

RESOLUTION NO. 37/2020

**A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF CORTE MADERA
APPROVING A SIDEWALK PILOT PROGRAM**

WHEREAS, the maintained street network of the Town of Corte Madera (“Town”) consists of 34.7 centerline miles of roadway; and

WHEREAS, the majority of those streets have sidewalk present on one or both sides of the street; and

WHEREAS, The Town Municipal Code, Section 12.56.010 states that “the owner of a parcel of real property which abuts on any portion of a sidewalk area between the property line of the parcel and the street line, including a parking strip and curb, is responsible for the repair and maintenance of the sidewalk area and shall pay the cost and expense of repair and maintenance thereof;” and

WHEREAS, the same section also states that “the owner of a parcel of real property is under a duty to members of the public to keep the portion of any sidewalk area in a safe condition.”

WHEREAS, The Town Municipal Code, Section 12.40.030 states that “the permittee, or the owner of the adjacent property, shall maintain the trees, hedges, shrubs, walls, fences or similar structures erected for landscaping purposes in a neat and orderly condition at all times;” and

WHEREAS, the community has expressed a desire for the Town Council to approve a program to further assist property owners with their responsibility to maintaining these sidewalk areas and trees; and

WHEREAS, in July 2020, the budget approved by Town Council allocated \$200,000 for “Miscellaneous Street, Curb, Gutter, Sidewalk Repairs” in fiscal year 2020-2021; and

WHEREAS, staff has reviewed similar Sidewalk Programs from the City of San Rafael and City of San Mateo to help inform the development of a Town Sidewalk Pilot Program; and

WHEREAS, Town staff collaborated with the Town’s Bicycle and Pedestrian Advisory Committee (BPAC) meetings on April 18th 2019, June 20th, 2019, August 20, 2020, and October 15th 2020 to assist in the development of this Sidewalk Pilot Program (“Program”); and

WHEREAS, the Town is interested in establishing a systematic approach to improving the sidewalk network Town-wide on a more regular basis; and

WHEREAS, the Town has developed a concept (“Strategy #4”) that will divide the Town into 10 distinct “zones” with the intent that the each zone will receive an equal opportunity to

participate in the Sidewalk Pilot Program before the cycle is repeated and before any one zone receives a second opportunity to participate in the Program; and

WHEREAS, the intent is that one distinct “zone” will be selected for each year but allows flexibility should available funding levels be higher or lower in a given year, Town Council will maintain the ability to accelerate or decelerate the Program; and

WHEREAS, each property owner will continue to maintain the sidewalk areas in accordance with 12.56.010 of the Town Municipal Code, despite the approval by Town Council of the Program; and

NOW, THEREFORE, BE IT RESOLVED, that the Town Council of the Town of Corte Madera does hereby find and resolve as follows:

Recitals

The foregoing recitals are true and correct and are incorporated into the findings herein.

Sidewalk Pilot Program

- 1.) **Funding**: The Town Council hereby approves the Sidewalk Pilot Program in the amount of \$150,000 in fiscal year 2020-2021 and \$250,000 for fiscal year 2021-2022. Any unused funds for fiscal year 2020-2021 will automatically rollover into fiscal year 2021-2022, for a total budgeted amount of \$400,000 over the two fiscal years. Funding for the current fiscal year in the amount of \$150,000, will be reallocated from the “Miscellaneous Street, Curb, Gutter, Sidewalk Repairs” item, which was approved in July 2020 in the amount of \$200,000.

The program shall begin on November 1, 2020 and continue through June 30, 2022 based on available funds.

Although staff has established target budgets for each “strategy” described herein, the Director of Public Works shall be given the discretion to adjust these strategy budgets to best utilize the Sidewalk Pilot Program funding allocated by Council for each fiscal year. More specifically, should any of the strategies be over-funded in a given year those residual funds may be transferred to a strategy that is under-funded.

- 2.) **Program**: The Sidewalk Pilot Program will contribute Town grant funds and resources to assist homeowners with their responsibility to maintain sidewalk areas and trees in a safe condition. The Town will award the grant funds as defined in each strategy and specified herein.

No Retroactive Grants: The program goes into effect on November 1, 2020. Reimbursements for work completed prior to that date are not authorized under this program.

Strategy #1: Sidewalk Grinding (or “Shaving”)

- a. Funding: In each fiscal year staff will target a budget of \$50,000 to be designated to grinding (or “shaving”) tripping hazards (or “vertical offsets”) in the sidewalk areas.
- b. Grant Amounts: These repairs will be 100% funded by the Program as part of a one-time repair, where Town staff will contract directly with a contractor to facilitate the work.
- c. Qualification for Program: The sidewalk grinding locations will be determined by Town staff and will be limited to work within the Town right-of-way. In addition, an emphasis will be made toward implementing these repairs on entire street segments and/or neighborhoods to improve the overall cost effectiveness of the program.
- d. No Permit Required: Since these repairs will occur within Town right-of-way and the work will be performed by a licensed contractor that is in contract with the Town, no permit will be required.
- e. Opt Out Provision: Prior to conducting this repair work, the property owners will be notified of the work in advance of the construction and will have the ability to “opt-out” in writing in writing within 15 days of the mailing of the Notice pursuant to this section.

Strategy #2: Capital Improvement Program (CIP) Sidewalk Replacement & Repairs

- a. Funding: In each fiscal year staff will target a budget of \$75,000 to be designated to replacing and/or repairing deficient sidewalk as part of the Town’s CIP projects such as road rehabilitation, safe routes to schools and/or complete streets projects.
- b. Grant Amounts: These repairs will be 100% funded by the Program as part of a one-time repair, where Town staff will contract directly with a contractor to facilitate the work.
- c. Qualification for Program: The sidewalk replacement and repair locations will be determined by Town staff and will be limited to work within the Town right-of-way. In addition, this work shall be within the limits and scope of the CIP project.
- d. No Permit Required: Since these repairs will occur within Town right-of-way and the work will be performed by a licensed contractor that is in contract with the Town, no permit will be required.
- f. Opt Out Provision: Prior to conducting this repair work, the property owners will be notified of the work in advance of the construction and will have the ability to “opt-out”

in writing in writing within 15 days of the mailing of the Notice pursuant to this section.

Strategy #3: Individual Sidewalk Replacements

- a. Funding: In each fiscal year staff will target a budget of \$25,000 to be designated to replacing deficient sidewalk as part of work performed by individual property owners.
- b. Grant Amounts: This work shall be performed by a qualified and licensed contractor that is directly hired by the property owner. The Town will reimburse the property owner as follows, where the maximum contribution from the Town is \$5,000 per residential property and \$2,000 per commercial property, over a cumulative 10 year period.
 - a. Split the cost of sidewalk replacement 50-50 with property owners (up to a maximum of \$1,000 in Town contribution)
 - b. Split the cost of cost of street tree work removal and replacement (including root trimming, stump grinding, removal/replacement) 50-50 with property owners (up to \$2,500 in Town contribution)
 - c. Fully incur the cost of curb and gutter replacement (up to a maximum of \$4,000 Town contribution)
- c. Qualification for Program: To qualify for the individual sidewalk replacement grant, Town Staff must determine that the existing sidewalk is unsafe; such that the sidewalk areas have severe vertical offsets or the sidewalk panels have severe running or cross slopes. This one-time grant will be funded by the Town on a first-come basis until the funds have been exhausted. The property owner shall be required to complete an application that includes at least two quotes from qualified and licensed contractors.
- d. Permit Required: Since these repairs will occur within Town right-of-way and the work will be performed by a licensed contractor that is not in contract with the Town, an Encroachment Permit (and potentially a Tree Permit) will be required.
- e. Permit Fees: Encroachment Permit fees that are triggered by Section 12.04.040 and Tree Permit fees that are triggered by Section 15.50.040 shall be “waived” or issued at no cost to the permittee; except when these permits are triggered by, or included in, a Building Permit review process.

Strategy #4: Sidewalk Replacement Projects (10-Zone Cycle)

- a. Establishment of Sidewalk Replacement Zones: Town staff will create a map that divides the entire Town into 10 distinct sidewalk replacement “zones” and will make this map publicly available on the Town website. Staff will make a concerted effort to group

together areas and neighborhoods that are close in proximity as it balances the zones with respect to size and projected demand for sidewalk replacements.

- b. Funding: In each fiscal year (starting in FY2021-2022) staff will target a budget of \$100,000 to be designated to replacing deficient sidewalk as part of work performed within an identified zone within Town.
- c. Priority: Assuming this Sidewalk Pilot Program continues to be funded, the intent is that each of the established zones will receive a “project” before the 10-Zone Cycle is repeated. However, due to limited staffing resources, priority will be given to zones where neighborhood have already established a preliminary list of interested property owners and have volunteers that are willing to streamline the process and assist with public outreach and coordination.
- d. Grant Amounts: The funding contributions shall be as follows, where the maximum contribution from the Town is \$5,000 per residential property and \$2,000 per commercial property, over a cumulative 10 year period.
 - a. Split the cost of sidewalk replacement 50-50 with property owners (up to a maximum of \$1,000 in Town contribution)
 - b. Split the cost of cost of street tree work removal and replacement (including root trimming, stump grinding, removal/ replacement) 50-50 with property owners (up to \$2,500 in Town contribution)
 - c. Fully incur the cost of curb and gutter replacement (up to a maximum of \$4,000 Town contribution)
- e. Qualification for Program: The Town funds will be granted for replacing sidewalk where Town staff determines that the existing sidewalk is unsafe; such that the sidewalk areas have severe vertical offsets or the sidewalk panels have severe running or cross slopes. This one-time grant will be funded by the Town on a first-come basis until the funds have been exhausted. This work shall be performed by a qualified and licensed contractor that is directly hired by the Town. To qualify for the grant, the property owner must enter into an agreement with the Town to ensure that the property owner(s) will reimburse the Town for the property owner’s portion of the improvements and resume maintenance responsibility of the newly-installed sidewalk once the work is completed.
- f. Permit Required: Since these repairs will occur within Town right-of-way and the work will be performed by a licensed contractor that is in contract with the Town, a permit will not be required.

Permit Fees: Encroachment Permit fees that are triggered by Section 12.04.040 and Tree Permit fees that are triggered by Section 15.50.040 shall be “waived” or issued at no cost to the permittee.

I HEREBY CERTIFY that the foregoing resolution was duly and regularly adopted by the Town Council of the Town of Corte Madera at a regular meeting held on the 20th day of October, 2020, by the following vote, to wit:

AYES: Councilmembers: Beckman, Casissa, Kunhardt, Lee, Ravasio

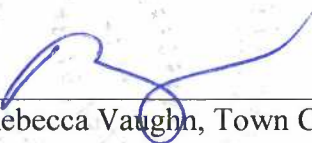
NOES: Councilmembers: - None -

ABSENT: Councilmembers: - None -



Eli Beckman, Mayor

ATTEST:



Rebecca Vaughn, Town Clerk

