



# AGENDA REPORT

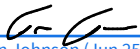
**TO:** Jestin D. Johnson  
City Administrator

**FROM:** Josh Rowan  
Director, OakDOT

**SUBJECT:** Eliminate Annual Cap on Sidewalk  
Assistance Program

**DATE:** July 08, 2025

City Administrator Approval

  
Jestin Johnson (Jun 25, 2025 23:01 PDT)

Date: **Jun 25, 2025**

## **RECOMMENDATION**

**Staff Recommends That The City Council Adopt A Resolution Amending 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.**

## **EXECUTIVE SUMMARY**

The proposed resolution would eliminate the annual cap on expenditures of the City's Sidewalk Assistance Program, formerly known as the Low-Income Property Owner Sidewalk Repair Program.

## **BACKGROUND / LEGISLATIVE HISTORY**

On May 15, 2023, the City of Oakland was served with a class action lawsuit related to accessibility of the pedestrian right-of-way (i.e., curb ramps and sidewalks). The City has participated in multiple mediation sessions with the Plaintiffs' attorneys from 2023 through 2025 regarding a potential settlement agreement and long-term consent decree addressing curb ramp installation and remediation of deficient curb ramps, and accessibility of sidewalks. Numerous large cities across the U.S. have entered similar consent decrees, which typically require that certain amounts of curb ramp and sidewalk work be performed each year during the duration of the decree.

Per California law (California Streets and Highways Code § 5610), the adjacent property owner is responsible to repair areas of sidewalk damage.<sup>1</sup> Except for sidewalks along parks, libraries, and other city-owned facilities, sidewalk damage in the City of Oakland is almost entirely "private damage," or damage that is by statute the responsibility of the private property owner adjacent to the sidewalk. Public damage is the responsibility of the City to repair.

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<sup>1</sup> California Streets and Highways Code § 5610; Oakland Municipal Code Chapter 12.22

With the approval of Resolution No. [87746](#) C.M.S. in 2019, the City established a Low Income Property Owner Sidewalk Repair Program, now known as the Sidewalk Assistance Program. The Sidewalk Assistance Program performs sidewalk repairs at no cost to qualifying low-income property owners. To receive the waiver, a property owner presents proof of participation in another means-tested program, such as CalFresh or PG&E CARE (California Alternate Rates for Energy). (For a complete list of qualifying programs, see **Attachment A**.) Information about the Sidewalk Assistance Program is included in annual sidewalk program reports.<sup>2</sup> The number of low-income waivers received is expected to increase with pedestrian accessibility, in accordance with citywide policy and the forthcoming consent decree.

This program supports the City's compliance with Title II of the Americans with Disabilities Act (ADA), (42 U.S.C. § 12131 et seq.) by advancing the accessibility of pedestrian pathways. Providing financial assistance to low-income property owners aligns with the City's obligations to ensure nondiscriminatory access to public services and facilities and may reduce the City's liability for inaccessible sidewalks. These improvements serve the public at large by improving the accessibility and safety of public rights-of-way. The City has a strong interest in ensuring that its pedestrian infrastructure complies with accessibility laws and reduces potential trip-and-fall hazards, which may otherwise result in costly claims.

## **ANALYSIS AND POLICY ALTERNATIVES**

The construction of pedestrian right of way projects is an essential city function for meeting the Citywide priority of providing vibrant, sustainable infrastructure. Accessible pedestrian infrastructure promotes healthier communities and connects residents to their communities and essential services. The proposed resolution will help the City efficiently construct pedestrian infrastructure improvements.

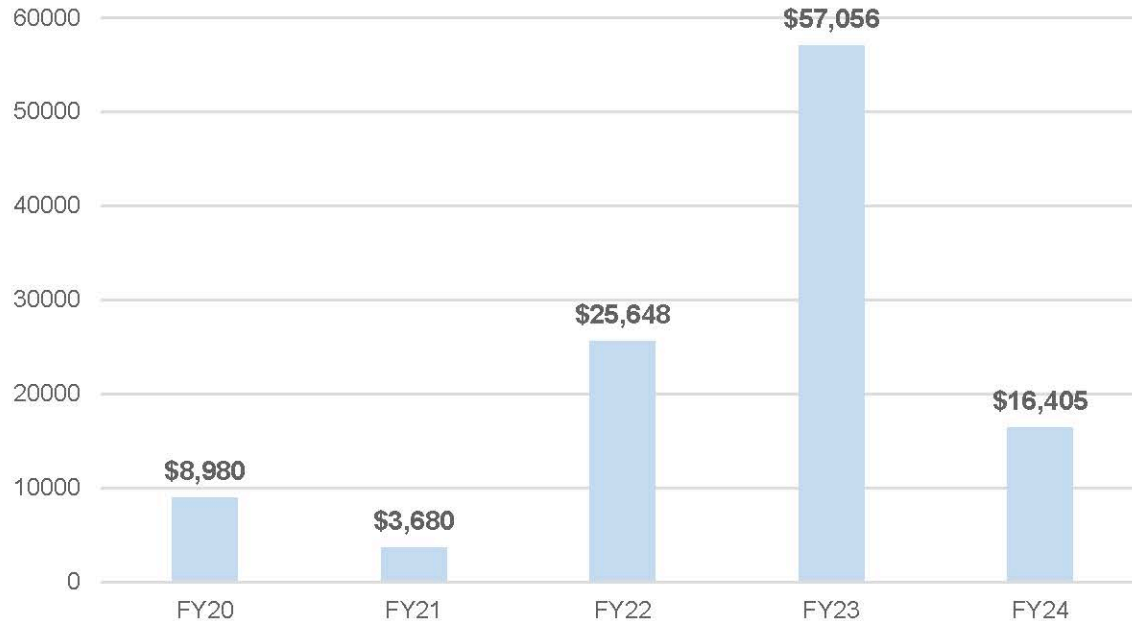
Should the City enter into a settlement agreement and consent decree as a result of the Curran vs. City of Oakland class action ADA lawsuit, the City will increase enforcement of state law and local ordinance around sidewalk damage and dangerous conditions. A perennial concern is that low-income property owners may not have cash reserves to address an unexpected abatement notice from the City. The Sidewalk Assistance Program provides such relief for low-income property owners by funding 100% of the costs of sidewalk repair in the Public right-of-way adjacent to the private property (no work would be funded on private right-of-way). This Program is funded through Measure BB, a sales tax for transportation.<sup>3</sup> However, the Sidewalk Assistance Program is capped at \$50,000 annually. **Figure 1** shows the annual dollars requested since the initiation of the Sidewalk Assistance Program in 2019. The dollar value requested in FY23 exceeded the \$50,000 cap, and assistance payments were delayed to FY24.

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<sup>2</sup> [Annual Sidewalks Program Update \(July 2023 to June 2024\)](#)

<sup>3</sup> For Measure BB spending allocation, see Oakland's Annual Compliance Report to Alameda County: [https://www.alamedactc.org/wp-content/uploads/2025/03/Oakland\\_MB-MBB\\_Compliance\\_Rpt\\_Final\\_Rev1.pdf](https://www.alamedactc.org/wp-content/uploads/2025/03/Oakland_MB-MBB_Compliance_Rpt_Final_Rev1.pdf)

**Figure 1: Sidewalk Assistance Program Construction (2019-2024), Dollar Value Requested By Year**



The proposed resolution would maintain all existing aspects of the current Sidewalk Assistance Program, but would eliminate the \$50,000 annual cap of expenditures. The cap on expenditures would instead be based on the annual budget for the sidewalk repair program.

This will enable staff to accept more requests and to increase the number of repairs that are performed under the Sidewalk Assistance Program.

### **FISCAL IMPACT**

Approval of this proposed resolution would enable the City to increase spending on sidewalk repairs for qualifying low-income property owners. The total commitment of the program would be governed by the available budget on a first-come, first-serve basis. OakDOT estimates that it could construct approximately \$100,000 of repairs each year on public sidewalks adjacent to qualifying properties. The actual cost and quantity of sidewalks repaired would be dependent on the number of applications received each year and the annual budget for the overall sidewalk repair program. Approval of the resolution would not require a new appropriation.



## **PUBLIC OUTREACH / INTEREST**

The subject matter of this report was originally presented to the Mayor's Commission on Persons with Disabilities and the Bicyclist and Pedestrian Advisory Commission.

## **COORDINATION**

The Office of the City Attorney and Budget Bureau were consulted in the preparation of this report.

## **CALIFORNIA ENVIRONMENTAL QUALITY ACT**

Given that this Project facilitates the repair of low-income property owner sidewalks by eliminating 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.

## **SUSTAINABLE OPPORTUNITIES**

***Economic:*** Encouraging property owners to repair their sidewalks may increase business for small, local construction contractors.

***Environmental:*** Clear, accessible paths of travel contribute to walkable neighborhoods, reducing environmental impacts associated with transportation.

***Social Equity:*** Creating clear, accessible paths of travel is a key component of the City's ADA Transition Plan. Supporting low-income property owners in repairing damaged sidewalks may reduce property owner liability for vulnerable households and support accessible paths of travel in all neighborhoods. Sidewalk repairs could also help reduce trip and fall incidents, which generally impact older Oaklanders and visitors.

**ACTION REQUESTED OF THE CITY COUNCIL**

Staff Recommends That The City Council Adopt A Resolution Amending 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.

For questions regarding this report, please contact Sarah Fine, Acting Division Manager, at (510) 238-6241.

Respectfully submitted,

  
Josh Rowan (Jun 25, 2025 17:18 PDT)

JOSH ROWAN  
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Oakland Department of Transportation

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Complete Streets Infrastructure Division

Prepared by:  
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*Attachments:*

*A: List of Qualifying Programs for Low-Income Property Owners*