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MEMORANDUM

TO: HONORABLE MAYOR &
CITY COUNCIL

FROM: Josh Rowan
Director, Oakland Department
of Transportation

SUBJECT: Annual Sidewalks Program Update
(July 2023 to June 2024)

DATE: January 16, 2025

City Administrator
Approval


Justin Johnson (Feb 4, 2025 15:20 PST)

Date: Feb 4, 2025

INFORMATION

This memo provides the Oakland City Council, the Mayor's Office, City staff, and the community with a report on sidewalk repair activity in the last fiscal year: July 1, 2023, to June 30, 2024 (FY24).

GENERAL OVERVIEW

The Oakland Department of Transportation (OakDOT) receives and investigates sidewalk repair requests through OAK311; performs temporary make-safe repairs; performs permanent sidewalk replacement; facilitates private owner sidewalk replacement; issues sidewalk compliance certifications; enforces federal, state, and local sidewalk maintenance policies; and maintains citywide sidewalk data.

During the last fiscal year, overall sidewalk construction increased compared to the Fiscal Year 2022-2023 (FY23). A total of 212,962 square feet of permanent sidewalk construction was performed in FY24. The total square footage of sidewalk repair comprises work performed by OakDOT crews, City contractors, and private property owners.

The analysis portion of this report provides key program activities for Fiscal Year 2023-2024 (FY24), including review and analysis of the first citywide comprehensive sidewalk damage inventory completed since 2007, development of a citywide strategic multi-year sidewalk repair prioritization plan, initiating small construction contract opportunities for small businesses, policy development to strengthen the City's sidewalk ordinances, and proactive communication to support property owners in advancing sidewalk construction.

BACKGROUND

State law and Oakland Municipal Code require that property owners are responsible for maintaining and repairing property adjacent sidewalks (California Streets and Highways Code §

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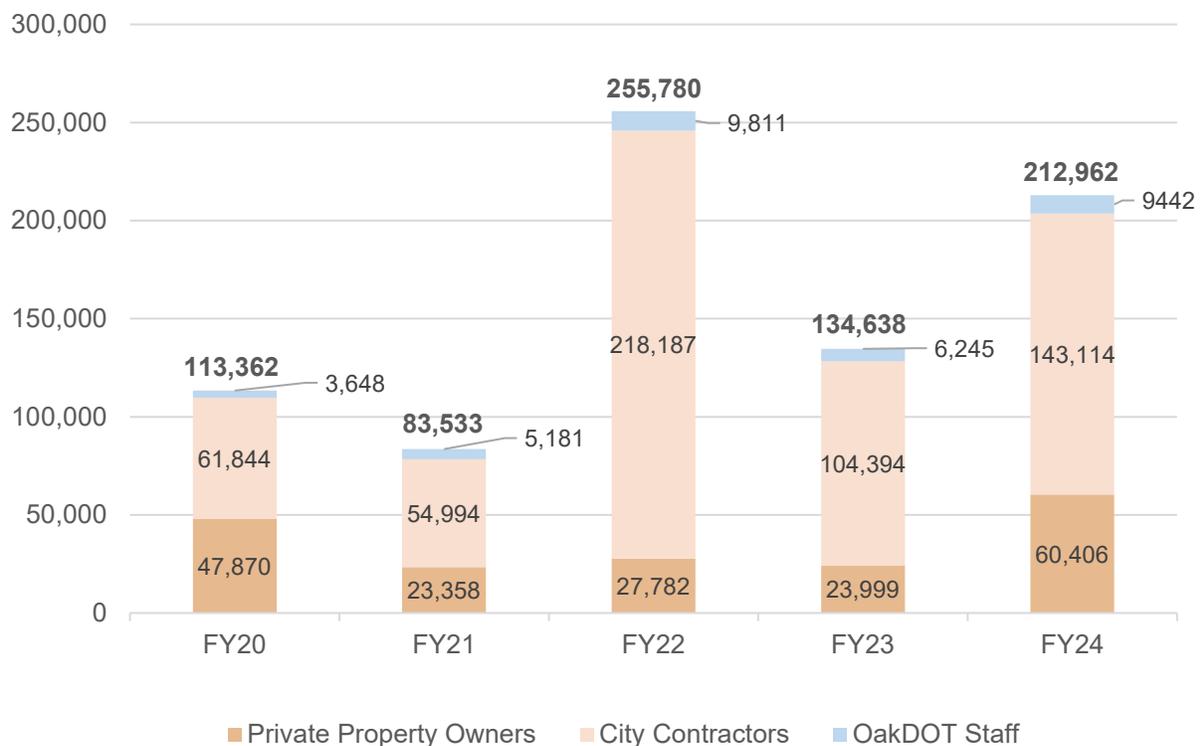
5610; Oakland Municipal Code Chapter 12.22). A sidewalk is considered damaged when there is a defect, such as a crack, depression, or vertical offset, of more than one-fourth (1/4) inch.

In the adopted FY2023-25 Capital Improvement Plan, the City programmed two million dollars (\$2,000,000.00) to the annual sidewalk program dedicated to addressing public sidewalk damage for FY24 and one million dollars (\$1,000,000.00) for FY25. The program is funded primarily by Measure KK and Measure U and prioritizes ADA Transition Plan priority locations, sidewalk damage at City facilities, and facilitating private property sidewalk replacement.

SUMMARY

This report summarizes sidewalk repairs and reconstruction performed by OakDOT crews, City contractors, and private property owners in FY24 (**Figure 1**). The report further breaks down sidewalk inspections performed, Notice of Repair letters issued to property owners, sidewalk repair permits, and sidewalk certifications completed under the 2019 title transfer ordinance (OMC [12.04.380](#)) during FY24

Figure 1: Sidewalk Replacement FY20 to FY24 (Square Feet)



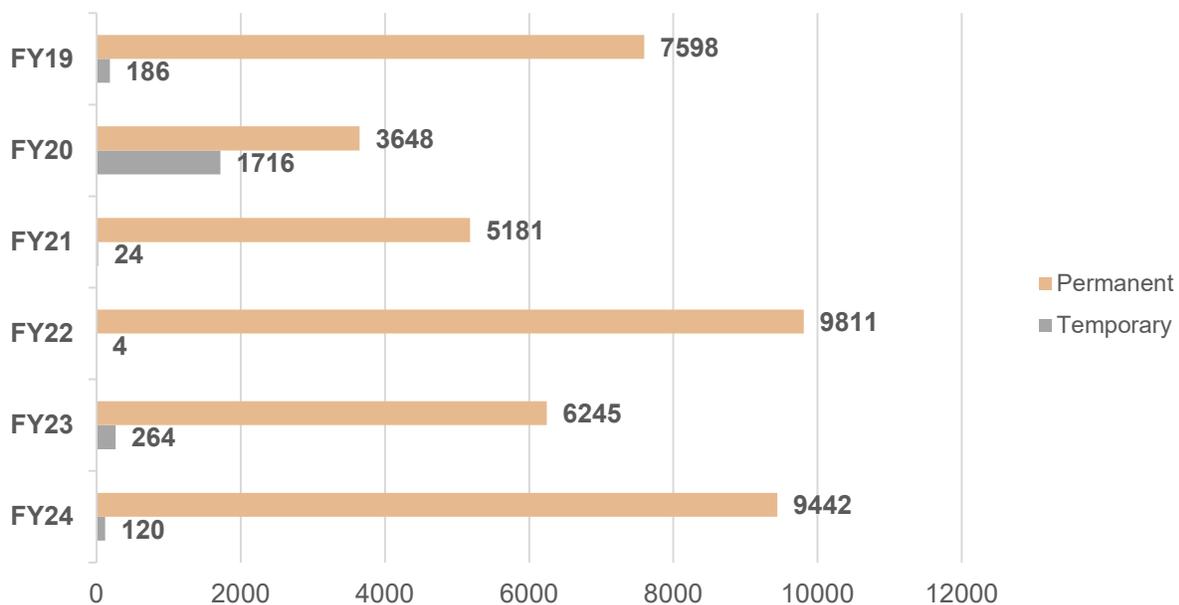
The total square feet of sidewalk replacement performed by city staff, city contractors, and private property owners hit an all-time high in FY22 (more than 245,000 square feet replaced), followed by a decrease to about 137,699 square feet in FY23, and an increase to about 212,962 square feet in FY24. OakDOT has set an internal target of at least 100,000 square feet of damaged sidewalk replacement each year. This annual target has been met each year for the past five years.

Sidewalk Construction by City Staff

OakDOT staff complete both temporary and permanent repairs. Temporary repairs, or “make-safe” repairs, typically involve placing hot asphalt on a section of sidewalk to create a temporary ramp over an uplifted section to reduce a tripping hazard. Permanent repairs include full removal of damaged concrete sidewalk sections through horizontal shaving or by replacement with new concrete.

In FY24, OakDOT addressed a combined total of 9,562 square feet of temporary and permanent sidewalk repairs (**Figure 2**). Current staffing levels include one concrete crew that includes one supervisor, three maintenance leaders, six maintenance workers, four concrete finishers, and a traffic and parking attendant.

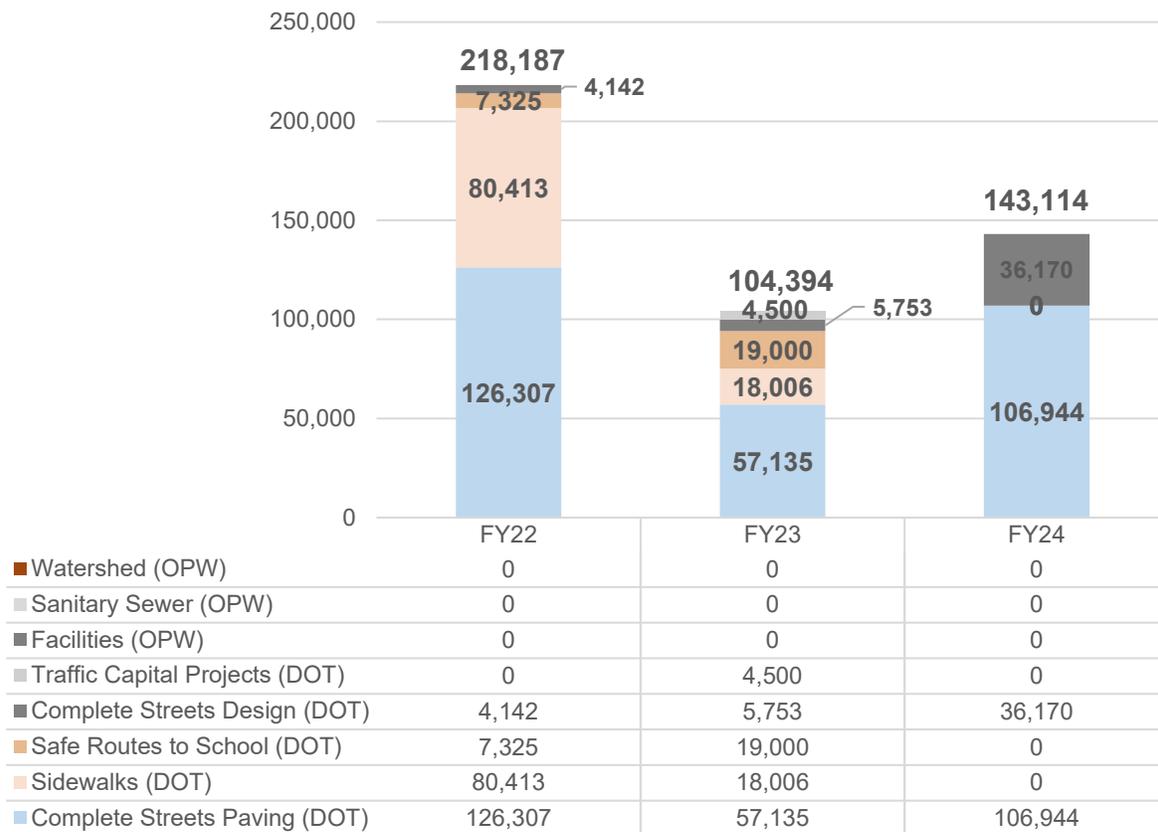
Figure 2: Temporary and Permanent Sidewalk Repairs by OakDOT Crews (Square Feet)



Sidewalk Construction by City Contractor Through Capital Projects

City contractors perform a major portion of sidewalk replacement annually. Contracted sidewalk replacement occurs through OakDOT’s sidewalk capital program and other City of Oakland capital improvement programs, such as pavement rehabilitation, streetscape, and traffic safety capital projects. In FY24, City contractors performed 143,114 square feet of sidewalk replacement. Figure 3 shows a three-year breakdown of sidewalk construction performed through the different capital improvement programs within the City of Oakland. Impacts to annual totals of sidewalk construction due to contract processing issues can be seen in the FY23 decrease in square footage for the two primary drivers of sidewalk replacement: the sidewalk program and the paving program. In FY24, while the sidewalk program worked to solicit new sidewalk contracts, the paving program facilitated the majority of sidewalk replacements.

Figure 3: Sidewalk Construction by Capital Improvement Program (Square Feet)



During the last half of FY24, a small cooperative contract providing horizontal shaving was executed, allowing for some sidewalk uplifts to be fixed. Horizontal concrete shaving is a technique that provides an effective, environmentally-friendly alternative to full sidewalk replacement and typically costs half as much as full replacement. It smooths uplifts without damaging the rest of the sidewalk. If the damage is not a candidate for horizontal shaving, the damage is surveyed and queued for replacement. With the small cooperative contract, staff focused on sidewalk uplifts at city facilities, such as museums, fire stations, libraries, and parks, and in high priority neighborhoods. The contract agreement finished with repairs completed at 46 City facilities in West Oakland, Downtown, North Oakland, and parts of East Oakland. With a larger horizontal shaving project bid in late FY24, staff will continue these efforts for the rest of the city-owned facilities citywide once the contract is fully executed in early 2025.

Construction by Private Property Owners

Private construction and repair of sidewalks is administered by the OakDOT through two permits: a Curb, Gutter, and Sidewalk (CGS) permit and a Private Construction of Public Infrastructure (PX) permit. CGS permits are issued to qualified licensed contractors who hold a City of Oakland business license to perform limited concrete work in the public right of way, such as sidewalk repair, driveway way repair, and driveway alterations. PX permits are issued to property owners who have hired a qualified licensed contractor (the contractor must also have a City of Oakland business license), and a California licensed civil engineer to plan and perform more extensive work in the public right of way. Typical sidewalk work performed under the PX permit is sidewalk repair, installation of new sidewalks, and curb ramp installations. PX permits are usually associated with major land use development and often include other

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improvements to public infrastructure, such as improvements to the City’s storm drains, sewer main, street lighting, and pavement restoration. OakDOT is the permitting authority for all construction in the public right of way.

In FY24, OakDOT issued 371 CGS permits for sidewalk repair, totaling 60,406 square feet. This square footage represents the largest annual volume of sidewalk repairs permitted on record. Figure 4 provides the number of sidewalk construction permits and associated square feet of sidewalk replacement since 2011.

Figure 4: Private Sidewalk Replacement Through CGS Permits (2011-2024)

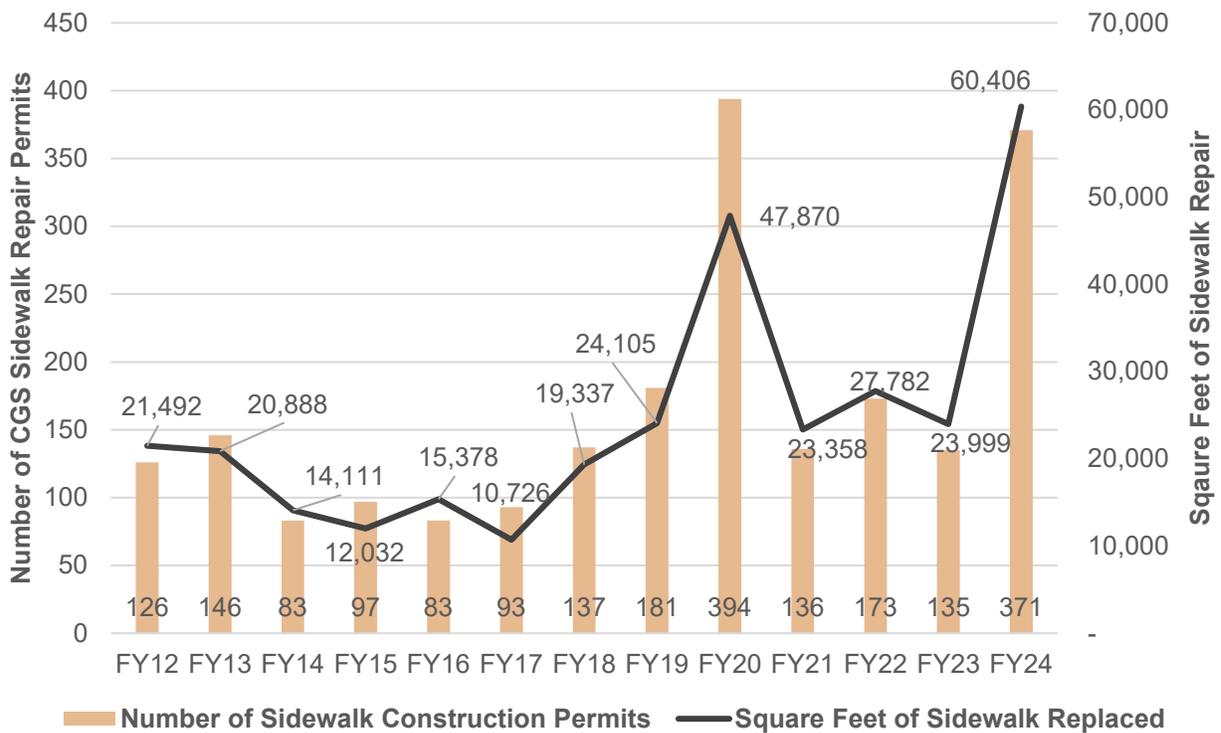
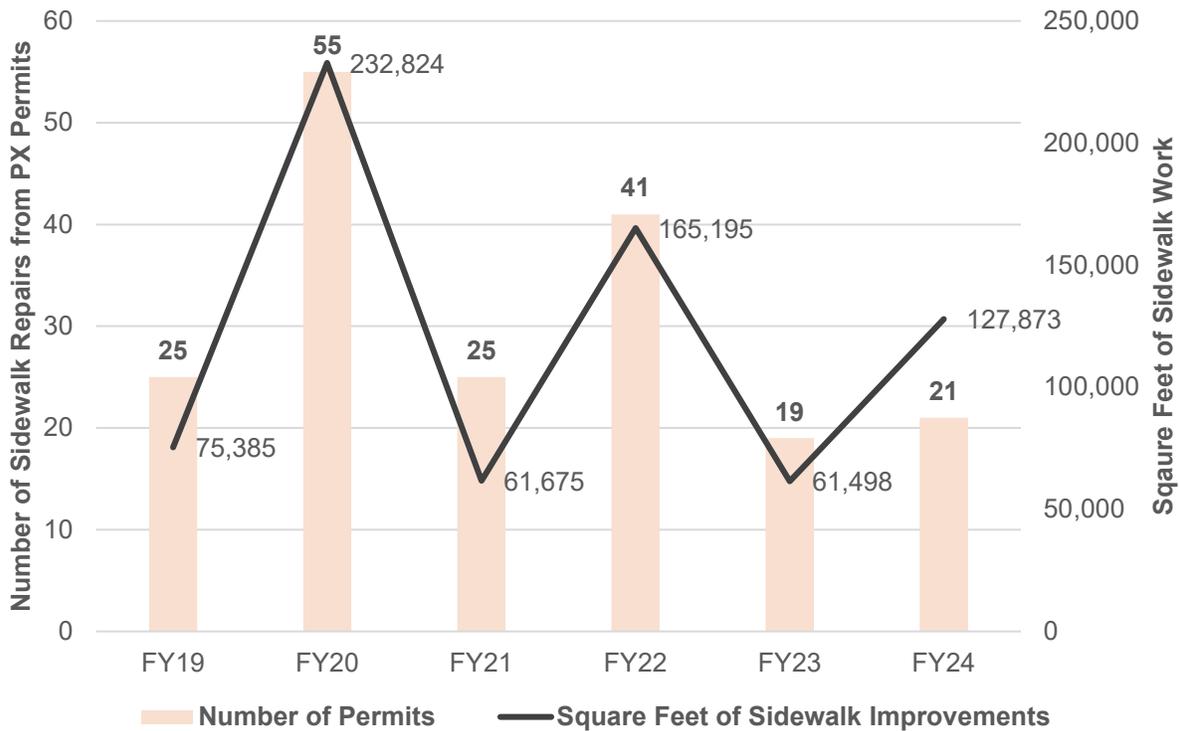


Figure 5: Private Development Sidewalk Construction through PX Permits (2018-2024)



In FY24, there were 21 completed PX Permits totaling 127,873 square feet of new or reconstructed sidewalk. Figure 5 provides the number of completed PX permits and associated sidewalk work from FY19 through FY24. The large increase of sidewalk work from FY23 to FY24 despite a modest increase in completed PX permits is due to the completion of the Brooklyn Basin Phase 1 project which installed more than 50,000 square feet of new sidewalk.

Service Requests for Sidewalk Damage and Notices to Repair

OakDOT processes community requests for sidewalk repairs that are received by OAK311, Oakland’s call center for city services. OakDOT responds to each sidewalk repair service request with an inspection and determination of whether the damage is the City responsibility or property owner responsibility to repair. If the damage is determined to be the City’s responsibility, the service request is flagged and placed in a queue with OakDOT’s sidewalks maintenance team for repair. If the damage is determined to be the property owner’s responsibility, then the inspector will issue a Notice to Repair, directing the property owner to address the damage. In FY24, 568 service requests were received. At the time of the report writing, there are 2472 open service requests for sidewalk damage. This backlog of requests for the maintenance team highlights the importance of OakDOT’s proactive approach to sidewalk replacement and repair in coordination with the department’s equity-driven paving program, as well as other large capital projects.

Figure 6: Service Requests Received (FY20-FY24)

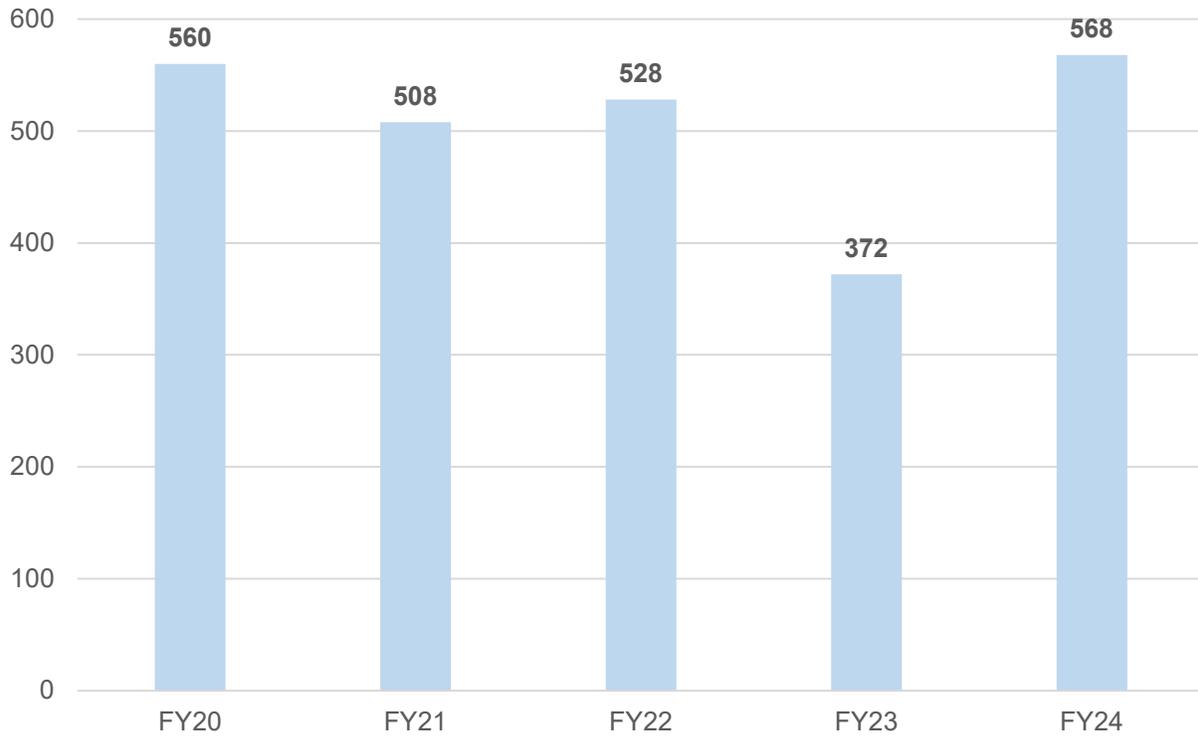
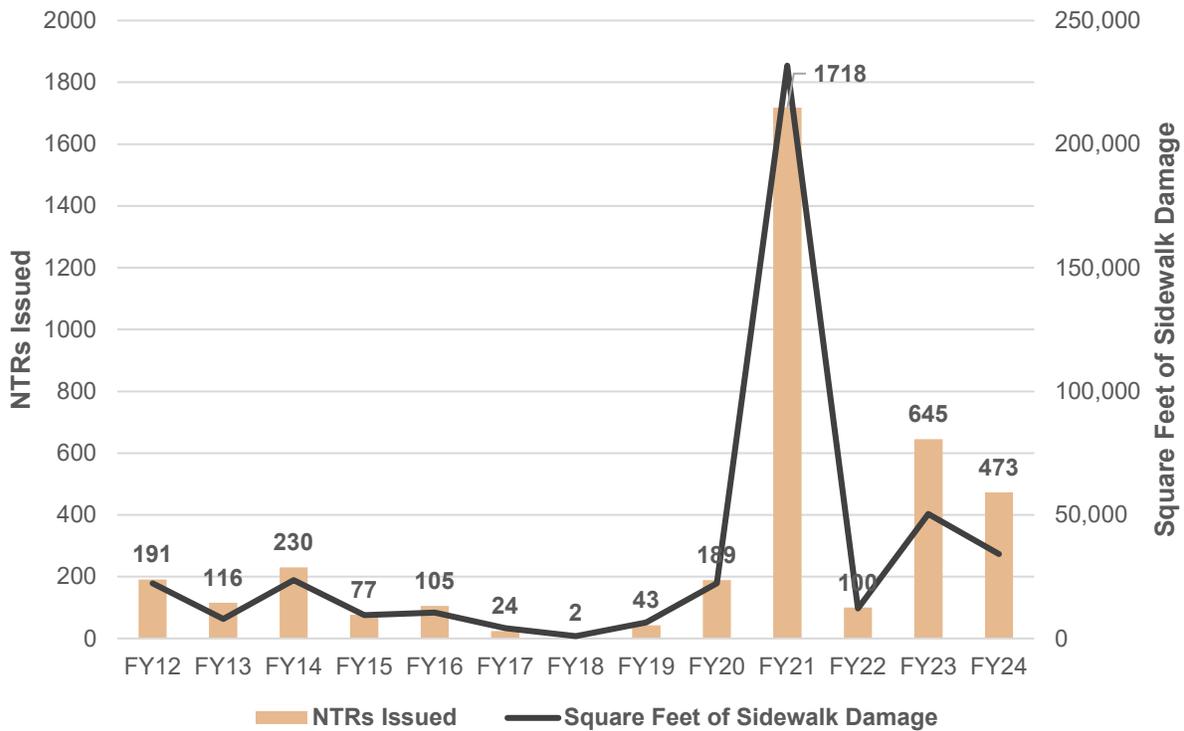


Figure 7 shows the number of NTRs the City has issued over the past thirteen years and the accompanying square feet of damage associated with the notices to repair. In FY24, OakDOT issued 473 Notices to Repair Letters (NTRs) to private parties covering a total of 34,218 square feet of sidewalk damage. The increase in square feet repaired during the last two years can be attributed to an increase in open paving contracts. Additionally, during FY23, one new construction inspector was onboarded, bringing the total number of sidewalk inspectors issuing NTRs up to 3.5 full-time equivalent (FTE) positions.

Figure 7: Number of Notices to Repair and Accompanying Sidewalk Damage (2011-2024)

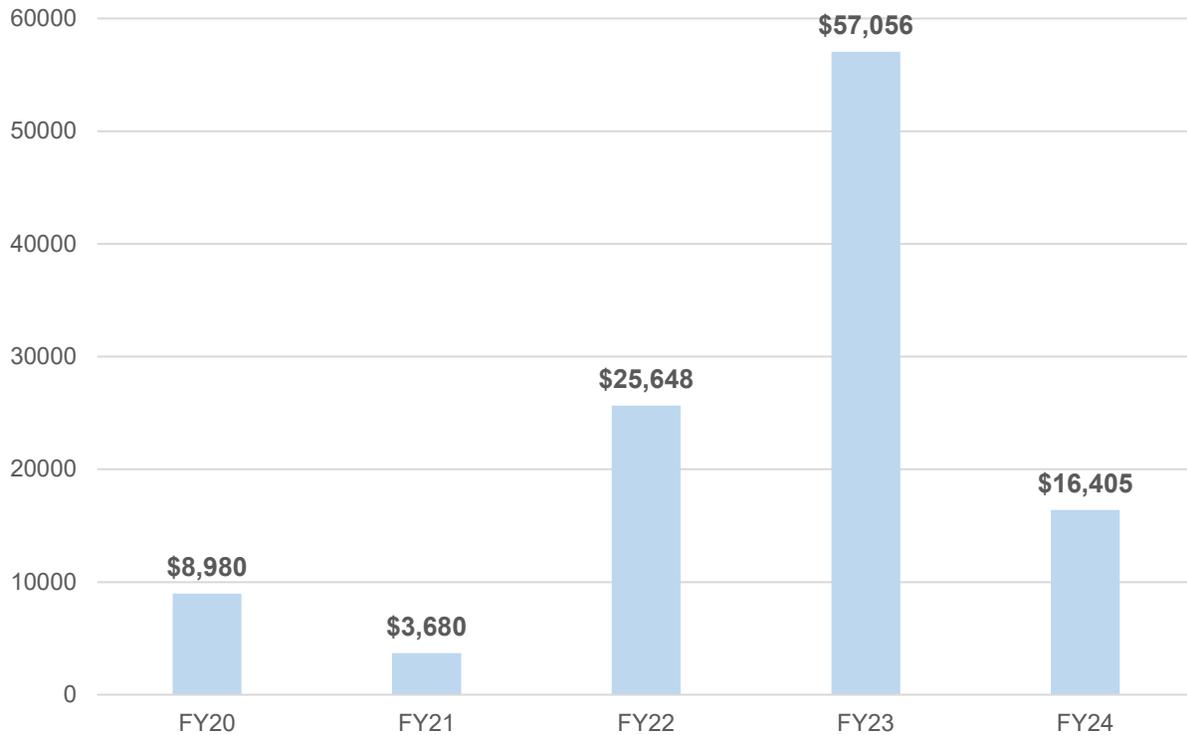


The significant volume of issued NTRs in FY21 can be attributed to a project where staff reviewed the backlog of non-tree related sidewalk service requests and sent NTRs to property owners who had not previously received one. Each site was visited to verify and quantify sidewalk damage.

Low-Income Property Owner Repair Program

In July 2019, the City Council approved Resolution No. 87746 C.M.S. authorizing the City of Oakland to perform sidewalk repairs at no cost on behalf of low-income property owners. Subsequently, OakDOT began including information about this option when issuing Notices to Repair. Information on the program and the program application are available on the City’s website, and the application is available in English, Spanish, and Chinese. In order to receive a waiver, the property owner must reside in Oakland and must present proof of participation in a means-tested program. In FY24, the program processed 7 applications. **Figure 8** shows the constructed repairs by value within the Low-Income Sidewalk Repair Program from FY20 to FY24.

Figure 8: Low-Income Program Sidewalk Construction (2019-2024)



American Disability Act (ADA) Sidewalk Repair Request Program

The ADA Sidewalk Repair Program expedites necessary repairs of sidewalks upon request for qualified individuals with disabilities as defined by the Americans with Disabilities Act of 1990. The program is not intended to address community concerns other than access for people with disabilities. OakDOT received 15 applications through the ADA Sidewalk Repair Program in FY24. OakDOT has responded to the applicants and is currently still working on completing the improvements.

Buy-Sell-Repair Program

In July 2019, the Oakland City Council adopted and codified, under the Oakland Municipal Code¹, a Buy-Sell-Repair Ordinance which requires that adjacent sidewalk condition must be certified compliant² prior to title transfer of real property or when a property owner applies for any permit for improvements in excess of \$100,000.00.

In response to the ordinance, OakDOT developed the Sidewalk Compliance Certificate program. Under the program, a property owner will hire a licensed contractor to perform a sidewalk inspection. The contractor will apply for a Sidewalk Compliance Certificate by: obtaining a permit to perform necessary repairs, submitting photographic evidence of the complaint sidewalk, and signing a statement of affirmation with OakDOT.

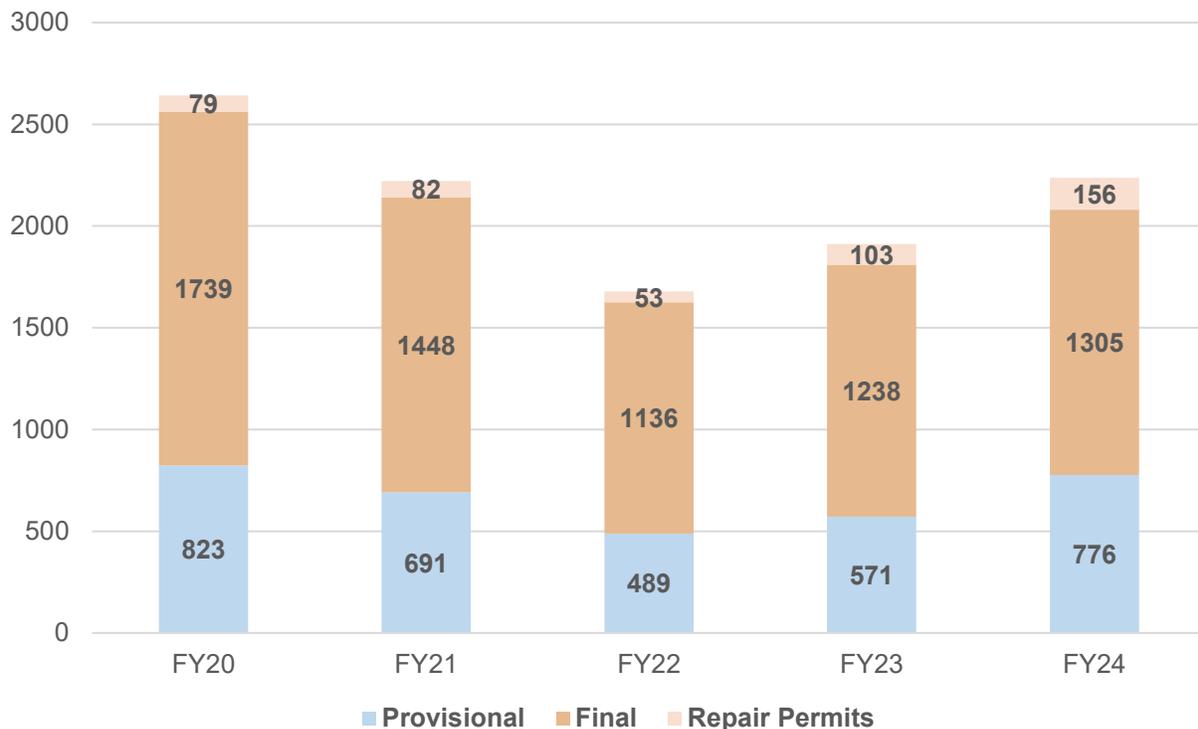
¹ [OMC 12.04.370](#)

² Compliant sidewalks must be free from any crack or vertical offset of more than ¼ inch, according to the Federal Americans with Disabilities Act (ADA) Guidelines.

A Sidewalk Compliance Certificate certifies that the sidewalk fronting a property is free from defects and complies with the standards specified in the ordinance. The program is designed to motivate property owners to repair hazardous sidewalk conditions fronting their property by requiring that any transfer of title or permit with an improvement value of at least \$100,000.00 must be accompanied by a City of Oakland issued Sidewalk Compliance Certificate. OakDOT also created a Provisional Sidewalk Certificate category to address circumstances when a property owner cannot repair or certify their sidewalk before title transfer. The Provisional Sidewalk Certificate allows for the title to transfer and grants a grace period of 120³ days for the property owner to obtain a Sidewalk Compliance Certificate.

In FY24, OakDOT issued 1,305 Sidewalk Compliance Certificates and 156 related sidewalk construction permits. **Figure 9** shows the number of Sidewalk Compliance Certificates issued and the number of repair permits associated with this ordinance from 2020 to 2024.

Figure 9: Number of Sidewalk Compliance Certificates and Related Repair Permits



Based on data from the Alameda County Assessor, staff estimates that 3,366 property transfers were subject to the ordinance in FY24. Staff cross referenced the Assessor Parcel Numbers (APN) from the transfer records and matched 1,471 APNs to properties that had either a Sidewalk Compliance Certificate or Provisional Sidewalk Certificate on file. Of the 1,471 properties with a certificate on file, 156 APNs further matched having a sidewalk repair permit. **Table 1** highlights the total property transfers, corresponding certifications, and permits relating to the transfer from FY20 to FY24. Written notices are sent on a monthly basis to all properties with recent title transfers and no Sidewalk Compliance Certificate on file. The written notice is

³ In FY21, the provisional period was increased from 90 to 120 days to better support compliance.

sent via certified mail, and advises a property owner of their obligation to comply with the ordinance.

Table 1: Total Property Transfers and Sidewalk Certifications or Permits (FY20 – FY24)

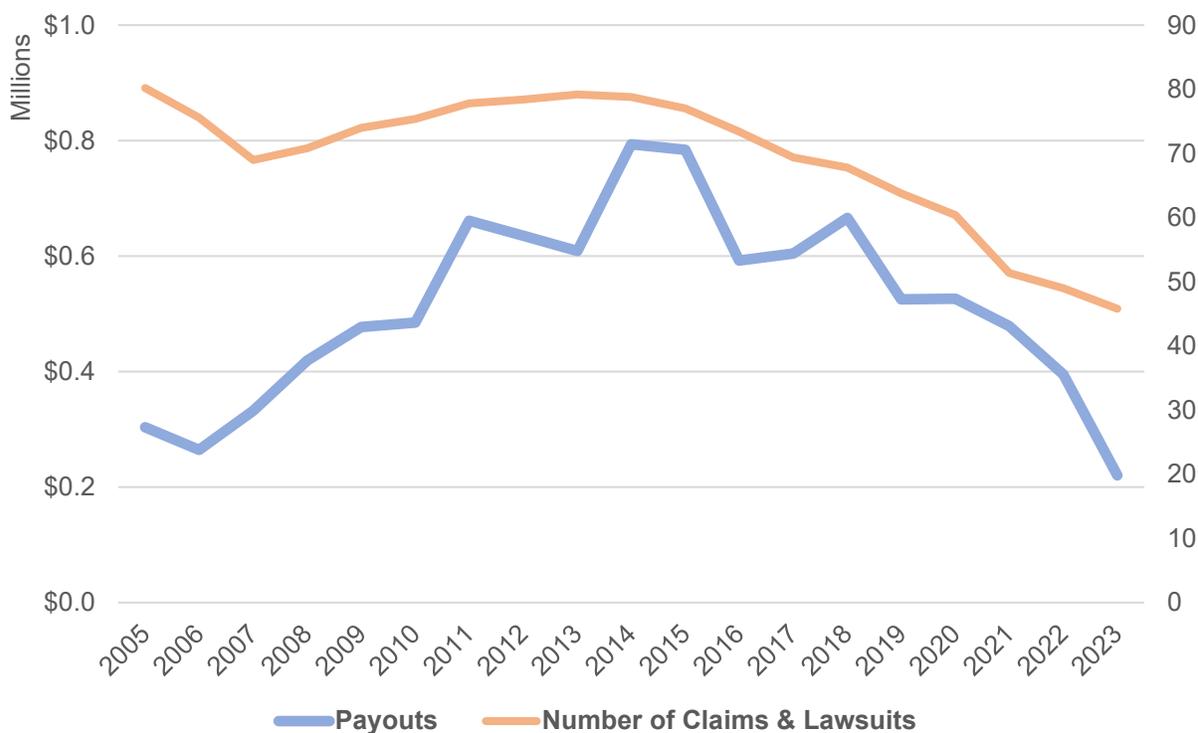
	FY20	FY21	FY22	FY23	FY24
<i>Number of Applicable Properties Sold in Oakland</i>	3,046	4,018	6,622	3,595	3,366
<i>Properties with Certificates on File</i>	1,686	1,474	1,728	1,701	1,471
<i>Compliant Properties With Repaired Sidewalk</i>	79	82	53	103	156

Under the Buy-Sell-Repair Ordinance, renovations with a job valuation greater than \$100,000.00 also trigger sidewalk certification requirements. In FY24, staff found 805 properties that completed renovations greater than \$100,000. Of these 805 properties, 10 have either a provisional or final certificate. Written notices are sent to all locations with renovations greater than \$100,000.00 that do not have a Sidewalk Compliance Certificate on file and advise the property owner of the obligation to comply with the ordinance.

Cost of Claims and Lawsuits Associated with Sidewalk Damage

Every year, the City of Oakland receives notice of claims and lawsuits related to sidewalk damage. Some claims may be settled in the same fiscal year, while lawsuits may take several years to close.

Figure 10: Total Claims/Lawsuits and Payouts, Five-Year Rolling Average



In FY24, the City received 46 claims and 15 lawsuits related to sidewalk damage, with 2 payouts totaling \$19,220.00 to date. Total payouts can be highly variable year by year. To assess trends in total claims and lawsuits and payout totals, **Figure 10** provides a five-year

rolling average. There is a downward trend in the total number of claims and lawsuits, and a potential downward trend, subject to full closure of open claims and lawsuits, in associated payouts.

UPDATES TO PROJECTS AND PROGRAMS

This section provides updates on key projects and programs within the sidewalks program in FY24.

Project Delivery Updates

While in FY22 and FY23, the sidewalk capital program saw less construction activity due to a lack of contracts, by mid FY24, contract processing in the Capital Contracts Division resumed at a more predictable pace. Several contracts were in various stages of bid and as FY24 closed, with greater construction activity anticipated for FY25.

Sidewalk Shaving

Staff secured and executed a small shaving cooperative contract, which was completed at the end of FY24. A larger contract for a horizontal shaving project was bid in late FY24 and will support improvements at city-owned facilities citywide when the contract is awarded and fully executed in early 2025.

Improved Processing and Notification of the Buy-Sell-Repair Ordinance

Since the adoption of the Buy-Sell-Repair program, OakDOT has explored ways to improve internal processes and make it easier to apply for and obtain Sidewalk Compliance Certificates.

OakDOT staff have continued to work with the Planning and Building Department's Building Bureau to encourage greater participation and compliance in the Buy-Sell-Repair Program for properties undergoing renovations or improvements greater than \$100,000.00. Since FY23, written documentation has been included during the building permit intake process, which notifies applicants of the program's requirements for sidewalk certification. In FY24, OakDOT staff worked with the Building Bureau and Accela (the City's permit management software) support to produce automated emails to applicants whenever a permit record is created where a sidewalk Compliance Certificate is required.

Improvements to the City's online permit center have facilitated the process of obtaining a Certificate by enabling users to apply online. Provisional Certificates are automatically issued upon successful completion of the application and payment of fees, and Standard Certificates are issued online once staff reviews the application package. This change has made it easier and has reduced the wait time to obtain sidewalk certificates.

At the end of FY24, an automated system was created in Accela that notifies staff of expired Provisional Certificates. The system helps staff manage Provisional Certificates by tracking which properties need to be sent an expired certificate notice.

PUBLIC INFORMATION

Information and reports related to the sidewalks program are continually maintained and updated on the City's website.⁴ These include frequently asked questions regarding sidewalk damage, obtaining sidewalk permits, obtaining sidewalk certification, a sidewalk standard detail design plan, and hiring a contractor.

Respectfully submitted,


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⁴ "City of Oakland | Sidewalks" <http://www.oaklandca.gov/topics/sidewalks>