## **Streets and Sidewalk Maintenance JOC - AUTHORIZATION**

City of San Luis Obispo



Public Works Department 919 Palm St. San Luis Obispo, CA 93401-3218

Specification Number:	1000199
Task Order No:	

Description of Project:

Replacement of Driveway and sidewalk, creating ada compliance.

		Ta	sk Order Details	
Location	Work Order No.	Nearest Address	Descri	ption
1		867 & 875 Mission	Driveway Replacement	

*For cost in excess of \$10	00	O attach City Mana	gar Papart approving p
*Total	\$	22,390.78	
Contingency	\$	3,731.80	
Extra Work	\$	-	

**Estimated Costs** 

Unit Price Work \$

Asphalt Material \$

18,552.50

106.48

<sup>\*</sup>For cost in excess of \$100,000 attach City Manager Report approving purchase.

	Unit Price	Contract Wo	rk							
Item No.	Item Description	Unit of Measure	,	Unit Price	Estimated Quantity	E	stimated Cost	Actual Quantity	Fin	al Cost
1CCO1	Edge Grind	SQFT	\$	10.25		\$	-		\$	-
2CCO1	1.75" Thin Maintenance Overlay	SQFT	\$	13.33		\$	-		\$	-
3CCO1 4CCO1	, , 66 -6	SQFT SQFT	\$	41.00 9.23		\$ \$	-		\$	-
5CCO1		SQFT	۶ \$	13.33		\$	-		\$	
6CCO1	8" PCC with 3" max AC Cap - Excavation & Restoration	SQFT	\$	29.73	50	\$	1,486.25		\$	-
7CCO1	Class II Aggregate	TON	\$	87.13		\$	-		\$	-
8CCO1	Trench Backfill Sand	TON	\$	76.88		\$	-		\$	-
	AC Dike - Caltrans A87B	LF	\$	23.58		\$	-		\$	-
	Pavement Reinforcing Fabric Geo Textile Grid	SQYD SQYD	\$	71.75 51.25		\$ \$	-		\$	-
	Fog Seal	SQYD	\$	25.63		\$	-		\$	
	Pavement Marking-Caltrans A24	SQFT	\$	18.45		\$	-		\$	-
	12" White Line Limit Line	LF	\$	20.50		\$	-		\$	-
15CCO1	Traffic Stripe-Caltrans A20A Detail 1	LF	\$	20.50		\$	-		\$	-
	Traffic Stripe - Caltrans A20A Detail 2	LF	\$	20.50		\$	-		\$	-
	Traffic Stripe - Caltrans A20A Detail 8	LF	\$	20.50		\$	-		\$	-
	Traffic Stripe - Caltrans A20A Detail 9 Traffic Stripe - Caltrans A20B Detail 22	LF LF	\$	20.50 23.58		\$	-		\$ \$	
	Traffic Stripe - Caltrans A20D Detail 22  Traffic Stripe - Caltrans A20D Detail 29	LF	\$	23.58		\$	-		\$	
	Traffic Stripe - Caltrans A20D Detail 38	LF	\$	23.58		\$	-		\$	-
	Traffic Stripe - Caltrans A20D Detail 39	LF	\$	23.58		\$	-		\$	-
	Traffic Stripe - Caltrans A20D Detail 39A	LF	\$	23.58		\$	-		\$	-
	Reflective Pavement Marker-All Types	EA	\$	35.88		\$	-		\$	-
	Hi-Vis-Crosswalk-STD 7350	LF	\$	307.50		\$	-		\$	-
	Bike Lane Buffer	LF	\$	30.75		\$	-		\$	-
	Green Bike Lane Coating-STD 7360 Remove Traffic Stripe	SQFT LF	\$	51.25 15.38		\$	-		\$ \$	-
	Remove Pavement Marking	SQFT	\$	15.38		\$	-		\$	
30CCO1		SQFT	\$	71.75	50	\$	3,587.50		\$	-
	Remove & Replace Sidewalk - Std. 4110 (Area - 60 to 180 SQFT)	SQFT	\$	61.50		\$	-		\$	-
32CCO1	Remove & Replace Sidewalk - Std. 4110 (Area - over 180 SQFT)	SQFT	\$	51.25		\$	-		\$	-
33CCO1	Remove & Replace Curb and Gutter - Std. 4030	LF	\$	92.25		\$	-		\$	-
	Remove & Replace Curb Ramp - Std. 4440	SQFT	\$	24.60		\$	-		\$	-
	Remove & Replace Cross Gutter - Std. 4310	SQFT	\$	205.00	250	\$	-		\$	-
	Remove & Replace Driveway Ramp - Std. 2110,2111,2115,2116	SQFT	\$	35.88	250	\$ \$	8,968.75		\$ \$	-
	Mission Style PCC Coloring and Salt Finish Mission Style Tile Installation per Std. 4220	SQFT LF	۶ \$	6.15 71.75		\$	-		\$	
	Single Mission Tile Installation - Std. 4220	EA	\$	82.00		\$	-		\$	-
	Replace Truncated Domes - Std. 4440	SQFT	\$	71.75		\$	-		\$	-
	Repaint Curb	LF	\$	6.15					\$	-
42CCO1	Furnish & Install Metal Post - Std. 7210	EA	\$	666.25		\$	-		\$	-
43CCO1	Furnish & Install Metal Post - Std. 7215	EA	\$	717.50		\$	-		\$	-
	Furnish and Install Sign	EA	\$	512.50		\$	-		\$	-
	Reconstruct Guardrail - Caltrans A77A1	LF CA	\$	512.50		\$ \$	-		\$ \$	-
	Furnish and Install Tree Well - Std. 8130, 4'x4' Furnish and Install Tree Well - Std. 8130, 5'x5'	EA EA	\$ \$	5,125.00 5,945.00		\$	-		\$	-
	Furnish and Install Tree Well - Std. 8130, 6'x6'	EA	\$	7,175.00		\$	-		\$	-
	Enlarge Tree Grate Opening	EA	\$	256.25		\$	-		\$	-
50CCO1	Catch Basin - Std. 3350	EA	\$	15,375.00		\$	-		\$	-
51CCO1	Catch Basin - Std. 3355	EA	\$	18,450.00		\$	-		\$	-
	Catch Basin - Std. 3355A	EA		12,300.00		\$	-		\$	-
	Catch Basin - Std. 3360	EA		18,450.00		\$	-		\$	-
	Adjust Utility Cover - Std. 6040	EA	\$	768.75		\$	-		\$	-
	Manhole Frame and Cover Replacement - Std. 6040  Manhole Replacement - Std. 3530 or 6610	EA EA	\$	2,562.50 13,325.00		\$ \$	-		\$ \$	-
	Manhole Coating	EA		30,750.00		\$	-		\$	-
	Construct Well / Cleanout - G5 - Std. 6710	EA	\$	1,230.00		\$	-		\$	-
	Potholing (Depth - 0' to 4')	EA	\$	666.25		\$	-		\$	-
	Potholing (Depth - 4' to 8')	EA	\$	973.75		\$	-		\$	-
	Potholing (Depth - 8'+)	EA	\$	1,332.50		\$	-		\$	-
	Pipe Excavation & Restoration (Depth - 0' to 2.5')	LF	\$	205.00		\$	-		\$	-
	Pipe Excavation & Restoration (Depth - 2.5' to 8.5') Shoring Required	LF LF	\$	410.00		\$ \$	-		\$	-
	Pipe Excavation & Restoration (Depth - 8.5'+) Shoring Required Traffic Control - Eng. Std. Appendix G – Fig A	LF HR	\$ \$	666.25 133.25		\$	-		\$	-
	Traffic Control - Eng. Std. Appendix G – Fig B	HR	\$	256.25		\$	-		\$	-
	Traffic Control - Eng. Std. Appendix G - Fig C	HR	\$	205.00		\$	-		\$	-
	Traffic Control - Eng. Std. Appendix G – Fig D	HR	\$	256.25		\$	-		\$	-
69CCO1	Traffic Control - Eng. Std. Appendix G – Fig E	HR	\$	153.75		\$	-		\$	-
	Traffic Control - Eng. Std. Appendix G – Fig F	HR	\$	205.00		\$	-		\$	-
	Traffic Control - Eng. Std. Appendix G – Fig G	HR	\$	205.00		\$	-		\$	-
	Traffic Control - Eng. Std. Appendix G – Fig H	HR	\$	153.75		\$	-		\$	-
	Traffic Control - Eng. Std. Appendix G – Fig I Traffic Control - Eng. Std. Appendix G – Fig J	HR HR	\$ \$	205.00 205.00		\$	-		\$	-
	Traffic Control - Eng. Std. Appendix G – Fig K	HR	۶ \$	169.13		\$	-		\$	-
	Traffic Control - Eng. Std. Appendix G – Fig L	HR	\$	358.75		\$	-		\$	_
	Traffic Control - Eng. Std. Appendix G – Fig M	HR	\$	133.25		\$	-		\$	-
l	Traffic Control - Eng. Std. Appendix G – Fig N	HR	\$	256.25		\$	-		\$	-
	Traffic Control - Eng. Std. Appendix G – Fig O	HR	\$	287.00		\$	-		\$	-
	Traffic Control - Eng. Std. Appendix G – Fig P	HR	\$	102.50	8	\$	820.00		\$	-

81CCO1	Minor Traffic Control	HR	\$ 76.88	48	\$ 3,690.00		\$ -
82CCO1	Abandon and Grout (E) Sanitary Sewer with Flowable Fill	CY	\$ 153.75		\$ -		\$ -
83CCO1	2" SCH 40 Conduit, 2-Sac Concrete Capped	LF	\$ 61.50		\$ -		\$ -
84CCO1	4" SCH 40 Conduit, 2-Sac Concrete Capped	LF	\$ 66.63		\$ -		\$ -
85CCO1	2" SCH 40 Conduit, City Standard 6035 - Trench Detail	LF	\$ 66.63		\$ -		\$ -
86CCO1	4" SCH 40 Conduit, City Standard 6035 - Trench Detail	LF	\$ 71.75		\$ -		\$ -
87CCO1	Electrical Pull Box, PG&E Type #2 (17"x30"x26")	LF	\$ 1,025.00		\$ -		\$ -
	Pexco City Post (EAC Mount), 36" Height, white w/ 3 Grey						
88CCO1	retroreflective strips ( or approved equal)	LF	\$ 256.25		\$ -		\$ -
	Pexco City Post (EAC Mount), 18" Height, white w/ 3 Yellow						
89CCO1	retroreflective strips ( or approved equal)	LF	\$ 230.63		\$ -		\$ -
			Е	stimated Cost	\$ 18,552.50	Actual Cost	\$ -

		Asphalt Con	crete Materi	ial							
Estimate				Tons	Unit Pri	ce	Cost	15%	Markup	Sit	e Total
				0.93		00 \$	92.59		13.89		106.48
								Estima	ate Total	\$	106.48
Actual				_				450/		<b>-</b> : .	
		Ticket Number and Plant		Tons	Unit Pri		Cost		Markup		cet Iotai
1234 Plant	t				\$ -		-	\$	-	\$	-
1234 Plant	t				\$ -	\$	-	\$	-	\$	-
1234 Plant	t				\$ -	\$	-	\$ \$	-	\$	-
1234 Plant	t				\$ -		-	\$	-	\$	-
								Actı	ual Total	\$	-
ĺ		Extr	a Work								
Estimate											
Est. No.		Location				Task					Cost
111	Location X			Install A						\$	-
222	Location Y			Install B						\$	-
ĺ								Estimat	ted Total	Ś	_
Actual											
EW No.		Location				Task					Cost
111a	Location X	20001011		Install A						\$	-
222b	Location Y			Install B						\$	
2220	LUCALION			iiistaii B						Ş	-
								Act	ual Total	\$	-

														Tasl	Order - Pav	ing Estimat	۵							
cation	Work Order	Address	Description	No. Patches	L. (ft)	W. (ft)	L <sub>2</sub> (ft)	W <sub>2</sub> (ft)	L, (ft)	W <sub>2</sub> (ft)		AC Depth		Edge Grind	Reinforcing	Adjust Utility	Tons of AC	Adjusted	Striping Detail	Striping (ft/SF/EA)	Traffic Control	Traffic Control #2	Hours	Notes
1		867 Mission	Pave Out		25	2	2, 7	2 ,	31.7	3,,,	50.0	. ,	Yes	, ,	,			,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,		1				
_																								
												1.75							Fog Seal		Mi	inor		
												2							A24			A		
												6							12" White Line		_	В		
												10							1			С		
											50.0	PCC/AC							2			D		
																			8			E		
																			9			F		
																			22		4	G 		

29
38
39
39A
Markers
Crosswalk
Bike Lane Buffer
Green Bike Lane Coating
Remove Traffic Stripe
Remove Marking

													Task (	Order - Cond	rete Estimate	•				
					Total	Total	Tree Well Length			Other	Other	_		Mission				Cross		
l I	Work				Length	Width	(Deduction)			(Deduction)	(Deduction)	Area	Mission	Style Tile	Curb and	Curb Ramp		Gutter	Driveway	Repaint
Location	Order	Address	•	Patches	4 ` '	W <sub>1</sub> (ft)	L <sub>2</sub> (ft)	W <sub>2</sub> (ft)	Tree Wells	L <sub>3</sub> (ft)	W <sub>3</sub> (ft)	(ft <sup>2</sup> )	Style	(ft)	Gutter (ft)	(SF)	Domes (SF)	(SF)	Ramp (SF)	Curb (ft)
1		867 Mission	Driveway Replacement	1	10	5						50.0							250	
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								Replacement Tr	ee Wells			50.0	Regular						250	
								4' 5'					Mission							

4' 5' 6'

Enlarge

Metal Sign				
Posts and Sign				
(EA)	Traffic Control	Hours	Notes	Cover Page Description
	Minor	48		
	Р	8		
				•

Minor A

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8

From:

To: Stephenson, Nemo

Cc: Cruce, Greg

**Subject:** Re: Notice to Repair Sidewalk - 875 Mission St. San Luis Obispo

**Date:** Monday, March 31, 2025 12:47:59 PM

Attachments: <u>image001.png</u>

image002.png image003.png image004.png image005.png image006.png

Hello Nemo,

Congratulations on the birth of your child.

FYI: I am traveling on business this week returning late Friday evening, 4/4.

Greg - If you can be available, I can meet with you on Monday, 4/7. Please advise if this works for you.

Best regards,

Randy Treur

c:

On Fri, Mar 28, 2025 at 7:48 AM Stephenson, Nemo <<u>nstephenson@slocity.org</u>> wrote:

Good morning Mr. and Mrs. Treur,

I am writing to follow up about the Notice of Correction (NOC) on the sidewalk adjacent to 875 Mission Street.

When we last spoke, you were going to confirm a date that we could do a meeting onsite. I have not received any correspondence from you on that meeting.

I am now on paternity leave for a couple weeks. I have Greg Cruce on this email who would be happy to have that meeting with you during my absence. Greg is my supervisor and the Deputy Director of Maintenance Operations.

Thanks,

Nehemiah Stephenson

#### Nemo Stephenson

Maintenance Superintendent

City of San Luis Obispo



Public Works

Signals and Streets

25 Prado Road, San Luis Obispo, CA 93401-7314

E nstephenson@slocity.org

**T** 805.783.7813

**C** 805.439.7016

slocity.org







Stay connected with the City by signing up for e-notifications

From: Stephenson, Nemo

**Sent:** Monday, March 17, 2025 2:35 PM

To: Randy Treur <

**Cc:** Cruce, Greg <gcruce@slocity.org>

**Subject:** RE: Notice to Repair Sidewalk - 875 Mission St. San Luis Obispo

Hello Randy,

Thank you for confirming receipt of the Notice of Correction (NOC) on the sidewalk adjacent to 875 Mission Street.

We would be happy to meet with you at 875 Mission Street. At that time, we will provide a detailed assessment of the necessary repairs with clarity on the NOC.

We know that these types of repairs can be costly and present a financial burden. We can discuss the repair scope and scheduling requirements when we meet with you.

I appreciate the phone call earlier today. During that conversation, you mentioned possibly meeting on Wednesday 3/26 or Thursday 3/27. Let me know at your earliest convenience, what days and times your available for a meeting.

Thanks,

Nehemiah Stephenson

#### Nemo Stephenson

Maintenance Superintendent

City of San Luis Obispo



Public Works

Signals and Streets

25 Prado Road, San Luis Obispo, CA 93401-7314

E nstephenson@slocity.org

**T** 805.783.7813

**C** 805.439.7016

slocity.org







Stay connected with the City by signing up for e-notifications

From: Randy Treur

Sent: Sunday, March 16, 2025 2:20 PM

**To:** Stephenson, Nemo <<u>nstephenson@slocity.org</u>>;

**Subject:** Notice to Repair Sidewalk - 875 Mission St. San Luis Obispo

This message is from an External Source. Use caution when deciding to open attachments, click links, or respond.

Dear Nehemiah,

I hope this message finds you well. My name is Randy Treur, and I am the owner and resident of 875 Mission Street. I apologize for the delay in responding to your recent notice regarding the sidewalk in front of my property. I would like to address the following points:

#### 1. Clarity on Non-Conformances

While the initial notice included a photograph indicating that the sidewalk may appear

cosmetically flawed, it is unclear which specific code violations or non-conformances are being cited. The cracks in the sidewalk are filled, and the surface remains flat, seemingly well under the 0.75-inch standard that I understand is part of the relevant codes or guidelines.

## 2. Request for Detailed Assessment

The notice from the city appears to rely on a general assessment without providing alternative recommendations or a detailed evaluation of the exact issues. I respectfully request more specific information to better understand any necessary repairs and ensure compliance with city standards.

## 3. Financial Timing

As we are currently in tax season, this is a challenging time to incur significant additional expenses. I would appreciate any guidance or flexibility you can offer regarding the scheduling and scope of potential repairs.

I am open to discussing this matter further to find a mutually agreeable solution. Please feel free to contact me at a your earliest convenience. Thank you for your time, and I look forward to working with your team toward a positive resolution.

Sincerely,

**Randy Treur** 



February 10, 2025

Treur Family Trust 875 Mission St. San Luis Obispo CA, 93405

Subject: Second Informal Notice to Repair Sidewalk – 875 Mission St., San Luis Obispo

Dear Property Owner:

The sidewalk and driveway apron adjacent to your property located at 875 Mission St in the City of San Luis Obispo has been identified as a dangerous condition and must be mitigated. The City's Streets Maintenance Program has made temporary repairs; however, you as the adjacent property owner are responsible for the permanent repairs in compliance with the City's Engineering Standards.

The City of San Luis Obispo's Municipal Code identifies the improvements between the street line and property line as being the maintenance responsibility of the adjacent property owner.

San Luis Obispo Municipal Code 12.16.020 – Property Owner's Responsibility

The maintenance, repair and collection of the cost of repair shall be governed by the procedure set forth in Division 7, Part 3, Chapter 22 of the Streets and Highways Code of the state. (Prior code § 7330.1)

Public Works Department staff sent you the first Informal Notice to Correct on 10/17/2023, with the request to complete the necessary work within 120 days to the satisfaction of the City. After a review of the file and inspection of the property, staff has noted the conditions have not been corrected. You shall obtain an Encroachment Permit no later than 4/1/2025 and complete the repairs within 30 days of this of the permit issuance.

Failure to comply with the above-stated dates will result in the City issuing a formal Notice to Correct and the work being completed by the City's contractor. It should be noted, if the work is completed by a City contractor, the work is subject to prevailing wage requirements.

A hearing has been added to the 5/20/2025 City Council agenda to seek approval for the necessary work and to pursue reimbursement through a special assessment and lien, should the work not be completed by the above stated date.

Please feel free to contact me with any questions at nstephenson@slocity.org.

Sincerely,

Nehimiah Stephenson

Maintenance Superintendent

Non 5x

Public Works Department

Attachments: Previous Correspondences, Photos, Sidewalk Brochure, Applicable Streets and

Highways Code

Areas of less severe damage are completed as the next priority, working around the City in a systematic fashion in advance of the paving program. That can mean the sidewalk will not be replaced for several years. Damage other than that caused by street trees needs to be completed by the property owner.

#### Related to sidewalk repair is clearance and visibility. When is maintenance required?

- Visibility When parkway strip shrubbery interferes with the ability of a driver to see pedestrians or approaching traffic, either from a driveway or an intersection, trimming of shrubs must be completed by the property owner. Shrubs must be trimmed to a maximum height of 36", for a minimum distance of 30' from an intersection. (Municipal Code 10.60 and 17.16.020)
- Walkway and Gutter Clearance Trimming of ground cover or shrubs is required when the plants extend onto or over the sidewalk, gutter, or street.
- Parkway Strip Condition All tree stumps, large rocks, trash and holes must be removed by the property owner. The parkway strip must be level and holes must be filled and leveled with dirt or other material.

#### When is a permit required for landscape maintenance work?

If the sidewalk or the street must be closed for the work, a permit is required from Public Works. Call (805)781-7015 for additional information. If a tree is to be removed, a tree removal pennit must be obtained. Applications for tree removal are available on the City's web site on the Public Works page www.slocity.org or call 781-7220 for additional information.

Rev 1-14-13

25 Prado Road San Luis Obispo, CA 93401





# CITY OF SAD LUIS OBISPO

# Sidewalk & Parkway Strip Maintenance

**Property Owner** Responsibilities

Department of Public Works

805-781-7220 805-781-7015 The City receives many requests from citizens to make repairs to sidewalks. This brochure provides general information to the public on this subject.

## What is the sidewalk, parkway, and curb and gutter?

The sidewalk, parkway strip, and curb & gutter are typically made of concrete and located next to the street on the front and/or side portion of your property. The curb and gutter are located at the edge of the street pavement. The sidewalk is either separated from the curb by a parkway strip, or is located adjacent to the curb. Parkways are sometimes planted or filled in with brick or other materials.

#### Who is responsible for maintenance?

The property owner is responsible for properly maintaining this area (see San Luis Obispo Municipal Code Section 12.16.020 and Streets and Highway Code Division 7, Part 3, Chapter 22). This responsibility includes maintenance of damaged or displaced concrete and abatement of weeds or debris. While the City may be liable for injuries to pedestrians that are determined to have resulted from a dangerous condition of a public sidewalk, property owners should be aware that they <u>may also</u> be found liable if it is determined that their negligence caused someone to be harmed.

# When should property owners consider doing sidewalk replacement?

Replacement of the sidewalk, curb and gutter concrete should be considered when one or more of the following exists:

- When there is a vertical difference in height between sections of the sidewalk or concrete parkway strip of 3/4" or more.
- If the concrete has broken apart.
- In any instance where the owner has reason to know that the condition presents a danger

to users, or the owner has observed someone trip because of damage to the surface.

In addition to damaged sections of sidewalk, curb and gutter replacement is typically required when sidewalks and driveways are replaced, unless the sidewalk is separated from the curb by a parkway. Patching should be completed when horizontal openings greater than 1/2" exist.

# What are the options available for completing the work?

The City recommends construction of curbs, gutters, and sidewalks in City streets be performed by a properly licensed and insured contractor. A permit is required for concrete repair. Call (805)781-7015 for permit requirements.

# Are there inspections and standards for concrete repair work?

Yes, all work and materials must be in conformance with the City of San Luis Obispo Engineering Standards for Public Works Construction.

Before placing any concrete, you must have any tree root removal approved, and the saw cut, forms, and base inspected. After approval, a City-approved concrete mix must be used. The surface finish must be a light broom finish with score marks. After the work is completed, you must call for a final inspection.

A permit is required for all concrete work in the public right-of-way. Engineering Standards for construction are available on the City's web site on the Public Works page www.slocity.org. For information on obtaining a permit call (805)781-7015.

# Is the property owner responsible for repairs if the concrete damage is caused by a tree?

The City encourages street trees in front of residences. (Municipal Code 12.24,010) The property owner is responsible for the maintenance of the street tree but the City will repair the sidewalk when the concrete has been damaged by a street tree, as funding is available, and timed with the area rotation program. Concrete damaged by trees other than street trees is the responsibility of the property owner. Maintenance, trimming and replacement of street trees and shrubs is governed by Chapter 12.24.110, 12.24.120 and 12.24.150 of the Municipal Code.

# What measures should be taken to minimize concrete displacement by tree roots?

Certain species of trees may raise concrete if preventative maintenance is not performed. To reduce the chance of future concrete displacement, trees can be root-pruned. Care must be taken when root pruning to avoid damaging underground utilities or destabilizing or harming the tree. This work must be completed by a licensed arborist. Also, deep-watering the tree, that is, applying a slow trickle of water over a 24-hour period, encourages deeper root growth which reduces the chance of sidewalk damage.

# If a problem is reported to the City, how long does it take for a repair?

When a report is made to the City, it is entered in to the work order program. Subject to the availability of resources and personnel, the City will attempt to review the site within a week of entry of the work order. If a temporary repair, such as grinding or ramping the area can be made, the City will generally attempt to complete that work within two weeks. Severe damage caused by a street tree, which cannot be repaired adequately, will be reconstructed as soon as resources and available personnel allow.



October 17, 2023

Treur Family Trust 875 Mission St. San Luis Obispo CA, 93405

Subject: Notice to Correct Sidewalk & Driveway Apron

APN: 011-105-009

Dear Property Owner,

The sidewalk and driveway apron adjacent to your property at 875 Mission St. in the City of San Luis Obispo must be repaired. This is the section of sidewalk at 875 Mission St., and the neighboring driveway apron at 875 Mission St. is considered a dangerous condition that must be mitigated. The condition of the concrete has deteriorated so severely that a temporary repair effort by Public Works staff would fail in a very short time and make the sidewalk more of a hazard. This sidewalk was brought to our attention by a citizen complaint.

The City of San Luis Obispo's Municipal Code identifies the curb, gutter, and sidewalk adjacent to your property as being the maintenance responsibility of the property owner, in this case, Treur Family Trust

12.16.020 Property owner's responsibility – City Municipal Code

The maintenance, repair, and collection of the cost of repair shall be governed by the procedure set forth in Division 7, Part 3, Chapter 22 of the Streets and Highways Code of the state. (Prior code § 7330.1)

The appropriate sections of the Streets and Highway Code are included as an attachment to this letter. Below are some incremental timeframes to complete the work.

- Within 30 calendar days of this letter, you must acknowledge receipt of this letter.
- Within 60 calendar days of this letter, you must submit to the City the necessary repair plans for the issuance of an encroachment permit.
- Within 90 calendar days of this letter, you must obtain an encroachment permit from the City to complete the necessary repair work.

 Within 120 calendar days of this letter, you must complete the necessary repair work to the satisfaction of the City.

This repair work can be costly; if you prefer to propose alternate timeframes for consideration, please submit those in writing to me within 30 calendar days of this letter. Failure to comply with this request could lead to formal Notices to Correct being issued with accelerated repair timeframes as required by the Streets and Highways Code.

Sincerely,

Aaron Anderson
Acting Streets Maintenance Supervisor
aanderso@slocity.org 805-781-4043

#### Attachments:

- 1. Attachment 1 Streets and Highway Code Division 7, Part 3, Chapter 22, Article 2
- 2. Photos
- 3. Sidewalk & Parkway Strip Maintenance brochure

STREETS AND HIGHWAYS CODE - SHC DIVISION 7. THE IMPROVEMENT ACT OF 1911 PART 3. PERFORMING THE WORK CHAPTER 22. Maintenance of Sidewalks ARTICLE 2. Repairs

**5610.** 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 a like duty in relation thereto.

5611. When any portion of the sidewalk is out of repair or pending reconstruction and in condition to endanger persons or property or in condition to interfere with the public convenience in the use of such sidewalk, the superintendent of streets shall notify the owner or person in possession of the property fronting on that portion of such sidewalk so out of repair, to repair the sidewalk.

**5612.** Notice to repair may be given by delivering a written notice personally to the owner or to the person in possession of the property facing upon the sidewalk so out of repair, or by mailing a postal card, postage prepaid, to the person in possession of such property, or to the owner thereof at his last known

address as the same appears on the last equalized assessment rolls of such city or to the name and address of the person owning such property as shown in the records of the office of the clerk.

**5613.** The postal card shall contain a notice to repair the sidewalk so out of repair, and the superintendent of streets shall, immediately upon the mailing of the notice, cause a copy thereof printed on a card of not less than 8 inches by 10 inches in size, to be posted in a conspicuous place on the property. In lieu of posting a copy of the mailed notice on the property as provided in this section, the superintendent of streets may, not less than seven days nor more than 10 days after the mailing of the first postal card notice, mail an additional postal card, postage prepaid, marked "Second Notice," to the person to whom the first postal card notice was addressed. The second notice shall otherwise contain the material required by this article but shall not extend the time for commencing repairs specified in Section 5614.

5614. The notice shall particularly specify what work is required to be done, and how it is to be done, and what materials shall be used in the repair and shall further specify that if the repair is not commenced within two weeks after notice is given and diligently and without interruption prosecuted to completion, the superintendent of streets shall make such repair, and the cost of the same shall be a lien on the property.

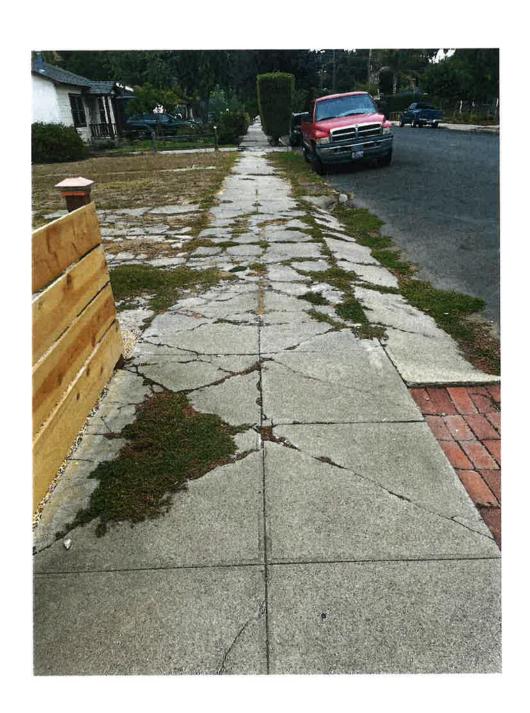
<u>5614.1.</u> The legislative body may adopt a resolution determining that bonds shall be issued, and assessments collected and enforced pursuant to Part 5 of this division. In such event, the notice to repair shall specify that bonds shall be issued to represent the security of the unpaid assessments, payable over a period of not to exceed six years, and shall further recite a maximum rate of interest to be paid on the indebtedness, which shall not exceed 7 percent a year, payable semiannually.

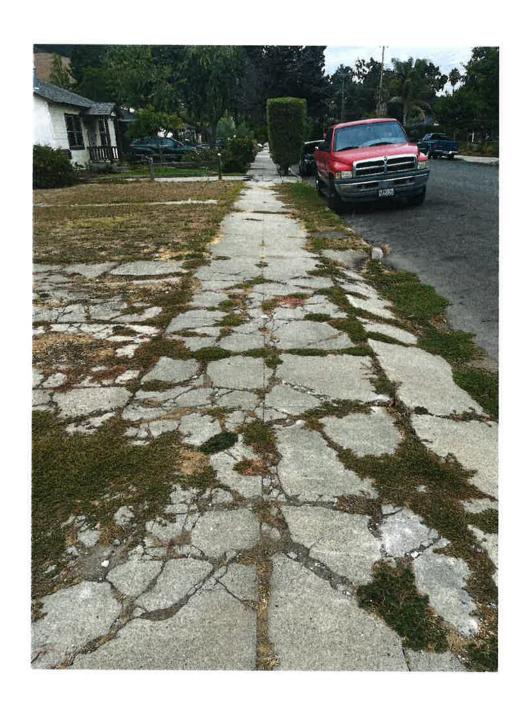
**5615.** If the repair is not commenced and prosecuted to completion with due diligence, as required by the notice, the superintendent of streets shall forthwith repair the sidewalk. Upon the written request of the owner of the property facing the sidewalk so out of repair, as ascertained from the last equalized assessment roll of the city, or as shown in the records of the office of the clerk, the superintendent may repair any other portion of the sidewalk fronting on the property that is designated by the owner. The superintendent shall have power to prescribe the form of the written request. The cost of repair work done by request pursuant to this section shall be a part of the cost of repairs for which, pursuant to this chapter, subsequent notices are given, hearings held, and assessment and collection procedures are conducted.

**5616.** Upon the completion of the repair, the superintendent of streets shall cause notice of the cost of the repair to be given in the manner specified in this article for the giving of notice to repair, which notice shall specify the day, hour and place when the legislative body will hear and pass upon a report by the superintendent of streets of the cost of the repair together with any objections or protests, if any, which may be raised by any property owner liable to be assessed for the cost of such repair and any other interested persons. If bonds are to be issued, the notice shall also contain the information required by Section 5614.1.

<u>5617.</u> Upon the completion of the repair, the superintendent of streets shall prepare and file with the legislative body a report specifying the repairs which have been made, the cost of the repairs, a description of the real property in front of which the repairs have been made and the assessment against each lot or parcel of land proposed to be levied to pay the cost thereof. Any such report may include repairs to any number of parcels of property, whether contiguous to each other or not.

**5618.** Upon the day and hour fixed for the hearing the legislative body shall hear and pass upon the report of the superintendent of streets, together with any objections or protests which may be raised by any of the property owners liable to be assessed for the work of making such repair and any other interested persons. Thereupon the legislative body may make such revision, correction or modifications in the report as it may deem just, after which, by motion or resolution, the report as submitted, or as revised, corrected or modified, shall be confirmed. The legislative body may adjourn the hearings from time to time. The decisions of the legislative body on all protests and objections which may be made, shall be final and conclusive.





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#### SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.
- 1 Article Addressed to:

Treur family trust 175 mission st San Wisobisto Ch



9590 9402 8995 4122 4044 28

2. Article Number (Transfer from service label) 'D19 2280 0000 9413 7403

#### COMPLETE THIS SECTION ON DELIVERY

A. Signature □ Agent ☐ Addressee

B. Received by (Printed Name)

C. Date of Delivery

☐ Yes D. Is delivery address different from item 1? If YES, enter delivery address below: ☐ No

- 3. Service Type
- □ Adult Signature ☐ Adult Signature Restricted Delivery
- Pertified Mail® Certified Mail Restricted Delivery
- ☐ Collect on Delivery
- ☐ Collect on Delivery Restricted Delivery Insured Mail
- Insured Mail Restricted Delivery (over \$500)

- ☐ Priority Mail Express® ☐ Registered Mall™
- ☐ Registered Mall Restricted Delivery
- ☐ Signature Confirmation™ Signature Confirmation Restricted Delivery

Domestic Return Receipt

USPS TRACKING#

SANTTA BARMARA CA 981

18 8 5 8 2025 8 3 4

First-Class Mail Postage & Fees Paid USPS Permit No. G-10

9590 9402 8995 4122 4044 28

United States
Postal Service

• Sender: Please print your name, address, and ZIP+4® in this box•

City of San Luis Obispo

Public Works

25 Prado Road

San Luis Obispo, CA, 93401

Nevenian Stoness

From: <u>Cruce, Greg</u>
To: <u>Weidler, Hayley</u>

**Subject:** FW: Notice to Repair Sidewalk - 875 Mission St. San Luis Obispo

**Date:** Wednesday, April 9, 2025 1:44:44 PM

**Attachments:** 01-22-2013 c2 sidewalk inspection program.pdf

image001.png image002.png image003.png image004.png image005.png image006.png Sidewalk Brochure.pdf

#### **Greg Cruce**

Deputy Director - Maintenance Operations Public Works Department 805.781.7264 gcruce@slocity.org

From: Cruce, Greg

Sent: Wednesday, April 9, 2025 10:23 AM

To:

**Cc:** Gutierrez, Anthony <AGutierrez2@slocity.org>; Stephenson, Nemo <nstephenson@slocity.org>;

Yanez, James <jyanez@slocity.org>; Nelson, Brian <BNelson@slocity.org> **Subject:** RE: Notice to Repair Sidewalk - 875 Mission St. San Luis Obispo

#### Hello Randy,

Thanks for meeting with me earlier this week to discuss the frontage improvements adjacent to your residence at 867 Mission. I wanted to send you the addition information we spoke about and next steps since the brush chipper noise made it hard to communicate.

The attached document is the Council approved Sidewalk Inspection Program, which is used as a guide for identifying repairs/replacements. As I mentioned, cracks and gaps over ½" need to be addressed. In the case of the sidewalk deterioration in front of your residence, it's been determined the concrete is beyond repair and replacement in conformance with <u>City Standards</u> is necessary.

#### **Next Steps:**

On May 20<sup>th</sup>, 2025, there will be a public hearing before the City Council. Staff will walk Council through the Informal and Formal Notice to Correct (NOC) process and present the specifics on approximately six properties that have been issued notices. Staff's recommendation is for Council to authorize staff to issue a Formal Notice to Correct to all properties within the agenda packet, which includes 875 and 867 Mission Street. If Council authorizes staff to issue a Formal NOC, the property would be posted, and a Formal NOC would be sent with a second Formal NOC issued seven days later. If work has not commenced within 14 days after the first Formal

NOC, the City would complete the work, as required by the Streets and Highway Code.

Once the work is completed, staff would return to the City Council to record the completion of work and total costs. It will be staff's recommendation for Council to authorize cost recovery, and if approved, an invoice would be sent to the adjacent property owners where the City completed the work. If not paid, the City would lien the property in accordance with the Streets and Highway Code.

A cost estimate has been prepared by the Engineering Division, should the work need to be completed by the City. The estimate to replace the entire approach that serves 875 and 867 Mission Street is \$22,390.78, so the approximate cost for the section adjacent to your property is \$11,195.39. If a Formal NOC is authorized and the City completes the work, separate work tickets for each property would be initiated to keep costs separate.

Should you choose to hire a private contractor, there is a possibility of completing the work at a reduced cost since prevailing wage would not be required. Also, a full plan set is not required for a licensed contractor to obtain the necessary permit, a site plan and description of work typically suffices with an acknowledgement the work will be completed to City Standards.

I'll will be on vacation next week, 4/14 - 4/18, and unavailable during this time. Please let me know if you have any questions.

Sincerely,

#### **Greg Cruce**

Deputy Director - Maintenance Operations Public Works Department 805.781.7264 gcruce@slocity.org

From: Randy Treur <

**Sent:** Monday, March 31, 2025 3:46 PM **To:** Cruce, Greg <gcruce@slocity.org>

Cc: Gutierrez, Anthony < AGutierrez 2@slocity.org >

**Subject:** Re: Notice to Repair Sidewalk - 875 Mission St. San Luis Obispo

Sounds good. See you then.

On Mon, Mar 31, 2025 at 2:10 PM Cruce, Greg <gcruce@slocity.org> wrote:

Hi Randy,

Thanks for the email, we can meet at 11:00 am on 4/7. We'll see you then.

**Greg Cruce** 

Deputy Director - Maintenance Operations Public Works Department 805.781.7264 gcruce@slocity.org

From: Randy Treur <

**Sent:** Monday, March 31, 2025 1:15 PM **To:** Cruce, Greg <gcruce@slocity.org>

**Subject:** Re: Notice to Repair Sidewalk - 875 Mission St. San Luis Obispo

Hi Greg,

Thanks for the quick response. I can be available from 9:30am - 11:30am, next Monday, on 4/7. You can send a text when you are on your way. Let me know if some other time is preferred.

On another note. I am doing some landscaping and need to have some DG dropped. I would like to drop on Friday and would then move it on Saturday. If dumped in the street, in front of my house, will I need an Encroachment Permit?

Thanks for your help.

Randy Treur

c:(

On Mon, Mar 31, 2025 at 12:50 PM Cruce, Greg <gcruce@slocity.org> wrote:

Hello Randy,

I have good availability on Monday, 4/7 before 3:00 pm. Please let me know a time that works for you and we'll meet on-site.

Thanks,

#### **Greg Cruce**

Deputy Director - Maintenance Operations Public Works Department 805.781.7264 gcruce@slocity.org

From: Randy Treur <

**Sent:** Monday, March 31, 2025 12:48 PM

**To:** Stephenson, Nemo <<u>nstephenson@slocity.org</u>>

Cruce, Greg <gcruce@slocity.org>

**Subject:** Re: Notice to Repair Sidewalk - 875 Mission St. San Luis Obispo

Hello Nemo,

Congratulations on the birth of your child.

FYI: I am traveling on business this week returning late Friday evening, 4/4.

Greg - If you can be available, I can meet with you on Monday, 4/7. Please advise if this works for you.

Best regards,

Randy Treur

c:

On Fri, Mar 28, 2025 at 7:48 AM Stephenson, Nemo <<u>nstephenson@slocity.org</u>> wrote:

Good morning Mr. and Mrs. Treur,

I am writing to follow up about the Notice of Correction (NOC) on the sidewalk adjacent to 875 Mission Street.

When we last spoke, you were going to confirm a date that we could do a meeting on-site. I have not received any correspondence from you on that meeting.

I am now on paternity leave for a couple weeks. I have Greg Cruce on this email who would be happy to have that meeting with you during my absence. Greg is my supervisor and the Deputy Director of Maintenance Operations.

Thanks, Nehemiah Stephenson

## Nemo Stephenson

Maintenance Superintendent



Public Works
Signals and Streets
25 Prado Road, San Luis Obispo, CA 93401-7314
Enstephenson@slocity.org
T 805.783.7813
C 805.439.7016



Stay connected with the City by signing up for e-notifications

From: Stephenson, Nemo

**Sent:** Monday, March 17, 2025 2:35 PM

To: Randy Treur <

**Cc:** Cruce, Greg <gcruce@slocity.org>

**Subject:** RE: Notice to Repair Sidewalk - 875 Mission St. San Luis Obispo

Hello Randy,

Thank you for confirming receipt of the Notice of Correction (NOC) on the sidewalk adjacent to 875 Mission Street.

We would be happy to meet with you at 875 Mission Street. At that time, we will provide a detailed assessment of the necessary repairs with clarity on the NOC.

We know that these types of repairs can be costly and present a financial burden. We can discuss the repair scope and scheduling requirements when we meet with you.

I appreciate the phone call earlier today. During that conversation, you mentioned possibly meeting on Wednesday 3/26 or Thursday 3/27. Let me know at your earliest convenience, what days and times your available for a meeting.

Thanks, Nehemiah Stephenson

#### Nemo Stephenson

Maintenance Superintendent



Public Works
Signals and Streets
25 Prado Road, San Luis Obispo, CA 93401-7314

**E** <u>nstephenson@slocity.org</u> **T** 805.783.7813

**C** 805.439.7016

slocity.org



Stay connected with the City by signing up for e-notifications

From: Randy Treur <

**Sent:** Sunday, March 16, 2025 2:20 PM

**To:** Stephenson, Nemo <<u>nstephenson@slocity.org</u>>;

**Subject:** Notice to Repair Sidewalk - 875 Mission St. San Luis Obispo

This message is from an **External Source**. Use caution when deciding to open attachments, click links, or respond.

Dear Nehemiah,

I hope this message finds you well. My name is Randy Treur, and I am the owner and resident of 875 Mission Street. I apologize for the delay in responding to your recent notice regarding the sidewalk in front of my property. I would like to address the following points:

## 1. Clarity on Non-Conformances

While the initial notice included a photograph indicating that the sidewalk may appear cosmetically flawed, it is unclear which specific code violations or non-conformances are being cited. The cracks in the sidewalk are filled, and the surface remains flat, seemingly well under the 0.75-inch standard that I understand is part of the relevant codes or guidelines.

#### 2. Request for Detailed Assessment

The notice from the city appears to rely on a general assessment without providing alternative recommendations or a detailed evaluation of the exact issues. I respectfully request more specific information to better understand any necessary repairs and ensure compliance with city standards.

#### 3. Financial Timing

As we are currently in tax season, this is a challenging time to incur significant additional expenses. I would appreciate any guidance or flexibility you can offer regarding the scheduling and scope of potential repairs.

I am open to discussing this matter further to find a mutually agreeable solution. Please feel free to contact me at \_\_\_\_\_\_ ' at your earliest convenience. Thank you for your time, and I look forward to working with your team toward a positive resolution.

Sincerely,

#### Randy Treur



## council agenda report

Meeting Date		
1-22-13		
item Number	7	U/QB
C2		

#### CITY OF SAN LUIS OBISPO

FROM: Prepared By:

Daryl Grigsby, Director of Public Works Jennifer Rice, Administrative Assistant I

SUBJECT:

ADOPTION OF A SIDEWALK INSPECTION PROGRAM FOR THE CITY OF

SAN LUIS OBISPO

#### RECOMMENDATION

Adopt a Sidewalk Inspection Program for the City of San Luis Obispo.

#### DISCUSSION

The Public Works Department has an established practice of inspecting the City's sidewalks on a regular basis. This inspection enables the City to proactively repair damaged sidewalk panels and thus enhance public safety. Every two to three years, California Joint Powers Insurance Authority (CJPIA) conducts a risk management evaluation for the City of San Luis Obispo and provides recommendations based on those findings. During a review, the CJPIA recommended that the City formally adopt its Sidewalk Inspection Program (Attachment 1).

Adoption of such a program reduces risks of trip and fall incidents and injury to residents and visitors as a result of displaced sidewalks. Regular inspections, reporting defects, and timely repairs constitute a Best Management Practice relative to sidewalk maintenance. This program will provide additional information that will be helpful to property owners and the City in terms of prioritizing repairs; however, it does not eliminate the property owner's responsibility to maintain sidewalks on their property per San Luis Obispo Municipal Code Section 12.16.020 and Streets and Highway Code Division 7, Part 3, Chapter 22 (Attachment 2, 3, and 4).

The proposed guideline documents standard instructions for conducting sidewalk inspections and management of records. Most of the procedures outlined in this program have been in practice by City Street Maintenance staff for several years. The primary adjustment in this program from past practice is to increase inspection frequencies for those locations considered at greater risk for trip and fall incidents (such as senior centers and hospitals) from every 8 years to every twelve months. This inspection frequency was recommended by the CJPIA. Currently, because of the high pedestrian traffic volumes, only the downtown area sidewalks are inspected on an annual basis. The remainder of the City is inspected once every 8 years. In addition to regular inspections, staff also responds promptly to reported hazards and areas where trip and falls have been reported in all areas of the City.

Adoption of this program refines the current sidewalk inspection practices for formal adoption in order to meet CJPIA guidelines. This type of program will benefit the City's defense of liability claims arising from incidents that occur on City sidewalks. In accordance with CJPIA policies, agencies that have an effective Sidewalk Inspection and Maintenance Program in place have

experienced as much as a 25% reduction in the cost of liability coverage, and improved the ability of the CJPIA to mount an effective defense to counter trip and fall claims.

#### CONCURRENCE

This program was reviewed and approved by the City's Risk Manager and CJPIA staff.

#### FISCAL IMPACT

This inspection program will assist in protecting the City in the event claims are made for inadequate maintenance of the sidewalks and thus will reduce risk and liability. The City's budget for sidewalk repair has fluctuated over the last decade in response to changing financial climates. This budget has ranged anywhere from \$20,000 to \$60,000 annually.

The 2011-13 Financial Plan has allocated \$35,000 annually for sidewalk repairs at various locations (Appendix B, Pages 3-172 through 3-174.). Currently, there is \$52,125 available in this project account to continue to support sidewalk repairs.

Funding to support Streets Maintenance program staff to provide sidewalk inspections is included as part of the annual operating budgets. Should additional capital or operating costs impacts occur that cannot be absorbed into existing budgets, staff will return to Council to seek direction. Adjustment in service levels for sidewalk maintenance would be best addressed during the Financial Planning process.

#### **ALTERNATIVE**

Deny Adoption of Sidewalk Inspection Program. The City Council could choose to deny the adoption of a Sidewalk Inspection Program. However, staff does not recommend this alternative. The creation of the formal inspection program is consistent with CJPIA recommendations and has shown to be an effective program avoids potentially costly liability risks and protects the health and safety of community members and visitors. Informally, staff has been inspecting and repairing various sidewalks to reduce liability claims for the past decade. Additionally, no increased funding is needed at this time for a formal adoption of a Sidewalk Inspection program.

#### **ATTACHMENTS**

- 1. City of San Luis Obispo Sidewalk Inspection Program
- 2. San Luis Obispo Municipal Code Section 12.16.020
- 3. Highway Code Division 7, Part 3, Chapter 22
- 4. City of San Luis Obispo Sidewalk and Parkway Strip Maintenance Brochure

## CITY OF SAN LUIS OBISPO ~ SIDEWALK INSPECTION PROGRAM DRAFT

#### **PURPOSE**

The Sidewalk Inspection Program is intended to minimize risks of trip and fall incidents and injury to residents and visitors of the City due to the deterioration of sidewalks, expansion of roots, and ground settlements, by regularly inspecting, reporting, and scheduling repairs of damaged sidewalks. This guideline provides standard instructions for conducting sidewalk inspections and management of the records.

The Sidewalk Inspection Program is one phase of sidewalk maintenance involving the proactive inspection of sidewalks on a regular schedule. This is in addition to the Service Request Program. available to the public and City employees to report a sidewalk concern to the Streets and Sidewalks Maintenance program. Problems reported through the Service Request Program are given a higher priority and are addressed as soon as possible. A report of a trip and fall is given the highest priority for repair.

The City has a Pavement Management Plan that established 9 separate zones. Staff uses these zones to schedule paving projects through the Capital Improvement Plan. The Sidewalk Inspection Program works in conjunction with the Pavement Management Plan to determine the severity of displaced sidewalks caused by City street trees, and ensure sidewalk work occurs in advance of paving projects. Work is completed within the limits of the annual maintenance budgets and not all potential hazards will be addressed.

#### II SIDEWALK REVIEW

- 1. Sidewalk inspections, in accordance with this program, should be done approximately every twelve months in the downtown (Area 9) and around senior centers and hospitals, and once every twelve months in one of the 8 remaining pavement areas. Pavement areas are inspected in coordination with the paving program.
- 2. Consideration regarding cost, time, severity, location, and history are taken into account when prioritizing areas for annual review, and for repair or replacement. Repairs on high volume sidewalks or sidewalks with anticipated challenged pedestrians will yield higher benefits due to the higher volume or ability of pedestrian traffic. High volume pedestrian traffic areas or areas frequented by populations potentially more vulnerable to falls, such as the downtown area or in the vicinity of hospitals and senior centers, could present a greater risk and so these areas are identified for annual review. This may lead to a decision to eliminate a "trivial defect" on a heavily used sidewalk in addition to more substantial defects.
- 3. An average vertical displacement between sidewalk abutments that is used to evaluate a "trivial defect" is 34 inch. Vertical displacements less than 34 inch should be noted for appropriate action. All potential hazards must be evaluated whether the potential hazards are critical or considered trivial defects. Trivial defects should be noted and addressed when funding allows.
- 4. All inspections shall document the following situations:
  - Vertical displacements that exceed ¾ inch should be documented and scheduled for repair. Any displacement less than <sup>3</sup>/<sub>4</sub> inch should be noted and evaluated for possible hazards.

# CITY OF SAN LUIS OBISPO ~ SIDEWALK INSPECTION PROGRAM DRAFT

- 4. b) For each location where a sidewalk deficiency is noted, provide a rating on the deviation from 1 to 4. The rating is as follows:
  - (1) Displacement is less than 3/4 inch
  - (2) Displacement is between ¾ inch and 1 ½ inches
  - (3) Displacement is between 1 ½ inches and 2 ½ inches
  - (4) Displacement is greater than 2 ½ inches
- 5. Sidewalks with slopes that exceed a 5:1 ratio should be documented and scheduled for repair.
- 6. Cracks that have a gap of half an inch should be filled.
- 7. Holes that are half an inch or greater in depth and diameter should be filled.
- 8. Check for any damage around traffic signals, utility poles, ground utility boxes, street lights and regulatory sign posts.
- 9. Enforce repair of any sidewalk damaged as a result of a contractors' activities in the right-of-way.
- 10. Require sidewalk repairs to be made as part of private development activities on abutting properties where a substantial remodel, new building, or work on existing curb, gutter, and/or sidewalk is occurring.

#### III DATA COLLECTION

- 1. Data Collection is done via a tablet device for direct data entry and plotting of sites by coordinates.
- 2. Capture the following information in the inspection:
  - 2. a) Date
  - 2. b) Inspector Name
  - 2. c) Damage type per program (spalling, separation, displacement, etc.)
  - 2. d) If tree related
  - 2. e) Priority
  - 2. f) Approximate width, length, and displacement
- 3. Download the field data collection of information after every day in the field.
- 4. Keep track of the streets that have been inspected, use a city map and color or highlight the street segments that have been completed at the end of the day. Retain this record.

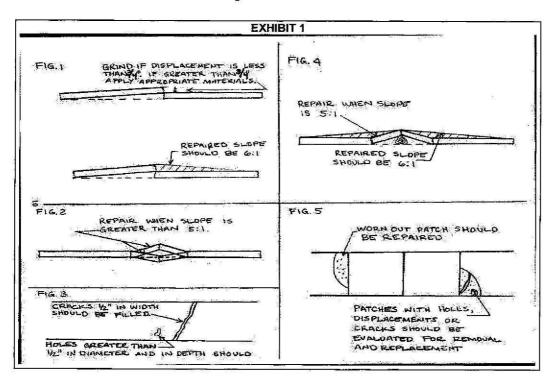
#### IV REPAIR SOLUTIONS

- 1. Grind down displacement if less than ¾ inch or apply appropriate materials to minimize displacement (Exhibit 1, Figure 1).
- 2. When the sidewalk is buckled and the ratio is greater than 5:1, use appropriate materials to repair sidewalk with a ratio of 6:1 (Exhibit 1, Figure 2).

Rev 11-29-12 Page 2 of 3

# CITY OF SAN LUIS OBISPO ~ SIDEWALK INSPECTION PROGRAM DRAFT

- 3. Cracks and holes should be filled with appropriate materials (Exhibit 1, Figure 3).
- 4. If the sidewalk is displaced by tree roots, repair with appropriate materials and slope with 6:1 ratio (Exhibit 1, Figure 4).
- 5. Repaired patches that continue to have cracks and displacements may have to be removed and replaced (Exhibit 1, Figure 5).
- 6. If the buckled sidewalk has numerous large cracks caused by a City Street Tree, remove existing sidewalk and tree roots, and replace concrete.



#### V RECORDING REPAIRS

- Downloads from data collection will be picked up by maintenance crew for appropriate action and each point closed out after work is completed.
- 2. When repairs are made, final data entry is to be completed for the individual record.
- 3. The following information is captured in the record.
  - 3. a) Type of repair made
  - 3. b) Date repair made
  - 3. c) Lead worker on repair
  - 3. d) Duration of repair effort
- 4. Data records are stored on the City's network in accordance with data retention guidelines.

## San Luis Obispo Municipal Code Section 12.16.020

## 12.16.020 Property owner's responsibility.

The maintenance, repair and collection of the cost of repair shall be governed by the procedure set forth in Division 7, Part 3, Chapter 22 of the Streets and Highways Code of the state. (Prior code § 7330.1)

## STREETS AND HIGHWAYS CODE SECTION 5600-5602, 5610-5618, 5625-5630

5600. As used in this chapter "sidewalk" includes 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.

5601. This chapter shall only apply to maintenance and repair proceedings, whether upon work originally done under this division or otherwise, and shall not be used for the construction of new improvements. The "Special Assessment Investigation, Limitation and Majority Protest Act of 1931" shall not apply to proceedings taken under this chapter.

5602. This chapter constitutes a separate and alternate procedure for performing the work specified herein and, except for the provisions of Part 5 of this division, no other provisions of this division shall apply to proceedings instituted hereunder.

5610. 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 a like duty in relation thereto.

5611. When any portion of the sidewalk is out of repair or pending reconstruction and in condition to endanger persons or property or in condition to interfere with the public convenience in the use of such sidewalk, the superintendent of streets shall notify the owner or person in possession of the property fronting on that portion of such sidewalk so out of repair, to repair the sidewalk.

5612. Notice to repair may be given by delivering a written notice personally to the owner or to the person in possession of the property facing upon the sidewalk so out of repair, or by mailing a postal card, postage prepaid, to the person in possession of such property, or to the owner thereof at his last known address as the same appears on the last equalized assessment rolls of such city or to the name and address of the person owning such property as shown in the records of the office of the clerk.

5613. The postal card shall contain a notice to repair the sidewalk so out of repair, and the superintendent of streets shall, immediately upon the mailing of the notice, cause a copy thereof printed on a card of not less than 8 inches by 10 inches in size, to be posted in a conspicuous place on

the property. In lieu of posting a copy of the mailed notice on the property as provided in this section, the superintendent of streets may, not less than seven days nor more than 10 days after the mailing of the first postal card notice, mail an additional postal card, postage prepaid, marked "Second Notice," to the person to whom the first postal card notice was addressed. The second notice shall otherwise contain the material required by this article, but shall not extend the time for commencing repairs specified in Section 5614.

5614. The notice shall particularly specify what work is required to be done, and how it is to be done, and what materials shall be used in the repair and shall further specify that if the repair is not commenced within two weeks after notice is given and diligently and without interruption prosecuted to completion, the superintendent of streets shall make such repair, and the cost of the same shall be a lien on the property.

5614.1. The legislative body may adopt a resolution determining that bonds shall be issued and assessments collected and enforced pursuant to Part 5 of this division. In such event, the notice to repair shall specify that bonds shall be issued to represent the security of the unpaid assessments, payable over a period of not to exceed six years, and shall further recite a maximum rate of interest to be paid on the indebtedness, which shall not exceed 7 percent a year, payable semiannually.

5615. If the repair is not commenced and prosecuted to completion with due diligence, as required by the notice, the superintendent of streets shall forthwith repair the sidewalk. Upon the written request of the owner of the property facing the sidewalk so out of repair, as ascertained from the last equalized assessment roll of the city, or as shown in the records of the office of the clerk, the superintendent may repair any other portion of the sidewalk fronting on the property that is designated by the owner. The superintendent shall have power to prescribe the form of the written request. The cost of repair work done by request pursuant to this section shall be a part of the cost of repairs for which, pursuant to this chapter, subsequent notices are given, hearings held and assessment and collection procedures are conducted.

5616. Upon the completion of the repair, the superintendent of streets shall cause notice of the cost of the repair to be given in the manner specified in this article for the giving of notice to repair, which notice shall specify the day, hour and place when the legislative body will hear and pass upon a report by the superintendent of streets of the cost of the repair together with any objections or protests, if any, which may be raised by any property owner liable to be assessed for the cost of such repair and any other interested persons. If bonds are to be issued, the notice shall also contain the information required by Section 5614.1.

5617. Upon the completion of the repair, the superintendent of streets shall prepare and file with the legislative body a report specifying the repairs which have been made, the cost of the repairs, a description of the real property in front of which the repairs have been made and the assessment against each lot or parcel of land proposed to be levied to pay the cost

thereof. Any such report may include repairs to any number of parcels of property, whether contiguous to each other or not.

5618. Upon the day and hour fixed for the hearing the legislative body shall hear and pass upon the report of the superintendent of streets, together with any objections or protests which may be raised by any of the property owners liable to be assessed for the work of making such repair and any other interested persons. Thereupon the legislative body may make such revision, correction or modifications in the report as it may deem just, after which, by motion or resolution, the report as submitted, or as revised, corrected or modified, shall be confirmed. The legislative body may adjourn the hearings from time to time. The decisions of the legislative body on all protests and objections which may be made, shall be final and conclusive.

5625. The cost of the repair may be assessed by the legislative body against the parcel of property fronting upon the sidewalk upon which such repair was made, and such cost so assessed, if not paid within five days after its confirmation by the legislative body, shall constitute a special assessment against that parcel of property, and shall be a lien on the property for the amount thereof which lien shall continue until the assessment and all interest thereon is paid, or until it is discharged of record.

5626. The superintendent of streets may file in the office of the county recorder of the county in which the parcel of property is located, a certificate substantially in the following form:

#### NOTICE OF LIEN

Pursuant to the authority vested in me by the Improvement Act of 1911, I did, on the \_\_\_\_ day of \_\_\_, 19\_, cause the sidewalk, curb, or park or parking strip, bulkheads, retaining walls, or other works (as the case may be) in front of the real property hereinafter described, to be repaired and improved, and the legislative body of said city (county, or city and county) did, on the \_\_\_\_ day of \_\_\_, 19\_, by Resolution No. \_\_\_\_ assess the cost of such repair upon the real property hereinafter described, and the same has not been paid nor any part thereof, and the said city (county, or city and county), does hereby claim a lien on said real property in the sum of dollars (\$\_\_\_\_), and the same shall be a lien upon said real property until the said sum, with interest at the rate of \_\_\_\_ percent per annum, from the said \_\_\_\_ day of \_\_\_\_, 19\_ (insert date of confirmation of assessment), has been paid in full and discharged of record.

The real property hereinbefore mentioned and upon which a lien is claimed, is that certain piece or parcel of land lying and being in the (name of city, or city and county) the county of \_\_\_\_\_, State of

, and particularly described as follows:

(Description of property)

Dated this \_\_\_\_ day of \_\_\_, 19\_\_.

Superintendent of Streets

5627. From and after the date of the recording of the notice of lien, all persons shall be deemed to have had notice of the contents thereof. The notice of lien may include claims against one or more separate parcels of property, whether contiguous or not, together with the amount due,

respectively, from each such parcel. The statute of limitation shall not run against the right of the city to enforce the payment of the lien. If any such lien is not paid the city may file and maintain an action to foreclose such lien in the same manner and under the same procedure, so far as applicable, as that under which delinquent bonds are foreclosed under this division.

5628. As an alternative method of collection of the amount of the lien, the legislative body, after confirmation of the report of the superintendent of streets, may order the notice of lien to be turned over to the assessor and the tax collector of the city, whereupon it shall be the duty of those officers to add the amount of the assessment to the next regular bill for taxes levied against the lot or parcel of land. If city taxes are collected by the county officials, the notice of lien shall be delivered to the county auditor, who shall enter the amount thereof on the county assessment book opposite the description of the particular property and the amount shall be collected together with all other taxes thereon against the property. The notice of lien shall be delivered to the county auditor before the date fixed by law for the delivery of the assessment book to the county board of equalization.

5628.1. The legislative body shall have the power, in its discretion, to determine that the payment of assessments of one hundred dollars (\$100) or more may be made in annual installments, not to exceed five, and that the payment of assessments so deferred shall bear interest on the unpaid balance at a rate to be determined by the legislative body, not to exceed the rate permitted for bonds by Section 53531 of the Government Code. Interest shall begin to run on the 31st day after the confirmation of the assessments by the legislative body. Determinations of the legislative body shall be expressed by resolution at any time prior to the confirmation of the assessments.

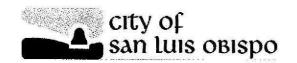
5629. Thereafter the amount of the lien shall be collected at the same time and in the same manner as ordinary city taxes are collected, and shall be subject to the same penalties and interest and to the same procedure under foreclosure and sale in case of delinquency as provided for ordinary city taxes. All laws applicable to the levy, collection and enforcement of city taxes and county taxes are hereby made applicable to such special assessment taxes.

5629.1. If bonds are to be issued to represent the security of the unpaid assessments, upon confirmation of the report by the legislative body the superintendent of streets shall give notice to pay by mail and by publication substantially in the manner provided by Sections 4320 and 4321 of this code. The period for payment in cash stated therein shall be 30 days following the date of confirmation of the report. Upon completion of the cash payment period, the superintendent of streets shall file with the county recorder a certificate substantially in the form set out in Section 5626, giving notice therein that interest is payable at a rate to be fixed upon the sale of bonds, which rate shall not exceed the rate permitted for bonds by Section 53531 of the Government Code, and shall begin to run on the 31st day after the confirmation of the report. Thereafter the provisions of Part 5 (commencing with Section 6400) shall be applicable and payments on assessments at bond shall be made as therein provided. The bonds may be

issued and sold as the legislative body directs and may be dated at any time after the expiration of the cash payment period.

5630. Whenever the property fronting on a sidewalk required to be maintained and repaired pursuant to the provisions of this chapter lies within one city or unincorporated territory of a county, and the sidewalk required to be so maintained and repaired lies within another city or unincorporated territory of a county, the superintendent of streets of the city or county having jurisdiction over the sidewalk shall have full authority to serve notices to repair and do all work contemplated by Articles 2 and 3 of this chapter, notwithstanding the fact that the property fronting on the sidewalk lies within another city or unincorporated territory of a county. The legislative body of the city or county within which the sidewalk has been repaired pursuant to the provisions of this chapter shall have jurisdiction to levy an assessment to pay the cost of any such sidewalk repairs against the parcel of property fronting on said sidewalk, notwithstanding the fact that said property lies within another city or unincorporated territory of a county and said assessment shall be a lien on said property for the amount thereof until the assessment and all interest thereon is paid or until it is discharged of

The provisions of Sections 5628 and 5629 of this code shall be applicable to the collection and enforcement of all liens levied pursuant to the provisions of this section and the amount so collected shall be paid to the treasurer of the city or county as the case may be which conducted the proceedings.



# sidewalk & parkway strip maintenance

## property owner responsibilities

department of public works 805-781-7220 805-781-7015

The City receives many requests from citizens to make repairs to sidewalks. This brochure provides general information to the public on this subject.

#### What is the sidewalk, parkway, and curb and gutter?

The sidewalk, parkway strip, and curb & gutter are typically made of concrete and located next to the street on the front and/or side portion of your property. The curb and gutter are located at the edge of the street pavement. The sidewalk is either separated from the curb by a parkway strip, or is located adjacent to the curb. Parkways are sometimes planted or filled in with brick or other materials.

#### Who is responsible for maintenance?

The property owner is responsible for properly maintaining this area (see San Luis Obispo Municipal Code Section 12.16.020 and Streets and Highway Code Division 7, Part 3, Chapter 22). This responsibility includes maintenance of damaged or displaced concrete and abatement of weeds or debris. While the City may be liable for injuries to pedestrians that are determined to have resulted from a dangerous condition of a public sidewalk, property owners should be aware that they <u>may also</u> be found liable if it is determined that their negligence caused someone to be harmed.

#### When should property owners consider doing sidewalk replacement?

Replacement of the sidewalk, curb and gutter concrete should be considered when one or more of the following exists:

- When there is a vertical difference in height between sections of the sidewalk or concrete parkway strip of 3/4" or more.
- If the concrete has broken apart.
- In any instance where the owner has reason to know that the condition presents a danger to users, or the owner has observed someone trip because of damage to the surface.

In addition to damaged sections of sidewalk, curb and gutter replacement is typically required when sidewalks and driveways are replaced, unless the sidewalk is separated from the curb by a parkway. Patching should be completed when horizontal openings greater than 1/2" exist.

#### What are the options available for completing the work?

The City recommends construction of curbs, gutters, and sidewalks in City streets be performed by a properly licensed and insured contractor. A permit is required for concrete repair. Call (805)781-7015 for permit requirements.

#### Are there inspections and standards for concrete repair work?

Yes, all work and materials must be in conformance with the City of San Luis Obispo Engineering Standards for Public Works Construction.

Before placing any concrete, you must have any tree root removal approved, and the saw cut, forms, and base inspected. After approval, a City-approved concrete mix must be used. The surface finish must be a light broom finish with score marks. After the work is completed, you must call for a final inspection.

A permit is required for all concrete work in the public right-of-way. Engineering Standards for construction are available on the City's web site on the Public Works page www.slocity.org. For information on obtaining a permit call (805)781-7015.

## Is the property owner responsible for repairs if the concrete damage is caused by a tree?

The City encourages street trees in front of residences. (Municipal Code 12.24.010) The property owner is responsible for the maintenance of the street tree but the City will repair the sidewalk when the concrete has been damaged by a street tree, as funding is available, and timed with the area rotation program. Concrete damaged by trees other than street trees is the responsibility of the property owner. Maintenance, trimming and replacement of street trees and shrubs is governed by Chapter 12.24.110, 12.24.120 and 12.24.150 of the Municipal Code.

## What measures should be taken to minimize concrete displacement by tree roots?

Certain species of trees may raise concrete if preventative maintenance is not performed. To reduce the chance of future concrete displacement, trees can be root-pruned. Care must be taken when root pruning to avoid damaging underground utilities or destabilizing or harming the tree. This work must be completed by a licensed arborist. Also, deep-watering the tree, that is, applying a slow trickle of water over a 24-hour period, encourages deeper root growth which reduces the chance of sidewalk damage.

## If a problem is reported to the City, how long does it take for a repair?

When a report is made to the City, it is entered into a work order program. Subject to the availability of resources and personnel, the City will attempt to review the site within a week of entry of the work order. If a temporary repair, such as grinding or ramping the area can be made, the City will generally attempt to complete that work within two weeks. Severe damage caused by a street tree, which cannot be repaired adequately, will be reconstructed as soon as resources and available personnel allow.

Areas of less severe damage are completed as the next priority, working around the City in a systematic fashion in advance of the paving program. That can mean the sidewalk will not be replaced for several years. Damage other than that caused by street trees needs to be completed by the property owner.

## Related to sidewalk repair is clearance and visibility. When is maintenance required?

- Visibility When parkway strip shrubbery interferes with the ability of a driver to see pedestrians or approaching traffic, either from a driveway or an intersection, trimming of shrubs must be completed by the property owner. Shrubs must be trimmed to a maximum height of 36", for a minimum distance of 30' from an intersection. (Municipal Code 10.60 and 17.16.020)
- Walkway and Gutter Clearance Trimming of ground cover or shrubs is required when the plants extend onto or over the sidewalk, gutter, or street.
- Parkway Strip Condition All tree stumps, large rocks, trash and holes must be removed by the property
  owner. The parkway strip must be level and holes must be filled and leveled with dirt or other material.

#### When is a permit required for landscape maintenance work?

If the sidewalk or the street must be closed for the work, a permit is required from Public Works. Call (805)781-7015 for additional information. If a tree is to be removed, a tree removal permit must be obtained. Applications for tree removal are available on the City's web site on the Public Works page <a href="https://www.slocity.org">www.slocity.org</a> or call 781-7220 for additional information.

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CORRESPONDENCE
Date 1/22/13 Item# CA

# council memoranoum city clerk

January 22, 2013

TO:

City Council

VIA:

Katie Lichtig, City Manager

FROM:

Monica Irons, Director of Human Resources

Greg Zocher, Human Resources Manger,

SUBJECT:

January 22<sup>nd</sup> Agenda Item: Sidewalk Inspection Program

Council Member Andrew Carter requested information regarding costs associated with "trip and fall" claims filed against the City. In reviewing claims history for the last five fiscal years (2007 through 2012), the City has received a total of 24 claims for "trip and fall" injuries. The total incurred and anticipated costs on those 24 claims will be approximately \$866,000. The average severity on those claims was \$36,000 which is slightly higher than the California Joint Powers Insurance Authority pool severity average of \$34,000. Assuming, on average, five trip and fall claims each year with an average severity of \$36,000 the City spends approximately \$173,000 per year on "trip and fall" claims.

## RECEIVED

## Goodwin, Heather

JAN 22 2013

SLU CITY CLERK

m: ht:

To:

Grimes, Maeve

Tuesday, January 22, 2013 4:12 PM

Goodwin, Heather

FW: Sidewalk Program Agenda Item

AGENDA
CORRESPONDENCE
Date 1/83/13 Item# C 2

Please forward for tonight.

Thank you

Subject:

Maeve Kennedy Grimes City Clerk

City of San Luis Obispo 990 Palm Street San Luis Obispo, CA 93401 Phone: (805) 781-7102 Email: mgrimes@slocity.org

-----Original Message-----From: Carter, Andrew

Sent: Tuesday, January 22, 2013 2:33 PM

To: Grimes, Maeve

Cc: Grigsby, Daryl; Lichtig, Katie

ect: FW: Sidewalk Program Agenda Item

Public File

Andrew Carter Council Member City of San Luis Obispo

From: <a href="mailto:reschmidt@rain.org">rschmidt@rain.org</a> [rschmidt@rain.org] Sent: Tuesday, January 22, 2013 11:54 AM

To: Marx, Jan; Carter, Andrew; dcarpen@slocity.org; Ashbaugh, John; Smith, Kathy

Subject: Sidewalk Program Agenda Item

Dear Council Members,

Re: the sidewalk inspection program.

This is totally infuriating and an insult to every resident of this city – especially to those like myself who have fallen on ill-maintained city-owned sidewalks (Murray median) and have to live lifelong with the consequences.

It is nothing more than an official rationale for doing nothing to repair neighborhood sidewalks.

is asking you to endorse their slovenly do-nothing approach to neighborhood sidewalks. You MUST NOT ENDORSE has linstead, you must direct staff to get on with repairing what needs to be repaired, and not to invent ridiculous

"programs" like this that claim to be about reducing risk but which are actually rationales for unethical treatment of residents.

he report to you is so full of nonsense and lies, it's hard to know how to even deal with it. For example:

"A report of a trip and fall is given the highest priority for repair."

This is an outright lie. Nothing substantive has been done to the Murray median where I fell, despite more contacts to the city and to YOU DIRECTLY than I can count. Staff has even lied to you and claimed the opposite. In fact, we've been told we'll just have to wait for repairs to the sidewalk till it's time to rebuild Murray's automobile portion, which is years off.

(Linking sidewalk repair to street repaving is idiotic -- there's no nexus.)

• "The Sidewalk Inspection Program is one phase of sidewalk maintenance involving the proactive inspection of sidewalks on a regular schedule."

What a lot of nonsense. Inspecting once every 8 years is "proactive?" Give me a break. You should fire people who write this sort of trash.

- But fear not, while neighborhoods get looked at once every 8 years, downtown will get annual inspections. Bravo! This is just more of the city's "free lunch" approach to how it allocates its resources: handouts to the rich and powerful and sticking the rest of us with the bill, and the pain and suffering.
- "An average vertical displacement between sidewalk abutments that is used to evaluate a "trivial defect" is 3/4 inch." A % inch displacement is not trivial in the least. It's exactly the sort of thing people trip on huge displacements are obvious, and can be avoided, but these aren't noticed, and are plenty to catch the toe or heel of a shoe and send someone flying. That's what happened to me. To neglect to note such defects "for appropriate action" is dereliction of city's responsibility.
- "This inspection program will assist in protecting the City in the event claims are made for inadequate maintenance of the sidewalks and thus will reduce risk and liability." Now we're getting down to what it's really all about persiflage to create a paper trail to fend off insurance claims from people injured by the city's malfeasance. The city should be ashamed.

THE CITY DOESN'T NEED THIS FANCY PAPERTRAIL DO-NOTHING NEIGHBORHOOD SIDEWALK INSPECTION PROGRAM.

WHAT IT NEEDS IS FOR THE COUNCIL TO TELL STAFF TO GET TO WORK FIXING NEIGHBORHOOD SIDEWALK DEFECTS NOW!, AND TO PROVIDE THEM THE FUNDS TO DO IT.

FIX THE SIDEWALKS NOW!

Richard Schmidt