



THE CITY OF SAN DIEGO

November 18, 2024

Honorable Maureen F. Hallahan
Presiding Judge
San Diego Superior Court
1100 Union Street, 10th Floor
San Diego, CA 92101

Re: San Diego County Grand Jury Report, Maintaining San Diego's Sidewalks - But It's Not My Sidewalk!

Honorable Judge Hallahan,

Pursuant to California Penal Code Section 933.05(c), the City of San Diego provides the attached response from the City Council and Mayor to the applicable findings and recommendations included in the above referenced Grand Jury Report.

If you require additional information, or have any questions, please contact Luz Anaya Luna, Director of Legislative Affairs, at lanayaluna@sandiego.gov.

Sincerely,

Handwritten signature of Todd Gloria in black ink.

Todd Gloria
Mayor
City of San Diego

Handwritten signature of Sean Elo-Rivera in black ink.

Sean Elo-Rivera
Council President
City of San Diego

Enclosure:

1. City of San Diego Response to San Diego County Grand Jury Report Titled "Maintaining San Diego's Sidewalks - But It's Not My Sidewalk!"
2. City Council Resolution R-315882

**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 \$625,000 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.

RESOLUTION NUMBER R- 315882

DATE OF FINAL PASSAGE NOV 18 2024

A RESOLUTION OF THE COUNCIL OF THE CITY OF
SAN DIEGO APPROVING THE CITY COUNCIL'S RESPONSE
TO THE 2023/2024 SAN DIEGO COUNTY GRAND JURY
REPORT TITLED "MAINTAINING SAN DIEGO'S
SIDEWALKS -- BUT IT'S NOT MY SIDEWALK!"

RECITALS

The Council of the City of San Diego (Council) adopts this Resolution based on the following:

A. On May 22, 2024, the 2023/2024 San Diego County Grand Jury (Grand Jury) issued a report titled "Maintaining San Diego's Sidewalks -- But It's Not My Sidewalk!" (Report) that focused on sidewalk maintenance.

B. The Report made seven findings and six recommendations, all of which were directed to the Mayor and Council.

C. The Report requires response by the Mayor and Council, in accordance with California law.

D. Under California Penal Code section 933(c), within 90 days after the filing of a Grand Jury report, each public agency, which the Grand Jury reviewed and about which it issued a report, must respond to the Presiding Judge of the Superior Court on the findings and recommendations pertaining to matters under the control of the agency.

E. In this instance, the Council President's office requested and received an extension for the response to November 22, 2024.

F. The Office of the Independent Budget Analyst (IBA) has proposed a City response to the Report as set forth in IBA Report No. 24-32, dated November 6, 2024, for the Mayor and Council's consideration.

G. The IBA has conferred with the Mayor and his staff, who have approved the proposed response.

H. On November 13, 2024, the Council's Active Transportation & Infrastructure Committee approved the IBA's proposed response, and voted to forward it to the full Council for consideration.

I. Under San Diego Charter section 280(a)(1) this resolution related to approval of the Council's response to the Report is not subject to veto by the Mayor because this matter is exclusively within the Council's purview and does not affect the administrative service of the City under the Mayor's control.

J. The Office of the City Attorney prepared this Resolution based on the information provided by City staff, including information provided by affected third parties and verified by City staff, with the understanding that this information is complete and accurate.


ACTION ITEMS

Be it resolved by the Council of the City of San Diego:

1. The Council approves and adopts as its own the response to the 2023/2024 San Diego County Grand Jury report titled "Maintaining San Diego's Sidewalks -- But It's Not My Sidewalk!" as set forth in the proposed response in IBA Report No. 24-32, dated November 6, 2024, as prepared by the IBA.

2. The Council President is authorized and directed, on behalf of the Council, to sign and deliver the above-described response to the Presiding Judge of the San Diego Superior Court no later than November 22, 2024.

APPROVED: MARA W. ELLIOTT, City Attorney

By 
Cassandra E. Mouglin
Deputy City Attorney

CEM:cc
October 30, 2024
Or.Dept: IBA
Doc. No. 3864094

I certify that the Council of the City of San Diego adopted this Resolution at a meeting held on
NOV 18 2024.

DIANA J.S. FUENTES
City Clerk

By 
Deputy City Clerk

Passed by the Council of The City of San Diego on NOV 18 2024, by the following vote:

Councilmembers	Yeas	Nays	Not Present	Recused
Joe LaCava	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Jennifer Campbell	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Stephen Whitburn	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Henry L. Foster III	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Marni von Wilpert	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Kent Lee	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Raul A. Campillo	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Vivian Moreno	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sean Elo-Rivera	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Date of final passage NOV 18 2024.

(Please note: When a resolution is approved by the Mayor, the date of final passage is the date the approved resolution was returned to the Office of the City Clerk.)

AUTHENTICATED BY:

TODD GLORIA

Mayor of The City of San Diego, California.

(Seal)

DIANA J.S. FUENTES

City Clerk of The City of San Diego, California.

By Connie Patterson, Deputy

Office of the City Clerk, San Diego, California

Resolution Number R- 315882