



CITY OF PACIFIC GROVE
300 Forest Avenue, Pacific Grove, California 93950

AGENDA REPORT

TO: Honorable Mayor and Members of the City Council
FROM: Daniel Gho, Public Works Director and Joyce Halabi, Program Manager
MEETING DATE: March 21, 2018
SUBJECT: First Reading to Amend PGMC Sections 15.16, Sidewalks and 18.04, Building Codes, and Establish Sidewalk Development Policy
CEQA STATUS: Does not constitute a "Project" under California Environmental Quality Act (CEQA) Guidelines

RECOMMENDATION

1. Approve a Resolution establishing a Council Policy for Sidewalk Development
2. Introduce and hold the first reading of an Ordinance amending Municipal Code Section 15.16 and 18.04 related to maintenance and installation of sidewalks.
3. Direct that publication of the ordinance will be satisfied by publication of a summary approved by the City Attorney

DISCUSSION

Sidewalks are vital components of creating a livable, prosperous and safe communities. The [Pacific Grove General Plan](#) envisions a fully walkable community. To achieve this goal, Program FF of the [Transportation Chapter](#) directs the City to identify gaps and deficiencies in the pedestrian system and correct them through the Capital Improvement Plan (CIP).

As part of the FY 2017/18 budget, the City hired a consultant to conduct a comprehensive sidewalk assessment and identify existing sidewalk gaps and deficiencies. The survey, completed in December 2017, sheds light on the City's disjointed sidewalk network.

The existing sidewalk network is a comprised of sidewalk infrastructure ranging from streets with sidewalks from block to block, streets that have only curb and gutter without the presence of sidewalks, to streets with segmented portions of sidewalks and main pedestrian arterials that lack sidewalks altogether (Attachment 2).

The City's sidewalk network has developed haphazardly due to a lack of development direction on both public and private installations of pedestrian infrastructure.

Although sidewalks are essential on some streets, they are not necessary on all streets. There are many streets in the City where traffic levels are low enough that pedestrians can safely share the roadway with motor vehicles and bicycles. In some cases, installing sidewalks, especially discontinuous segments of sidewalks can be contrary to safe and accessible pedestrian travel.

Pacific Grove Municipal Code (PGMC) Chapters 15.16 Sidewalks and 18.04 Building Codes, which regulate development and maintenance of sidewalks, treat every street uniformly. As written, the code

fails to acknowledge that sidewalks are appropriate for some streets, but not for all streets. This has resulted in unnecessary and incomplete sidewalk infrastructure.

Additionally, the City lacks formal direction to prioritize pedestrian infrastructure on primary pedestrian routes which include streets with significant levels of motor vehicle traffic, busy streets (arterials and collectors), streets in commercial districts, major routes to school, key visitor walking routes, and essential routes for seniors and people with disabilities.

To appropriately address these deficiencies and guide future public and private sidewalk development, Staff is recommending approval of a new Council Policy pertaining to Sidewalk Development and amendments to PGMC Chapter 15.16 Sidewalks and Chapter 18.04 Building Codes.

Sidewalk Development Policy

The goal of the Sidewalk Development Policy is to guide public and private development of pedestrian infrastructure by:

1. Differentiating streets where sidewalks are necessary and appropriate from streets where they are not. The policy recommends infrastructure improvements based on street type and existing conditions as follows:

| Street Type | Recommended Pedestrian Infrastructure |
|-------------------------------|---|
| Primary Pedestrian Routes | Sidewalks |
| Collectors | Sidewalks |
| Non-Primary Pedestrian Routes | Based on compatibility <ul style="list-style-type: none">• Areas with sidewalk already in place should have sidewalks from intersection to intersection• Areas without existing sidewalk should remain sidewalk free |

2. Prioritizing sidewalk installation and maintenance on all Primary Pedestrian Routes
3. Ensuring sidewalks are continuous from block to block with ADA compliant curb ramps
4. Ensuring sidewalks are free of obstructions

This policy will help the City prioritize gaps and deficiencies and correct them by means of the City's CIP. Public Works will begin by prioritizing sidewalk installation on main arterials and collectors that act as main routes to schools in the FY18/19 CIP and will continue to do so until continuous pedestrian routes to school are developed.

Additionally, this policy will guide private sidewalk development to occur in line with the City's sidewalk infrastructure goals.

If approved, this policy would fall under the Property and Land Rights-of-Way policy classification and would be numbered 700-4.

Municipal Code Amendments

In addition to adoption of a Sidewalk Development Policy, Staff is recommending revisions to Municipal Code Sections: 15.16.020 Width, Curb Lines Established and 15.16.030 Repair Procedures,

and 18.04.055 Driveway, Curb, Gutter and Sidewalks. These revisions will act as the backbone of the Sidewalk Development Policy regulating development in accordance with said policy.

Revisions to Municipal Code Section 15.16.020 Width, Curb Lines Established will ensure sidewalks installation adheres with the existing development patterns. This will aid in filling existing sidewalk gaps that impede safe pedestrian travel and formally acknowledge that sidewalks are appropriate for some, but not all streets.

Municipal Code Section 15.16.030 Repair Procedures will be updated to include additional language on maintenance of sidewalks and necessary permitting prior to construction.

Municipal Code Section 18.04.055 Driveway, Curb, Gutter and Sidewalks will be modified to lower the threshold that triggers installation of sidewalks from construction of a new building to any construction (new construction or renovation) over \$30,000. This will ensure the sidewalk network is swiftly expanded in a way that addresses existing deficiencies.

OPTIONS

1. Take no action
2. Propose modifications to the draft Council Policy 700-4
3. Propose modifications to the draft ordinance 18-___

FISCAL IMPACT

There is no fiscal impact in adopting this resolution.

GOAL ALIGNMENT

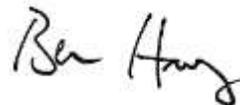
Infrastructure

ATTACHMENTS

1. Draft Council Policy 700-4
2. Sidewalk Map
3. Resolution No. 18- ___
4. Ordinance No. 18- ___

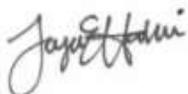
RESPECTFULLY SUBMITTED:

REVIEWED BY:



Daniel Gho
Public Works Director

Ben Harvey
City Manager



Joyce Halabi
Program Manager

DRAFT

**CITY OF PACIFIC GROVE, CALIFORNIA
COUNCIL POLICY**

| SUBJECT | POLICY NO. | EFFECTIVE DATE | PAGE |
|----------------------|------------|----------------|--------|
| Sidewalk development | xxx-x | March 7, 2018 | 1 of 3 |

PURPOSE AND BACKGROUND

This policy is intended to guide the City’s development of its pedestrian infrastructure in accordance with General Plan goals, policies and programs. It is meant to guide both public works and permitted private installations, whether required or voluntary.

General Plan

The Pacific Grove General Plan envisions a fully walkable community, while recognizing that the existing pedestrian infrastructure is incomplete and imperfect. Program FF of the Transportation Chapter says that the City should identify gaps and deficiencies in the pedestrian system and correct them by means of the City’s Capital Improvements Program. This Sidewalk Policy provides a basis for specifying what the gaps and deficiencies are and how they should be corrected.

Complete Streets

Sidewalks are a key component of “complete streets,” the principle that the public right-of-way should accommodate all modes of travel—driving, walking, cycling and transit. Sidewalks are essential on any street with a significant level of motor vehicle traffic. But it is possible to have complete streets without sidewalks. There are streets in Pacific Grove where traffic levels are low enough that pedestrians can safely share the roadway with motor vehicles and bicycles. In some cases, installing sidewalks, especially discontinuous segments of sidewalks, can actually be contrary to safe and accessible pedestrian travel. Central to this Policy is differentiating between streets where sidewalks are necessary and appropriate for reasons of public convenience, safety and accessibility, and streets where they are not.

SIDEWALK POLICY

1. Sidewalks should be installed and maintained on all Primary Pedestrian Routes

Those streets or street segments where sidewalks are deemed necessary for pedestrian safety and accessibility are designated as Primary Pedestrian Routes, comprising several overlapping categories: busy streets (arterials and some collectors), streets in commercial districts, major routes to schools, essential routes for seniors and people with disabilities, and key visitor walking routes (See Map 1). Installing new and maintaining existing sidewalks on these streets should be a priority

2. On local streets that are not Primary Pedestrian Routes, the suitability of sidewalks should be based on compatibility with existing conditions.

Where sidewalks are already in place, they should be kept and maintained in good repair, and extended where they are incomplete. In those neighborhoods where sidewalks are not standard and are not warranted (i.e., are not on a Primary Pedestrian Route), they should not be installed. This Policy will be used to determine whether to require sidewalk installation as a condition of development under M.C.18.04.055.

3. Wherever sidewalks are installed, they should be continuous for the whole block, from intersection to intersection, with ADA-compliant corner curb cuts at each end of the block.

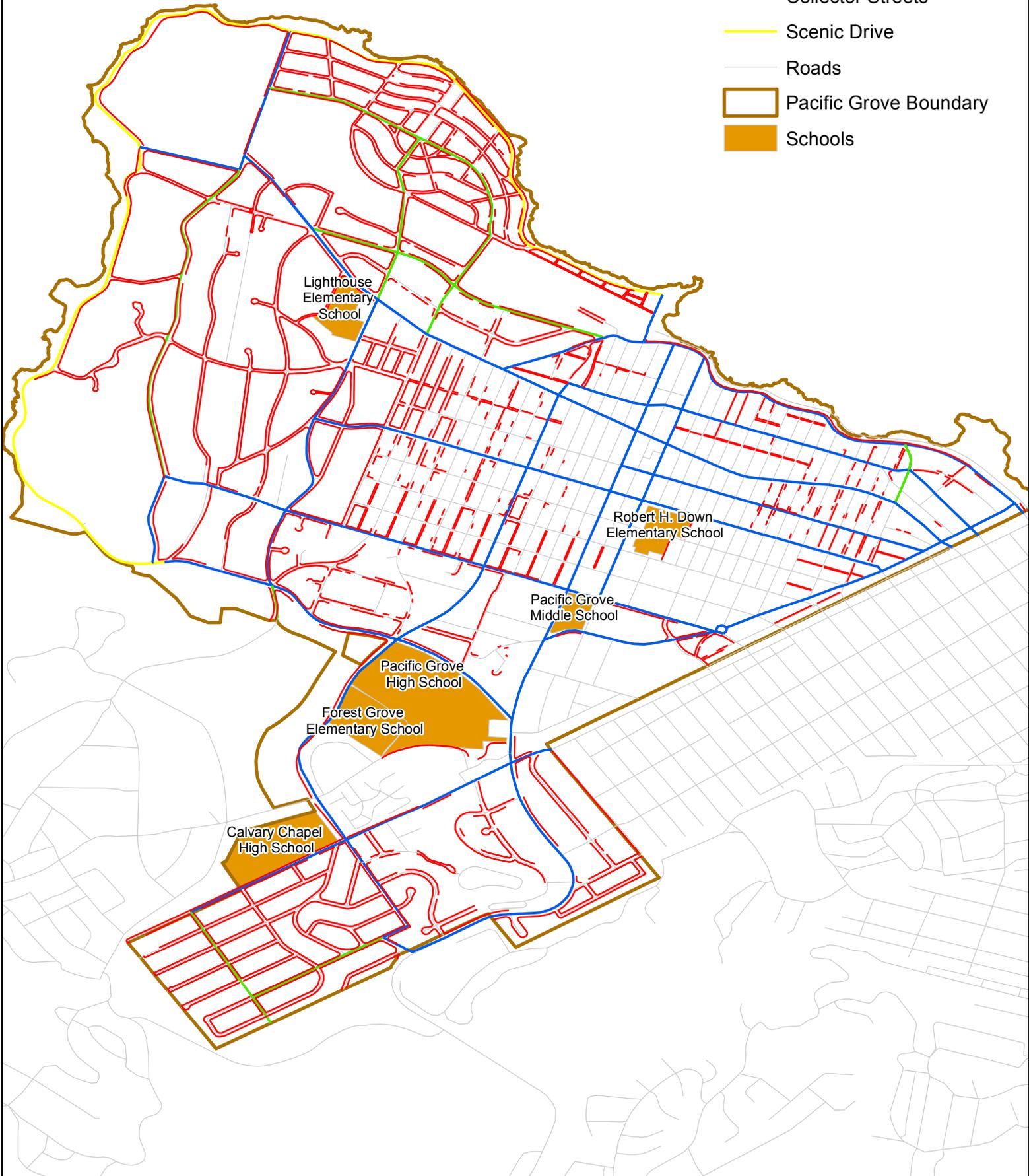
On blocks where curb and gutter have been installed, but sidewalk installation is incomplete, existing gaps should be filled so that the sidewalk is continuous for the entire block, with ADA-compliant corner curb cuts at both ends. Filling gaps and installing ramps on otherwise complete sidewalk segments should be a priority.

4. The sidewalk space of the public right-of-way should be kept free of encroachments that obstruct pedestrian travel.

Encroachments and obstacles in the public right-of-way should not interfere with or prevent its use for pedestrian travel. The most common obstructions to pedestrian travel are plantings and construction in the sidewalk space¹, prohibited by local ordinance (M.C.15.16.040), and vehicles parked on or across the sidewalk, prohibited by State law (California Vehicle Code 22500). In its enforcement of codes and statutes regarding right-of-way obstructions and encroachments, the City will be guided by this Sidewalk Policy.

¹ Sidewalk space is the space between the property line and the curb. M.C. 15.16.010.

- No Sidewalks
- Arterial Streets
- Collector Streets
- Scenic Drive
- Roads
- ▭ Pacific Grove Boundary
- ▭ Schools



RESOLUTION NO. 18-xxx

ESTABLISHING COUNCIL POLICY 700-4 FOR SIDEWALK DEVELOPMENT

FINDINGS

1. The [Pacific Grove General Plan](#) envisions a fully walkable community. To achieve this goal, Program FF of the [Transportation Chapter](#) directs the City to identify gaps and deficiencies in the pedestrian system and correct them through the Capital Improvement Plan (CIP).
2. In December of 2017, the City completed a comprehensive sidewalk assessment that identifies existing gaps and deficiencies in the sidewalk network.
3. The City's sidewalk network has developed haphazardly due to a lack of development direction on both public and private installations of pedestrian infrastructure.
4. Adoption of a Sidewalk Development Policy will help guide public and private development of pedestrian infrastructure by:
 - Differentiating streets where sidewalks are necessary and appropriate from streets where they are not.
 - Recommending infrastructure improvements based on street type and existing conditions.
 - Prioritizing sidewalk installation and maintenance on all Primary Pedestrian Routes
 - Ensuring sidewalks are continuous from block to block with ADA compliant curb ramps
 - Ensuring sidewalks are free of obstructions.
5. This action does not constitute a "Project" as that term is defined under the California Environmental Quality Act (CEQA) Guidelines

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

1. The foregoing Findings are adopted by the City Council as though set forth in full.
2. Council Policy Nos. 700-04 is adopted as attached.
3. This Resolution shall take effect immediately following its adoption.

PASSED AND ADOPTED BY THE COUNCIL OF THE CITY OF PACIFIC GROVE

this 21st day of March 2018, by the following vote:

AYES:

NOES:

ABSENT:

APPROVED:

BILL KAMPE, Mayor

ATTEST:

SANDRA KANDELL, City Clerk

APPROVED AS TO FORM:

DAVID C. LAREDO, City Attorney

ORDINANCE NO. 18-_____

**AN ORDINANCE OF THE CITY OF PACIFIC GROVE
TO AMEND PGMC SECTION 15.16.020 “SIDEWALK WIDTH, CURB LINES
ESTABLISHED”, 15.16.030 “REPAIR PROCEDURES” AND 18.04.055 “DRIVEWAY,
CURB, GUTTER AND SIDEWALK”**

WHEREAS, The City of Pacific Grove wants to ensure all sidewalks are properly maintained and constructed; and

WHEREAS, the City of Pacific Grove wants to construct sidewalks on all major streets to include collector streets and arterial roads; and

WHEREAS, the City of Pacific Grove will be developing a sidewalk plan to serve as a basis for capital improvements; and

WHEREAS, the existing Municipal Code section, 15.16 “Sidewalks”, was enacted in 1952 and most recently updated in 1975; and

WHEREAS, the existing Municipal Code section, 18.04 “Building Code, driveway, curb, gutter and sidewalk” was enacted in 1994; and

WHEREAS, the action proposed by this amendment does not constitute a “project” as that term is defined under the California Environmental Quality Act (CEQA), Guideline Section 15378, as it is an organizational or administrative activity that will not result in direct or indirect physical changes in the environment.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF PACIFIC GROVE:

SECTION 1. The foregoing recitals are adopted as findings of the City Council as though set forth fully herein.

SECTION 2. Pacific Grove Municipal Code section 15.16.020 — Sidewalk width, curb lines established — shall be amended as shown in this section. Text shown in *bold italics* shall be added, and text shown in ~~strikeout format~~ shall be deleted.

15.16.020 Sidewalk width, curb lines established:

The establishment of curb lines and the width of sidewalk space on all public streets shall be fixed by the *City through the* Council. *On residential streets sidewalks should be installed or*

not installed in keeping with existing development patterns. This is in acknowledgement that sidewalks are appropriate for some streets but not for all areas.

In residential areas that have sidewalks, property owners are encouraged to install additional sidewalks in order to fill existing gaps in the overall network. The City invites property owners to collaborate on such projects, and these owners may request the installation of sidewalks through the City permitting process.

15.16.030 Repair Procedure:

Owners of property abutting sidewalks, or possessors of sidewalks, shall have the duty of maintaining the same and shall be subject to all of the liabilities and procedures prescribed by Chapter 22, Division 7, Part 3, commencing at Section 5600, of the Streets and Highways Code of the state of California. *This Streets and Highways Code, Chapter 22, Maintenance of Sidewalks, provides that the owners of lots or portions of lots fronting any portion of the public street are responsible for maintaining sidewalks in a condition which will not interfere with the public convenience in their use.* The city shall have all of the rights therein provided, including the right to lien and collection. *No person except City employees, or persons under contract with the City, shall install or repair any curb, gutter, corner ramp, or sidewalk within or along any street in the city without having applied for and received an Encroachment permit from the City. Application for any such permit will be made in writing on a form or forms supplied for that purpose by the City.*

18.04.055 Driveway, curb, gutter and sidewalks:

(a) Whenever *any construction (new construction or renovation) over \$30,000 in value is initiated* ~~a new building is constructed on a lot, other than an accessory structure,~~ and irrespective of whether the new building replaces one that has been demolished on the same site, driveways, concrete curb, gutter and sidewalk conforming to the specifications set forth in the city standards shall be provided *or, if present but not in compliance, repaired on all sides abutting the property. All new and reconstructed sidewalks shall be fully compliant with American's With Disability Act (ADA) regulations, and all work will be done in accordance with design standards and specifications adopted by the Public Works Department.*

(b) In the event that these requirements create unnecessary hardship, practical difficulties and results inconsistent with the general purpose of PGMC Title 18 or 23, a variance may be granted under the procedures set forth in PGMC 23.72.090 through 23.72.160. *The City will make every reasonable effort to assist the applicant in their efforts to complete installation or repair of abutting sidewalks, to the extent possible without occurring significant additional costs.*

(c) The community development director shall allow deferral of curb, gutter and/or sidewalk improvements otherwise required hereunder, where in his or her opinion the building site is located in an area where curb, gutter and/or sidewalk improvements would be incompatible with existing street improvements or under study regarding the desirability of rescinding the requirement to install such curb, gutter and/or sidewalk improvements. Any such deferral shall be the subject of an appropriate recorded document which shall provide, without limitation, that

such improvements shall be installed upon written notice from the community development director. [Ord. 1934 N.S. § 2, 1994].

(d) In areas where sidewalks currently exist and need repairs or have gaps that will be completed, it will be the responsibility of the City to install the curb cuts at the intersections and also the City will be responsible for all curb and gutter construction. The City will be responsible for Curb and Gutter construction, along with corner curb cuts in the events that sidewalk infrastructure work is occurring. The City will perform its work in conjunction of the work occurring at the permitted properties.

SECTION 3. In accord with Article 15 of the City Charter, this ordinance shall take effect thirty days following passage and adoption hereof.

SECTION 4. The City manager and City clerk are directed to perform all tasks necessary to implement this ordinance. This measure shall cause republication of the Pacific Grove Municipal Code.

SECTION 5. If any provision, section, paragraph, sentence, clause, or phrase of this ordinance, or any part thereof, or the application thereof to any person or circumstance is for any reason held to be invalid or unconstitutional by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance, or any part thereof, or its application to other persons or circumstances. The City Council hereby declares that it would have passed and adopted each provision, section, paragraph, subparagraph, sentence, clause, or phrase thereof, irrespective of the fact that any one or more sections, paragraphs, subparagraphs, sentences, clauses, or phrases, or the application thereof to any person or circumstance, be declared invalid or unconstitutional.

PASSED AND ADOPTED BY THE COUNCIL OF THE CITY OF PACIFIC GROVE
this XX, 2016, by the following vote:

AYES:

NOES:

ABSENT:

APPROVED:

BILL KAMPE, Mayor

ATTEST:

SANDRA KANDELL, City Clerk

APPROVED AS TO FORM:

DAVID C. LAREDO, City Attorney