THE CITY OF SAN DIEGO

OFFICE OF THE INDEPENDENT BUDGET ANALYST REPORT

Date Issued: November 6, 2024 **IBA Report Number:** 24-32

Active Transportation and Infrastructure Committee Meeting Date: November 13, 2024

Item Number: TBD

Proposed Response to Grand Jury Report "Maintaining San Diego's Sidewalks But It's Not My Sidewalk!"

On May 30, 2024 the San Diego County Grand Jury filed a report titled "Maintaining San Diego's Sidewalks: But It's Not My Sidewalk." This report focuses on the City's efforts on maintaining and repairing damaged sidewalks, including City efforts to identify damaged locations, conduct remediation work, and provide notice to private property owners when the damaged sidewalk is their responsibility to repair under both state law and City policy.

The Grand Jury report includes seven findings and six recommendations, all of which are directed to both the Mayor and the City Council. The proposed joint Mayoral and Council response – Attachment 1 – covers these findings and recommendations.

Per the Grand Jury report, the Mayor and City Council are required to provide comments to the Presiding Judge of the San Diego Superior Court on the applicable findings and recommendations within 90 days. However, the Council President's Office requested and received an extension for the response to November 22, 2024.

In responding to each Grand Jury finding, the City is required to either (1) agree with the finding or (2) disagree wholly or partially with the finding. Responses to Grand Jury recommendations must indicate that the recommendation (1) has been implemented; (2) has not yet been implemented but will be implemented in the future; (3) requires further analysis; or (4) will not be implemented because it is not warranted or is not reasonable. Explanations for responses are requested when applicable.

For this Grand Jury report various departments assisted the IBA in the development of this proposed response, including Transportation, Compliance, the City Attorney's Office, and the

Mayor's Office. We request that the Active Transportation and Infrastructure Committee provide feedback and forward its approved proposed response to the full City Council.

It should be noted that, while this is a joint Mayoral and Council proposed response, the Council may choose to amend or change this response. If the final response that the Council approves is agreeable to the Mayor, then the joint City response will be sent to the Presiding Judge. Otherwise, the Council and Mayor will send separate responses.

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Attachments:

1. Proposed City Response to San Diego County Grand Jury Report Titled "Maintaining San Diego's Sidewalks: But It's Not My Sidewalk!"

2. San Diego County Grand Jury Report Titled "Maintaining San Diego's Sidewalks: But It's Not My Sidewalk!"

Proposed City of San Diego Response to
San Diego County Grand Jury Report Titled
"*Maintaining San Diego's Sidewalks: But It's Not My Sidewalk!*"

Pursuant to California Penal Code Section 933(c), the City of San Diego Mayor and City Council provide the following responses to the findings and recommendations included in the above referenced Grand Jury Report.

RESPONSE TO FINDINGS:

Finding 1: *The City of San Diego does not have an accurate and complete view of the inventory of damaged sidewalk locations, which impairs the City's ability to plan for and prioritize needed repairs.*

Response: The Mayor and City Council disagree in part with the Grand Jury's finding.

The City has sufficiently updated information on sidewalks needs through various types of inspections.[1] The Transportation Department conducted an assessment of the City's sidewalk network in 2014-2015 by walking the City's 4,500 miles of sidewalks and recorded 85,000 identified defects. The typical useful life of a concrete sidewalk is 50-80 years depending on specific conditions.[2] The City may inspect sidewalks using various types or methods of inspection. Large-scale condition assessments like 2014-2015 are not as useful for sidewalks as compared with other assets.

The City currently receives updates on sidewalk conditions through Get It Done sidewalk reports.[3] Thousands of Get It Done requests are provided to the City annually for sidewalk defects, which helps provide a current understanding of many sidewalk conditions throughout the City. In addition, the City performs a sidewalk assessment on a neighborhood scale once funding is identified for a sidewalk replacement project located within that neighborhood. Assessing sidewalks on a neighborhood scale enables additional repairs to be conducted as defects are identified. Neighborhoods are selected based on the Pedestrian Priority Model (PPM) and areas with a higher PPM value, indicating more pedestrian activity, are prioritized first.

The sidewalk locations in need of repairs reported in Get It Done and/or identified by neighborhood assessments are mitigated in various ways, as will be discussed in the response to Finding 3.

Finding 2: *The current shortfall in sidewalk repair funding will lead to growth in the number of damaged sidewalks and injury claims.*

Response: The Mayor and City Council disagree in part with the Grand Jury's finding.

[1] The U.S. Department of Transportation notes in its guidance for maintaining pedestrian facilities (sidewalks) that one size does not fit all in how an agency conducts inspections. And there are varying types of inspections used by agencies, conducting community-wide, by zones (such as neighborhoods), or on the spot after a complaint (such as through Get It Done).
[2] Sidewalk conditions are impacted by a number of factors, the most common being tree roots, that change the condition over time.
[3] The City's Get It Done system enables the public to report issues with sidewalks and other infrastructure.

As the Grand Jury notes, funding decisions are made in the larger context of the City's total infrastructure needs. Funding for sidewalk replacement projects is prioritized against other infrastructure funding needs, such as street paving and storm drain replacement. The City would require significant additional taxpayer revenue in order to provide complete repairs to all damaged sidewalks. According to the most recent FY 2025-2029 Capital Infrastructure Planning Outlook, the City requires an additional $4.8 billion for capital improvements for infrastructure assets, including $88.0 million for sidewalk repairs over the outlook period.

The City has multiple programs to plan, prioritize, and repair sidewalk infrastructure and mitigate sidewalk damages, such as temporary repairs like asphalt ramping performed by City crews, sidewalk slicing performed by contractors, and sidewalk replacement performed by City crews, City-hired contractors, or contractors hired by the public as part of the Safe Sidewalks Program. In Fiscal Year 2024, these combined programs resulted in a record number of sidewalk repairs throughout the City due to recent increase in investments, which is further described in Finding 3.

The City uses the Pedestrian Priority Model to prioritize funding for sidewalk replacement because mobility and accessibility are predominantly driven by the frequency of pedestrian activity. This mitigates sidewalk damages in areas where pedestrians are most likely to be.

Finding 3: *The City is not taking adequate steps to reduce the incidents of costly trip-and-fall injuries due to damaged sidewalks.*

Response: The Mayor and City Council disagree with the Grand Jury's finding.

As noted in the response to Finding 1, the City receives ongoing updates on damaged sidewalks through several sources, including through the Get It Done system. Based on those updates, temporary repairs such as asphalt ramping are performed by City crews as deficiencies are reported. Sidewalk slicing is also performed by contractors to address damages identified through Get It Done, or in advance of a sidewalk replacement Capital Improvement Program (CIP) project. Permanent repairs such as sidewalk panel replacements are performed by City crews, City-hired contractors, or contractors hired by property owners as part of the Safe Sidewalks Program.[4]

Additionally, the City has taken steps to reduce incidents based on available resources, including increasing investments in the past two years, and implementing multiple programs to plan, prioritize, and repair sidewalk infrastructure. In FY 2024 these programs led to over 23,000 sidewalk repairs, the most ever completed in one fiscal year. The number of repairs is expected to increase in FY 2025 due continued CIP funding for sidewalk replacement projects and the Safe Sidewalks Program.

The City's sidewalk ramping crew was increased by 4 positions in FY 2024, the sidewalk slicing budget was doubled from $625,0000 to $1,250,000 annually in FY 2023, and the

[4] The Safe Sidewalk Program's permit fee holiday and expedited- permit process for residents with sidewalk damage adjacent to their property that is their responsibility to address, is being held from November 2023 to June 2026. Without this program, fees could be over $2,100. Per California Streets and Highways Code Sections 5610-5629, property owners are responsible for the repair of sidewalks in front of their property, even though it is within City right-of-way.

sidewalk replacement CIP program received large investments totaling $9.9 million from FY 2023 to FY 2025, compared to $0 from FY 2020 to FY 2022. Additionally, the Safe Sidewalks Program was initiated in FY 2024 and has increased the number of sidewalk repairs performed by private property owners through a fee waiver and streamlined permitting process. These increased investments resulted in over 2,000 asphalt ramped sidewalk locations, over 20,000 sliced sidewalk locations, and over 450 permanently replaced sidewalk locations in FY 2024. In addition to these programs, private development and City CIP projects improve sidewalk infrastructure as a part of larger projects, such as new community parks, pipeline replacements, and street resurfacing.

Finding 4: *Sidewalk ramping and slicing are effective tools to mitigate damaged sidewalks and to reduce the chance of injury and claims.*

Response: The Mayor and City Council agree with the Grand Jury's finding.

Sidewalk ramping and slicing are effective tools to mitigate damaged sidewalks. As noted in the response to Finding 3, additional funding and positions in FY 2023 and FY 2024 led to significant increases in the number of sidewalks ramped and sliced.

Finding 5: *The City does not adequately inform residents of the impact of underfunding sidewalk repairs.*

Response: The Mayor and City Council disagree with the Grand Jury's finding.

Since FY 2019, the Transportation Department has presented several sidewalk program updates to the Active Transportation & Infrastructure (ATI) Committee, detailing items such as funding needs for the sidewalks program as well as the payouts resulting from trip and fall litigation. In addition to these updates, the CIP funding needs for sidewalk replacement are included annually in the CIP Outlook and projects that are funded are included in the annual CIP budget for the Transportation Department. The Transportation Department also began sending notices of responsibility for needed sidewalk repairs and improvements to property owners as part of the Safe Sidewalks Program in winter 2023.

Finding 6: *Notwithstanding the recently enacted permit fee holiday, there are still significant cost and procedural burdens for property owners to repair their damaged sidewalks.*

Response: The Mayor and City Council disagree in part with the Grand Jury's finding.

While there are significant costs to repair a damaged sidewalk, the City made significant improvements to the process for property owners to repair simple sidewalk damages through the recently enacted Safe Sidewalks Program. In addition to the fee holiday, which eliminated the $2,100 permit fee, the process to obtain a permit for simple sidewalk repairs has been expedited.

If a private property owner is responsible for a sidewalk damage adjacent to their property, they will receive a Notice of Responsibility letter, permit application, and

certification form in the mail. The private property owner then can hire a contractor, sign the permit, and submit it back to the Transportation Department via e-mail or mail. If correct insurance and signature information is provided, the permit is approved within one week. Sidewalk repairs that include improvements to driveways, curb ramps, or the curb and gutter still require a right of way permit to be acquired from the Development Services Department (costs varies depending on the project). Note, the fee holiday will no longer be available after June 2026.

Finding 7: *The City is not taking sufficient measures to increase the rate of property owner compliance with the Notice of Responsibility to repair damaged sidewalks.*

Response: The Mayor and City Council disagree with the Grand Jury's finding.

In FY 2024, as part of the Safe Sidewalks Program, the City began notifying property owners of their responsibility to repair damaged sidewalks, after no notices of responsibility were sent out in more than four years. This program aims to both educate private property owners of their responsibility and increase sidewalk repairs by private property owners through a fee holiday and a streamlined permitting process, as discussed in the response to Finding 6. Through the first 9 months of the program, over 1,600 notices were sent, over 100 permit applications approved, and over 50 repairs completed by private property owners. Additional sidewalk repairs by property owners are anticipated through June 2026, when the permit fee holiday ends.

Other Safe Sidewalks Program phases may be implemented in the future to increase compliance with the program, such establishing a City sidewalk repair construction contract for locations that are the responsibility of private property owners and seeking reimbursement from those property owners. The Transportation Department will continue to monitor and evaluate the success of the program and make annual budget requests to implement improvements and efficiencies.

RESPONSE TO RECOMMENDATIONS:

Recommendation 1: *The 2023/2024 San Diego County Grand Jury recommends the Mayor of San Diego and the San Diego City Council direct the Transportation Department to perform a periodic assessment of the city sidewalk network, in conjunction with a remediation effort, to support informed budgeting and remediation decision making. This assessment should identify the party responsible for repair.*

Response: The recommendation has been implemented.

As discussed in the response to Finding 1, the prior condition assessment was completed in 2014-2015. Currently, Get It Done and neighborhood assessments provide the City with current information on sidewalk needs. The City will continue to perform periodic assessments at the neighborhood scale as funding is allocated to sidewalk replacement projects.

Recommendation 2: *The 2023/2024 San Diego County Grand Jury recommends the Mayor of San Diego and the San Diego City Council direct the Transportation Department to make the location of damaged sidewalks available on the City's sidewalk GIS tool.*

Response: The recommendation will not be implemented because it is not reasonable.

The location of sidewalk replacement projects under construction can be found in the Project Finder application: https://sandiego-public.dotmapsapp.com/map. Sidewalk and other pavement-related projects are found by selecting pavement projects under construction and pre-construction. Providing additional up-to-date detail on the location of damaged sidewalks via the City's GIS tool would be expensive and infeasible due to the changing conditions of sidewalk infrastructure. Changing conditions of sidewalks are tracked and addressed by the City through various methods, including daily notifications of sidewalk issues through Get It Done as well as completion of sidewalk repairs and improvement projects by City crews and contractors.

Recommendation 3: *The 2023/2024 San Diego County Grand Jury recommends the Mayor of San Diego and the San Diego City Council direct the Transportation Department to increase the number of ramping crews and/or slicing capacity to proactively remediate defects found by a periodic assessment process.*

Response: The recommendation has been implemented.

As noted in the response to Finding 3, in FY 2024 the sidewalk ramping crew increased by 4 positions, and in FY 2023, the sidewalk slicing budget increased from $625,000 to $1,250,000 annually. However, additional resources are recommended to more effectively implement proactive slicing and ramping. The Transportation Department recommends doubling the annual slicing budget to proactively address more locations throughout the City, paired with an increase in FTEs for asphalt ramping to perform ramping proactively. The Department will continue to monitor and evaluate resource needs for these programs and make annual budget requests for this as needed.

Recommendation 4: *The 2023/2024 San Diego County Grand Jury recommends the Mayor of San Diego and the San Diego City Council direct the Transportation Department to publish an annual assessment on the future impact of funding sidewalk repairs below required levels.*

Response: The recommendation has been implemented.

The Transportation Department provided an Annual Department Update in March 2024 at the ATI Committee. This annual update highlighted funding needs for the sidewalks program, as well as the previous fiscal year's payouts due to trip and fall litigation. Transportation will continue to offer the annual update for the ATI Committee. Additionally, the Transportation Department will continue to include the sidewalk replacement funding needs annually in the Five-Year CIP Outlook. Needs that receive funding are included in the annual CIP Budget for Transportation.

Recommendation 5: *The 2023/2024 San Diego County Grand Jury recommends the Mayor of San Diego and the San Diego City Council direct the Transportation Department to update department KPIs*

to separately track progress on repairing sidewalks based on the party responsible for the repair (City or property owner).

Response: The recommendation will not be implemented because it is not reasonable.

The FY 2025 KPI for sidewalks has been updated to track the number of sidewalks repaired compared to the total number of known locations that need to be repaired, however KPIs are not meant to be as detailed as this recommendation requests. The number of repairs made by the City and property owners is being tracked separately by the Transportation Department, and will be reported in the next sidewalk update at a Council Committee or City Council.

Recommendation 6: *The 2023/2024 San Diego County Grand Jury recommends the Mayor of San Diego and the San Diego City Council direct the Transportation Department to develop and publish a comprehensive plan to institute a series of steps to increase property owner compliance with Notices of Responsibility.*

Response: The recommendation will not be implemented because it is not reasonable.

The City is still evaluating the effects of the recently instituted Safe Sidewalks Program, and it is premature to consider adding additional steps to enforce compliance at this point. The Transportation Department presented a phased approach to addressing sidewalk damages that are private property owners' responsibility at the ATI Committee on June 8, 2023. The first phase included the fee waiver and expedited permit process that was implemented in January 2024 as part of the Safe Sidewalks Program. While the Safe Sidewalk Program is a new program within the City, with results only through the first nine months, the City has seen private property owners taking advantage of the program as currently designed.

As part of this phased approach, other program phases may be implemented in the future, if needed to increase compliance. For example, another phase could include establishing a program where City teams repair locations that are the responsibility of private property owners and then the City seeks payment from those property owners to cover its own costs. The Transportation Department will continue to monitor and evaluate the success of the program and make annual budget requests to implement improvements and efficiencies.

MAINTAINING SAN DIEGO'S SIDEWALKS

But It's Not My Sidewalk!

SUMMARY

The City of San Diego has over 4,500 miles of sidewalk. The City conducted a survey of those sidewalks in 2014-2015 and found over 85,000 damaged locations. While progress has been made to whittle down that backlog by making repairs and replacements, citizens continue to report new locations daily.

One significant impact of a damaged sidewalk is the possibility of a trip-and-fall injury. The City has paid millions of dollars to settle such claims in recent years—more in fact than the City has invested in capital projects to repair sidewalks during that same period.

Maintaining and repairing sidewalks is complicated by law and policy. Unlike all other classes of a city's infrastructure, California state law places the responsibility of maintaining and repairing sidewalks on the adjacent property owner. City policy defines certain exceptions where the City will take responsibility.

There are multiple means for dealing with a damaged sidewalk, from a short-term asphalt patch through a complete replacement. The City funds some of these repairs through an annual operations budget, and occasionally funds Capital Improvement Program projects to repair a large set of locations for which the City is responsible.

The City has recently approved a Safe Sidewalks program intended to make it easier for property owners to complete repairs for which they are responsible. While this a good first step, there are additional measures that could be taken to reduce the cost and complexity of a property-owner-initiated repair.

The Grand Jury finds that the City has underfunded sidewalk repairs, leading to growing payments for trip-and-fall injuries and is not taking all available steps to minimize the number of such injuries and payments. The Grand Jury recommends the City take actions to better assess the quality of sidewalks and to proactively remediate damaged sidewalks to reduce the chance of trip-and-fall injuries. The Grand Jury also recommends that the City increase its transparency in reporting to the public on the impact of underfunding needed sidewalk repairs and the progress the City is making in completing repairs.

BACKGROUND

The City of San Diego's sidewalk network includes over 4,500 miles of sidewalks, which represent a critical but often overlooked part of the physical infrastructure of the city. Most citizens use sidewalks on a regular basis and do not even notice them unless there is a problem. Cracked, broken or displaced sidewalks may cause difficulty for parents pushing a stroller or pedestrians with visual impairments. This condition may lead to a trip-and-fall accident and a subsequent claim or lawsuit; in aggregate, the City pays millions of dollars every year for trip-and-fall injuries.

Concrete sidewalks are considered a "living asset," and must be maintained to provide a safe pedestrian experience. Concrete sidewalks have a 50-to-75 year useful life, but are subject to

damage from tree roots, thermal expansion, grade subsidence, or other causes that reduce their useful life.

California law places the responsibility for maintaining sidewalks on the adjacent property owner. This law is not well understood by the general public. At the March 7, 2024, Active Transportation and Infrastructure Committee meeting, the City's Transportation Department presented a phased approach to addressing property owner sidewalk repairs, which garnered a lot of attention and feedback from the public, almost all universally negative.[1]

Given this attention, the Grand Jury investigated the issues regarding the state of the City's sidewalk maintenance responsibility and liability issues, and the City's plans to manage the sidewalk network in the future.

METHODOLOGY

The Grand Jury interviewed representatives from the City's Transportation Department and the Office of the Independent Budget Analyst. The Grand Jury reviewed reports on damaged sidewalks and injury claims provided by the City. The Grand Jury also reviewed reports on sidewalk maintenance and liability matters, prepared for California cities in general and San Diego specifically.

DISCUSSION

Introduction

Infrastructure is not sexy, but it is critical. San Diego residents use city-owned infrastructure every day and rarely think about it until something goes wrong. The past year has seen many news stories about problems with the water billing system, street conditions, and storm drain performance.

Maintaining infrastructure is not cheap. A recent report on San Diego's Five-Year Capital Infrastructure Planning Outlook identified the total need for capital projects to be in excess of $9.25 billion, with a funding gap of $4.8 billion, or almost $3,500 for every city resident.[2]

Recent grand jury reports have focused on various aspects of the City's infrastructure, including most recently the 2022-2023 report, "When Will My Street Be Paved?" This report outlined findings and recommendations on the quality of City streets and funding for street repair.[3]

The Grand Jury now turns its attention to sidewalks. From the Five-Year Capital Infrastructure Planning Outlook, sidewalk needs are projected at $104 million, with a funding gap of $88.1 million. Put in context, this represents 1.1% of the total infrastructure needs and 1.8% of the funding gap. With such a relatively small amount of investment, and recent news about significant failures of the City's storm drain system and budget shortfalls, are sidewalks important enough to study?

While the funding involved is relatively small compared to the overall infrastructure needs, the Grand Jury believes sidewalks are worthy of our attention for several reasons.

- Unlike all other classes of a city's infrastructure, California state law places the responsibility of maintaining and repairing sidewalks on the adjacent property owner.

- City policy defines the circumstances where the City is responsible for certain sidewalk repairs, creating a *de facto* segregation of degraded City sidewalks based on the responsibility for the repair: the City vs. the property owner.
- While cities are generally not *responsible* for sidewalk maintenance, they are generally held *liable* for injuries caused by damaged sidewalks.
- Recent presentations by the Transportation Department (TD) to the City Council's Active Transportation and Infrastructure Committee have touched on issues of responsibility, liability, and funding. The public reaction to some of these discussions has been vigorous and negative, although often fueled by a misunderstanding of the state law and municipal codes and policies.

For these reasons, the Grand Jury believes sidewalks are worthy of our attention. This report will present the legal and the policy aspects of sidewalk maintenance, and then examine issues of injury liability due to damaged sidewalks. The report then focuses on the City's sidewalk network: the quality of the City's sidewalks, injury claims that are paid due to damaged sidewalks, and the various processes and funding methods for repairing damaged sidewalks. The report concludes by examining options to improve the maintenance of the sidewalk network, focusing specifically on the case where property owners have the responsibility and liability to make repairs.

Sidewalk Repair and Maintenance

The California law on sidewalk maintenance responsibility is set out in Street & Highway Code §5610, dating from 1941:

> The *owners of lots* or portions of lots fronting on any portion of a public street, … *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.[4] (Emphasis added.)

This provision is not well understood by many in leadership roles in California cities, let alone the general public. A white paper published by the League of California Cities, "But It's Your Sidewalk! Sidewalk Repair and Liability," neatly summarizes a common belief in its title.[5]

Several California cities have taken steps to lessen the burden on homeowners. In 1975 San Diego enacted Council Policy 200-12, which provided two key modifications to the responsibility imposed by state law:[6]

- The City will take full responsibility for sidewalk replacement due to damage by one or more of six enumerated conditions, including root damage by parkway trees. Parkway trees are trees located in the strip of land between the sidewalk and the curb; damages caused by tree roots on the homeowner's land are still homeowner responsibility.
- For damages not covered by the six conditions (with certain exceptions), the City will share the replacement costs on a 50/50 basis with the adjacent property owner.

Liability Considerations

The question of liability for injuries due to damaged sidewalk is complicated. A 2013 Memorandum of Law from the City Attorney outlines the relevant laws and implications:

> Generally, a public entity is liable for injury proximately caused by a dangerous condition of its property if the dangerous condition was created by its employee, or if the public entity had actual or constructive notice of the dangerous condition with sufficient time to have protected against it prior to when the injury occurred. Cal. Gov't Code § 835. As we explained in our 2011 Memorandum of Law, *the City could be liable for injuries even if a dangerous sidewalk condition was caused by an adjacent property owner's failure to maintain or repair the sidewalk as required by state law*. … [T]he City does not have to have actual knowledge of a dangerous condition to be liable. Constructive notice is enough. Cal. Gov't Code § 835(b)…
> For purposes of constructive notice, state law assumes the City has a sidewalk inspection program in place, whether or not the City actually inspects its sidewalks. In other words, if the City would have found the dangerous sidewalk condition with a reasonable inspection program in place, *not having an inspection program will not insulate the City from liability*.[7] (Emphasis added.)

The City Attorney opined that the City can be liable for injuries regardless of the party responsible for sidewalk maintenance and repair, and not knowing about the existence of a defective sidewalk, will not protect the City from liability.

San Diego Sidewalk Assessment

The City of San Diego's sidewalk network has over 4,550 miles of sidewalks. The TD considers sidewalks a "living asset," since they evolve over time: new sidewalks are added, and existing sidewalks degrade due to damage and aging. The useful life of a concrete sidewalk is estimated at 50-75 years.

In 2014 the City commissioned an assessment of the entire sidewalk network. This assessment collected several pieces of data, and the results are available to view on an interactive map (https://webmaps.sandiego.gov/sd_sidewalks/). The assessment identified:

- The presence or absence of sidewalks on each side of all City streets.
- Any trees within 10 feet of the sidewalk, further identified as palm or broadleaf. The assessment does not identity whether trees are parkway trees or property owner trees.
- The location and description of damaged sidewalks (this information is not included on the interactive map).

This initial assessment identified over 85,000 individual locations of damaged sidewalks and the degree of the damage (whether the damage required full replacement or could be remediated), but it did not distinguish these by City or homeowner responsibility.[8] The TD estimates that the set of damaged sidewalk locations divides roughly 50/50 between City and property owner responsibility.

The City's inventory of known damaged sidewalks is incomplete. As the City does not have a periodic sidewalk quality assessment program, the number of "missing" locations in that inventory will grow over time as sidewalks deteriorate. The City becomes aware of damaged sidewalks from several sources:

- Assessment of a neighborhood as an initial step of a Capital Improvement Program (CIP) sidewalk repair project,
- Issues raised via the City's Get It Done app and portal,

- Notification due to an injury claim resulting from a damaged sidewalk, and
- One-off notifications from other City departments.

Only the CIP method provides a comprehensive update of sidewalk conditions, but that assessment is only done when the CIP budget is available (Figure 1), and then only in a restricted geographic area.

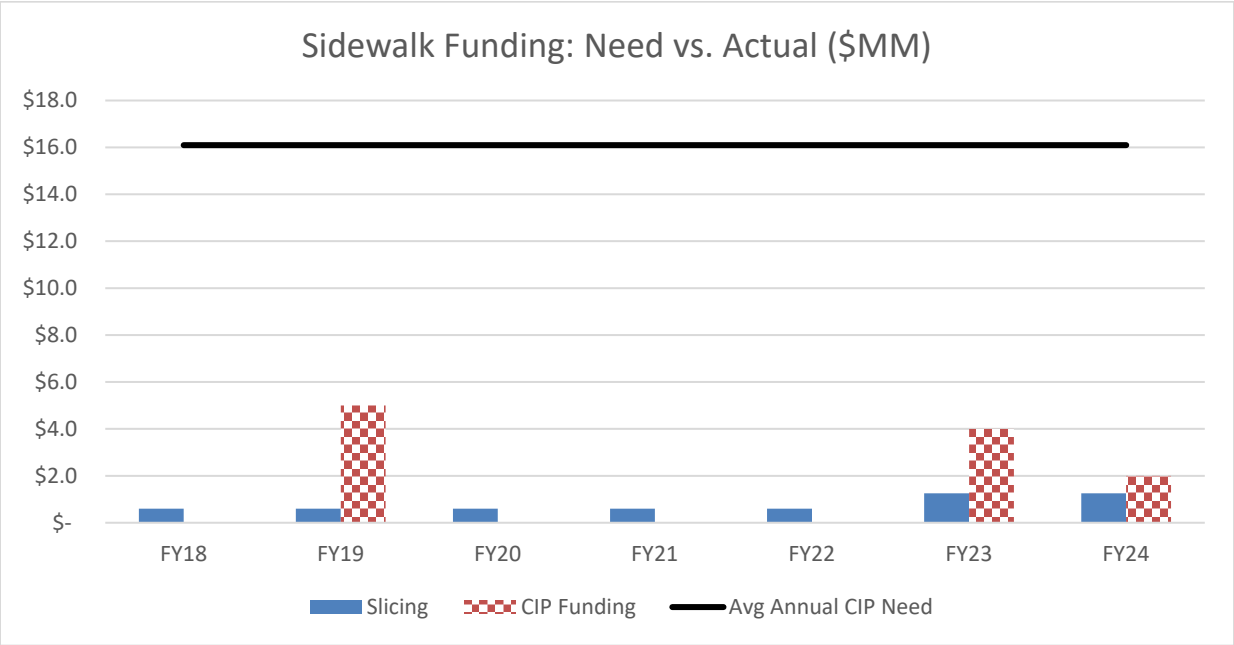

Figure 1. Sidewalk Funding

The City has not performed a city-wide assessment of its sidewalk network since this initial 2014–2015 assessment. Would such a re-assessment be valuable? Similar to the recently updated assessment of the City's streets, a periodic sidewalk assessment would permit a better understanding of the following: changes to sidewalk quality over time, assessment of sidewalks for ADA accessibility, geographic and condition rating to permit prioritization, improvements in repair efficiency, and identification of damaged sidewalks that require immediate remediation.

If knowing the quality of the City's street network has so many positive aspects, what is different about the City's sidewalk network? City staff cited several reasons for not performing a reassessment of sidewalk quality:

- The assessment costs money that is not budgeted.
- The known backlog of sidewalks in need of repair will require 20 or more years at current funding levels, so adding to the backlog without changing repair funding will not improve sidewalk quality.
- The City Attorney has expressed a concern that having actual notice of a defective sidewalk could place on the City a greater liability for a trip-and-fall injury claim. However, the 2013 Memorandum of Law states that lack of actual notice does not insulate the City from liability.

These are all valid reasons, but they must be weighed against possible benefits. Specifically, a sidewalk assessment in conjunction with proactive remediation of damaged sidewalks could

reduce the City's potential liability for future trip-and-fall claims, and having an up-to-date inventory of damaged sidewalk locations will improve planning.

Injury Claims

The City is often a party to damage claims and lawsuits arising from trip-and-fall accidents that cause injury. Based on data provided by the City's Risk Management Department, the City has paid an average of nearly $2.5 million per year from 2015–2021 (the last year for which full data is available) in claims, settlements, and jury awards (henceforth "claims") with an average payment of approximately $53,000. Finally, the Annual Transportation Department Update (City of San Diego, 2024) states $2.9 million was paid in trip-and-fall cases in Fiscal Year 2023 (FY23).

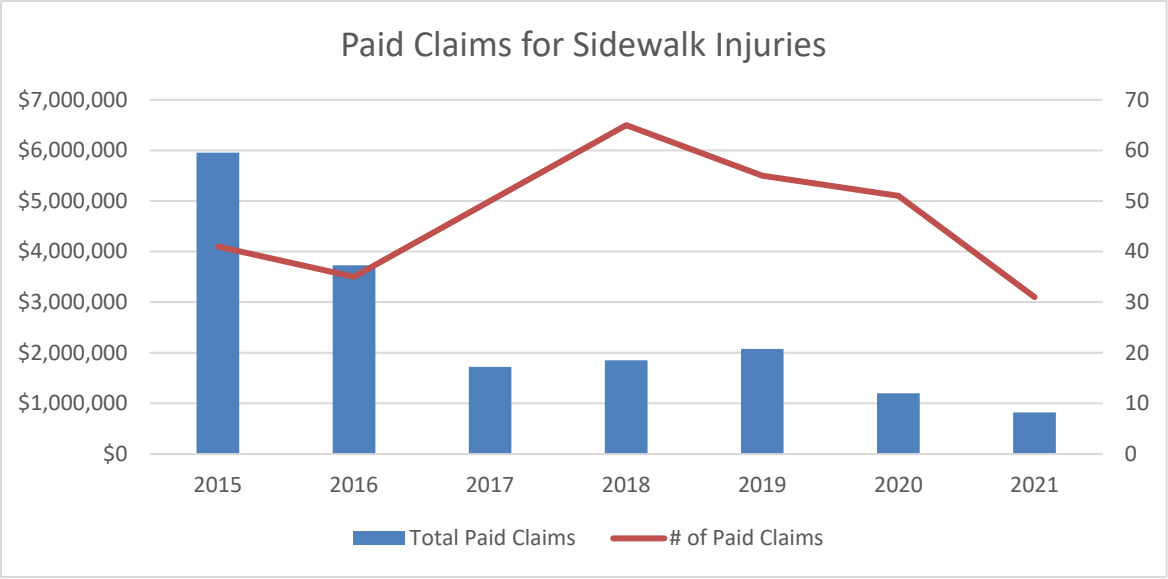

Figure 2. Paid Claims for Sidewalk Injuries

These claims were recorded in all areas of the City, although the largest number of claims were based on injuries incurred in high traffic areas of the City, with the Downtown, Pacific Beach, Hillcrest, La Jolla, and North Park ZIP codes comprising 45% of total claims count.

While the data provided by Risk Management did not explicitly identify the party responsible for repairing the damaged sidewalk (per Council Policy 200–12), analysis of the detail claims data shows that some portion of paid claims were due to damages that were the property owner's responsibility. In other words, the City paid claims for injuries where the property owner, not the City, was responsible for the repair.

Sidewalk Damage and Repairs

The TD describes sidewalks as a "living asset," as the status of a section of sidewalk is not fixed but changes over time. Sidewalks degrade due to several factors:

- Uplift due to tree roots,
- Heat-related expansion,
- Subsidence, such as due to underground utilities,
- Construction activity on adjacent streets and curbs,

- Vehicle damage, and
- General degradation over the useful life of the concrete sidewalk (50–75 years).

There are several methods of remediating or repairing a damaged sidewalk, depending on the type and severity of the damage.

Asphalt Ramping

Asphalt ramping (Figure 3) involves laying down asphalt paving material to bridge gaps or to fill in an abrupt grade discontinuity. Ramping is a temporary measure, as it is neither aesthetic nor does it resolve the underlying problem (such as root uplift). However, it does make the sidewalk usable to pedestrian traffic, and reduces the likelihood of a trip-and-fall injury. Ramping is performed by one-man City crews.

Figure 3. Ramped Sidewalk

Figure 4. Sliced Sidewalk

Until last year, the City had only two asphalt ramping crews. In FY24 the City added four additional rampers and related equipment, at a cost of $900 thousand. The TD anticipates that these extra rampers will allow the City to reduce the turnaround time between a report of a damaged sidewalk and ramping to one day, in line with the KPI target published in the City Budget.

Concrete Slicing

Concrete slicing (Figure 4) is a technique in which a portion of an uplifted sidewalk is "sliced" away using proprietary concrete cutting equipment. Slicing can be used to repair uplifts of ½ inch up to 2 inches. Slicing is more aesthetically pleasing than ramping, but as with ramping, it does not address the root cause issue.

Slicing is performed by a City-hired contractor, and the number of locations that can be sliced is limited by the budget. The contractor will perform slicing, where possible, regardless of the party responsible for the repair, as the City views slicing as a cost-effective method to mitigate a defect.

Sidewalk Replacement

Sidewalk replacement involves removing damaged sidewalk panels and replacing them with new concrete panels. This process also includes tree root removal and repair of other underlying

defects. Replacement is done either by a City crew as part of the Operations and Maintenance budget, or by contractors under CIP contracts when CIP funds are available for this purpose.

The City maintains two 12-man concrete crews for sidewalk replacement. These crews, using a priority model, work off a backlog of locations that are the City's responsibility; the backlog is estimated to be 8,000–9,000 discrete locations. Each crew can repair approximately 200 locations per year, which is less than the intake of new requests (20–50 per day, although not all require replacement); adding additional crews would only have a marginal impact on the backlog. Even if budget were available to hire additional crews, there is a lack of space at the Chollas Operations Yard to house additional crews.

The City's method for large-scale sidewalk repair and replacement is via CIP projects. City-provided data (Figure 1, page 5) shows funding for such projects is intermittent and far below the level required to maintain the sidewalk networks.

CIP projects are driven by a prioritization model based on several factors including population density, household income, speed limit, pedestrian attractor or detractor, claims/lawsuit density, and ADA complaints. Priority locations are grouped into geographically efficient areas to define a scope of work. Transportation staff then do a detailed assessment in that area to identify and demarcate (with paint) the City-responsible locations that will be included in the contract; locations where the property owner is responsible are excluded from the project scope. The project then goes out to a procurement process and eventual execution by the selected contractor.

Repair Process

When the City learns of a potential damaged sidewalk (say, via the Get It Done app), the City will dispatch a ramping crew to perform an immediate ramp to reduce the likelihood of a trip-and-fall injury. A TD supervisor or crew leader also determines the party responsible for the repair, per Council Policy 200–12. If the City is responsible, the location is added to the City's backlog. If the adjacent property owner is found responsible, the location is added to a list of locations that will receive a Notice of Responsibility (NOR).

The NOR is a formal notice to property owners that they are responsible for repairing their damaged sidewalk and provides instructions on how to start that process. Before FY24 the City sent a Notice of Liability (NOL) letter, but this was changed to the NOR to align with California law, which states that the property owner is *responsible* for maintenance and repairs but is silent on *liability* resulting from disrepair.

Safe Sidewalks

The City Council approved the Safe Sidewalks program on November 13, 2023.[9] The program has a number of features that are designed to make it easier for property owners to repair sidewalks adjacent to their property:

- A permit fee "holiday" that eliminates the permit fees (currently over $2,100) required of a property owner,
- Streamlined process for working with the City (Figure 5) to complete a sidewalk replacement, and
- Cost sharing of 100% at priority locations within Communities of Concern;[10] for these locations the TD will perform the work, and the property owner will not need to hire a contractor.

These steps will make it easier for a property owner to complete a sidewalk repair as compared to the process before Safe Sidewalks. However, there are still impediments in place:

- Property owners must select and manage the contractor in performance of the work. Contractors must meet certain City requirements, but the City does not provide a list of qualified contractors to property owners to simplify the contracting process.
- The contractors' fee to the property owner is almost certainly more than the cost if the work was done by the City (as the contractor has to make a profit), or the per-location cost compared to a CIP project (the per-location cost is usually lower in a CIP project that replaces hundreds of locations).
- The City has only allocated $300 thousand per year to the 50/50 cost match, and Safe Sidewalks reallocates those funds to the 100% cost sharing program.

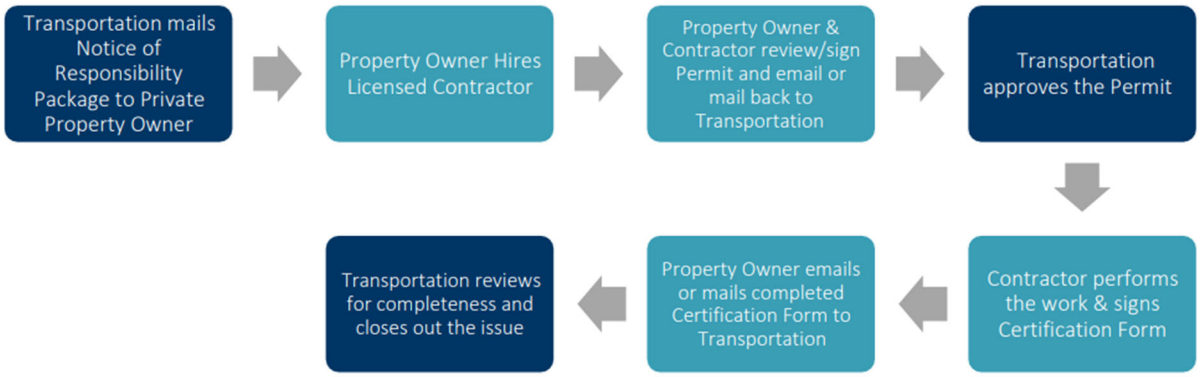

Figure 5. Safe Sidewalk Streamlined Repair Process

Next Steps

Balancing Claims and Repairs

At first glance, a citizen might ask, "Why not reallocate the money the City pays for injury claims and use it instead for sidewalk repair?" Unfortunately, this is not the way city budgets work. Injuries will occur and claims will be paid based on the state of the sidewalks now, while money spent on sidewalk repair will reduce future injuries. Furthermore, while the amount paid in claims is more than the average amount allocated to CIP projects, the combined amount is still much less than the amount required to maintain the sidewalk assets.

The Grand Jury proposes a two-part solution to reduce the injury claims in the short term:

1. Perform a periodic assessment of city sidewalks to determine damaged locations.
2. Hire additional sidewalk ramping crews and/or increase the slicing budget to enable proactive remediation of damaged sidewalks found by the periodic assessment.

As discussed earlier, there are arguments on both the pros and cons of performing a periodic assessment of the sidewalk network quality. One of the chief concerns expressed by several interviewees is the potential increase of liability if the City has actual notice of a defective sidewalk, as an assessment would provide. However, the 2013 Memorandum from the City Attorney states, "we therefore recommend that temporary or interim protective measures be coordinated with a condition assessment or inspection program to mitigate the City's potential liability." In other words, an assessment of City sidewalks, combined with remediation of

defects (by ramping or slicing), should both improve the City's knowledge of the sidewalk network quality (to improve planning) and provide an immediate and ongoing reduction in the number of injury claims being paid.

The Grand Jury does not make any specific recommendation on the scope or frequency of a periodic assessment nor the number of new ramping crews or slicing budget that should be added. As ramping is done by one-man crews, the City can scale the assessment and associated ramping capacity as desired. Similarly, the increased slicing budget will also have a direct proportional increase in the number of sliced locations. The City could also investigate combining the assessment function with the ramping/slicing crews, so there would be no need to hire a separate assessment team as was done in 2014–2015.

City-Responsible Repairs

Asset Management is a business discipline for managing fixed assets like sidewalks. It starts with an understanding of the goals of the asset, the quality and availability of a particular service (including risk), and knowledge of the condition of the assets. Asset Management allows an enterprise to develop strategies to develop and maintain the asset to meet those goals. In the case of sidewalks, the TD uses an asset management approach to determine the annual investment required to maintain the sidewalk network.[11] The TD estimates the annual CIP investment for sidewalk replacement is $16.1 million. For comparison, the average CIP investment in sidewalks is $1.57 million over the last 7 years, or less than 10% of the need (see Figure 1, page 5). As bad as this seems, the true picture is actually worse. The gap between need and actual in any year does not magically disappear—it rolls forward into future years.

The Grand Jury does not recommend any specific changes to CIP funding for sidewalks, as it believes that such decisions should be made in the larger context of the total infrastructure needs. However, the Grand Jury does believe that the residents of San Diego should have visibility into the current state of its collective infrastructure, and the impact on asset quality going forward if the City continues to underfund infrastructure maintenance. For example, the City's recently released Pavement Management Plan for streets includes a section on the Consequences of Underfunding, a portion of which is shown in Figure 6 below.[12]

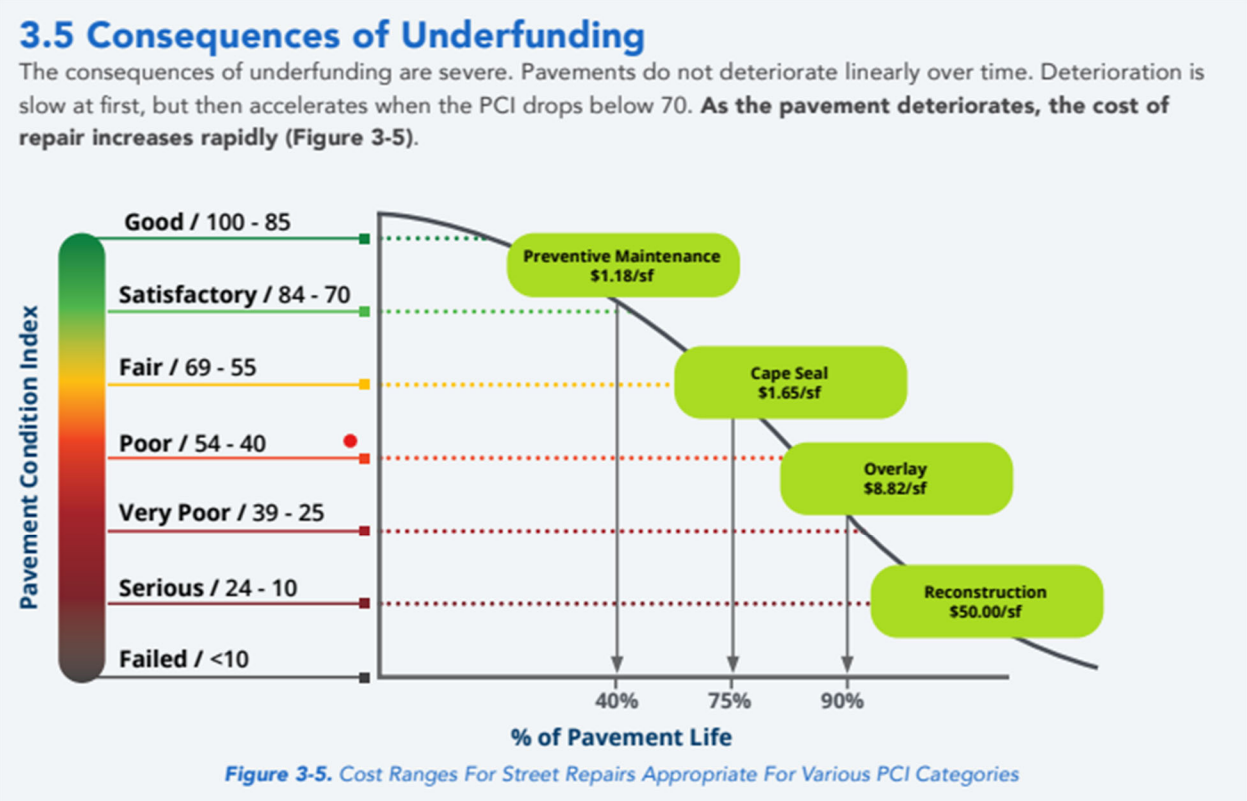

Figure 6. Excerpt from January 2024 Pavement Management Plan

Specifically, the Grand Jury recommends that the TD take a first step in improving transparency by reporting on the current infrastructure gap and the potential impacts of that gap going forward. Ideally, this information would include:

- A description of the Asset Management methodology as applied to the sidewalk network;
- A chart showing the historic CIP need and the actual investments, adjusting the CIP need line to account for the accumulated deficit; and
- A chart showing the cumulative payments for trip-and-fall injury claims over time.

Homeowner-Responsible Repairs

Appendix A, a TD Infographic, clearly explains why homeowners are responsible for repairing their sidewalks. While state law (Cal. State Highway Code §5610) and City Council Policy 200–12 define the circumstances when an adjacent property owner is responsible for maintaining and repairing sidewalks, they are both mute on mechanisms to enforce that responsibility. The NOR letter includes the following: "Our records indicate that you own this property and, under California law, are responsible for making the necessary repairs." (See Appendix B.) While the letter makes clear who is the responsible party, the letter makes no mention of any enforcement mechanisms; absent an effective enforcement mechanism, compliance with the NOR is entirely voluntary.

Cities in California have tried various mechanisms to incentivize property owners to make necessary repairs, including both inducements and consequences. The list below is a selection of

mechanisms that have been tried or contemplated by the City of San Diego and other California municipalities.

- Education
  One of the first steps that any municipality will take is educating the public on the provisions of California law, and the responsibility of the property owner to maintain their adjacent sidewalks. This education may include passive (e.g., website) and active (e.g., flyer inserted into a municipal notice like a trash bill). San Diego has a website that includes such educational materials;[13] see Appendix A for an educational infographic available on this website.

- Cost Sharing
  Several cities, including San Diego, offer a cost-sharing option in which the city funds a portion of the cost to repair a damaged sidewalk. San Diego offers a 50/50 cost sharing program under Council Policy 200–12, although the recently enacted Safe Sidewalks program will "reallocate the annual $300,000 used for the 50/50 Cost Share Program to pay for 100% of the sidewalk repair cost at prioritized locations in Communities of Concern."[14]

- Time of Sale
  A Time of Sale provision can defer the repair of a damaged sidewalk until the time a property is sold or reconveyed. Both Pasadena and Piedmont have such programs in place.

- Repair Process Simplification
  In general, the process of repairing or replacing a damaged sidewalk is treated by a municipality as any other construction project, requiring permitting, engineering, and inspections. Further, property owners have the responsibility to identify, select and manage the contractor(s) that implement the repair. Cities can simplify this process for the property owner by streamlining the various processes, reducing fees, and simplifying the contracting process (e.g., provide a list of approved contractors). San Diego's Safe Sidewalk program waives the permit fee required of property owners and simplifies the inspection process, although the property owner still has the responsibility of selecting a qualified contractor.

- Voluntary City-Managed Replacement
  Anecdotal evidence suggests that the process of identifying, selecting, and managing contractor(s) to perform a sidewalk replacement is a burden for property owners, over and above the actual cost of the replacement. Cities can further simplify the process by allowing a property owner to request that the city manage and perform the repair process and bill the property owner for the actual cost of the repair. The municipality can utilize in-house resources for this work or work with an external contractor. In either case, the process is greatly simplified for the property owner.

- Repair and Lien
  A variation of the voluntary program described above is for the municipality to perform the repair work without waiting for a request from the property owner, typically after a rigorous notification process. Upon completion the city will then bill the owner for the repair cost or, if necessary, place a lien on the property.

- Liability Ordinance
  The above programs are oriented around trying to persuade the property owner to perform their mandated sidewalk repair. An alternate approach is a liability ordinance that explicitly makes the adjacent property owner jointly liable (with the municipality) for injuries due to their damaged sidewalk. San Jose implemented such an ordinance in 2004 and it has been upheld in state courts. A liability ordinance financially punishes the property owner for failing to maintain their sidewalk if it causes an injury.

The Grand Jury does not recommend any of these or other specific action or actions. Rather, the Grand Jury recommends that the City consider all the options available to it to increase the number of sidewalk repairs completed for property-owner-responsible damages, both to maintain the quality and accessibility of the sidewalk network, and to minimize the cost of trip-and-fall claims the City pays. Further, the City should consider a multi-step program, increasing the number and aggressiveness of actions to increase compliance with the NOR.

The Grand Jury also notes that aggressive compliance measures, such as a liability ordinance, will have a negative impact on the homeowning public. This reaction could have implications for other City efforts, such as placing an infrastructure bond issue before voters.

Key Performance Indicators

The TD publishes a set of Key Performance Indicators (KPIs) as part of their annual budget process.[15] Among the 14 tracked KPIs are two that are specific to sidewalks: (a) average number of working days to mitigate a reported sidewalk hazard, and (b) square feet of sidewalks repaired/replaced. The KPI chart shows the goal is "based on the service level required to adequately maintain the asset and not necessarily on budgeted staff and resources." The goal for the second KPI is 820,000 square feet per year, while the actual performance averages less than 89,000 square feet per year, or less than 11% of the goal.

As discussed earlier in this report, only a portion of damaged sidewalks needing repair/replacement are the responsibility of the City. The KPI cited above does not specify whether the goal includes all damaged sidewalks or just those for which the City is responsible. Given the distinction between City vs. adjacent property owner responsibility, and the different mechanisms for repairing damage for these two sets, splitting this KPI into two separate KPIs would better reflect the different dynamics of these sets.

FINDINGS

F1. The City of San Diego does not have an accurate and complete view of the inventory of damaged sidewalk locations, which impairs the City's ability to plan for and prioritize needed repairs.

F2. The current shortfall in sidewalk repair funding will lead to growth in the number of damaged sidewalks and injury claims.

F3. The City is not taking adequate steps to reduce the incidents of costly trip-and-fall injuries due to damaged sidewalks.

F4. Sidewalk ramping and slicing are effective tools to mitigate damaged sidewalks and to reduce the chance of injury and claims.

F5. The City does not adequately inform residents of the impact of underfunding sidewalk repairs.

F6. Notwithstanding the recently enacted permit fee holiday, there are still significant cost and procedural burdens for property owners to repair their damaged sidewalks.

F7. The City is not taking sufficient measures to increase the rate of property owner compliance with the Notice of Responsibility to repair damaged sidewalks.

RECOMMENDATIONS

The 2023/2024 San Diego County Grand Jury recommends the Mayor of San Diego and the San Diego City Council:

R1. Direct the Transportation Department to perform a periodic assessment of the city sidewalk network, in conjunction with a remediation effort, to support informed budgeting and remediation decision making. This assessment should identify the party responsible for repair.

R2. Direct the Transportation Department to make the location of damaged sidewalks available on the City's sidewalk GIS tool.

R3. Direct the Transportation Department to increase the number of ramping crews and/or slicing capacity to proactively remediate defects found by a periodic assessment process.

R4. Direct the Transportation Department to publish an annual assessment on the future impact of funding sidewalk repairs below required levels.

R5. Direct the Transportation Department to update department KPIs to separately track progress on repairing sidewalks based on the party responsible for the repair (City or property owner.)

R6. Direct the Transportation Department to develop and publish a comprehensive plan to institute a series of steps to increase property owner compliance with Notices of Responsibility.

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[1] City of San Diego. Annual Transportation Department Update. *Active Transportation and Infrastructure Committee.* [Online] Mar 7, 2024. https://sandiego.hylandcloud.com/211agendaonlinecomm/Meetings/ViewMeeting?id=5959&doctype=1&site=comm.

[2] City of San Diego. Five-Year Capital Infrastructure Planning Reports. *Capital Improvements Program.* [Online] 2024. https://www.sandiego.gov/sites/default/files/2024-01/fy-25-29-five-year-capital-infrastructure-planning-outlook.pdf.

[3] San Diego County Grand Jury. *2022/2023 Grand Jury Reports/Responses*.. [Online] Jun 8, 2023. https://www.sandiegocounty.gov/content/dam/sdc/grandjury/reports/2022-2023/When%20Will%20My%20Street%20Be%20Paved%20-%20San%20Diego%20Street%20Paving%20Challenges.pdf.

[4] California State Highway Code. §5610 (1941) https://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?sectionNum=5610.&lawCode=SHC.

[5] Hicks, Gerald C. "But It's Your Sidewalk! Sidewalk Repair and Liability". *League of California Cities.* (May 8, 201) https://www.cacities.org/resources-documents/member-engagement/professional-departments/city-attorneys/library/2014/spring-conf/5-2014-spring-gerald-hicks-but-its-your-sidewalk_s.aspx.

[6]City of San Diego Council Policy. *Policy No. 200-12: Sidewalk Maintenance Policy*. (February 6, 1975) https://docs.sandiego.gov/councilpolicies/cpd_200-12.pdf .
[7] City of San Diego. Office of City Attorney. "Assessing the Conditions of Sidewalks." *Memoranda of Law.* (August 29, 2013). https://docs.sandiego.gov/memooflaw/ML-2013-16.pdf.
[8] City of San Diego Active Transportation and Infrastructure Committee. "Item 02-Sidewalk Maintenance & Replacement Update" (June 2, 2023) https://sandiego.hylandcloud.com/211agendaonlinecomm/Meetings/ViewMeeting?id=5598&doctype=1&site=comm.
[9] City of San Diego City Council Meeting. "Safe Sidewalks Program and Sidewalk Repair Permit Fee Holiday." (November 13, 2023) https://sandiego.hylandcloud.com/211agendaonlinecouncil/Meetings/ViewMeeting?id=5816&doctype=1&site=council.
[10] Communities of Concern is defined by San Diego as the census tracts in the top 30th percentile of the CalEnvironScreen 3.0 tool. https://www.sandiego.gov/sites/default/files/background_review_presentation_of_findings_final_compressed_2intro.pdf.
[11] City of San Diego Office of the Independent Budget Analyst. *IBA Report Number 15-13: Municipal Approaches to Sidewalk Liability and Repairs*. (April 15, 2015) https://www.sandiego.gov/sites/default/files/15_13_150415.pdf
[12] City of San Diego *Pavement Management Plan* (January 2024) https://www.sandiego.gov/sites/default/files/2024-01/pavement-management-plan-report.pdf
[13] City of San Diego Transportation Departments, Streets division. "Sidewalks" [online] https://www.sandiego.gov/street-div/services/roadways/sidewalk.
[14] City of San Diego City Council Meeting. "Safe Sidewalks." (November 13, 2023)
[15] City of San Diego. "Volume II: Department Detail. *Fiscal Year 2024 Adopted Budget.* (2024) https://www.sandiego.gov/sites/default/files/fy24ab_v2transportation.pdf.

REQUIREMENTS AND INSTRUCTIONS

The California Penal Code §933(c) requires any public agency which the Grand Jury has reviewed, and about which it has issued a final report, to comment to the Presiding Judge of the Superior Court on the findings and recommendations pertaining to matters under the control of the agency. Such comment shall be made no later than 90 days after the Grand Jury publishes its report (filed with the Clerk of the Court); except that in the case of a report containing findings and recommendations pertaining to a department or agency headed by an elected County official (e.g. District Attorney, Sheriff, etc.), such comment shall be made within 60 days to the Presiding Judge with an information copy sent to the Board of Supervisors.

Furthermore, California Penal Code §933.05(a), (b), (c), details, as follows, the manner in which such comment(s) are to be made:

(a) As to each grand jury finding, the responding person or entity shall indicate one of the following:

(1) The respondent agrees with the finding

(2) The respondent disagrees wholly or partially with the finding; in which case the response shall specify the portion of the finding that is disputed and shall include an explanation of the reasons therefor.

(b) As to each grand jury recommendation, the responding person or entity shall report one of the following actions:

(1) The recommendation has been implemented, with a summary regarding the implemented action.

(2) The recommendation has not yet been implemented, but will be implemented in the future, with a time frame for implementation.

(3) The recommendation requires further analysis, with an explanation and the scope and parameters of an analysis or study, and a time frame for the matter to be prepared for discussion by the officer or head of the agency or department being investigated or reviewed, including the governing body of the public agency when applicable. This time frame shall not exceed six months from the date of publication of the grand jury report.

(4) The recommendation will not be implemented because it is not warranted or is not reasonable, with an explanation therefor.

(c) If a finding or recommendation of the grand jury addresses budgetary or personnel matters of a county agency or department headed by an elected officer, both the agency or department head and the Board of Supervisors shall respond if requested by the grand jury, but the response of the Board of Supervisors shall address only those budgetary or personnel matters over which it has some decision-making authority. The response of the elected agency or department head shall address all aspects of the findings or recommendations affecting his or her agency or department.

Comments to the Presiding Judge of the Superior Court in compliance with the Penal Code 933.05 are required from the:

Responding Agency	Findings	Recommendations
Mayor of San Diego	F1 through F7	R1 through R6
San Diego City Council	F1 through F7	R1 through R6

APPENDIX A

Sidewalk Repair Infographic

Note: Photos shown above are examples of damaged sidewalks and do not convey all potential conditions.

APPENDIX B

Notice of Responsibility Template

The City *of*
SAN DIEGO

Service Notification #

(date)

To:
Property Owner Name
Property Owner Address Line 1
Property Owner Address Line 2

Re: Safe Sidewalks Program and How You Can Help on Your Property – *address*

The City of San Diego has identified a problem with the sidewalk on your property at (*address*). The condition(s) needing repair are shown in the photograph(s) attached to this letter.

Our records indicate that you own this property and, under California law, are responsible for making the necessary repairs. City crews may have already performed work to temporarily mitigate the sidewalk issue described above by placing a small asphalt patch to smooth the damage. However, it's important to note that work is not a permanent repair.

The City is pleased to inform you that it has launched a new Safe Sidewalks Program to help streamline sidewalk repairs and establish a Fee Holiday where all permit costs are waived for the repairs. The City has also developed a new process so sidewalk repairs can be performed as quickly and cost-effectively as possible by property owners.

Under the Safe Sidewalks Program, the City has temporarily waived permit fees through June 30, 2026. Permitting fees for this type of work typically cost private property owners over $2,100, in addition to the cost of the repairs. Please see the simple steps below on how to perform sidewalk repairs on your property as part of this streamlined permit process and Fee Holiday.

In order to complete the repairs, please do the following:

1. Select a licensed contractor to perform the repairs. All work must be performed in conformance with City standards for construction. Additional construction standards that must be complied with are included in the enclosed Private Property Owner Sidewalk Repair Permit.

Notice of Responsibility – Sidewalk Issues

2. Both you and your contractor must review, complete, and sign the enclosed Private Property Owner Sidewalk Repair Permit.

3. Return the completed permit by email to safesidewalks@sandiego.gov or mail to 2781 Caminito Chollas MS44, San Diego, CA 92105. You will receive authorization to proceed with the repairs upon our receipt of the signed permit.

4. Have the contractor perform the repairs.

5. Once repairs are finished, complete the enclosed Certification Form and return by email to safesidewalks@sandiego.gov or mail to 2781 Caminito Chollas MS44, San Diego, CA 92105. City staff will do an inspection of the form and back-up documentation and notify you if the issue is resolved.

Please let us know if you no longer own this property. If you or your contractor require additional information on this process or the City's construction standards, please contact us at the phone number below. Additional information can also be found at:
https://www.sandiego.gov/safesidewalks

Thank you for your attention to this matter. We stand ready to assist you in any way we can.

Sincerely,

City of San Diego
Transportation Department
619-527-3941
safesidewalks@sandiego.gov

Attachments: Sidewalk Repair Infographic
Private Property Owner Sidewalk Repair Permit
Private Property Owner Sidewalk Repair Certification Form