

Section 18-20-140 – Curb, Gutter, Sidewalks Improvements

A. Purpose Establish pedestrian safe corridors by providing a uniform procedure for the installation of curb, gutter, and sidewalks; to impose a reasonable public property improvement requirement as a condition of construction of buildings or other improvements for the orderly development and improvement of public property consistent with public health, safety and enhancing the appearance of the City.

B. General Provisions:

1. Property Improvements: When property improvements exceed \$50,000 on a parcel, the installation of curb, gutter and sidewalk improvements shall be required to applicable road standards. If the existing right-of-way improvements are damaged or in a state of disrepair they shall be reconstructed to comply with the current standards. This requirement shall apply to all Land Use Zoning Designations within the City.
2. Discretionary/Entitlement Permits: The installation of Curb, Gutter, Sidewalks Improvements shall be a standard condition of approval for all Discretionary Land Use Permits/Entitlements (Administrative Use Permits, Conditional Use Permits, Parcel/Subdivision Maps, Rezones, General Plan Amendments, Planned Development Projects, etc.)
3. Exemptions: The following property improvements are exempt from these requirements:
 - Repairs made to comply with state or local health and safety regulations to assure safe living conditions.
 - Repairs made to restore a structure to its pre-existing condition when the damage has been caused by a natural disaster (such as fires, earthquakes, floods, slides, and/or a strong wind events).
 - Routine property maintenance such as re-roofing, replacement of heating/cooling equipment, sewer/water line repairs, electrical/plumbing repairs, existing foundation repair, and required upgrades to bring a structure into compliance with the Americans Disabilities Act (ADA).
 - Improvements to elevate structures within a floodplain to current FEMA and local agency requirements.

C. Submittal & Completion Requirements:

1. **Plan Requirements:** All Curb, Gutter and Sidewalk Improvement Plans shall be prepared and stamped by a California Licensed Civil Engineer and prepared in accordance with all applicable Federal, State, and local agency requirements, including the City of Clearlake Municipal Code and Design/Construction Standards.
2. **Inspection of Right-of-Way Improvements:** The City Manager or designee shall have the power to appoint qualified persons to inspect construction of the work specified in this chapter. If the inspection requires a Licensed Special Inspector, it shall be the responsibility of the applicant to secure such inspection.
3. **Permit Requirements:** Prior to installation, the applicant shall apply for and secure all required Federal, State and local agency permits, including an Encroachment Permit with the City.
4. **Installation Requirements:** All Curb, Gutter and Sidewalk Improvements shall be installed on all street frontages prior to final inspection and/or occupancy.

D. Construction Requirement Waiver.

1. A waiver from requiring curb, gutter, and sidewalk to be installed in conjunction with the improvements to the abutting property may be granted under the following circumstances:
 - a. Where the upon request by application the City Manager or designee finds and determines there are circumstances applying to the project site, such as size, shape or topography, which do not apply generally to land within the vicinity. Such circumstances shall not constitute a grant of special privilege/entitlement inconsistent with the limitations upon other properties in the vicinity; or
 - b. If the project parcel is located within a City Roadway Improvement Project, in lieu of installing such improvements, as normally required, the applicant shall pay a fee to the City equal to the cost of installing the improvements to the City. Said fee shall be determined by the City Engineer; or
 - c. Enter into an Improvement Deferral Agreement approved by the City Attorney which shall contain, required timelines for installation among other provisions determined by the city, agreement by applicant to furnish improvement security by cash deposit or bond(s) duly authorized corporate surety with the City. The amount of said improvement security shall be determined by the City Engineer and shall be equal to the City's Engineers estimate of the cost of the improvement to be deferred, plus ten (10) percent. The security shall run with the land and shall be binding upon successors in interest to the property receiving deferral. Said Improvement Deferral Agreement shall be record at the Lake County Assessor/Recorders Office.

