



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: April 4, 2018

SUBJECT: Second Reading to Amend PGMC Sections 15.16, Sidewalks and 18.04, Building Codes

CEQA STATUS: Does not constitute a “Project” under California Environmental Quality Act (CEQA) Guidelines

RECOMMENDATION

Hold second reading and adopt an ordinance amending Pacific Grove Municipal Code Section 15.16 and 18.04 related to maintenance and installation of sidewalks.

DISCUSSION

On March 21, 2018 the City Council held the first reading of an ordinance to amend Pacific Grove Municipal Code Section 15.16 and 18.04 related to maintenance and installation of sidewalks and adopted Council Policy 700-4, the Sidewalk Development Policy.

During the first read, City Council recommended modifications to the proposed code amendments. The requested changes are addressed in the draft ordinance (Attachment 1).

The City clerk caused the summary to be published on March 30, 2018.

The proposed code amendments will regulate development in accordance with Council Policy 700-4.

Proposed amendments to Municipal Code Section 15.16.020 Width, Curb Lines Established include reference to Council Policy 700-4 to ensure sidewalks installation and maintenance occur in accordance with said policy.

Proposed amendments to Municipal Code Section 15.16.030 Repair Procedures 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. Additional revisions will name the City responsible for installation of curb cuts and construction of curb and gutter for all public and private sidewalk development.

OPTIONS

1. Take no action
2. Propose modifications to the draft ordinance 18-_____

FISCAL IMPACT

There is no fiscal impact in adopting this resolution.

GOAL ALIGNMENT

Infrastructure

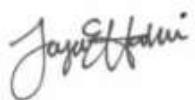
ATTACHMENTS

1. Ordinance No. 18- ____

RESPECTFULLY SUBMITTED:

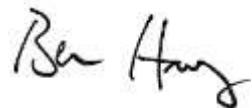


Daniel Gho
Public Works Director



Joyce Halabi
Program Manager

REVIEWED BY:



Ben Harvey
City Manager

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***. **Installation—Construction and maintenance of sidewalks shall be in accordance with Council Policy 700-4 “Sidewalk Development”.** ***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~~ *The 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 As a condition of 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 Disabilities Act (ADA) regulations, and all work shall will be done in accordance with design standards and specifications adopted by the Public Works Department. New sidewalks shall be not be installed where they are deemed unsuitable with Council Policy 700-4.~~

(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.~~

For any public or private sidewalk construction, it will be the responsibility of the City to install the curb cuts at intersections and construct the curb and gutter. For private sidewalk development, the City will coordinate work with the property owners.

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