

# CITY OF OAKLAND

## AGENDA REPORT

FILED  
OFFICE OF THE CITY CLERK  
OAKLAND

TO: 2009 MAY 28 PM 2: 25  
Office of the City Administrator  
ATTN: Dan Lindheim  
FROM: Community and Economic Development Agency  
DATE: June 2, 2009

**RE: Supplemental Report regarding Resolution Authorizing The City Administrator, or His Designee, To Award A Construction Contract To Rosas Brothers Construction For The Citywide Sidewalk Repairs Project (Project No. C317510) For The Amount Of One Million Three Hundred Seventy-Six Thousand, Six Hundred Sixty-Seven Dollars (\$1,376,667.00).**

### SUMMARY

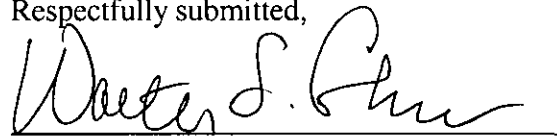
At the Public Works Committee meeting of May 26, 2009, the City Council requested staff to provide a sample letter sent to property owners informing them of the upcoming projects and available options. The Committee also requested copies of the sidewalk brochure and sample Notice to Repair sent to the property owner who have private sidewalk damage in front of their respective properties.

This supplemental report provides the sample letter to property owners (*Attachment A*), a copy of the sidewalk brochure (*Attachment B*) and a copy of Notice to Repair (*Attachment C*) as requested at the May 26, 2009 Public Works Committee meeting.

### ACTION REQUESTED BY THE CITY COUNCIL

Staff requests that the City Council adopt the resolution.

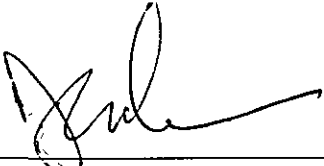
Respectfully submitted,



Walter S. Cohen, Director  
Community & Economic Development Agency

Prepared by:  
Mike Neary P.E.  
Deputy Director, CEDA

APPROVED AND FORWARDED TO  
THE CITY COUNCIL:



Office of the City Administrator

# Attachment A

## CITY OF OAKLAND

### COMMUNITY and ECONOMIC DEVELOPMENT AGENCY

Right of Way Management Division \* 250 Frank H Ogawa Plaza  
Suite 4344 \* Oakland, California 94612

Date

Dear property owner:

Subject: *Proposed Sidewalk Project in Your Area and Private Repair Options*

The City of Oakland will be repairing sidewalk damage caused by official City trees in your area. However, our records show that you have sidewalk damage in front of your property. The "Notice to Repair" requiring that the sidewalk damage in front of your property be repaired before the project starts is attached.

It is expected that all sidewalk damage within the proposed construction area be repaired as part of the City of Oakland Sidewalk Program. Construction of this project will start on *(Date)* and be completed by *(Date)*.

The City requires that the sidewalk damage abutting your property be repaired before the start date. The following are your repair options:

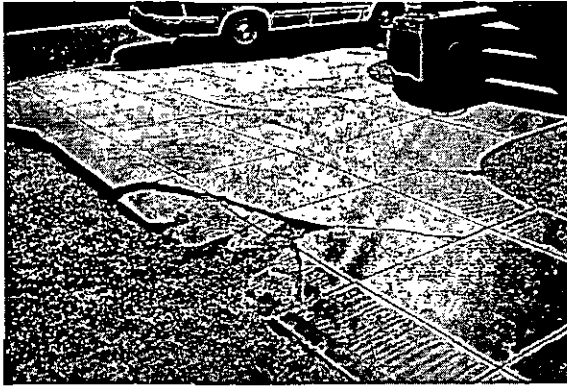
- Hire city project contractor to repair your damaged sidewalk while in area. This has advantage of City permit fee being waived.
- Enter into Voluntary Agreement with City to have City incorporate your sidewalk damage into project. This has the advantage of payments being made over time.
- Hire own contractor or do it yourself.

The City staff will assist you in determining the amount of damage and any other information that you may have. If you have any questions, please call me at (510) 238-6348. Thank you in advance for your cooperation.

COMMUNITY and ECONOMIC DEVELOPMENT AGENCY  
Walter S. Cohen  
Director

By \_\_\_\_\_  
Fred Loeser  
Construction Supervisor

## Attachment B



*Sidewalk Damage Requiring Repair*

### SIDEWALKS

#### WHO SHOULD REPAIR?

State law and local ordinances hold the owner of the fronting property responsible for sidewalk maintenance and repair (Section 5600 – 5602 of the California State Street and Highways code and Section 12.04 of the Oakland Municipal Code).

#### What if the property owner does not repair or maintain the sidewalk?

Property owners who do not maintain sidewalks adjacent to their property in a safe condition may be assessed the cost the City incurs to maintain and repair the sidewalks. Owners may also face liability for injuries due to hazardous sidewalk conditions adjacent to their property.

The City enforces private repair of sidewalk when sidewalk damage becomes an issue of safety.

In the interest of preventing potential injuries and expensive legal claims, the City's Right of Way Inspector will respond to reports of unsafe conditions and will assist property owners through the repair process.

### PARKWAY (PLANTER) STRIP WHO'S RESPONSIBLE?

The area between the sidewalk and the curb (commonly called the "planter strip") can be landscaped with plants and trees, or filled with hardscape such as concrete, pavers or bricks. The property owner must repair or remove improvements to the parkway strip when they:

- Prevent or interfere with sidewalk repair, or
- Include defects that may cause a risk of injury to the public.

It is especially important for the parkway strip to be in good, safe condition if it is in an area of high pedestrian use (e.g. at a crosswalk) and is used as an extension of the sidewalk.



*Sidewalk and Parkway Strip in need of Maintenance and Repair*

Finally, when adjacent sidewalk repairs are made, the property owner should also ensure that the parkway strip is in good condition. The conditions and costs related to improvements within the parkway strip are exclusively the property owner's responsibility.



*Tree Damage to Sidewalk*

### TREES IN THE PARKWAY STRIP

Street trees are a common cause of sidewalk damage. The City of Oakland has assumed responsibility for all damage to sidewalks caused by "official City trees." To determine for other street tree questions contact the City of Oakland Tree Division at:

(510) 615-5934  
[www.oaklandpw.com](http://www.oaklandpw.com)

### ONLY RAIN DOWN THE DRAIN

*When repairing your sidewalk please make sure that no pollutants enter the storm drain. Street gutters and storm drains flow directly to local creeks and the San Francisco Bay with no treatment. Trash, fertilizers, soap, concrete saw cuttings, glues, paint and other pollutants flow through the storm drains to our waterways and harm wildlife. Remember only rain down the drain. For more info go to:*  
[www.cleanwaterprogram.org](http://www.cleanwaterprogram.org)

**REPAIR GUIDELINES**

**To Repair Low or Moderate Damage**

- **Low Damage:** less than ½ inch vertical difference in height (offset)
- **Moderate Damage:** ½ inch - 1½ inch vertical offset

Remove the offset concrete panel to the nearest score line and replace to an even grade. Or, you can grind the offset or apply a patch to the offset area by sloping at a 1 (vertical) to 12 (horizontal) ratio.

**To Repair High or very High Damage**

- **High Damage:** 1½ inch – 3 inch vertical offset
- **Very High Damage:** 3 inch vertical offset and over or broken concrete

Remove the offset concrete panel to the nearest score line and replace to an even grade.

**REPAIR OPTIONS**

**Do the work yourself or hire a licensed contractor**

If the area to be repaired is greater than 25 square feet, you or your contractor must obtain a City permit prior to beginning repair work. The cost of the permit is listed in the current Master Fee Schedule of the City of Oakland.

**Use a City contractor**

With a City of Oakland Request for Services form, you can avoid the process of hiring a contractor by using the City's competitively priced contractor. The repair will be scheduled in a timely manner and the costs will be billed to you after the repairs are completed.

**ENFORCEMENT**

**Notice to Repair**

A City Right of Way inspector identifies the areas of sidewalk needing repair. A Notice to Repair is then sent to the property owner. The date of the Notice to Repair begins a two week period during which the property owner can pursue one of the two repair options.

**Mandatory Repair Proceedings**

If a permit is not obtained within the two week period, the City may begin mandatory repair proceedings. A hearing will be scheduled which will give the property owner a chance to protest the cities findings. Repair of the sidewalk will be scheduled with one of the cities contractors. After the City completes the work, the property owner will receive a notice that will include the total cost of the repair.

**Protest**

A protest may be made either by appearing at the hearing or by sending your objections in a letter prior to the meeting. If no protest is received, or the City Council overrules the protest, the property owner will receive a bill from the City Finance Office. A Notice of Lien will be placed upon your property on completion of any construction work done by the City and released upon full payment.

**FOR MORE INFORMATION**

**For property owner responsibilities**

California State Streets and Highways Code Sections 5600-5602 available at: <http://www.leginfo.ca.gov/calaw.html>

**Right of Way Management - 238-3651**  
[www.oaklandpw.com](http://www.oaklandpw.com) – "Sidewalk Repair"

**City Sidewalk Code** [www.oaklandnet.com](http://www.oaklandnet.com) – "Municipal Code" Chapter 12.04.

*Printed on 100% post consumer recycled paper with soy-based inks*

**SIDEWALKS**  
*Property Owners*  
**WHAT YOU NEED TO KNOW**



**SIDEWALK  
REPAIR  
PROGRAM**

**City of Oakland  
Right of Way Management**

**(510) 238-3651**  
[www.oaklandpw.com](http://www.oaklandpw.com)  
"Sidewalk Repair"

# CITY OF OAKLAND

# Attachment C

## COMMUNITY and ECONOMIC DEVELOPMENT AGENCY

Right of Way Management Division \* 250 Frank H Ogawa Plaza  
Suite 4344 \* Oakland, California 94612

### NOTICE TO REPAIR SIDEWALK

Tracking No NTR\*\*-\*\*\*\*

Date

To: Owner Name  
Address  
City, State Zip

Parcel Description		
Map ***	Block ****	Parcel **-**

Owner of the parcel of land in the City of Oakland, California, located at: \*\*\*\* \* 250 Frank H Ogawa Plaza

Dear property owner,

A portion of the sidewalk located at the above address is in disrepair, interferes with the public convenience and use of property, or may endanger persons or property. The California Streets and Highways Code, Section 5610 requires property owners to repair abutting sidewalks to avoid injuries to persons or damage to property.

(<http://www.leginfo.ca.gov/cgi-bin/calawquery?codesection=shc&codebody=&hits=20>)

You are hereby notified to commence permanent repairs to the Sidewalk/Driveway within two weeks of the date of this notice. You are further notified that if the repair is not commenced within this time and diligently and without interruption brought to completion, the city will: 1) Make the repair. 2) Bill you for the cost. 3) Impose a lien upon your property to recover the repair cost.

Repairs to the Sidewalk must be made in accordance with the provisions of the Oakland Municipal Code, Chapter 12.04.

([http://www.municode.com/resources/ClientCode\\_List.asp?cn=Oakland&sid=5&cid=3637](http://www.municode.com/resources/ClientCode_List.asp?cn=Oakland&sid=5&cid=3637))

Repairs that involve 25 square feet or less do not require a City Permit. Repairs more than 25 square feet require a Curb, Gutter and Sidewalk repair permit that can be obtained from the Community and Economic Development Agency, 2<sup>nd</sup> floor of 250 Frank H Ogawa Plaza.

For more information regarding this notice please call Right of Way Management Division at (510) 238-3651 from 8:00 a.m. to 4:30p.m. Monday through Friday.

COMMUNITY and ECONOMIC DEVELOPMENT AGENCY  
Walter S. Cohen  
Director

By \_\_\_\_\_  
Fred Loeser  
Construction Supervisor

	Estimated	Quantities	
A Sidewalk	A Driveway	A Curb	A Gutter
*** Square feet	*** Square feet	** Linear Feet	*** Square feet