CIGs knowing that the Policy was not resulting in durable and timely maintenance of sidewalks, street trees, and verges. Therefore, GCSNA is intent on educating, and creating incentives for property owners to make durable repairs using co-operative engagement of qualified contractors, purchasing of materials, and where appropriate, volunteers. Responsibility for the maintenance must first be appropriately assigned since this is infrastructure found in the public domain, where defects may be caused by utilities, City assets including street trees planted decades ago, or be the responsibility of property owners that do not live on their properties.

GCSNA researched what "best practices" have emerged from other jurisdictions in the State of California. Attached is a report from the League of California Cities titled "But It's Your Sidewalk! Sidewalk Repair and Liability". Discuss within are various strategies that city's use to work with property owners to maintain sidewalks, street trees, and verges. Also of note is that the liability for trip and fall lawsuits is not as clear as the Santa Rosa' ordinance states. (The City of Santa Rosa is named on dozens of trip and fall lawsuits each year.)

The City of San Francisco has a "Good Neighbor" program that substantially reduces permit costs, uses licensed contractors organized by that City so property owners have lower repair costs. They have recently have enacted a policy (due to a successful initiative) to repair sidewalks damaged by street trees at no charge to the property owner.

GCSNA by way of the CIG process was asking for the City of Santa Rosa to fashion a best practice solution so sidewalks, street trees, and verges can be efficiently and economically repaired. For instance, a property owner pays \$10.40 per square foot for 3 ½" concrete in San Francisco, whereas in Santa Rosa property owners report costs approaching ten times that amount.

The CAB's reasoning that the Council Policy 13-32.020 makes GCSNA's CIG applications ineligible, and then award another CIG for street trees (Robinhood Lane Street Tree), which is covered under the same Policy, faulty. It also appears that CAB and staff did not properly discuss with that winning applicant what costs and liability could potentially be thrust upon property owners should the trees purchased with City funds create sidewalk damage.

GCSNA does not protest any of the successful CIG awardees. We feel sorry for those other applicants who were denied, as they too were subjected to an arbitrary process that was not effectively administered.

GCSNA does not have any negative attitude or mal-intent for any staff member, board member, or fellow applicant. We recognize that the motivation for everybody is to increase civic engagement and quality of life. However, what we were subjected to was a flawed and arbitrary process.

GCSNA also submitted a CIG (#1718) for \$1000 to be used to create and disseminate information supporting ordinances and best practices for folks who walk their dogs in public places.

The confluence of dog feces and defective sidewalks can best be illustrated by walking around the new \$9,000,000+ campus of the Santa Rosa Charter School for the Arts (756 Humboldt Street) which opened a few months ago. We will post videos and photos showing piles of dog feces and sidewalks that are impassable on the school's property that school kids attempting to walk to school must endure. Go to our website, www.greatercherry.org for posts as we get closer to the hearing date. The sidewalks around the new school shows the City's neglect, and contempt for the neighborhood.

Finally, after over two years of pointing to the numerous defective sidewalks in our area, the City proceeded with temporary asphalt patches in an attempt to ameliorate the risks caused by the broken concrete. This is not a durable or sometimes not even a satisfactory fix; and when asked, the costs could not be articulated by the Department responsible for temporary repairs.. We have attached the list and City's notes regarding some of the repairs, but they have only addressed a small number of the defects.

Staff raises an illogical assertion related to the timing of the appeal based on when the letter purportedly was sent to GCSNA announcing that our applications were not successful. Using the October firestorms as an excuse is very unprofessional. During and before the CIG process, GCSNA made it known to CAB that we would appeal if our applications were denied. (An appeal was imminent since the total of our applications exceeded the funds CAB had to award.) It was decided by staff in advance of the 9/27/17 CAB meeting that we would be able to file our appeals within 30 days after receiving our denial letter. This letter was never received in our post box just yards from the Office of Community Engagement, nor by email, on or around the date of the letter, October 3, 2017.. After we inquired on November 20th, a letter backdated to October 3, 2017 was received by us via email, and our appeal was made within 30 days, on December 20, 2017.

Similarly, staff attempts to make the delays for this hearing as something we planned, when we were responding to their requests to discuss the issues, so an appeal and public hearing may

be avoided. As stated before, any ideas they said they would pursue based on our discussions created no follow-up at all...so here we are.

Lastly, our CIG applications included #1720 (\$5000), GCSNA Communications. In 2017, we learned that the Office of Community Engagement has an unrestricted use fund ("slush fund") earmarked for use by some community groups - but not others - for the cost to reproduce newsletters (black on white 8.5 x 11 paper). Our application is more realistic about the costs needed for multimedia outreach to our neighborhood.

REBUTTAL OF FISCAL AND ENVIRONMENTAL IMPACTS

Given the analysis of impacts contained within the GCSNA's CIGs, we do not believe that staff understands the fiscal impacts to the City, and environmental impacts overall, and apparently lacks the skills to do a competent analysis.

ATTACHMENTS

10/3/17 Letter from Director of Community Engagement
08/21/17 Executive Summary: CIG Requests 1701-1715
08/21/17 Income/Expense Summary 1701-1715
08/21/17 Triple Bottom Line worksheet, 1701-1720
Santa Rosa Council Policy 13-32
Santa Rosa Council Resolution No. 28174
Santa Rosa Council Resolution No. 28442
Santa Rosa Council Resolution No. 28686
06/06/17 Email with staff
07/19/17 Email with CAB members re 07/18/17 meeting
"But It's Your Sidewalk! Sidewalk Repair and Liability", League of California Cities
01/30/18 Presentation to City Council, re: City Attorney Report
City and County of San Francisco, Sidewalk Inspection & Repair Program, Schedule of Bid Prices
City and County of San Francisco, Good Neighbor Guidelines for Repair of Sidewalk Defects
List of Temporary Repairs ordered by the City in the last 90 days for GCSNA
08/21/17 "Clarification Needed...", email to City Staff.
Sidewalks Endanger Pedestrians

CONTACT: Eric Fraser, Community Organizer, Greater Cherry Street Neighborhood Association, P.O. Box 1113, Santa Rosa CA 95402. 707.595-0851



October 3, 2017

Eric Fraser
Greater Cherry Street Neighborhood Association
P.O. Box 1113
Santa Rosa, CA 95402

Re: 2017-18 Community Improvement Grant Applications #1701 – 1720

Dear Mr. Fraser,

Thank you for applying for a Community Improvement Grant. This year the Community Advisory Board (CAB) received a record 48 grant applications for projects totaling approximately \$180,000. With projects ranging from school-based community gardens, to training on community organizing, to community events, the CAB was very pleased with the extremely high level of interest and the variety of projects. With only \$30,000 available for grand awards, many of the projects could not be funded.

After much consideration, your project was not among those elected for grant award this year. The CAB appreciates your interest, and encourages you to consider applying in the future.

If you have any questions, please feel free to contact the Office of Community Engagement by phone at 707-543-4696 or by email at communityengagement@srcity.org.

Sincerely,

A handwritten signature in blue ink that reads "Caluha Barnes".

Caluha Barnes
Director of Community Engagement
City of Santa Rosa Office of Community Engagement
637 First Street
Santa Rosa, CA 95404

Executive Summary

CIG Requests 1701-1715

Repair/Replace Sidewalks and Verge Remediation; Education

Contact: Eric Fraser, Community Organizer, Greater Cherry Street Neighborhood Association
greatercherry@gmail.com, cell: 707.479-8247

Summary: Pedestrians using sidewalks in the Greater Cherry Street Neighborhood area are exposed to safety risks, if they can access the sidewalk at all. Property Owners are exposed to this liability and are desirous of having a practical, inexpensive, and efficient process to maintain the sidewalks. Often, a property owner is not aware that they are responsible for public domain adjacent to their property including sidewalks, street trees, verges, and curbs. The City shoulders costs for temporary emergency repairs, as well as for servicing disgruntled residents, and handling lawsuits, even if the property owner is ultimately financially responsible. Therefore GCSNA, working in cooperation with the City and private contractors will present to property owners a sensible approach by collectively scoping needed work, negotiating for best prices, and coordinating offsetting incomes from City grants, property owners' cash payments, voluntary labor, in-kind donations, and sponsorships. Once the working processes are set up, this program may be useful for addressing the safety hazard in all neighborhoods caused by defective sidewalks, out-of-control trees, and ignored verges. Community Improvement Grants, or other forms of the City's financial participation are needed to jumpstart this project, and show residents that they care about everybody's safety and access.

Process: Collecting and communicating information is key to bringing the various parties together. Property owners must opt-in to participate; however everyone who uses the sidewalks benefits (or suffers if property owners do nothing). Information is collected about the conditions of specific sidewalk areas related to each property, the condition is analyzed and collated into a master presentation that prospective contractors can access. Responsibility for any repair is appropriately assigned. Property owners (or their representatives) receive a report detailing the minimum repairs suggested for the public domain adjacent to their property. The selected contractor(s) will bring forward their preferred methods for handling payment. The work is contracted, funded, and completed.

Financial Estimates:

This proforma has a unique format due to the CIG allowance for volunteer labor, in-kind donations other than cash (including discounts from market values), and other expressions of value that are not part of typical business plans. We have expressed those values as "Double Bottom Line". These "Double Bottom Line" values when added to the cash incomes from grants, cash donations, and property owner payments must be equal to the expenses.

Another set of values that shows major positive community impacts are shown below as "Triple Bottom Line" factors. "Triple Bottom Line" factors should elicit discussion about the financial ramifications that makes this project profound for solving major safety problems by using cash sensibly, negotiating with a scaled project for maximized discounts, and factoring in volunteers and donations.

The Triple Bottom factors include:

Decreased City Emergency Repair Expense
Decrease City Cost Defending Lawsuits
Decrease Property Owner Cost Defending Lawsuits
Accidental Trip/Fall Prevention
ADA Compliance (Mitigated Liability for City and Property Owner)
QOL - Increased use by all
Safe Routes to School Issues
Increase in Property Value
Rainwater catchment
Decrease Crime
Employment Opportunities for Underserved
Employment Overall
Brings Neighborhood "Closer" Together

Line items not included in the proforma:

Trees - Street trees may cause huge impacts. The effect of specific trees on the sidewalk will be noted. Depending on the extent of the damage or intrusion, the contractor will develop a plan of action, the costs of which are ultimately the property owners (after discounts, contributions, and other methods to reduce the financial impact)

Insurance - Property owners that opt-in to any work will need to sign off on a liability waiver for GCSNA and volunteers. Contractors will need to name GCSNA along with the City on riders to their policies.

Legal/Accounting - GCSNA does not have standing to perform legal advisory or certified public accounting tasks. Property owners will be advised to seek opinions about these matters prior to opting in to the program. Contractors will come forward with their own requirements and processes to which GCSNA will conform. If other legal or accounting functions are needed, GCSNA will seek out professional advice, the cost of which will be borne by in-kind donations, sponsorships, contributions, or if demanded in cash, on a prorated basis for the property owner.

Upgrades - The program will allow the scope assigned to various contractors to be enlarged to include upgrades to public domain areas (plants, trees, verge fill materials, planters and so on) and also on private property. All upgrades are the financial responsibility of the property owner (once discounts are applied).

Line Item Discussion:

Incomes:

CIGs - Show amounts requested using CIGs, along with anticipated payment request dates.

Business Sponsorships - Amounts collected in cash for mention on informational brochures.

Property Owners - Amounts collected from property owners.

Contributions - Amounts from the general public to offset specific or general costs.

Expenses:

Labor - Amounts reflecting (volunteer) labor coordinated by GCSNA.

Physical Assessment - Professional labor working alongside GCSNA volunteers to produce the inventory and info needed for prospective contractors, and property owners.

Employment for Underserved - Working alongside an established insured contractor like Becoming Independent or Habitat for Humanity, GCSNA seeks to employ underserved individuals.

Professional Oversight - Includes costs related to managing the employed individuals.

Repair/Replace, Contractor - A contracted, licensed, and insured professional crew.

Materials, Fill - Basic fill materials for the verges emulating the type of material already present.

Presentations for Contractors - Comprehensive presentations on print or online that contractors can use to make a bid.

Postage - Postage to mostly non-resident property owners.

Survey Info Cards - Announces what our crews are doing on the sidewalks

Info Brochures - Generic information prepared about repair/maintenance of sidewalks, street trees, verges and so on.

Property Specific Presentations - Information tailored to specific properties.

Equipment Rental - Trailers and hand tools that may be needed by volunteers or other laborers to complete their tasks.

Permits - The City has verbally stated that encroachment permits fees may be waived; but if they are in fact demanded, the costs would rest with the property owners.

Double Bottom Line Values:

Vendor Discounts - Discounts negotiated from vendors.

In-kind Donations - Contributions of materials or supplies.

Labor Donations - Estimated using \$22.14/hour values.

(See Discussion)

#	Desc	Request		Match		Total	Double	Triple multiplier	Triple Value	Notes:
1701	Sidewalk Condition Survey	\$	4,000.00	\$	4,000.00	\$ 8,000.00	2.00	3.0	\$ 24,000.00	Knowledge base for neighborhood and City. Information available for the entire community. Shows different types of damage needing repairs, and what to do about it. Educates about responsibility and liabilities. Prevents trip and fall.
1702	Sidewalk Info Pack	\$	1,000.00	\$	1,050.00	\$ 2,050.00	2.05	7.5	\$ 15,375.00	
1703	Verge Remediation	\$	5,000.00	\$	21,250.00	\$ 26,250.00	5.25	15.0	\$ 393,750.00	Actively prevents trips and falls that result in pain/suffering, lawsuits, huge costs. Co-operative strategy saves big money. Quality of life emphasizes walkability for all including elderly, disabled. Area used by hundreds of people a day. Contributes to rain catchment, neighborhood greening. Makes area more attractive. Reduces crime. Employees homeless and underserved people.
1704	Sidewalks Sec 1	\$	5,000.00	\$	11,220.00	\$ 16,220.00	3.24	15.0	\$ 243,300.00	" " " " " "
1705	Sidewalks Sec 2	\$	5,000.00	\$	11,250.00	\$ 16,250.00	3.25	15.0	\$ 243,750.00	" " " " " "
1706	Sidewalks Sec 3	\$	5,000.00	\$	11,250.00	\$ 16,250.00	3.25	15.0	\$ 243,750.00	" " " " " "
1707	Sidewalks Sec 4	\$	5,000.00	\$	11,250.00	\$ 16,250.00	3.25	15.0	\$ 243,750.00	" " " " " "
1708	Sidewalks Sec 5	\$	5,000.00	\$	11,250.00	\$ 16,250.00	3.25	15.0	\$ 243,750.00	" " " " " "
1709	Sidewalks Sec 6	\$	5,000.00	\$	11,220.00	\$ 16,220.00	3.24	15.0	\$ 243,300.00	" " " " " "
1710	Sidewalks Sec 7	\$	5,000.00	\$	11,220.00	\$ 16,220.00	3.24	15.0	\$ 243,300.00	" " " " " "
1711	Sidewalks Sec 8	\$	5,000.00	\$	11,250.00	\$ 16,250.00	3.25	15.0	\$ 243,750.00	" " " " " "
1712	Sidewalks Sec 9	\$	5,000.00	\$	11,275.00	\$ 16,275.00	3.26	15.0	\$ 244,125.00	" " " " " "
1713	Sidewalks Sec 10	\$	5,000.00	\$	11,275.00	\$ 16,275.00	3.26	15.0	\$ 244,125.00	" " " " " "
1714	Sidewalks Sec 11	\$	5,000.00	\$	11,225.00	\$ 16,225.00	3.25	15.0	\$ 243,375.00	" " " " " "
1715	Sidewalks Sec 12	\$	5,000.00	\$	11,225.00	\$ 16,225.00	3.25	15.0	\$ 243,375.00	" " " " " "
	Sub-total 1701-1715	\$	70,000.00	\$	161,210.00	\$ 231,210.00				Increases quality of life, Decreases suspicion, leads to stronger community support networks. Neighbors share talents and skills. People eat, laugh, love.
1716	Party	\$	3,750.00	\$	4,300.00	\$ 8,050.00	2.15	7.5	\$ 60,375.00	Prevents un-collected droppings, Owners need to be educated, this is part of that.
1717	Dog Waste	\$	1,550.00	\$	1,550.00	\$ 3,100.00	2.00	5.0	\$ 15,500.00	Shows Masonic as good citizens. Information available for the entire community, highlights downtown. Educates about dog waste.
1718	Dog Info Pack	\$	1,000.00	\$	1,050.00	\$ 2,050.00	2.05	7.5	\$ 15,375.00	Beautifies the neighborhood. Presents cohesiveness.
1719	Gateway Banners	\$	1,325.00	\$	1,325.00	\$ 2,650.00	2.00	2.0	\$ 5,300.00	Important network to include all residents, property owners and workers. Connects everyone using multi-faceted marketing techniques to be inclusive. Prevents crime, amplifies important information, saves people money, time and consternation
	GCSNA									
1720	Communications	\$	5,000.00	\$	11,750.00	\$ 16,750.00	3.35	3.0	\$ 50,250.00	
		\$	152,625.00	\$	342,395.00	\$ 495,020.00	2.99	11.5	\$ 3,503,575.00	



**Excerpt from the Santa Rosa City Code:
Chapter 13-32 PROPERTY OWNER SIDEWALK RESPONSIBILITY**

13-32.010 Trees—Property owner maintenance responsibility and duty to public—Liability.

(A) The owner of a lot fronting on or adjacent to any portion of a street shall maintain any trees, shrubs, hedges or other landscaping along said street or within the street right-of-way adjacent to his or her property in such nondangerous condition that the trees, shrubs, hedges or other landscaping will not interfere with the public convenience or safety in the use of the streets and sidewalks. Said owners shall maintain such street trees so that there is a minimum eight-foot vertical pedestrian clearance from the top of the sidewalk and a minimum 13-foot vertical vehicular clearance from the top of the curb, to any part of a street tree.

(B) For purposes of this section, maintenance of trees, shrubs, hedges and other landscaping includes but is not limited to: deep root watering, root pruning, installing root barriers, clearance and structural trimming, fertilizing, pest control, and removal of branches, leaves and other debris.

(C) Property owners required by this section to maintain trees, shrubs, hedges and other landscaping shall owe a duty to members of the public using public streets and sidewalks to maintain such trees, shrubs, hedges or other landscaping in a safe and nondangerous condition for users of the public streets and sidewalks.

(D) If any property owner fails to maintain any adjacent trees, shrubs, hedges or other landscaping in a nondangerous condition as required by this section, and as a result any person suffers damage or injury to person or property, the property owner shall be liable to such person for the resulting damages or injury. (Ord. 3886 § 3, 2008)

13-32.020 Maintenance and repair of sidewalks—Liability.

(A) Anything in this chapter to the contrary notwithstanding, the maintenance and repair of sidewalk areas and the making, confirming and collecting of assessments for the cost and expenses of said maintenance and repair may be done, and the proceedings therefor may be had and taken in accordance with this section and the procedure therefor provided in Chapter 22 of Division 7, Part 3, of the Streets and Highways Code of the State as the same is now in effect or may hereafter be amended. In the event of any conflict between the provisions of Chapter 22 of Division 7, Part 3, of the Streets and Highways Code of the State and this section, the provisions of this section shall control.

(B) The owners of lots or portions of lots adjacent to or fronting on any portion of a sidewalk area between the property line of the lots and the street line, including parking strips, sidewalks, curbs and gutters, and persons in possession of such lots by virtue of any permit or right shall repair and maintain such sidewalk areas and pay the costs and expenses therefor, including a charge for the City's costs of inspection and administration whenever the City awards a contract for such maintenance and repair and including the costs of collection of assessments for the costs of maintenance and repair under subsection (A) of this section or handling of any lien placed on the property due to failure of the property owner to promptly pay such assessments, but excluding any contribution by the City.

(C) For the purpose of this section, maintenance and repair of sidewalk area shall include, but not be limited to, maintenance and repair of surfaces including grinding, removal and replacement of sidewalks, repair and maintenance of curb and gutters, removal and filling or replacement of parking strips, removal of weeds and/or debris, tree root pruning and installing root barriers, trimming of shrubs and/or ground cover and trimming shrubs within the area between the property line of the adjacent property and the street pavement line, including parking strips and curbs, so that the sidewalk area will remain in a condition that is not dangerous to property or to persons using the sidewalk in a reasonable manner and will be in a condition which will not interfere with the public convenience in the use of said sidewalk area.

(D) Notwithstanding the provisions of Section 5614 of the State Streets and Highways Code, the Director of Public Works may in his or her discretion, and for sufficient cause, extend the period within which required maintenance and repair of sidewalk areas must commence by a period of not to exceed seventy-four days from the time the notice referred to in Section 5614 is given.

(E) Property owners required by this section to maintain and repair the sidewalk area shall owe a duty to members of the public using public streets and sidewalks to keep and maintain the sidewalk area in a safe and non-dangerous condition. If, as result of the failure of any property owner to maintain the sidewalk area in a non-dangerous condition as required by this section, any person suffers injury or damage to person or property, the property owner shall be liable to such person for the resulting damages or injury. (Ord. 3886 § 3, 2008)

RESOLUTION NO. 28174

RESOLUTION OF THE COUNCIL OF THE CITY OF SANTA ROSA ESTABLISHING ROLES, DUTIES, AND AREAS FOR THE COMMUNITY ADVISORY BOARD PER SECTION 10(b) OF THE SANTA ROSA CITY CHARTER

WHEREAS, the 2002 Charter Review Committee, in its Report to the Council of the City of Santa Rosa, recommended, among other things, that a section 10 be added to the City's Charter which would establish a board comprised of residents from 14 areas in the City who would provide advice to the Council on general City matters; and

WHEREAS, the Council considered this recommendation and substantially revised and changed it and thereafter placed its revised section 10, along with other revisions to the City Charter, before voters in the November 2002 election; and

WHEREAS, the voters approved, together with certain other revisions, the addition of section 10 to the Charter which became effective in January 2003; and

WHEREAS, the Council appointed a task force per section 10(a) to develop recommendations to greatly increase citizen and neighborhood participation and responsibility; and

WHEREAS, the task force met and developed recommendations to establish the Community Advisory Board; and

WHEREAS, the Council adopted Resolution No. 25805 on October 28, 2003, which established the Community Advisory Board; seven areas; member appointments; meetings; duties and responsibilities; staff assistance and budget; public improvements; and an implementation schedule; and

WHEREAS, on July 11, 2006, the City Council approved staff recommended changes to the structure and duties of the Community Advisory Board to clarify member duties, reduce members from 21 to 14, and improve communication between the CAB and City Council; and

WHEREAS, the City Council and Community Advisory Board Members wish to further clarify member duties and responsibilities, confirm membership at 14 and establish methods for communication between the City Council and the CAB.

NOW THEREFORE, BE IT RESOLVED that the Council of the City of Santa Rosa directs and determines as follows:

1. Membership. The Community Advisory Board is composed of 14 members from seven areas.

2. Seven Areas. The boundaries of the seven areas are as follows:
- a) North Area: All the area within the City situated north of Highway 12.
 - b) South Area: All the area within the City situated south of Highway 12.
 - c) Central Core Area: All the area enclosed within a figure formed by a line begins at the intersection of Highway 12 and North Dutton Avenue and proceeds north along North Dutton Avenue to its intersection with Cleveland Avenue; then proceeds northerly along Cleveland Avenue to its intersection with Ridgway Avenue; then proceeds easterly along Ridgway Avenue to its intersection with Mendocino Avenue; then proceeds northerly along Mendocino Avenue to its intersection with Spencer Avenue; then proceeds easterly along Spencer Avenue to its intersection with North Street; then proceeds southerly along North Street and continuing southerly along Brookwood Avenue to its intersection with Aston Avenue; then proceeds westerly along Aston Avenue to its intersection with Petaluma Hill Road; then proceeds southerly along Petaluma Hill Road to its intersection with Kawana Springs Road; then proceeds westerly along Kawana Springs Road to its intersection with Santa Rosa Avenue; then proceeds southerly on Santa Rosa Avenue to its intersection with Hearn Avenue; then proceeds westerly on Hearn Avenue to Dutton Avenue, then proceeds northerly on Dutton Avenue to the point of beginning at Highway 12.
 - d) Northeast Area: All of the area within the City that is situated northerly of Highway 12 and easterly of Highway 101; excluding the area within the Central Core Area.
 - e) Northwest Area: All of the area within the City that is situated northerly of Highway 12 and westerly of Highway 101, excluding the area within the Central Core Area.
 - f) Southeast Area: All the area within the City that is situated southerly of Highway 12 and easterly of Highway 101, excluding the area within the Central Core Area.
 - g) Southwest Area: All the area within the City that is situated southerly of Highway 12 and westerly of Highway 101, excluding the area within the Central Core Area.

A map depicting these areas is on file in the office of the City Clerk.

3. Appointment. Two members of the Board shall be appointed by each member of the City Council, provided, that no Council member shall appoint more than one representative of an area. The term of each member of the Board shall correspond to the term of the appointing Council Member and a Board member may also be removed by the affirmative vote of five Council Members. The order and manner in which appointments to the Board are made by Council Members shall be established by the City Council policy on Appointments to Boards and Commissions.
4. Meetings. The Board shall meet at least quarterly. The Board shall comply with the Ralph M. Brown Act and adopt rules and procedures for the conduct of meetings and the carrying out of its responsibilities. Eight members shall constitute a quorum of the Board which must be present for the transaction of any business. The Chair of the Board shall be

appointed from among its members by the Mayor. The Board shall elect a Vice Chair, who shall act as Chairperson in the Chairperson's absence and serve a one-year term. The Board may appoint committees of its members to assist it in its work and the representatives of each area shall be deemed a committee of the Board for the area they represent.

5. Duties and Responsibilities.

- (a) The Board shall act in an advisory capacity to the City Council on City issues, including community based issues such as public safety or other matters of concern to residents, budget priorities for capital improvement projects, participation in neighborhood planning meetings, public involvement process and community building to promote a culture of mutual respect, dialogue and inclusion to improve our City's ability to work together and address concerns as described below:

i. Issues of concern to residents of the City (Public Safety and others). Annually, the City and Board members shall identify a minimum of one community-based issue which requires outreach into the neighborhoods to share information, receive feedback and active participation from the community. A report from the Board to the Council on the identified issue(s), community outreach efforts, and feedback from the neighborhoods and community will be presented within one year of assignment.

ii. Budget Priorities for Capital Improvement Projects. CAB, with support from the City Manager's Office, shall advise on the design and facilitation of a public participation process that offers a minimum of four neighborhood meetings for the community to review and provide feedback on the CIP budget and priorities. Meetings shall take place prior to City staff's preparation of the CIP which begins each year in January.

iii. Participation in neighborhood planning meetings. Annually, members shall attend a minimum of four (4) community meetings, city workshops and other such meetings that directly impact their area or group/organization. Quarterly, each member shall report information and community/neighborhood feedback to the entire Board, which shall be compiled by the Chair and forwarded to the entire Council within thirty (30) days following the meeting.

iv. Strengthen public involvement process. The Board shall advise the Council on possible methods and ways to increase public participation in the resolution of issues coming before the council and the City's boards and commissions. The Board shall serve in an advisory capacity to the Council and work with the Community Engagement Program on the effectiveness of the public involvement process used by City departments and make recommendations for improvements.

v. Building Community. CAB shall actively partner in the City's Community Engagement Program efforts by assisting neighborhoods and other organizations to build civic capacity within their area and enhance their civic engagement. Quarterly, members shall provide oral reports to the entire Board on these efforts and outcomes. Annually, a minimum of four (4) CAB Board meetings shall be held in various CAB areas to increase CAB's ability to share information about the City's Community Engagement Program, encourage participation, and seek feedback from community members.

vi. Public Improvements. Annually through the budget process, the Council shall establish an allocation for public improvements within each area. Public improvements shall include construction/ improvement projects and a maximum 10% incidental budget.

The Board shall oversee the issuance of a public grant application solicitation in May and acceptance of grant applications in July. The Board, in a noticed public meeting during the months of August and September, shall review all grant applications submitted and make recommendations for award to the Council for their consideration and approval.

(b) The Board shall meet with the City Council during the second quarter of each fiscal year or more frequently as deemed necessary by the City Council and CAB. The Board shall report on annual accomplishments related to items i. through vi. above and set goals and objectives for the upcoming year for accomplishing i. through vi. above.

6. Staff Assistance and Board Budget. The City Manager shall assign a City staff member to coordinate and assist the Board in the carrying out of its responsibilities. Additional City staffing may be provided to assist the Board with particular issues. The Council shall establish a budget and appropriate funds for the Board's operations as the Council deems appropriate. The members of the Board may be provided, as determined by the City Council, with training and instruction to aid and assist them in carrying out their responsibilities.

IN COUNCIL DULY PASSED this 7th day of August, 2012.

AYES: (6) Mayor Olivares, Vice Mayor Sawyer, Council Members Bartley, Gorin, Ours, Wysocky

NOES: (0)

ABSENT: (1) Council Member Vas Dupre

ABSTAIN: (0)

ATTEST:  City Clerk APPROVED:  Vice Mayor

APPROVED AS TO FORM:


City Attorney

RESOLUTION NO. 28442

RESOLUTION OF THE COUNCIL OF THE CITY OF SANTA ROSA ESTABLISHING ROLES, DUTIES, AND AREAS FOR THE COMMUNITY ADVISORY BOARD AND MODIFYING THE COMMUNITY IMPROVEMENT GRANT CRITERIA PER SECTION 10(b) OF THE SANTA ROSA CITY CHARTER

WHEREAS, the 2002 Charter Review Committee, in its Report to the Council of the City of Santa Rosa, recommended, among other things, that a section 10 be added to the City's Charter which would establish a board comprised of residents from 14 areas in the City who would provide advice to the Council on general City matters; and

WHEREAS, the Council considered this recommendation and substantially revised and changed it and thereafter placed its revised section 10, along with other revisions to the City Charter, before voters in the November 2002 election; and

WHEREAS, the voters approved, together with certain other revisions, the addition of section 10 to the Charter which became effective in January 2003; and

WHEREAS, the Council appointed a task force per section 10(a) to develop recommendations to greatly increase citizen and neighborhood participation and responsibility; and

WHEREAS, the task force met and developed recommendations to establish the Community Advisory Board; and

WHEREAS, the Council adopted Resolution No. 25805 on October 28, 2003, which established the Community Advisory Board; seven areas; member appointments; meetings; duties and responsibilities; staff assistance and budget; public improvements; and an implementation schedule; and

WHEREAS, on July 11, 2006, the City Council approved staff recommended changes to the structure and duties of the Community Advisory Board to clarify member duties, reduce members from 21 to 14, and improve communication between the CAB and City Council; and

WHEREAS, the City Council adopted Resolution No. 28174 on August 7, 2012, which clarified the Community Advisory Board member duties and responsibilities, confirmed membership at 14 and established methods for communication between the City Council and the CAB; and

WHEREAS, on January 28, 2014, Council directed staff to include community building as an additional goal in the overall grant criteria.

NOW THEREFORE, BE IT RESOLVED that the Council of the City of Santa Rosa directs and determines as follows: Resolution 28174 is hereby amended with respect to public improvements to provide as follows:

- i. Public Improvements and Community Events. Annually through the budget process, the Council shall establish an allocation for public improvements and community events. The Board shall oversee the issuance of a public grant application solicitation in May and acceptance of grant applications in July. The Board, in a noticed public meeting during the months of August and September, shall review all grant applications submitted and make recommendations for award to the Council for their consideration and approval. Applications shall be under two categories:
 - A. Public improvements shall include physical construction/ improvement projects located within one of the seven areas identified.
 - B. Community events shall include practices and events that create or enhance the sense of community among individuals with a regional area or within a group that share a common interest.

BE IT FURTHER RESOLVED, that all other provisions of Resolution No. 28174 shall remain in effect.

BE IT FURTHER RESOLVED, that Resolution No. 25805 (October 28, 2003) is hereby repealed.

IN COUNCIL DULY PASSED this 11th day of March, 2014.

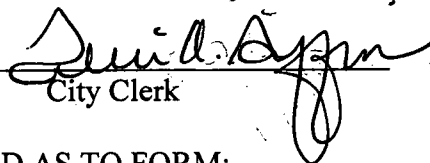
AYES: (7) Mayor Bartley, Vice Mayor Swinth, Council Members Carlstrom, Combs, Olivares, Ours, Wysocky

NOES: (0)

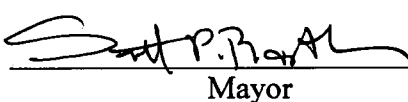
ABSENT: (0)

ABSTAIN: (0)

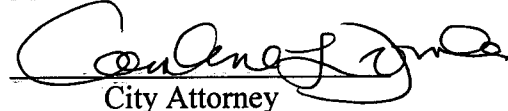
ATTEST:


City Clerk

APPROVED:


Mayor

APPROVED AS TO FORM:


City Attorney

RESOLUTION NO. 28686

RESOLUTION OF THE COUNCIL OF THE CITY OF SANTA ROSA AWARDING
APPROVAL AUTHORITY FOR COMMUNITY IMPROVEMENT GRANTS TO THE
COMMUNITY ADVISORY BOARD

WHEREAS, the City Council adopted Resolution No. 28174 on August 7, 2012, which clarified the Community Advisory Board (CAB) member duties and responsibilities, confirmed membership at 14 and established methods for communication between the City Council and the CAB; and

WHEREAS, the City Council adopted Resolution No. 28442 on March 11, 2014 which amended Resolution No. 28442 with respect to public improvements and community events; and

WHEREAS, Resolution No. 28442 provides for annual allocation of funds for public improvements and community events and details CAB's responsibilities in overseeing the public grant application and review process; and

WHEREAS, as required in Resolution No. 28442, CAB reviews grant applications and makes recommendation to the City Council for grant approvals; and

WHEREAS, CAB is currently in its 2015/2016 grant cycle and, on November, 19, 2014, recommended that the Council be asked to give final grant approval authority to CAB in order to expedite the approval and award process.

NOW, THEREFORE, BE IT RESOLVED that Resolution No. 28442 is hereby amended with respect to public improvements as follows:

- i. Public Improvements and Community Events. Annually through the budget process, the Council shall establish an allocation for public improvements and community events. The Board shall oversee the issuance of a public grant application solicitation in May and acceptance of grant applications in July. The Board, in a noticed public meeting during the months of August and September, shall review all grant applications submitted. Applications shall be under two categories:
 - A. Public improvements shall include physical construction/improvement projects located within one of the seven areas identified.
 - B. Community events shall include practices and events that create or enhance the sense of community among individuals with a regional area of within a group that shares a common interest.

Based on these criteria, the Board shall award grants to the applicants whose projects best meet the criteria. The Board will refer any appeals of denied applications to the Council and will provide a report annually to Council on the grant program.

BE IT FURTHER RESOLVED that all other provisions of Resolution No. 28442 shall remain in effect.

IN COUNCIL DULY PASSED this 15th day of September, 2015.

AYES: (4) Council Members Carlstrom, Combs, Schwedhelm, Wysocky

NOES: (2) Mayor Sawyer, Council Member Olivares

ABSENT: (1) Vice Mayor Coursey

ABSTAIN: (0)

ATTEST: Stephanie Williams
Deputy City Clerk

APPROVED: [Signature]

Mayor

APPROVED AS TO FORM:

Carolene L. Davis
City Attorney



Greater Cherry Projects for 2017-2018

Ronshausen, Danielle <DRonshausen@srcity.org>

Tue, Jun 6, 2017 at 4:21 PM

To: Greater Cherry Neighborhood Association <greatercherry@gmail.com>

No problem ☺ I've responded to some other questions you had below...in green!

Danielle Ronshausen, MPH | Community Engagement Coordinator

Tel. (707) 543-4696 | Cell (707) 835-6535 | Fax (707) 543-3030 | dronshausen@srcity.org

From: Greater Cherry Neighborhood Association [mailto:greatercherry@gmail.com]

Sent: Tuesday, June 06, 2017 3:51 PM

To: Ronshausen, Danielle <DRonshausen@srcity.org>

Cc: Michael Varela <mike@myteamworkx.com>

Subject: Re: Greater Cherry Projects for 2017-2018

Hello Danielle;

Thanks for your time and really researching deeply to put us on the right path. Please pardon my overuse of the paste function to ask (again and again) whether a project is a fit with your program. (When I reread this it sounded a little cray-cray)

Anyway, I've made some comments below...

Thanks again!

Eric

On Tue, Jun 6, 2017 at 2:38 PM, Ronshausen, Danielle <DRonshausen@srcity.org> wrote:

Hi Eric,

Thanks for your questions! Please see my responses below.

Danielle

Danielle Ronshausen, MPH | Community Engagement Coordinator

Tel. (707) 543-4696 | Cell (707) 835-6535 | Fax (707) 543-3030 | dronshausen@srcity.org

From: Greater Cherry Neighborhood Association [mailto:greatercherry@gmail.com]
Sent: Thursday, June 01, 2017 12:30 PM
To: Ronshausen, Danielle <DRonshausen@srcity.org>
Subject: Greater Cherry Projects for 2017-2018

Hello Danielle;

We are putting together a few grant requests and would like your guidance to be sure we are not spinning our wheels.

A) Grant for banners on the light poles around the 5th street parking garage (Orchard St and Beaver St.) and maybe at other gateways into Greater Cherry. Does the City have any records on the cost of banners or installation requirements? This was a project done by several groups a few years ago. It looks like they all used a company called Electric Crayon (locally owned and still in business). The banners that were ordered were 30" x 72", 13oz Matte Banner Vinyl, 2-sided and ran about \$94.99/each, tax separate. I would contact them to get a quote since I'm not sure how much the banners are now. 707-541-3838 or 800-556-2588; <http://electric-crayon.com/>.

This needs approval from parking I would guess...

Good question – let me ask and make sure.

B) Rejuvenating our "Road Verge" or "Tree Lawn". Funny terms for that space between the sidewalk and the street. We want to help our neighborhood beautify this area, and perhaps become a template for how we do this in other neighborhoods. We will coordinate the City, volunteers, suppliers, and others to create a no or low cost suite of solutions. We are NOT looking to have a homogenous verge, and instead want to acknowledge what might already be in place, and be ready to improve what is there to good, better, best standards. "Good" has to be clean and safe, and we will go from there. Aspects of our plan include employment of homeless, vets, and other underserved individuals. Is this an allowable use of CIG money? Yes, but if you are planning on engaging homeless individuals, I highly encourage you to partner with organizations such as Catholic Charities and the City – we are expanding and creating new strategies in our efforts to reduce homelessness in the City. We want to make sure any efforts such as yours are aligned with what is already happening. This will also make your application with CAB stronger if you can show that you are partnering with groups already addressing the issue. I believe there are some work already happening around employing homeless individuals in community based projects. This project, as a whole, would be a great idea. I've seen other communities use that space for community garden space.

Jack Tibbits told me a few months ago that he wants to get involved with this...I'll give him a call. Who else should I

be working with on this? Yes, we wanted to be sure we have partners to administer the labor part of this. For community gardening space, etc.it comes down to the availability of water. I have an excellent gardener, a homeless vet with PTSD, who wants to be part of the solution...

Housing and Community Services – Kelli Kuykendall (KKuykendall@srcity.org), Homeless Services Coordinator, can provide some input and direction

Jennielynn Holmes (CAB Member) can also provide some guidance on the application if you decide to apply for funding for this project - jholmes@srcharities.org

C) Dog parklet at intersection of 7th and Beaver. Landscaping, doggie waste bags and container. Is this an allowable use of CIG money? **Yes – as long as you can show community support and have approvals from any property owners.**

OK, I'll research...

D) Friendly Dog Users Guide to the downtown area. Print and on-line resource. Is this an allowable use of CIG money? **Yes, I would say it would be. You'll have to show the need for it and if you have any community support for it.**

OK, petition time!

E) Year end progressive dinner! While encouraging a multiplicity of "open houses" for appetizers and desserts, we wanted to bring everyone together for an alcohol-free dinner at the Masonic Hall. Is this an allowable use of CIG money? **Yes!**

Perfect!

I forgot to mention – just make sure it's free and open to all members of the public!

Is there limit to # of applications or awards for one organization? **No, however, we cannot guarantee that we will be able to fund all projects, particularly now that we are offering \$5,000 grants.**

Cool! No guarantees LOL (I bet a big part of your job is managing expectations)

We really appreciate you, Danielle!

Eric Fraser

Community Organizer

Greater Cherry Street Neighborhood Association

707.479-8247

CAB Grant Follow up

Greater Cherry Neighborhood Association <greatercherry@gmail.com>

Wed, Jul 19, 2017 at 1:37 AM

To: Cherie Maria-Barnett <cherie.m.maria@gmail.com>

Cc: Lacinda R Moore <lacinda.r.moore@gmail.com>

Hello Cherie and Lucinda;

It was my pleasure to spend time with you this Tuesday morning. Time really flew by. Thanks for the illuminating discussion; I learned plenty and have more learning to do. I appreciate your work and leadership.

Two things among many:

1) Attached is the proposed press release for the Orchard Street Mural. Please make suggestions ASAP about how CAB is described, and I can also insert a quote from you.

2) I have been working with Jason Nutt to create strategies to improve public easements that are ultimately the property owners' responsibilities (think sidewalks, street trees, verge) and this has lead to a multi-faceted remedy. Jason is investigating funds for assessing the condition of these sidewalks and verge, and performing minor sidewalk repairs, and I agreed to be the lead for articulating projects to appropriate scale (involves combining multiple properties) and recruiting/managing licensed contractors, as well as negotiating buy-in from the subject property owner for matching funds for the (negotiated discounted) shared cost. Volunteer labor and in-kind materials will also be leveraged. I can prepare 10 x \$5,000 CIG applications (or more) specific to sections of our neighborhoods' sidewalks if you believe this is an acceptable use of CIG funds.

The cost estimate would look something like this:

Based on \$30/per linear foot of 48" sidewalk repaired and replaced plus tree surcharge as applicable.

Cost Estimate:

Salary/Wages: Req (\$0), Match (\$1,500) in-kind

Contract Services: Req (\$5,000), Match (\$5,000)

Materials/Supplies (not included in Contracted Services): Salary/Wages: Req (\$0), Match (\$1,500) in-kind

Permits: Req (\$0), Match (\$500) in-kind

(Cash) Funding Source:

Property Owners (on behalf of the public easement on their property) $80\% \times \$5,000 = \$4,000$

Property Owners, community members and businesses (on behalf of the public easement on their qualified neighbor's property). Qualified neighbors include seniors on fixed incomes, non-profits, churches, low-income property owner (not income property), $20\% \times \$5,000 = \$1,000$

I'll also critique the current application package juxtaposed against our conversation Tuesday. There is information in the application that is confusing, contradictory, arbitrary/subjective, and there is also language that's not. All this with the good intentions that CAB personifies.

I need your feedback on #1 and #2 ASAP, please.

Eric Fraser

Community Organizer

Greater Cherry Street Neighborhood Association

707.479-8247

[Quoted text hidden]



But It's Your Sidewalk! Sidewalk Repair and Liability

Thursday, May 8, 2014 General Session; 2:15 – 4:15 p.m.

Gerald C. Hicks, Supervising Deputy City Attorney, Sacramento

This image shows a full page of blank handwriting practice paper. It features 20 evenly spaced horizontal blue lines across the entire page. There are no margins, text, or other markings present.

BUT IT'S YOUR SIDEWALK!

This paper and presentation arose out of a desire to create a comprehensive summary of the law concerning an adjacent property owner's obligation to repair a defective sidewalk under Streets and Highways Code section 5610. This effort was motivated to address the numerous objections and threatened lawsuits from angry property owners upon receipt of a repair notice. The title was suggested by the oft heard property owners' mantra and perspective. Research into the history of sidewalk repair for purposes of the paper led to research into the general history of sidewalks and research concerning repair naturally delved into research concerning the interplay between sidewalk repair and liability for unrepaired sidewalks. In sum, the paper and presentation deal with various issues concerning the most pedestrian of infrastructure – sidewalks. Because understanding some of the issues concerning sidewalk repair and liability may best be understood in a historical context, I begin with a brief history of sidewalks.

I

A Brief History of Sidewalks

Sidewalks, perhaps the most ubiquitous yet inconspicuous of critical infrastructure, have a long history. The first evidence of paved pedestrian paths dates from ancient Greece and Rome.¹ Sidewalks, as walkways separated from roads, disappeared during the Middle Ages. They reappeared during the seventeenth century when the first governmental acts calling for the paving of pedestrian paths were passed by Parliament a few years after the 1666 Great Fire of London, apparently as part of Christopher Wren's rebuilding and organization of the City of London.

In the nineteenth century, sidewalks were often constructed by adjacent property owners and businesses and by the end of that century sidewalks had become an important aspect of urban

¹ Loukaitou-Sideris and Ehrenfeucht, *Sidewalks: Conflict and Negotiation over Public Space* (2009) p. 15

infrastructure. Because sidewalks were often the only paved aspect of streets, they were the easiest place to walk, shop and carry out various economic and social activities. “In commercial areas, sidewalks extended the realm of adjacent shops; shopkeepers displayed their merchandise on sidewalks and stored deliveries and overstock on them as well. Street peddlers made a living outdoors while street speakers and newsboys conveyed information to passersby. Sidewalks were also a realm for social encounters where friends, acquaintances, and strangers mixed. The sidewalks were thus both a route and a destination; a way to move through the city, but also a place of commerce, social interaction, and civic engagement.”² Sidewalks were also critical to the safety of a city and to establishing a sense of community.

As sidewalks became more prevalent, cities moved to standardize their dimensions and the material used to construct them. With standardization came a contraction of their use as cities focused on a singular purpose for sidewalks – to move people. As a result, many cities imposed sidewalk regulations with respect to the storage of material or products; public speaking; vending; and loitering. Jane Jacobs lamented the reduction in value and physical contraction of sidewalks in her 1961 book, *The Death and Life of Great American Cities*, “Sidewalk width is invariably sacrificed for vehicular width, partly because city sidewalks are conventionally considered to be purely space for pedestrian travel and access to buildings and go unrecognized and unrespected as the uniquely vital and irreplaceable organs of city safety, public life, and child rearing that they are.”³ In her book, Jacobs relates numerous examples of how a busy and vibrant sidewalk, even in the less affluent parts of a city, can decrease crime and promote social discourse.

² Loukaitou-Sideris and Renia Ehrenfeucht, *Vibrant Sidewalks in the United States: Reintegrating Walking and a Quintessential Social Realm* (Access Magazine Spring 2010), p. 24

³ Jacobs, *The Death and Life of Great American Cities* (1961)

In recent years, sidewalks have gained renewed respect as planners seek to restore their status as “public space” as opposed to a simple mode of transportation. The health benefits of walking are patent but have been extolled by the Surgeon General and numerous health professionals as a means to combat obesity, diabetes, and other diseases. In addition, as a result of concerns with climate change, energy conservation and congestion, transportation planners view sidewalks as an important component of sustainable and healthy communities and walking as an inexpensive and enjoyable activity that reduces congestion and conserves energy.⁴

II

Sidewalk repair

A. Approaches to Sidewalk Repair and Maintenance

Despite their long history and ubiquity, sidewalks are often overlooked as non-critical infrastructure. While listing bridges, dams, levees, ports, rails and roads, the American Society of Civil Engineers’ Report Card for America’s Infrastructure does not mention sidewalks. While it is true that the catastrophic failure of a dam or bridge would undoubtedly have calamitous results, the cumulative injuries and consequent expenditure of municipal funds from the incremental decay of sidewalks can be equally substantial.

The legal and fiscal impact of broken or displaced sidewalks and the responsibility for their repair has been a constant, if inconspicuous, issue in many California cities for some time. The issue of repair responsibility has obvious legal implications: liability for the existence of a dangerous condition and the requirement to maintain an accessible sidewalk under the Americans with Disabilities Act and California

⁴ Loukaitou-Sideris and Renia Ehrenfeucht, *Vibrant Sidewalks in the United States: Reintegrating Walking and a Quintessential Social Realm* (Access Magazine Spring 2010); American Planning Association, *The Importance of Sidewalks* (The New Planner, Fall 2013)

disability access laws. The repair obligation also creates political difficulties - both for those cities which maintain an ordinance placing the repair obligation on property owners (and who consistently deal with surprised and disgruntled property owners) and those cities that have not enacted such an ordinance because of public opposition and which face a steady increase in damaged sidewalks and the potential liability arising from those sidewalks.

Los Angeles provides a singular example. In 1974, as a result of a grant of federal funds, Los Angeles passed an ordinance placing the obligation to repair sidewalks on the City. Since the federal funds dried up a few years later, the City has had difficulty enacting legislation to place the repair obligation back on the property owners. As of 2010, approximately 4,700 of the Los Angeles' 11,000 linear miles of sidewalk (approximately 43%) were in disrepair. The City estimated spending between 4 and 6 million dollars in liability claims and the cost estimate to repair the sidewalks was between 1.2 and 1.5 billion dollars.⁵ Los Angeles has been considering repealing the 1974 ordinance to shift responsibility back to the homeowners. This effort has faced opposition from the homeowners and even unsuccessful efforts in the State Legislature to require a public vote prior to placing the obligation back on the homeowner. Sacramento also experimented with assuming the repair obligation. From 1943 through mid-1973, the City's policy was that property owners were responsible for the cost of all repairs except those caused by City street tree roots for which the City shared responsibility. In mid-1973, the City adopted a new policy making the City responsible for all sidewalk repairs. Not surprisingly, sidewalk repair requests increased substantially. In mid-1976, finding the existing policy unworkable, the City elected to adopt a policy making property owners responsible for all sidewalk repairs, including those repairs necessitated by damage caused by City street trees. Other cities have backed away from an ordinance placing the

⁵ Brasuell, *Where the Sidewalk Ends ... In a Tree Root-Related Lawsuit*, (Oct. 20, 2011) <http://la.curbed.com/archives/2011/10/where_the_sidewalk_endsin_a_tree_rootrelated_lawsuit.php>

obligation of sidewalk repair on the property owner after a public outcry. Those cities that do have sidewalk repair ordinances in place nonetheless face fairly consistent questions from the public as to the fairness and legality of asking a property owner to repair the “public” sidewalk.

California, like numerous states, has provisions allowing municipalities to impose a repair obligation for damaged sidewalks on adjacent property owners.⁶ Pursuant to these provisions, virtually every major United States city has a sidewalk repair program that places a repair obligation on adjacent property owners to varying degrees. For example, New York, Philadelphia, Phoenix and Cincinnati make the adjoining property owners fully responsible for adjacent sidewalks. Atlanta also makes the adjacent property owner responsible and just faced a public backlash for sending out a number of repair notices prompted by disability access pressures.⁷ Chicago operates a “shared cost” responsibility program by limiting the repair cost to a set price per square foot and subsidizing any remainder. Washington D.C. is responsible for repairing the sidewalks but “permanent repairs” may be subject to “available funding.”

California’s sidewalk repairs provisions are set forth in Streets and Highways Code sections 5600 *et seq.* In 1935, Assembly Bill 1194 amended section 31 of the Improvement Act of 1911 to provide for the repair and maintenance of sidewalks, curbing, parking strips and retaining walls by adjacent property owners. Although the legislative history of Assembly Bill 1194 is no longer available, some possible context for the measure may be gleaned from the time period of its passage. In his Inaugural Address of January 8, 1935, California Governor Merriam, in speaking of the economic upheavals of the Great Depression, said:

⁶ See *Schaefer v. Lenahan*, 63 Cal.App.2d 324 327-328 (1944), and cases cited therein. Research into the statutes referenced in the twenty cited cases (a small and completely unscientific sample) revealed that the earliest enactment date was 1856, the latest was 1937 and the average enactment date was 1903.

⁷ <http://archive.11alive.com/news/local/story.aspx?storyid=277146> (2/11/13)

But as fondly as some may believe, and as earnestly as others may hope, government itself cannot indefinitely assume the responsibility for meeting all the demands of this depression and this emergency.

* * *

Of primary importance at this time, from the standpoint of an efficient administration of State functions, is the need for placing the government of California on a sound financial basis. This we must do without imposing intolerable taxes upon the people and without undertaking obligations not absolutely essential to the public service. As the first step in such a direction, we must adopt a program that will enable us to keep out expenditures below our income.

Assembly Member Lyons presented Assembly Bill 1194 a little over two weeks later. Though the Governor's message does not explicitly reference an effort to place the sidewalk repair obligation on adjacent property owners, it is consistent with the tone and content of the Inaugural Address.

The primary provision requiring a property owner to repair a defective sidewalk is Streets and Highways Code section 5610.

§5610. Maintenance by lot owners

The owners of lots or portions of lots fronting on any portion of a public street or place when that street or place is improved or if and when the area between the property line of the adjacent property and the street line is maintained as a park or parking strip, shall maintain any sidewalk in such condition that the sidewalk will not endanger persons or property and maintain it in a condition which will not interfere with the public

convenience in the use of those works or areas save and except as to those conditions created or maintained in, upon, along, or in connection with such sidewalk by any person other than the owner, under and by virtue of any permit or right granted to him by law or by the city authorities in charge thereof, and such persons shall be under alike duty in relation thereto.

Pursuant to the authority of section 5610, the majority of cities in California have passed ordinances imposing the obligation for sidewalk repair on adjacent property owners. However, there is some diversity as to the extent of the obligation and how it is imposed. Some cities, like Sacramento, impose the entire repair cost on the property owner regardless of the cause of any damage or displacement. Many cities exempt damage caused by city trees from the repair obligation. Another option followed by many cities is a 50/50 sharing of repair costs.⁸ Some cities, in addition to a general sidewalk repair program, have instituted a program which requires a defective sidewalk to be repaired upon the sale of the property.⁹ This has the benefit of allowing the cost of repair to be recovered or paid as part of the price of the property. One means of imposing such a requirement is to require that the escrow documents include a certificate of compliance with the sidewalk ordinance. In addition, some cities require the sidewalk to be repaired as a condition of the issuance of a building permit above a set value.

One issue often overlooked is the secondary obligation of section 5610. After setting forth the obligation of adjacent property owners to maintain the sidewalk “in such condition that the sidewalk will not endanger persons or property . . . [or] interfere with the public convenience,” section 5610 “except[s] . . . those conditions created or maintained in, upon,

⁸ This diversity appears to be present throughout the nation. A survey of 82 cities in 45 states found that 40 percent of the cities required property owners to pay the full cost of repairing sidewalks, 46 percent share the cost with property owners, and 13 percent pay the full cost of repair. Shoup, *Fixing Broken Sidewalks* (Access , No.36, Spring 2010) pp. 30-36

⁹ Both Pasadena and Piedmont have such programs in place.

along, or in connection with such sidewalk by any person other than the owner, under and by virtue of any permit or right granted to him by law or by the city authorities in charge thereof , and such persons shall be under a like duty in relation thereto.”

There are no reported cases interpreting or applying this language. The purpose appears to be to impose on utilities which maintain facilities (poles, guide wires, vaults, etc.) in or on the sidewalk, the same obligation as imposed on adjacent property owners. This is a somewhat different conceptual obligation than that imposed on adjacent property owners because the source of any defect or interference with the public convenience would be the utility facility, not the sidewalk itself. Potentially, the primary importance of this aspect of section 5610 would be with respect to accessibility issues. In many cities, utility entities maintain facilities, particularly poles, which reduce the sidewalk width below the required three feet of the California Building Code¹⁰ and the four feet required by the ADA draft Public Right-of-Way Guidelines.¹¹

B. Legal Issues Involving Sidewalk Maintenance Obligation

One issue that adjacent property owners charged for sidewalk repairs often raise is whether the sidewalk repair obligation of section 5610 applies where the sidewalk is displaced or damaged due to trees located in the public right of way.¹² Though no statistics exist, tree roots are

¹⁰ Title 24 2013 California Building Code, section 11B-403.5.1 **Clear Width – “Exception 3.** The clear width for sidewalks and walks shall be 48 inches minimum. When, because of right of way restrictions, natural barriers or other exiting conditions, the enforcing agency determines that compliance with the 48-inch clear sidewalk width would create an unreasonable hardship, the clear width may be reduced to 36 inches.”

¹¹ <http://www.access-board.gov/guidelines-and-standards/streets-sidewalks/public-rights-of-way/proposed-rights-of-way-guidelines - R302.3> – “Continuous Width. Except as provided in R302.3.1, the continuous clear width of pedestrian access routes shall be 1.2 m (4.0 ft.) minimum, exclusive of the width of the curb.”

¹² The issue is one of substantial importance to the City of Sacramento - one of many cities claiming the moniker: “City of Trees.” According to some estimates, as of 2005, Sacramento had more trees per capita than any city except Paris. Jason Margolis, *California’s Capital Sees Big Benefits in More Trees* (11/25/05) <<http://www.npr.org/templates/story/story.php?storyId=5027514>>.

undoubtedly the predominate cause of damage to sidewalks.¹³ As noted above, many cities do not impose the sidewalk repair obligation on adjacent property owners where trees located in the right of way have damaged the sidewalk. Many do, including those with a 50/50 sharing program.

Though there is a great deal of visceral appeal to the argument that an adjacent property owner should not bear responsibility to repair a sidewalk caused by a tree in the right of way when the property owner has no control over the tree's roots, the statutory language and the reported cases do not support this position.¹⁴

Initially, it should be noted that section 5610 makes no distinction as to the cause of a damaged sidewalk in imposing a mandatory repair obligation on the adjacent property owner. Though not expressly addressing the issue, *Jones v. Deeter* (1984) 152 Cal.App.3d 798, supports the proposition that the adjacent property owner is responsible where damage is caused by a tree located in the right-of-way. In *Jones*, the plaintiff was injured when she tripped on a break in the sidewalk caused by a Magnolia tree located in the "parkway."¹⁵ The plaintiff brought suit against both the property owner and the city. The plaintiff appealed a judgment for the property owner. The Court, in affirming the judgment, held that while the property owner had a duty of repair, even though the sidewalk had been damaged by a tree in the right-of-way (parkway), liability could not be imposed against the property owner on this basis. "Under section 5610 the abutting owner bears the duty to repair defects in the

¹³ Randup, McPherson and Costello, *A Review of Tree Root Conflicts with Sidewalk, Curbs and Roads*, (Kluwer Academic Publishers) 2003

¹⁴ In *Jordan v. City of Sacramento* (2007) 148 Cal.App.4th 1487, at page 1492 footnote 2, the court questioned the legality of imposing repair responsibility on property owners for damage caused by city trees and suggested the "City might wish to revisit its ordinance ..."

¹⁵ The *Jones* court defined "parkway" as the area "between the sidewalk and the public street." Streets and Highways Code section 5600 defines "sidewalk" to include "a park or parking strip maintained in the area between the property line and the street line and also includes curbing, bulkheads, retaining walls or other works for the protection of any sidewalk or of any such park or parking strip." This portion of the right of way is also sometimes referred to as a "mow strip."

sidewalk, *regardless of whether he has created these defects*. It was felt, however, that it would be unfair for such an owner to be held liable to travelers injured as a result of sidewalk defects which were not of the owner's making." (*Id.* at 827, italics added.) Thus, the case highlights the absolute nature of the repair obligation (even when caused by trees located in the right-of-way) by contrasting it with the absence of any liability exposure unless the defect is caused by the owner. Putting aside the legal arguments, not all of the equities for imposing the cost of repair on adjacent property owners where damage is caused by a tree in the right of way are on the side of the property owner. While property owners may argue that they have no control over the direction of tree roots; neither does the city. In addition, city trees typically provide great benefits to homeowners and for many the presence of large trees is a factor in the purchase of their home. The trees are aesthetically pleasing and provide shade which cools the home and helps keep other vegetation alive. They also enhance the monetary value of the home. While obtaining these benefits, the homeowners do not incur the costs of maintaining the trees (such as watering, trimming or fertilizing) or suffer the potential of liability for injuries caused by the tree itself (falling limbs; low hanging branches; branches obscuring traffic signs or lights, etc.).

III

Sidewalk Liability

A. Tort Liability for Defective Sidewalks

Nine years after the passage of the predecessor to section 5610, the First Appellate District decided *Schaefer v. Lenahan* (1944) 63 Cal.App. 2d 324 . Florence Schaeffer stepped in a hole in the sidewalk in front of property owned by J.W. Lenahan. Lenahan was notified by the City and County of San Francisco to repair the sidewalk but did not do so. The common law rule was that, in the absence of statute, the owner or occupant of premises abutting a public street had no duty to repair the sidewalk and consequently, no liability to those injured as a result of a

defective sidewalk. Schaefer argued that the predecessor to section 5610 (as it existed in 1944) imposed a duty of repair and a violation of that duty gave rise to a cause of action for those injured by a defective sidewalk. The court rejected the argument, finding that the “obvious purpose of the statute was to provide a means of reimbursing the city for the cost of the repairs. To impose a wholly new duty upon the property owner in favor of third persons would require clear and unambiguous language.” (*Id.* at p. 332.)

The limitation on liability to third parties for a defective sidewalk is commonly referred to as the “Sidewalk Accident Decisions Doctrine.” (*Contreras v. Anderson* (1997) 59 Cal.App.4th 188, 195 fn.6.) As noted by *Lenahan*, a liability obligation may be imposed on property owners by “clear and ambiguous language.”

An ordinance with such language was approved by the Court in *Gonzales v. San Jose* (2004) 125 Cal.App.4th 1127 . The San Jose ordinance approved by *Gonzales* provides that if an abutting property owner fails to maintain a sidewalk in a non-dangerous condition and any person suffers injuries as a result, the property owner is responsible to the person for the resulting damage and injury. (*Gonzales, supra*, 125 Cal.App.4th at p. 1134 citing San Jose Municipal Code §§ 14.16.220 and 14.16.2205.) However, it is important to note the limits of sidewalk liability ordinances. Because municipal liability for torts is a matter of statewide concern, such liability “may not be regulated by local ordinances inconsistent with state law as established by the Tort Claims Act.” (*City of Ontario v. Superior Court* (1993) 12 Cal.App.4th 894, 899-900 citing *Societa per Azioni de Navigazione Italia v. City of Los Angeles* (1982) 31 Cal.3d 446, 463.) This precludes a city from absolving itself of liability but does allow concurrent liability of adjacent property owners. Sidewalk liability ordinances “provide[] an additional level of responsibility for the maintenance of safe sidewalks on the owners whose property is adjacent to and abuts the

sidewalk.” (*Gonzales, supra* at 1139.) “These owners are often in the best position to quickly identify and address potentially dangerous conditions that might occur on the sidewalks, as opposed to [the city].” (*Id.*) Moreover, as the *Gonzales* court noted, in order to fully protect its citizens, a city would have to have sidewalk inspectors circulating the city, day and night. (*Id.*)

B. Liability for Defective or Narrowed Sidewalks under the ADA and California Disability Access

Laws:

In 2002, in *Barden v. City of Sacramento* (9th Cir. 2002) 292 F.3d 1073, the Ninth Circuit, relying in large part on statutory and regulatory interpretation by the United States Department of Justice, determined that sidewalks constituted “programs” under the ADA. While the matter was pending in the United States Supreme Court on a *writ of certiorari*, the parties settled the case and conveyed this information to the Court. *Certiorari* was subsequently denied leaving the Ninth Circuit opinion intact. The legal effect of the decision was that because maintaining sidewalks was a “program” under the ADA and its implementing regulations, sidewalks needed to be made maintained to be immediately accessible. According to the United States Solicitor General, interpreted the holding and the Title II regulations to “require only that the City’s system of public sidewalks – when viewed “in its entirety” – be generally accessible to and usable by individuals with disabilities.”¹⁶

Subsequent to the *Barden* decision, federal agencies, particularly the United States Access Board (the entity charged with creating public right of way guidelines) has taken the position in

¹⁶ Brief for the United States as Amicus Curiae of the United States Solicitor General in *City of Sacramento, et al. v. Barden, et al.*(Filed May 2003).

numerous publications, that sidewalks are “facilities.”¹⁷ This is also the conclusion reached by the Fifth Circuit in *Frame v. Arlington*, 657 F.3d 215 (5th Cir. 2011 – cert denied 2012).

The drift from sidewalks as “programs” to sidewalks as “facilities” is notable. Under the ADA, “programs” must be made immediately accessible; conversely, “facilities” are subject to a new construction/alteration standard – in essence meaning that only newly constructed or altered sidewalks must be made “accessible.” This is also the framework adopted by the ADA draft Public Right of Way Guidelines. Though cities within the Ninth Circuit remain subject to the *Barden* decision, the *Frame* decision, as well as the position taken by federal agencies, may form the basis for a reexamination of the *Barden* decision.

Of course, it is important to recognize that California law has required that new constructed sidewalks, whether constructed using private or public funds, have been required to be accessible since 1971. (Government Code section 4450 and Health and Safety Code section 19956.5). Presumably, this has somewhat softened the impact of the 2003 *Barden* holding.

¹⁷ See e.g. United States Access Board, Proposed Rights-of-way Guideline, Part 1900. “The accessibility guidelines for pedestrian facilities in the public right-of-way are set forth in the appendix to this part.” < <http://www.access-board.gov/guidelines-and-standards/streets-sidewalks/public-rights-of-way/proposed-rights-of-way-guidelines/part-1190-accessibility-guidelines-for-pedestrian-facilities-in-the-public-right-of-way> >

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Thank you for allowing me to present our information today.

As you can see on the current and past City Attorney Quarterly Reports, under the category Personal Injury/ Dangerous Condition (specifically the type: trips and fall) continue to be an unmitigated liability to the City and property owners (as well as victims).

As we have submitted before, the condition of our sidewalks (emanating from the Cherry Street Neighborhood) is pretty poor. Of around 170 properties, about 120 have defective sidewalks that in some way or another are sub-standard. You will hear more about this over the next few weeks and beyond until a we see that a "permanent solution" is executed.

The report from the City Attorney is the proverbial "tip of the iceberg". To gain more insight, we surveyed 100 pedestrians in our neighborhood. 79 either had or new somebody who had suffered a trip in fall or the past 5 years. Out of those reports, 27 said that the injury was significant enough to seek medical attention. 5 said the injury was "life altering". 0 filed a lawsuit.

The City engages in a the good practice of receiving reports about defective sidewalks, quickly dispatching a crew to make a temporary repair, making records, and notifying the property owner of the duty to make a permanent repair. Evidence suggests that few property owners make a permanent repair, and a walk around our neighborhood highlights several "temporary repairs" that are estimated to being over 10 year old. Obviously, even the temporary repairs cost money; in addition to cost to the City Attorney's department when a victim does sue.

We have interviewed and researched around 140 municipalities, State agencies, and other sources of expertise and feedback on best practices so we can fashion a permanent solution. The two **Best Practices** that emerged where:

- 1) City provides some catalyst for co-operative buying of permanent sidewalk repairs that the property owner pays for specific to the needs of their property. This includes waiving encroachment permit fees, and being involved in the management of the licensed contractor(s). The savings to the property owner is substantial (30-60%).
- 2) Before a property can clear escrow, or in conjunction with substantial permitted work on the subject property, the sidewalks are repair by the property owner. Needs the cooperation from Best Practice #1

One practice to be avoided is for the City to accept or be forced to accept repairs to sidewalks that abut private property. This is a costly mistake that cities including Los Angeles and Long Beach have made. Last year, voters in San Francisco being fed-up with defective sidewalks voted through an initiative process to force the City to be 100% responsible for repairing sidewalks damaged by street trees. Resident discontent is real in Santa Rosa.

Let's work together on a sensible solution that reduces the costs for property owners, incentives permanent repairs, and gets the job done now. Let's keep our seniors and mobility challenged residents and visitors from being forced to use the roadways for pedestrian activities because of the risk to injury on our sidewalks.

Thank you again for your time today.

Eric Fraser
Greater Cherry Street Neighborhood Association
greatercherry@gmail.com

SIDEWALK INSPECTION & REPAIR PROGRAM

Schedule of Bid Prices



Edwin M. Lee
Mayor

Mohammed Nuru
Director

Jerry Sanguinetti
Manager

Street Use and Mapping
1155 Market St., 3rd floor
San Francisco, CA 94103
tel 415-554-5810

sfpublicworks.org
facebook.com/sfpublicworks
twitter.com/sfpublicworks

Dear Property Owner:

As part of the Sidewalk Inspection and Repair Program, you have been notified to repair your sidewalk.

The schedule of bid prices is to assist you in calculating the estimated cost you may incur if you choose to have the City perform the repairs to your sidewalk; feel free to use this price schedule on the front and back as a guide to obtain separate bids from the contractors of your choice. Depending on the contractor assigned to your survey area, these prices may be subject to change.

If you choose to have the City repair your sidewalk, please complete the enclosed SIRP Options Agreement and mail the agreement back to us. Please note that the estimated amount of work indicated on the enclosed Notice is only an estimate, and additional work may be required once construction has commenced.

If you choose to have the sidewalk repaired by your own contractor, please be advised that before work may commence, you or your contractor must obtain the appropriate permit(s) as indicated on the attached Notice. Please contact the permitting agency listed on the Notice for additional information and requirements. All permit applications, whether made in person or by mail, must be accompanied with a copy of the Notice and inspection report. All work shall be performed in accordance to City specifications, and the finished work must be defect-free.

Note: The option to repair the sidewalk with your own contractor expires in thirty days of the date of the Notice.

Whether you choose to repair the sidewalk with your own contractor or with the City's contractor, we thank you for your participation in the Sidewalk Inspection and Repair Program.

Schedule of Bid Prices

Sidewalk Repair		
Item Description	Unit	Price
3-1/2 " Concrete Sidewalk	SF	\$ 11.00
Concrete Curb	LF	\$ 20.00
Backfilling	CY	\$ 150.00
Sewer Vent Cover	EA	\$ 20.00
Sewer Vent Frame, Cover & Sidewalk	EA	\$ 150.00
Tree Trim, 8' to 14'	EA	\$ 160.00
Tree Trim, 14' to 20'	EA	\$ 350.00
Tree Trim, > 20'	EA	\$ 325.00
Tree Root Pruning	SF	\$ 0.50
Tree Stump Grind 24" , including back fill	EA	\$ 250.00
Hedge / Veg. Trim < 8' H x 6' W	EA	\$ 170.00
Hedge / Veg. Trim 8' - 14'H x 6' W	EA	\$ 280.00
Hedge / Veg. Trim >14'H x 6' W	EA	\$ 400.00
Tree Grate / Guard	EA	\$ 125.00
Sidewalk Demolition	SF	\$ 3.00
Tree Basin Bricks / Backfill	EA	\$ 110.00
Utility Box & Sidewalk	EA	\$ 150.00
Utility Box Cover	EA	\$ 50.00

Standard Curb Ramp	EA	\$ 2,000.00
Combined Curb & Gutter	LF	\$ 30.00
Asphalt Paving	Ton	\$ 750.00
Metal Cover Nonslip Coating	SF	\$ 15.00
Recycle Cobblestones	EA	\$ 1.50
Recycle Granite Curbs	LF	\$ 5.00
Tree Removal < 8' < 14'	EA	\$ 100.00
Tree Removal > 14' < 20'	EA	\$ 110.00
Tree Removal > 20' < 30'	EA	\$ 100.00
Tree Removal > 30'	EA	\$ 270.00
Concrete Bus Pad with Reinforcement Steel	SF	\$ 20.00
No. 3 Reinforcement Steel for Sidewalks	LF	\$ 2.00
Concrete Parking Strip	SF	\$ 10.00

Sidewalk Greening		
Item Description	Unit	Price
Backfill Planting Bed with Top Soil	CY	\$ 50.00
Mulch: 2" Decomposed Granite	CY	\$ 110.00
Mulch: 2" Bark Chips	CY	\$ 25.00
Mulch: 3" Stone Mulch	CY	\$ 50.00
1. Sunny Fog Belt Planting, Option 1, 4' x 6'	EA	\$ 170.00
2. Sunny Fog Belt Planting, Option 1, 3' x 4'	EA	\$ 140.00
3. Sunny Fog Belt Planting, Option 2, 4' x 6'	EA	\$ 270.00
4. Sunny Fog Belt Planting, Option 2, 3' x 4'	EA	\$ 200.00
5. Shade Fog Belt Planting, Option 1, 4' x 6'	EA	\$ 270.00
6. Shade Fog Belt Planting, Option 1, 3' x 4'	EA	\$ 200.00
7. Shade Fog Belt Planting, Option 2, 4' x 6'	EA	\$ 340.00
8. Shade Fog Belt Planting, Option 2, 3' x 4'	EA	\$ 200.00
9. Sunny Sun Belt Planting, Option 1, 4' x 6'	EA	\$ 200.00
10. Sunny Sun Belt Planting, Option 1, 3' x 4'	EA	\$ 200.00
11. Sunny Sun Belt Planting, Option 2, 4' x 6'	EA	\$ 200.00
12. Sunny Sun Belt Planting, Option 2, 3' x 4'	EA	\$ 200.00
13. Shade Sun Belt Planting, Option 1, 4' x 6'	EA	\$ 200.00
14. Shade Sun Belt Planting, Option 1, 3' x 4'	EA	\$ 200.00
15. Shade Sun Belt Planting, Option 2, 4' x 6'	EA	\$ 200.00
16. Shade Sun Belt Planting, Option 2, 3' x 4'	EA	\$ 200.00
Option 1 Sidewalk: Concrete Paving	SF	\$ 25.00
Option 2 Sidewalk: Decomposed Granite	SF	\$ 50.00
Option 3 Sidewalk: Unit Pavers on Aggregate Base	SF	\$ 50.00
Option 1 Edge Treatment: Precast Concrete Blocks	LF	\$ 45.00
Option 2 Edge Treatment: Cast-in-place Concrete Curb	LF	\$ 25.00
Option 3 Edge Treatment: Mortared Brick or Concrete Pavers	LF	\$ 35.00
Option 4 Edge Treatment: Mortared Stone Cobbles	LF	\$ 45.00
Selected Tree, 15 gal. w / Staking	EA	\$ 5.00
Filter Fabric	SF	\$ 5.00



Gavin Newsom, Mayor
Edward D. Reiskin, Director



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Department of Public Works
Office of the Director
City Hall, Room 348
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4645

DPW ORDER NO. 177,526

Good Neighbor Guidelines for Repair of Sidewalk Defects

This Order is a companion to the DPW Order 177,525, Guidelines for Inspection of Sidewalk Defects, and lists temporary sidewalk/curb repair methods available to property owners. The Department of Public Works considers these methods to be temporary in nature and not permanent fixes for sidewalk defects.

Although the proven method of repair is full pavement and/or curb replacement, repair methods identified in this Order are available to property owners to quickly, and efficiently, address defects. Property owners should plan for, and undertake, permanent repairs as needed in order to maintain defect-free sidewalks/curbs.

DPW makes no claim related to how long these temporary repair methods will remain effective nor does DPW make any claim as to the effect these methods will have on prolonging or shortening the useful life of the pavement. DPW will continue to monitor the condition of the City's sidewalks and curbs and require defects to be repaired in a timely manner; however, by following the guidance set forth in this Order, property owners may minimize DPW enforcement action.

Public Works Code Section 706 makes it is the duty of the property owner(s) to maintain sidewalks in front of and adjacent to their properties in good repair and condition. The property owner is responsible for the repair and condition of the sidewalk fronting his/her property except in the following instances:

- When the damage is caused by City-maintained street trees as listed on the City's street tree database (i.e., tree root damage).
- When the damage is in the sidewalk corner (angular corner or corner return).
- When the damage is related to a utility facility.
- Special instances where the City maintains sidewalks, e.g. Market Street Bricks or Mission Street Tiles

When the Department of Public Works (DPW) inspects or becomes aware of sidewalk problems, it will inform the responsible party of sidewalk defects such as gaps, cracks, chips, displacement, holes, or other defects. DPW rigorously follows the standards established in the Americans with Disabilities Act and California Title 24, which identify a ¼ inch or greater displacement or gap as a defect subject to repair for accessibility purposes. The normal process to repair a sidewalk defect is the removal and replacement of the sidewalk as specified in the City's Standard Specifications (Section 204).

"IMPROVING THE QUALITY OF LIFE IN SAN FRANCISCO" We are dedicated individuals committed to teamwork, customer service and continuous improvement in partnership with the community.

Customer Service

Teamwork

Continuous Improvement

This Order establishes DPW's Good Neighbor Guidelines for property owners to improve sidewalk accessibility by minimizing sidewalk defects.

Sidewalk defects that impair pedestrian accessibility are a DPW priority for repair and must be corrected by the responsible party in a timely manner. Some conditions may warrant immediate attention.

The following defects are considered to impact pedestrian access and, as such, are priorities for property owner repair.

- (1) Vertical Displacement – where the sidewalk pavement or curb is displaced by ½ inch or more from the abutting pavement or curb.
- (2) Voids, cracks, chips, holes, gaps – where sidewalk pavement or curb has eroded leaving a ½ inch or more void, in width and/or depth, from abutting pavement or curb.

These measurements should account for existing grades, slopes and sidewalk patterns.

The above standards define sidewalk defects that DPW believes the public can easily identify under existing conditions. Consequently, these measurements should facilitate the public's assistance in contacting DPW (415-554-5810) for inspections of sidewalk defects and provide an opportunity for affirmative repair by property owners in lieu of DPW inspection and issuance of notices to repair or other enforcement action. These guidelines are not meant to defer or relieve a property owner's responsibility to maintain defect-free sidewalks under Public Works Code Section 706. Instead, these Good Neighbor Guidelines are intended to provide the public with general rules that will assist the City and property owners in proactively addressing sidewalk defects.

Temporary Sidewalk/Curb Repair Methods:

Grinding

Uneven sidewalks/curbs that are the result of soil settlement or tree roots comprise many of the defects encountered by DPW Inspectors. Any pavement displacement of ¾ of an inch, or less, may be ground down to eliminate the displacement. The following additional guidelines must be followed:

The vertical defect should be feathered to allow a gradual transition or a slope of no >4.2% (1/2" per foot of transition).

DPW makes no claim related to a sidewalk's ability to withstand damage from vehicles or reducing the structural integrity when utilizing grinding as a method to repair a sidewalk/curb.

Patching

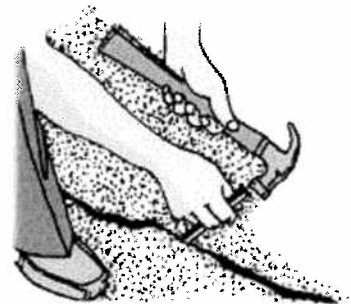
Sidewalks with cracks, chips or voids may be patched. Larger defects must be repaired by removing and replacing the entire sidewalk square. Although the patching methods, identified below, are intended to provide a best practice method to temporarily repair the sidewalk, they are not the only method available to achieve satisfactory results.

REPAIRING HAIRLINE CRACKS

- *You can repair hairline cracks in concrete with a grout made of Portland cement and water. Add just enough water to the cement to form a thick paste.*
- *Moisten the old concrete along the hairline crack with water for several hours before adding the grout. Moistening the concrete prevents it from drawing the water from the grout, which will dry out the mixture. Although the old concrete should be moist, no water should be standing on the surface when the grout is applied.*
- *After the hairline crack has been moistened and thoroughly cleaned, apply the grout with a putty knife or pointing trowel. Force the grout into the crack as much as possible. Then smooth it off so it is level with the original concrete.*
- *Allow the patched area to dry about two hours.*

REPAIRING CRACKS IN SIDEWALKS

- *Cracks in sidewalks that are larger than hairline cracks must be enlarged before they can be satisfactorily repaired. Enlarge the crack along its entire length with a cold chisel and hammer.*
- *Make the crack wider at the bottom than at the top. This is known as undercutting. It helps to bond the new concrete with the older concrete.*
- *Undercut the crack to a minimum depth of 1". The depth of the undercutting depends on the size and depth of the crack to be repaired.*
- *After the crack has been thoroughly undercut, remove all loose material and brush the area with a wire brush.*
- *Use a garden hose or a tire pump to blow or wash away the dust in the crack.*
- *The new concrete patch will hold better if a concrete adhesive is used first. There are many types of concrete adhesives. Acrylic resin—a milky fluid—is one common type. Brush the adhesive into the undercut area*



and allow it to dry until it becomes tacky.

- *If you do not use a cement adhesive, thoroughly brush and soak the area to be patched. Moistening the area prevents the old concrete from absorbing all the moisture in the concrete patch. Although it should be moist, no water should be standing on the area where the patch is to be applied.*
- *For small patching jobs, use a pre-mixed concrete patch. If you use ready-mix concrete patch, all you need to add is water.*
- *If you mix your own concrete patch, use one part Portland cement to two-and-a-half parts of fine, clean sand. Heavier concrete patch jobs call for one part of Portland cement to two parts of sand to three parts of gravel.*
- *Tamp the concrete patch mix tightly into the undercut area. Be sure to fill all areas completely.*
- *When the mixture begins to set, smooth it down with either a metal trowel or a wooden float. Use a metal trowel for a smooth finish. For a rough surface, use a wood float for the finishing job.*
- *After the patch is completed, allow it to dry for about two hours. Then cover the patched area completely with plastic sheeting or boards. The area must be secured and a 48" path of travel maintained for disabled access.*



REPAIRING CONCRETE DRIVEWAYS

- *You can repair a crack in a concrete driveway in basically the same way as a crack in a concrete sidewalk. However, since the driveway must carry heavier weight loads, the repaired area must withstand much greater pressure.*
- *Use a gravel mix, rather than a sand mix, for repairing concrete driveways. This mix is one part Portland cement, two parts sand and three parts gravel.*
- *Thoroughly clean and then undercut the crack. Brush cement adhesive into the undercut area.*
- *Undercut the cracked area to a greater depth and make the cracks considerably wider than when repairing a sidewalk. This extra depth and width increases the strength of the repair job.*
- *Follow all of the steps outlined previously in repairing a crack in a*

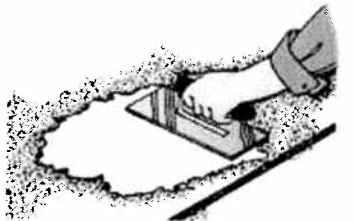
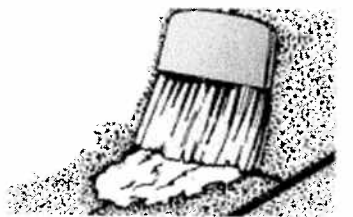
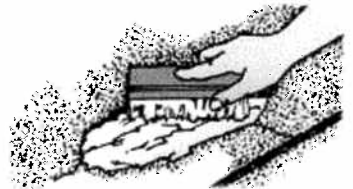
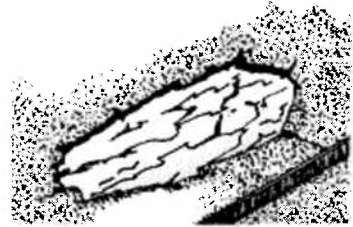


sidewalk to repair a crack in a concrete driveway.

- *After the gravel mix has been applied, level the new patch mix off with a trowel or float, as you would do when repairing a sidewalk.*
- *Do not drive an automobile over the patched area for at least five days. This gives the newly patched section time to dry thoroughly before it must carry the heavy load of an automobile or truck.*

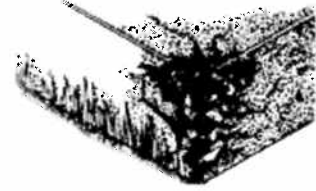
PATCHING HOLES IN WALKS OR DRIVEWAYS

- *How you patch holes in sidewalks and driveways depends on the depth and the size of the hole. If the hole is extremely deep and large, you must undercut it as previously described and fill the area with a gravel mix.*
- *Small, shallow holes in flat-surfaced concrete—such as driveways, patios or sidewalks—can easily be repaired with latex cement. If the hole is small and shallow, no chipping away is required.*
- *Small, shallow holes need only to be cleaned thoroughly before adding the latex cement.*
- *This cleaning can usually be done with a wire brush, which removes all the small pieces of loose concrete when you rub the area thoroughly.*
- *After using the wire brush on the damaged area, use a lighter brush to remove the loose particles that were dislodged by the wire brush. Then, wash the area to be repaired with a garden hose.*
- *After the cleaning is done, you are ready to apply the latex cement. This usually comes in 5-lb. cans, with the liquid latex in a smaller can inside a larger can.*
- *Pour the liquid latex into the larger can and thoroughly mix it with the latex cement to form a heavy paste. Apply this paste to the area to be patched in approximately 1/4" layers. Smooth each layer with a trowel and allow to partially dry before applying the next layer.*
- *Build up the latex cement 1/4" at a time until it reaches the same level as the original concrete. Then, smooth out the area with a trowel or float as you would finish regular concrete.*



REPAIRING BROKEN CORNERS ON CONCRETE

- You can repair broken corners on concrete with latex or epoxy cement. A broken corner should be thoroughly cleaned and moistened before the mixture is applied.
- After the corner has been thoroughly brushed and washed, build up the latex or epoxy cement mix 1/4" at a time, as previously described. If the area to be repaired is quite large, you may need to build a small form to hold the mix while it is drying.



Follow all safety precautions. Information in this document has been furnished by the National Retail Hardware Association (NRHA) and associated contributors.

RECOMMENDED:

Barbara Moy, Manager
Bureau of St-Use & Mapping

APPROVED:

Edward D. Reiskin
Director of Public Works

Approved: May 12, 2008

Distribution

Return to B.S.M. - D. McKenna, Room 460, 875 Stevenson St., (1-signed)
Outside of B.S.M.

Mohammed Nuru

James Chia

Don Eng

Dept. Files (2)

APPROVED: May 12, 2008
Edward D. Reiskin, Director

Number	Street	Sidewalk repairs	Weed abatement	Other	Notes
66	Brookwood Ave	Defective "TV Cable" well cover			
213	Pierce St		Weeds block sidewalk	Need AC Patch	X-4th St [002868]
406	Chinn St	Uplifted sidewalk		Need AC Patch	X-Allison Way [002776]
416	King St	Degradation at driveway.		Need AC Patch	X-5th St [002636]
420	King St		** Noxious weeds, shrubs blocking sidewalk	** FWD to Code Enforcement	X-5th St [002636]
421	E St	@Meter 419 Empty tree well creates massive risk.		Need AC Patch	X-7th St [003693]
426	Humboldt St	Degradated sidewalk	** Weed abatement needed		
430	E St	@Meters 410, 414, 420 Street trees cause massive uplifts. Missing sidewalk at driveway on King.	& 420 E St	Need AC Patch	X-7th St [003693]
431	E St	Sidewalk uplifts at Meter E-423, 7th, and Beaver Sts.		Need AC Patch	X-7th St [003693]
431	Humboldt St		** Bushes encroaching	** FWD to Code Enforcement	X-7th St [002461]
432	Humboldt St	Sidewalk uplift, dangerous verge	** Weed abatement needed	Need AC Patch?	X-7th St [002461]
433	Orchard St	Extreme uplift at driveway		Need AC Patch?	X-7th St [002516]
435	Orchard St	Sidewalk degraded		Need AC Patch?	X-7th St [002516]
435	E St	Several severe sidewalk uplifts on E St and 7th St Defective and dangerous "Bell System" well covers on E St *		Need AC Patch *FWD to Encroachment	X-7th St [003693]
438	Orchard St		** Weed abatement at verge		X-7th St [002516]
? 445	Orchard St	Sidewalk concrete missing ? No 445 - possibly Parcel	Address = 714 7th St?	Can't see missing Concrete?	X-7th St [002516]
446	Humboldt St	Missing sidewalk on 7th	Noxious weeds		
500	E St	missing sidewalk @ 5th St. Parking ent, 5th St passenger loading degraded concrete, severe dropoff at verge on 5th by athletic fields, 3 massive holes and sidewalk failure on E St.	5th St Parking Entrance issues? E St - btwn College Ave & Cherry St Weed abatement needed at portables	Need AC Patch Can't see any issue regarding Weeds?	5th St X-Hope St [002722] X-College Ave [002618] 5th St X-Hope St [002722] SRJHS
507	E St		** Overgrown weeds on corner	** FWD to Code Enforcement	X-Cherry St [002617]
511	Orchard St	Degradation		Need AC Patch?	X-7th St [002516]
512	Mendocino Ave	@Meter 7-609 missing sidewalk	** Riley St side of parcel? @Meter 7-603 Encroaching bush	Need AC Patch - Tree	Well X-7th St [002375]
523	Humboldt St	Severe sidewalk degradation		Need AC Patch?	X-7th St [002461]
525	Orchard st	Degradation at driveway.	** Invasive vines overtaking neighbor.	Need AC Patch ** FWD to Code Enforcement	X-Cherry St [002506]
528	Humboldt St	Sidewalk degraded		Need AC Patch?	X-7th St [002461]
? 533	Humboldt St	Severe sidewalk degradation	Not 533 - Actually fronting 527 Humboldt St?	Need AC Patch	527 Humboldt

X-7th St [002461]

	540	Humboldt St	Sidewalk degraded		Need AC Patch?	X-Cherry St [002421]
	552	Humboldt St	Sidewalk degraded		Need AC Patch?	X-Cherry St [002421]
?	576	Mendocino Ave	Not 576 - Actually fronting 580 Mendocino Ave? @Bus stop corner of Cherry, sidewalk degradation		Need AC Patch?	X-Cherry St [002294]
	606	Beaver St	Sidewalk uplift Parcel Address = 610 Beaver St		Need AC Patch?	X-Cherry St [002552]
	610	Humboldt St	Sidewalk uplift		Need AC Patch	X-Cherry St [002421]
	619	Beaver St		** FWD to Code Enforcement **	Car frequently blocks sidewalk	X-College Ave [002555]
	621	Cherry St	Severe sidewalk degradation		Need AC Patch?	X-Mendocino Ave [002294]
	625	Humboldt St	Severe degraded sidewalk		Need AC Patch	X-College Ave [002423]
	633	Cherry St	Sidewalk uplift		Need AC Patch	X-Humboldt St [002421]
	636	Cherry St	@parking lot severe sidewalk degradation		Need AC Patch	X-Humboldt St [002421]
	647	Cherry St	Sidewalk uplift		Need AC Patch	X-Humboldt St [002421]
	659	Cherry St	Sidewalk uplift		Need AC Patch?	X-Humboldt St [002421]
	701	7th St	Severe sidewalk degradation			X-Humboldt St [002461]
	705	7th St	Hole in sidewalk		Need AC Patch	X-Humboldt St [002461]
	710	7th St	Massive sidewalk defects		Need AC Patch	X-Orchard St [002516]
	713	7th St	Severe sidewalk degradation on Orchard St.		Need AC Patch	X-Orchard St [002516]
	726	Cherry St	Sidewalks degradation on Orchard	** Landscaping interferes w/sidewalk.	** FWD to Code Enforcement	X-Orchard St [002506]
	838	5th St	Degradation		Need AC Patch?	X-King St [002636]
	900	Cherry St		** Invasive vines overtaking neighbors	** FWD to Code Enforcement	X-Beaver St [002552]
	901	7th St	Massive sidewalk uplift		Need AC Patch	X-Beaver St [002543]
	908	College Ave	Parcel Address = 908 College Ave	Noxious weeds Can't see any issue regarding Weeds?		908/910 X-Beaver St [002543]
	911	Cherry St	Parcel Address = 913 Cherry St Tree root pushes up concrete		Need AC Patch?	Between 911 and 923 Cherry
++	926	College Ave	Sidewalk uplift		Need AC Patch?	X-E St [002618]
	928	Cherry St	Sidewalk uplift on E St side; sidewalk degradation	Need AC Patch ** Weeds on Cherry St Parcel Address = 930 Cherry St		928/930 Cherry X-E St [002617]
	1029	4th St	Uplifted sidewalk		Need AC Patch	X-Chinn St [002797]
	1041	4th St	Missing sidewalks at curb, possibly because of missing tree wells		Need AC Patch - Tree Well	X-Chinn St [002797]
	1059	4th St	degraded at driveway. Defective "street lighting" well cover, missing sidewalk.		Need AC Patch - Tree Well	X-Pierce St [002868]

1071	Santa Rosa Plaza	Parcel Address = 800 Santa Rosa PLaza	Need AC Patch SWK Uplifts? Need AC Patch - Tree Well	Several dead trees standing by parking structure	on 7th St X-B St [003548] NW Corner of property across from Museums.
1081	3rd St		** FWD to Code Enforcement Weed abatement needed on Pierce		X-Pierce St [002906]
? 1100	4th St	Sidewalk gaps at crosswalk Parcel Address = 1116 4th St {Grocery Outlet} ?			
? 1209	4th St	Sidewalk uplift 1209 4th St = Does NOT Exist			
1212	College Ave	Mssing sidewalk		Need AC Patch - Tree Well	X-Stewart St [002790]
1214	College Ave	Uplifted sidewalk		Need AC Patch	X-Stewart St [002790]
1220	College Ave	Hole in sidewalk patch		Need AC Patch	X-Stewart St [002790]
1232	College Ave	Defect at "water" well cover.***	*** FWD to Water Dept - W/M Box	Need AC Patch?	X-Monroe St [002851]
432 (?)	Beaver St	Parcel Address = 434 Beaver St ? Sidewalk defects by service wells	** Noxious weeds in "smoking section"	Need AC Patch **FWD to Code Enforcement	X-7th St [002542] Vacant lot
++ 926 (?)	Cherry St	Sidewalk degraded at driveway		Need AC Patch?	X-E St [002617]
695 7th St NW Corner	Humboldt St & 7th St	Uplifted sidewalk and void in tree well		Need AC Patch?	X-Humboldt St [002461]

Clarification Needed for Community Improvement Grant Applications

Greater Cherry Neighborhood Association <greatercherry@gmail.com>

Mon, Aug 21, 2017 at 5:08 PM

To: "Ronshausen, Danielle" <DRonshausen@srcity.org>

Cc: "Lienau, Serena" <SLienau@srcity.org>

Thanks for the opportunity to answer your questions and engage in more discussions about the projects that are of interest to our neighbors and the surrounding community. GCSNA has a mandate to follow-through with the ideas since volunteer labor already has been invested in making things happen. Please make us aware of any feedback during the entire process so we may learn and adapt if needed to ultimately achieve our goals.

My personal role as a community organizer is to act as ombudsman for all ideas or concerns that have community consensus and usher them into reality by acting as a leader and student. Ultimately people decide whether they want to participate; so in order to be successful in creating an environment where everyone can participate, my roles is to amplify messages and be in a constant state of recruiting resources and building consensus,

Also, we have a responsibility to protect peoples' time, sense of anonymity if that's what they want, and not deliver unmitigated risk or liability.

I have pasted your questions below, and attempt to answer them [blue](#).

For each application:

1. How many volunteers are you expecting for each project and how many hours will they put into each project?

1701-1715 Calculations for labor on on the pro forma document. It is an estimate based on our analysis of the tasks, we picked up the hours and extrapolated off our the \$22.14 volunteer labor value expressed in the application. We are always surprised by how the volunteer hours add up. The number of volunteers recruited from subgroup of property owners and tenants will ultimately be determined by how tasks are handled by contractors or paid labor, and the extent of the tasks. There is a core group of 12-15 people that are continuously providing volunteer labor for GCSNA.

1716 - The total cost attributed to volunteer labor is very conservative for this application. On the day of the event, we can expect thousands of dollars more of volunteer labor, depending on how people participate. Again any "cost" is extrapolated using \$22.14 and rounded off.

1717 - The small amount of volunteer labor will be performed by 4-5 people.

1718 - The small amount of volunteer labor will be performed by 2-3 people.

1719 - The small amount of volunteer labor will be performed by 3-4 people.

1720 - The volunteer labor will be performed by 20-24 people who will contribute content or technical skill to make our communications effective.

1. Are they neighborhood volunteers or will they be coming from an organization?

They may come from the GCSNA physical area, or outside of it depending on their interest in participating. They may be acting alone, within a family context, represent a business or an organization.

1. Please show how you made the volunteer calculation for each project.

This would be derived by dividing the volunteer cost estimate by \$22.14, approximately.

1. When describing support for your projects, you mention "from everybody." Please clarify who everybody is. Are they neighbors in the project area? Are they local businesses? If so, which businesses? Are they schools? If so, which schools? Have they provided letters of support? The CAB will want to see more clarification about community support.

The GCSNA area contains about 600 residents, 600 workers and business owners, and 200 off-site property owners and managers. That's not including those that just love our area for some other reason. In addition, we have thousands of people a year who walk or drive through our neighborhood, who are certainly impacted by our projects. I sent our latest newsletter to you, the information there should illustrate the support we have overall. Since speaking with you last week, and discussing this with GCSNA members, we have decided to double-down on demonstrating community support by circulating petitions, stimulating our grassroots, and expanding our sphere of communication so we are inspiring people to provide the documented level of support you request, and by doing so will precipitate positive change.

1. Who are your business sponsors for each project? Do you have letters of support from each? Local retailers are inundated with requests from the 1000s of community groups, business organizations, youth and school groups, and more asking for their attention. It is not responsible for us to ask for support unless we are absolutely certain we are going to achieve our goal. However, based on our experience, we will not have any difficulty achieving or exceeding the budgeted amounts. We do not put carts before horses.

1. How many people are involved in the Greater Cherry Street Neighborhood Association? "Involved" - please see information above.

For Projects #1702 and #1718

1. You have budgeted funds for Research/Editing and Layout/Design for these projects – do you have a business in particular whom you will be contracting with?

We will see who has the best price and available time to fit our needs. We have experience in contracting for these tasks.

1. If so, whom? If not, how did you come up with this calculation? Is it based on previous work done or estimates received?

Previous work done.

For Project #1703

1. You have budgeted funds for Professional Oversight – who will you be contracting with for this line item and what exactly will they be doing?

GCSNA although registered with an EIN does not have any employees. The professional oversight would be for professional labor cost disbursement, workers comp, tax collection/remittance, and management of the "underserved" labor pool.

1. You list Equipment in your budget as well – what kind of equipment will be rented? This may be for equipment not provided by the selected labor provider or contractor for the work needed on the verge. Vehicle, trailer, rakes, shovels, safety gear, and the like. Since GCSNA does not seek to own assets, these materials would be rented. Depending on what is needed, and who is using it, the consideration for renting any materials is contingent on a mitigation of liability for whoever is using it.

For Projects #1704 through #1715

1. You list "Presentations for each property" in your budget – what does this mean? What will be presented? Who will do the presenting? What materials are needed for the presentations? Site specific information that was produced as part of the assessment will be presented to each property owner or their representative. Volunteers will actively present, or prepare materials for mail after discussing the project with the prospect. Generic education information will be included. The

purpose is to gain an "opt-in" from the property owner.

1. Do you have a contractor in mind for the work to be done? If a contractor is being hired, what will the volunteers be doing?

The City has a list of approved contractors, although we are not limited to as long as the contractor is licensed and insured. Volunteers will be involved in administrative and marketing tasks. On-site they will be performing tasks pre-cleared with the contractor as needed. For CIGs involving contractors to repair/replace concrete, volunteer hours stated as in-kind labor may actually be discounts from the contractor, however since much of the contract is labor-hours, we are confused by the terminology and methodology of the CIG process to express these values. If a neighbor donates time, or a contractor donates time - what's the difference?

1. What do you need postage for?

Many of our property owners do not live on-site.

1. What will the sidewalk repair entail? Again, how are community members involved in this?

The professional assessment of sidewalk condition will describe what is need to bring the sidewalk up to code, or to eliminate obvious risks. Community members are involved in many ways as users, owners, tenants and will dedicate resources according to their level of awareness and financial capacity or ability.

1. Please clarify who benefits – you listed everybody but that is very broad. Are there more specific groups or individuals that benefit from these projects?

"Everybody" is accurate, or perhaps everybody who owns, rents, walks, parks, or events an appreciation for our neighborhood.

1. Is every street in the Greater Cherry Street Neighborhood Association covered by these repairs?

The influence of GCSNA is larger than the areas specified in the CIGs.

For Project #1706

Is this 1716?

1. The budget sheet is incomplete. The numbers do not add up in the Match column – it appears something is missing.

I come up with \$4300 from my notes. Maybe I omitted or transposed something when writing our the applications submitted to you. This would probably not impact the require minimum 1:1 ratio...

1. Where will the party take place?

We have a couple possible sites in mind in the GCSNA area.

1. Why did you decide to hire a professional versus having neighbors cook their own recipes?

We would not be acting responsibly to encourage food preparation outside of the rules and regulations required by the County, especially if we are true to the CAB's goals of greater community participation. We have a responsibility to not lead GCSNA members into situations (inadvertent food borne illnesses) that may come from irresponsible practices.

1. You mention your neighborhood is ready for the party under support – how so? Who is involved in the planning? Is this party available only to the neighborhood or can non-neighbors participate?

We are not sure what your first question refers to. We would encourage broadband community support and participation. We have 3-4 people "working" on this now.

For Project #1717

1. What types of dog waste stations have you looked into? What are the general cost of these? Do you have a particular one in mind?

The station offered by U-line is what we are using for budget purposes.<https://www.uline.com/Product/AdvSearchResult?KeywordTyped=dog%20wast&keywords=Dog%20Waste%20System>

1. Who will install the station? Could community members do the installation?

The station will be installed by someone with professional skills. A community member may be able to install this if he is a licensed and insured contractor.

1. The owner of the hall mention that they have a large wood-chipped area already. Would the wood chips you are budgeting for be used to add to the existing wood chips or is this to go in a different area than the current wood chips?

The wood chips budgeted will "top off" the area that currently has wood chips.

For Project #1719

1. Is there any other feedback or support for this project aside from the social media posts?

Generally there is ample confusion about regulations and best practices for dog owners/walkers.

1. How will the tri-fold brochures be disseminated to the public?

Pet supply stores, veterinarians, residents Visitor's Center, City offices, upon request.

1. Have you contacted the City to clarify the rules at Courthouse Square and to see if a partnership could take place regarding getting information out to the public?

This will be done as part of this project.

For Project #1719

1. Who will be making the banners and who will be doing the installation?

The banners will be professional made to specifications using existing pre-approved banner designs. Installation would be requested from the light pole owners.

For Project #1720

1. You mention contracting with a Content/Producer in your budget – who is this?

This person or persons will be selected based on the approved budget and availability.

1. In the Matching funds column, you list door-to-door distribution as a line item – what does this entail? If it's door-to-door, what part of that activity incurs \$1,500?

We may contract with Crossing the Jordan to be compensated for this service.

1. What kinds of communications are you planning on doing (see Q1 response on your application) – please clarify what it is you plan to develop and distribute. Will this be on-going?

Our communications program will to be on-going and multi-faceted. On-going outreach is expensive, and for it to be effective and inclusive, it must utilize all the methods people rely on for information.

These methods include postal service, e-mail, social media, web surfing, newspapers and other media, as well as word-of-mouth, attending meetings and events.

1. Under "Describe your support" – the 500 people you reached – were these people living within the neighborhood association area or is it beyond that? Did you track these contacts?

Yes, we have around 1,200 - 2,000 people that we need to effectively reach, and our estimate is that we have only connected with 500 for our activities so far, and there is no guaranteed that we will connect with them again using that particular method. This does not include those we connected with to advertise the "multi-family sale" or with the press release for the Orchard Street Mural. We do use a database to try to understand peoples' preferences for staying in touch.

1. How is your project environmentally conscious?

Selecting methods that provide communication without waste, and eliminate redundancy and noting opt-out orders is the leading way to act with an environmental consciousness. Choosing materials that have a high sustainability score is also used (examples may be PCW in paper or FSC ratings...)

Thanks again for the opportunity to add address your questions and concerns.

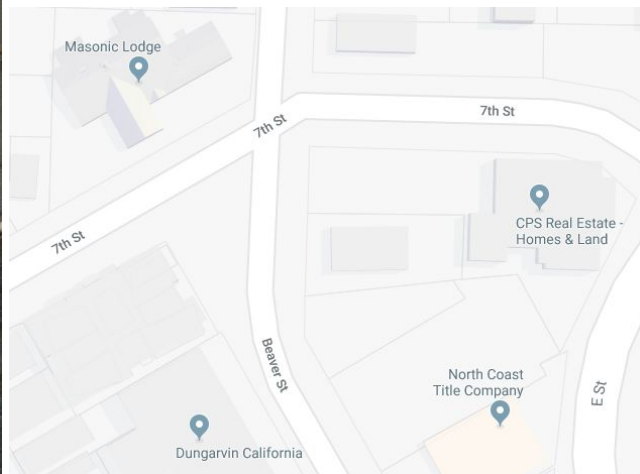
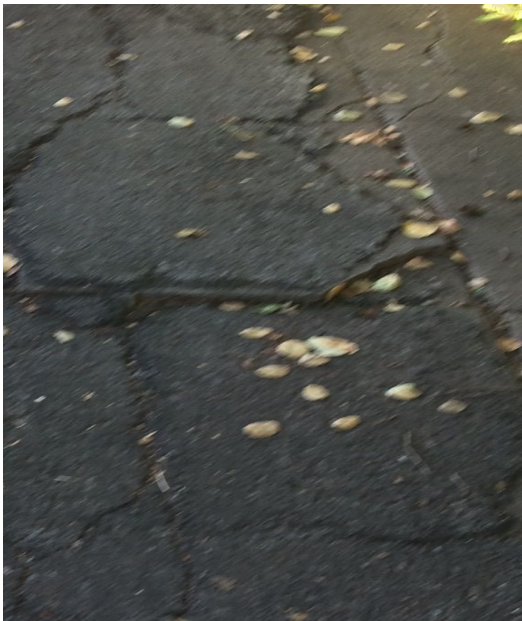
Eric Fraser

Community Organizer
Greater Cherry Street Neighborhood Association
Eric's cell: 707.479-8247

[Quoted text hidden]

Sidewalks Endanger Pedestrians!

Another day, another serious injury and potential lawsuit for the City!



The condition of the sidewalks in the Greater Cherry Street Neighborhood area continues to imperil pedestrians who use the public right-of-way to go from place-to-place, exert physical effort, access controlled parking, enjoy our historic neighborhood and the diversity of life within it. Our friend, resident, and registered voter was the latest victim (6/18). This section of sidewalk was included in our CIG application and within reports shared over the past 18 months or longer with the City.

Greater Cherry Street Neighborhood Association

Eric Fraser, Community Organizer, greatercherry@gmail.com