

Farrah Hussein
CITY ATTORNEY'S OFFICE

OAKLAND CITY COUNCIL

RESOLUTION NO. _____ C.M.S.

RESOLUTION TO AMEND RESOLUTION NO. 87746 TO AUTHORIZE THE DEPARTMENT OF TRANSPORTATION TO COMPLETE PRIVATE PROPERTY SIDEWALK REPAIRS OF LOW-INCOME PROPERTY OWNERS AT NO COST TO QUALIFYING PROPERTY OWNERS WITH NO ANNUAL CAP ON EXPENDITURES; AND MAKING APPROPRIATE CALIFORNIA ENVIRONMENTAL QUALITY ACT FINDINGS.

WHEREAS, the City of Oakland's sidewalk infrastructure is considered a significant asset that impacts the quality of life for those who live and work in Oakland; and

WHEREAS, areas of sidewalk damage present accessibility challenges for Oaklanders who use wheelchairs, strollers, or other mobility devices; and

WHEREAS, areas of sidewalk damage can lead to injuries which can result in claims and lawsuits; and

WHEREAS, almost all sidewalk damage in Oakland is the responsibility of a private property owner to repair; and

WHEREAS, the City of Oakland wishes to increase the number of annual voluntary sidewalk damage repairs performed by property owners; and

WHEREAS, the City of Oakland wishes to complete sidewalk repairs at no cost for qualifying low-income property owners under the Sidewalk Assistance Program to ensure that repairing a sidewalk does not place an unanticipated and impactful financial burden on low-income property owners; and

WHEREAS, participation in the program shall not relieve the property owner of legal responsibility for sidewalk maintenance under California Streets and Highways Code Section 5610, nor shall it be construed to create liability on the part of the City for future maintenance or condition of the sidewalk beyond the scope of the repair performed; and

WHEREAS, in removing the \$50,000 annual cap on expenditures to this program, the City of Oakland will increase the number of repairs performed under the Sidewalk Assistance program and support the improved condition of sidewalk infrastructure in Oakland; and

WHEREAS, the City is authorized pursuant to Article XI, Section 7 of the California Constitution and California Streets and Highways Code Section 5610 to adopt regulations

concerning the maintenance and repair of public sidewalks, and to implement programs to ensure public safety and accessibility consistent with the Americans with Disabilities Act (42 U.S.C. § 12131 et seq.) and California Government Code Section 11135; now, therefore, be it

RESOLVED: That the Department of Transportation is authorized to complete private property sidewalk repairs of low-income property owners at no cost to qualifying Oakland property owners; and be it

FURTHER RESOLVED: That participation in the program shall not relieve the property owner of legal responsibility for sidewalk maintenance under California Streets and Highways Code Section 5610, nor shall it be construed to create liability on the part of the City for future maintenance or condition of the sidewalk beyond the scope of the repair performed; and be it

FURTHER RESOLVED: That the Department of Transportation is authorized to complete such repairs in accordance with the annual budget allocated for the sidewalk repair program; and be it

FURTHER RESOLVED: That the Department of Transportation is authorized to create a revolving fund for the completion of the sidewalk repair work; and be it

FURTHER RESOLVED: To receive the waiver, a property owner must provide proof of participation in one or more of the means-tested programs referenced in Attachment A, incorporated herein by reference; and be it

FURTHER RESOLVED: That the City Council finds that given this Project facilitates the ongoing repair of low-income property owner sidewalks by eliminative the existing annual cap of \$50,000, the Project is exempt from CEQA pursuant to CEQA Guidelines Sections 15183 (Projects Consistent with a Community Plan, General Plan or Zoning), 15301(c) (Existing Facilities, Highways and Streets), 15302 (Replacement or Reconstruction), 15303 (Small Structures), 15304(h) (minor alterations to land), and 15061(b)(3) (No Significant Effect on the Environment); each of the aforementioned provides a separate and independent basis for CEQA compliance.

IN COUNCIL, OAKLAND, CALIFORNIA,

PASSED BY THE FOLLOWING VOTE:

AYES - BROWN, FIFE, GALLO, HOUSTON, RAMACHANDRAN, UNGER, WANG, AND
PRESIDENT JENKINS

NOES –

ABSENT –

ABSTENTION –

ATTEST: _____

ASHA REED
City Clerk and Clerk of the Council of the
City of Oakland, California