



**CITY OF PACIFIC GROVE**  
300 Forest Avenue, Pacific Grove, CA 93950

**AGENDA REPORT**

To: Honorable Mayor and Members of the City Council

From: RUDY FISCHER, COUNCILMEMBER

Meeting Date: March 24, 2015

Subject: *A Sense of the Council in regard to a comprehensive sidewalk policy for the City of Pacific Grove.*

CEQA: This action does not constitute a “project” as defined by the California Environmental Quality Act (CEQA) guidelines section 15378.

**RECOMMENDATION**

Direct city staff to develop and make recommendations to the Council on a policy that sets design standards and City/Property owner cost sharing criteria for sidewalk installation and/or repair.

**CONSIDERATIONS**

The California Streets and Highways Code, Maintenance of Sidewalks, beginning at section 5600, provides owners of lots or portions of lots fronting on any portion of the public street maintain sidewalk in a condition which will not interfere with public convenience in their use.

Also, the Americans with Disabilities Act (ADA) provides comprehensive civil rights protections to individuals with disabilities, and sidewalks and pedestrian pathways must be accessible for individuals with disabilities.

Though state law provides that a “city can recover the cost of sidewalk repairs from property owners who fail to make the repairs themselves” it is not feasible for Pacific Grove to pursue the cost of recovery from property owners afterward. Thus it may be better to have the cost sharing arrangement codified and known in advance

**DISCUSSION**

Over 100 years ago residents of Pacific Grove complained about the lack of sidewalks in the city. In the “High Hats and Parasols” section; the March 18, 2011 edition of the Cedar Street Times quoted a 1911 newspaper “Pacific Grove enjoyed few paved roads, fewer paved sidewalks. The laxness of the town council prompted private citizens to take up the cause.” 104 years later, the city is still wrestling with this as an issue; and large parts of the city still do not have sidewalks, have partial sidewalks, or have broken sidewalks.

I believe it is time for the Council to agree that we believe the city should make a concerted effort to rectify this situation. The main purposes of expanding our sidewalk network are to improve

our infrastructure and increase safety for the residents of the city. We need safe sidewalks to provide a safe way for everyone to get around, especially for our elderly citizens - for whom a fall can be particularly devastating – and the disabled.

In taking a logical look at how to fix and expand our city's sidewalks, we can also make sure that the trees and shrubbery we plant is appropriate to the locations and is the kind that will not break up the sidewalks in future years – or fall down in heavy winds. An expanded network of sidewalks can also go a long way toward tying together our neighborhoods.

Although most of our major roads already have a fairly decent sidewalk network, there are a few gaps that should be addressed. For instance; while pretty much all of Forest has sidewalks running the length of the city road, there are significant gaps on Congress between Sunset and downtown. The result is that people “hopscotch” from side to side going down that arterial.

For the most part Pine also has a great sidewalk network. The problem here, however, is that some over mature trees are uplifting and breaking up the sidewalk AND dropping major branches on the sidewalks. This may become a problem for pedestrians and could be a liability to the City.

Lighthouse Avenue has sidewalks through most of the town, though they stop around 17 Mile Drive as you go toward the Golf Links and the hotel areas. The Del Monte Forest area of the city, meanwhile, has a distinct lack of any sidewalks.

Sidewalks can also improve the life of our residents. Several surveys and studies have shown that cities with walkable areas to get around have healthier populations. There is also an economic benefit of a good sidewalk system. If residents take the sidewalks, they will probably shop locally. If they take their cars, they can shop anywhere.

Providing safe places for people to walk is an essential responsibility of all governments involved in the regulation and construction of public rights-of-way. Pacific Grove needs to establish roadway and sidewalk planning and rehabilitation criteria as follows:

- All new housing construction should have mandatory requirements for sidewalk and driveway construction.
- Major reconstructions or remodels should have a sidewalk installation component to their plan requirements (if sidewalks are not yet in place or are in place but in bad repair).
- Where there are existing driveways that are no longer used, the City or homeowner should be allowed to construct sidewalks there instead for both aesthetic and safety reasons.
- Sidewalk construction should be consistent throughout the City.

#### **Cost of Installation/Repair:**

The City Council is looking at a Capital Improvement Plan which will allocate \$50,000 per year for five years to sidewalk improvement.

The City's Municipal Code, in sections 15.16.040 and 24.32.040, details sidewalk construction and improvements; and state law has long held that property owners are fully responsible for keeping sidewalks in a safe condition. However, to ensure that sidewalks provide safe passage for everyone, it is the City that has been performing all sidewalk installation and needed repairs.

This is no longer affordable, and the City of Pacific Grove should begin sharing the cost of installation and repair with property owners.

In an effort to stretch City resources and reduce the financial impact on property owners I am recommending that staff consider a policy that includes cost sharing arrangement for sidewalk installation and/or repair. This increases the amount of money available for sidewalk repair and, thus, the number of sidewalks that can be installed or repaired.

This is not without precedent. In order to improve the quality of sidewalks, the cities of Berkeley, San Diego, Calistoga, Grass Valley, and Pacific Beach California have 50/50 cost sharing arrangements between the city and property owners. Santa Rosa uses a 70/30 arrangement, and Los Angeles has discussed having homeowners pay for as much as 75% of the cost of sidewalk work. Palo Alto, Mountain View, and Redwood City property owners pay at least a portion of the costs for sidewalks also.

A concern that can be addressed by making the City responsible for administering such a policy is that without this there may be differential widths, quality, material, and construction methods used for sidewalks if each homeowner does it themselves. A better alternative (from a cost standpoint) is to have the city obtain bids for doing work on an on-going basis, select a vendor, and then bill the homeowners for their portion. This:

- Ensures the jobs get done.
- Ensures the jobs are done to a common specification.
- Allows the City to look for quantity discounts that individual homeowners may not get.
- Allows the City to apply for grants from the state or federal governments for such work.

Homeowners should be responsible for maintaining the sidewalks and reporting problems to the City. This is both because the homeowner is closest to the sidewalk, and because the City does not have the resources to have someone patrol the city checking those sidewalks.

### **FISCAL IMPACT**

The City Council is looking at a Capital Improvement Plan that will provide \$250,000 per year over five years to sidewalk improvement. Depending on the cost sharing arrangement that staff recommends, this could increase the amount of work that can be done to the equivalent of work worth something in the \$375,000 to \$500,000 range during the same time period.

### **ATTACHMENTS**

1. Resolution No. 15-\_\_\_\_\_

Respectfully submitted,

*Rudy Fischer*

---

Rudy Fischer  
Councilmember

**RESOLUTION NO 15-**

**A RESOLUTION TO PROVIDE A MECANISM WHEREBY THE CITY OF PACIFIC GROVE CAN COMPLETE, MAINTAIN, AND REPAIR THE NETWORK OF SIDEWALKS IN THE CITY.**

WHEREAS, the sidewalk network in the City of Pacific Grove is incomplete and insufficient; and

WHEREAS, sidewalks are associated with increased safety for pedestrians and bicyclists; and

WHEREAS, numerous studies have shown that sidewalks and their use contribute to the overall health of a city's residents; and

WHEREAS, 20 percent of the US population has a disability and thirty percent of said population does not drive; needing sidewalks to get around; and

WHEREAS, sidewalks within the City are a necessary component of a safe transportation network within the City; and

WHEREAS, the Pacific Grove Public Works Department has responsibility for the City's network of sidewalks; and

WHEREAS, the presence of a sidewalk in front of a property makes that property safer and adds to "curb appeal", therefore increasing the market value of that property; and

WHEREAS, the Public Works Department, working with the City's Finance Department, may be able to make payment terms available to homeowners and businesses; and

WHEREAS, enactment of the ordinance action – in and of itself - does not constitute a "project" as defined by the California Environmental Quality Act (CEQA) because it is an organizational or administrative activity that will not result in direct or indirect physical changes in the environment;

**NOW THERFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF PACIFIC GROVE:**

SECTION 1. It is the sense of the Council that the network of sidewalks in Pacific Grove needs to be expanded.

SECTION 2. It is the sense of the Council that, whenever possible, there shall be a sharing of costs for sidewalk construction work done in Pacific Grove.

SECTION 3. City staff shall develop design standards for sidewalks and make recommendations on a cost sharing arrangement for sidewalk installation and/or repair between the City and property owners.

SECTION 4. Throughout the process, this project the City will abide by all laws, ordinances, codes, and regulations.

PASSED AND ADOPTED BY THE COUNCIL OF THE CITY OF PACIFIC GROVE this 1<sup>st</sup> day of April, 2015, by the following vote:

AYES:

NOES:

ABSENT:

APPROVED:

---

BILL KAMPE, Mayor

ATTEST:

---

SANDRA KANDELL, Deputy City Clerk

APPROVED AS TO FORM:

---

DAVID C. LAREDO, City Attorney