

**ORDINANCE NO. 18-007**

**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 and maintenance of sidewalks shall be in accordance with Council Policy 700-4 "Sidewalk Development".

#### **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. *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) 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 Americans With Disability Act (ADA) regulations, and all work shall 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.

(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) *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 4<sup>th</sup> day of April, 2018, by the following vote:

AYES: Mayor Kampe, Councilmembers Cuneo, Fischer, Garfield, Huitt, Peake, and Smith.

NOES: None.

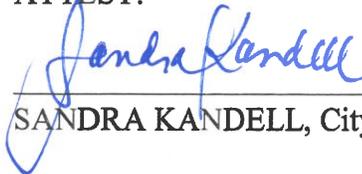
ABSENT: None.

APPROVED:



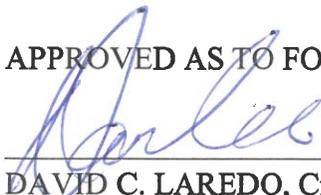
\_\_\_\_\_  
BILL KAMPE, Mayor

ATTEST:



\_\_\_\_\_  
SANDRA KANDELL, City Clerk

APPROVED AS TO FORM:



\_\_\_\_\_  
DAVID C. LAREDO, City Attorney