

SUBJECT: ZONE TEXT AMENDMENT: PARKWAY STANDARDS
 REFERENCE

INITIATED BY: DEPARTMENT OF PUBLIC WORKS
 (Hany Demitri, City Engineer)
 (John Gilmour, Principal Civil Engineer)
 (Daniel Mick, Code Compliance Supervisor)

 PLANNING & DEVELOPMENT SERVICES DEPARTMENT
 (Bianca Siegl, Long Range Planning Manager)
 (Rachel Dimond, AICP, Senior Planner)

STATEMENT ON THE SUBJECT

The Planning Commission will consider an amendment to the Zoning Ordinance to reference the City's Parkway Standards found in Title 11, West Hollywood Municipal Code. The purpose of this hearing is for the Planning Commission to provide a recommendation to the City Council on the subject Zone Text Amendment.

RECOMMENDATION

Staff recommends that the Planning Commission hold the public hearing, consider all pertinent testimony, and recommend approval to the City Council by adopting the following:

- 1) Draft Resolution No. PC 19-1324: **"A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF WEST HOLLYWOOD RECOMMENDING APPROVAL TO THE CITY COUNCIL OF A ZONE TEXT AMENDMENT TO MODIFY THE ZONING ORDINANCE, TITLE 19, TO ADD REFERENCES TO NEW PARKWAY STANDARDS IN TITLE 11, WEST HOLLYWOOD, CALIFORNIA."** (EXHIBIT A)

BACKGROUND

The Planning Commission is asked to consider an amendment to the Zoning Ordinance to add references to the City's proposed new Parkway Standards in Title 11 of the Municipal Code. The changes to the Zoning Ordinance are minimal, but this report provides additional context related to the purpose of the Parkway Standards for reference. The changes to Title 11 and 19 will be reviewed by the City Council.

Public parkways are the portion of the public right-of-way located between the public street curb and the public sidewalk. Parkway are typically planted areas that may contain irrigation and street trees. Parkway are important public assets to the City as

they provide the necessary soil and irrigation to allow street trees to grow, provide a buffer between pedestrians on the sidewalk and vehicles in the roadway, and enhance the visual quality and land value of adjacent private parcels and the city in general.

Staff has encountered difficulty in managing changes to public parkways by adjacent private property owners. The difficulty arises from the lack of specific ordinance language that instructs the purpose, definition, and requirements of public parkways, as well as a clearly defined process in which transformations by adjacent private parcel owners shall be conducted. This has led to hazardous conditions in many parkways around the city, including the following:

- 1) Installation of thorny and spikey plantings
- 2) Installation of large boulders or other such physical objects
- 3) Installation of valuable artist objects in the parkways that when damaged, the property owners have sought reparations from the city.
- 4) Installation of tall and thick hedges and other types of screening plantings that limit the ability for pedestrians to cross the sidewalk and obscures the sidewalk from public view.
- 5) Installation of hazardous paving materials in the parkway area that pose tripping hazard.

In 2010, the City conducted an extensive exercise to study parkway management and ultimately produced the *Parkway Design Guide* that is available to the public to use when contemplating the transformation of the public parkway in front of their private parcels. This document is a reference guide for how the city recommends the parkways to be designed and maintained. However, this design guide is merely a guiding document and was not adopted as a municipal code ordinance requiring adherence. Therefore, currently, staff does not have the municipal code provisions to properly enforce and regulate the state of these parkways.

The proposed parkway ordinance design standards will apply to all residential properties undergoing new construction, major remodel, or where fifty percent (50%) or more of the parkway is being changed or disturbed. The proposed ordinance provides rules to the public on what can and cannot be placed or planted in the parkway. The ordinance will also instruct the public on the permitting process to change or alter the public parkway. The proposed ordinance will provide Code Compliance with the necessary municipal code language allowing them to enforce rules on the management of the public parkways. In order to adopt these regulations in Chapter 11.46, there needs to be updated references to this chapter within the Zoning Ordinance.

Proposed Changes to the Zoning Code

There are multiple changes to the Zoning Ordinance that are needed to bring clarity and consistency to the Municipal Code with regards to parkways.

1. 19.20.160 – Sidewalks: This section mandates the minimum combined width of parkways and sidewalks and references other codes that provide parkway standards. This amendment adds a reference to the proposed parkway chapter (11.46).
2. G-26.120 – Landscape Guidelines for Specific Areas: This section provides landscape guidelines for a variety of specific areas. The proposed amendment adds references to the proposed parkway chapter (11.46) and the existing residential landscaping requirements (19.26.040).
3. 19.26.040 – Areas of Required Landscaping: This section mandates the areas where landscaping is required. This amendment adds a reference to the proposed parkway standards (11.46).
4. 19.36.030 – Property Maintenance Standards: Subsection J of 19.30.030 makes it a violation to fail to maintain the landscape and hardscape and makes references to several other codes which should be referred to. This amendment adds a reference to the proposed parkway chapter (11.46).

PUBLIC OUTREACH

The Public Facilities Commission had an ad hoc committee that met and discussed how to establish appropriate regulations for parkway standards.

ENVIRONMENTAL REVIEW

The proposed zone text amendment is Categorically Exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15061 of the CEQA Guidelines. Section 15061 states that CEQA applies only to projects that have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA. The facilitation of parkway standards and providing reference to those standards will not impact the environment.

EXHIBITS

- A. Draft Resolution No. PC 19-1324
- B. Proposed Changes to Title 11 of the Municipal Code

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RESOLUTION NO. PC 19-1324

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF WEST HOLLYWOOD RECOMMENDING APPROVAL TO THE CITY COUNCIL OF A ZONE TEXT AMENDMENT TO MODIFY THE ZONING ORDINANCE TO ADD REFERENCES TO NEW PARKWAY STANDARDS IN TITLE 11, WEST HOLLYWOOD, CALIFORNIA.

The Planning Commission of the City of West Hollywood hereby finds, resolves, and orders as follows:

SECTION 1. The City is considering a Municipal Code Amendment to create a new chapter in Title 11 for parkway standards. The parkway standards will provide detailed requirements for the treatment of parkways along the city's sidewalks. The proposed Zone Text Amendment would provide reference in the Zoning Ordinance, Title 19, to those standards in Title 11.

SECTION 2. A public hearing was duly noticed for the Planning Commission meeting of May 16, 2019 by publication in the Beverly Press newspaper, the West Hollywood Independent Newspaper, and the City website and by announcement on City Channel 6 by May 2, 2019.

SECTION 3. The zone text changes are Categorically Exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15061 of the CEQA Guidelines. Section 15061 states that CEQA applies only to projects that have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA. In this case, the proposed zone text amendment and associated municipal code amendment will create new standards for parkways which will have positive impacts on environmental factors. These standards will promote permeable landscape area with water efficient irrigation in the right of way adjacent to development projects. These new standards will ensure any modification to these parkways will maintain a safe and accessible space that will not impede pedestrian and vehicular flow..

SECTION 4. The Planning Commission of the City of West Hollywood hereby finds that the proposed Zone Text Amendment is consistent with the Goals and Policies of the General Plan, specifically Goal IRC-1, which calls for the city to provide functional, safe, and well maintained circulation and public infrastructure throughout the City. The ZTA and associated municipal code amendment also comply with Goal IRC-3, to reduce water use and ensure a long-term water supply, as the parkways standards will encourage water efficient irrigation. The parkway standards and improvements set forth in this ordinance are consistent with the City's overall goals and policies for functional, safe, and well maintained parkways and nothing in this ordinance will impede the City's ability to meet its General Plan Goals and policies. .

SECTION 5. Based on the foregoing, the Planning Commission of the City of West Hollywood hereby recommends approval to the City Council of Zone Text Amendment 19-1324 which is attached hereto as Attachment A.

DRAFT

PASSED, APPROVED AND ADOPTED by the Planning Commission of the City of West Hollywood at a regular meeting held this 16th day of May, 2019 by the following vote:

AYES: Commissioner:

NOES: Commissioner:

ABSENT: Commissioner:

ABSTAIN: Commissioner:

STACEY E. JONES, CHAIRPERSON

ATTEST:

BIANCA SIEGL, LONG RANGE PLANNING MANAGER

Decisions of the Planning Commission are subject to appeal in accordance with the procedures set forth in West Hollywood Municipal Code Chapter 19.76. Any action to challenge the final decision of the City of West Hollywood made as a result of the public hearing on this application must be filed within the time limits set forth in Code of Civil Procedure Section §1094.6.

Attachment A

ZONE TEXT AMENDMENT 19-XXXX WEST HOLLYWOOD MUNICIPAL CODE SECTIONS TO BE MODIFIED

(New text indicated with underline, deleted text with ~~strikethrough~~.)

Section 1. Section 19.20.160 of Chapter 19.20 of Title 19 is amended to read as follows:

19.20.160 Sidewalks.

Combined sidewalk and parkways in all zoning districts shall be a minimum of ten feet, except as otherwise provided by the Sunset Specific Plan, or when determined infeasible or undesirable by the Director of Public Works. See also Section 19.26.040(C)(1) and Chapter 11.46 for parkway requirements.

Section 2. Subsection 19.26.040(C)(1) of Section 19.26.040 of Chapter 19.26 of Title 19 is amended to read as follows:

19.26.040 Areas of Required Landscaping.

C. *Landscaping Requirements for Residential Uses* (In addition to subsection (A), above).

1. Parkway. Proposed residential developments shall provide for the installation and maintenance of a parkway landscaping strip with a minimum width of three feet along the entire street frontage of the site between the sidewalk and the street curb, except when determined infeasible or undesirable by the Director of Public Works. See also Section 19.20.160 for sidewalk requirements and Chapter 11.46 for parkway requirements.

Section 3. Subsection G-26.120 (A) of Section G-26.120 of Chapter G-26 of Article 19-3 of Title 19 is amended to read as follows:

G-26.120 Landscape Guidelines for Specific Areas.

A. Parkway areas. The following guidelines supplement the parkway requirements of this Code. ~~of the Zoning Ordinance. Parkways are as defined in this Title and as also may be designated in the city's Streetscape Master Plans adopted by the City Council. A parkway is the area between the sidewalk and the curb that is not intended for pedestrian passage. See Chapter 11.46 and 19.26.040(C)(1) for parking requirements.~~

1. Parkway should be thought of as an integral part of the overall site development rather than as an extra or afterthought, and should relate to both neighboring properties and the other landscape and structures on the site. Pedestrians walking on the sidewalk should have the experience of walking through a landscape that is separated by a path, as opposed to walking past two separate landscapes that happen to be on either side of the path.
2. Where parking or loading is permitted next to the curb, parkway planting should allow passengers to exit easily and safely from the passenger door side of vehicles by providing limited areas of turf, grasscrete and/or areas of hardscape such as decomposed granite, decorative gravel, concrete pavers or brick.
3. Parkway are encouraged to incorporate the following where appropriate:
 - a. Street trees, varieties as specified by the city's Streetscape Master Plan.
 - b. Drought-resistant ground cover, vines, small shrubs and small perennials.
 - c. Lighting that complements and supplements any lighting supplied by the street lights.
 - d. Benches positioned so that they do not obstruct pedestrian access to automobiles (Note: Installation of lighting or benches requires an Encroachment Permit from the City Engineer.)

Section 4. Subsection 19.30.030(J)(1) of Section 19.30.030 of Chapter 19.30 of Title 19 is amended as follows:

19.30.030 Specific Violations.

J. *Non-Maintenance of Landscape and Hardscape.*

1. A violation of Municipal Code Sections 11.16.060 (Obligation to Maintain), 11.16.070 (Cleaning of Sidewalks), Chapter 11.46 (Parkway Standards), 19.36.280(B)(5) (Front Yard Paving), 19.36.320(C) (Front Yard Paving), Chapter 19.26 (Landscaping Standards), and Chapter 19.28 (Off-Street Parking and Loading Standards), or any other Zoning Ordinance provisions or permit conditions pertaining to the installation and upkeep of landscaped or hardscaped areas located on private property or abutting parkways.

Section 5. Section 19.90.020 of Chapter 19.90 of Title 19 is amended to amend the definition of the term "parkway" in the alphabetical list of definition to read as follows:

Parkway. The portion of the public right-of-way located between the street curb and the sidewalk. ~~An unpaved area between a sidewalk and the street curb used to provide a landscaping strip.~~

DRAFT

ORDINANCE NO. 19-_____

AN ORDINANCE OF THE CITY OF WEST HOLLYWOOD ESTABLISHING PARKWAY STANDARDS BY ADDING CHAPTER 11.46 TO TITLE 11 (STREETS, SIDEWALKS, PUBLIC PLACES AND INFRASTRUCTURE) OF THE WEST HOLLYWOOD MUNICIPAL CODE.

THE CITY COUNCIL OF THE CITY OF WEST HOLLYWOOD DOES HEREBY ORDAIN AS FOLLOWS:

SECTION 1: A new Chapter 11.46, entitled “Parkway Standards” and containing Sections 11.46.010 through 11.46.070, is added to Title 11 of the West Hollywood Municipal Code (the “Code”) to read as follows:

Chapter 11.46

PARKWAY STANDARDS

Sections:

11.46.010	Purpose
11.46.020	Applicability
11.46.030	Definitions
11.46.040	Encroachment Permit Required
11.46.050	Parkway Design
11.46.060	Non-Vegetation Parkway Objects
11.46.070	Parkway Maintenance
11.46.080	Violations

Chapter 11.46 – Parkway Standards

11.46.010 - Purpose

Parkways are important to individual property owners and the City as a whole for the following reasons:

- a) Parkways provide soil volume that street trees need to grow into healthy, mature trees that provide shade, collect stormwater, consume carbon and provide other environmental and health benefits.
- b) Parkways can collect stormwater and irrigation runoff and return it to the groundwater table.
- c) Parkways provide a buffer between sidewalks and streets.
- d) Parkways improve the curb appeal of your home, potentially increasing its value.

- e) Parkways enhance the visual quality of the city.

11.46.020 – Applicability

This chapter shall apply to all Parkways in the City, as that term is defined in Title 19 of this Code. The Parkway Design Standards in Section 11.46.050 shall apply to all newly constructed parkways adjacent to residential properties, parkways for residential properties that are undergoing a Major Remodel (as that term is defined in Title 19) and parkways for residential properties that are disturbing, improving or changing 50% or more the area of the parkway adjacent to the property. Notwithstanding, Parkways that are subject to an Streetscape Master Plan adopted by the City Council shall comply with the provisions in the adopted Streetscape Master Plan in lieu of compliance with the design standards in 11.46.050.

11.46.030 - Definitions

- a. “Access path” shall mean a means of access across the parkway, from the curb to the sidewalk, consisting of a up to 24” wide hardscape paving material access path at the same finished elevation as the adjacent curb and sidewalk and sloped 2% toward the curb.
- b. “Convenience strip” shall mean a walkable surface provided for passengers to enter and exit vehicles parked at the curb. Convenience strips are a minimum 18” wide path made of hardscape paving material that is the same finished elevation as the curb and sloped 2% towards the curb, and runs parallel to, and along, the back of the curb.
- c. “Hardscape paving material” shall mean set-in or stable landscaping paving material including, but not limited to, concrete, bricks, pavers, paving stones, and stabilized decomposed granite.
- d. “Non-vegetative ground cover” shall mean any material that conceals the bare ground and protects the topsoil from erosion or drought. Allowable non-vegetative ground cover materials include, but are not limited to, bark chips, long-term mulch product, and stone that is no smaller than ¾” and no larger than 1” in diameter.
- e. “Parkway” shall mean the same as defined in Title 19 of this code.
- f. “Public Right-of-Way” shall mean the area of land granting access and conveyance to the public, typically consisting of a roadway for vehicular and bicycle travel, a curb and gutter, a parkway for plantings and groundcover vegetative landscaping, and a sidewalk for pedestrian travel.
- g. “Sidewalk” shall mean that portion of the public right-of-way located between the street curb and the adjacent property line that is paved and intended for use by pedestrians.

- h. "Walkable plant" shall mean any natural turf or groundcover plant which has a low or flat growth habit without large clumps or woody branches, and has a high degree of tolerance to frequent foot traffic.
- i. "Walkable surface" shall mean a firm, uniform, level walking surface that is slip-free in most weather conditions.

11.46.040 – RESERVED FOR ENCROACHMENT PERMIT REQUIREMENTS.

11.46.050 – Parkway Design

Parkways subject to this section shall be constructed according to the following requirements:

- a) No more than 25% of the parkway area shall contain hardscape paving materials. If the requirements of curbside access paving described in subsections (g) and (h), by themselves cause exceedance of this standard, this standard shall be waived and no further paving allowed.
- b) No less than 50% of the parkway area shall be covered with planting materials. Planting materials shall comply with the following:
 - 1. Do not require mowing more frequently than once every few months
 - 2. Are drought tolerant and can survive with irrigation only occasionally from November through March, once a week April through June, and twice a week July through October.
 - 3. Do not exceed a height of 24 inches at full maturity, as measured from the surface of the parkway.
 - 4. Do not have thorns or sharp edges.
 - 5. Are not poisonous, noxious, or invasive.
 - 6. Do not form a continuous hedge or screen at full maturity.
- c) Only walkable surfaces and plants shall be installed within 12" of a fire hydrant, water meter, utility pole, street light, or similar utility structure or equipment. If the utility owner requires a greater clearance, then that greater setback shall apply. Walkable Plantings shall not obscure the visibility of the structures.
- d) Within the parkway, non-vegetative ground cover materials may be installed above firm, stable soil material and at a thickness of no more than 2 inches.
 - 1. Artificial (synthetic) turf shall not be installed in the parkway.
- e) If decomposed granite is installed in the parkways, the decomposed granite shall be 4 inches thick, composed of 3/8" maximum gradation, and be blended with a stabilizing compound at a rate of 12 pounds per ton.

- f) *Parkway irrigation.* All irrigation systems installed in the parkway shall be designed in a manner that results in no overspray onto the sidewalk, access walks, or street and be consistent with the applicable sections of Chapter 19.26 Landscaping Standards and State's Model Water-Efficient Landscape Ordinance. Irrigation systems shall be buried or installed in a manner that does not create a tripping hazard.
- g) A convenience strip shall be provided on all parkways that do not provide a minimum 18" walkable surface along the curb.
- h) All parkways that are not made of walkable surfaces or walkable plants shall also provide an Access Path at the following locations:
 - 1. Where there are metered curbside parking spaces, at the meter locations;
 - 2. Where there are unmetered, striped curbside parking spaces, located every two spaces at the point where the two spaces share a border;
 - 3. Where there are unmetered, unstriped curbside parking spaces, located every 50' so as to be every two spaces at the point where the two spaces share a border; and
 - 4. Where there are no curbside parking spaces, located every 50'.
- i) All areas of the parkway consisting of hardscape paving material shall not contain any abrupt change in elevation greater than 1/4".
- j) Paving, walkable plantings, and non-vegetative ground cover shall be installed within the parkway such that the surface elevation (the top of material) shall be installed with a slope of no more than 2% in the direction from the sidewalk to the curb. The parkway running grade (direction parallel to the street) shall match that of the street.
- k) Paving, walkable plantings, and non-vegetative ground cover shall be installed within the parkway such that the surface elevation (the top of material) of the parkway shall be flush with (provides a smooth vertical transition from one side to the other side) the adjacent street curb, walks, and sidewalks.

11.46.060 –Parkway Objects

Objects including, but not limited to, fences, planters, stones, monuments, statues, benches, light fixtures, irrigation systems, above ground sprinkler heads, art works, and rails, shall not be installed within the parkway without first obtaining the requisite encroachment permit required under Title 11.

11.46.070 – Parkway Maintenance

- a) With the exception of street trees, the adjacent property owner shall be responsible for maintaining all elements of the parkway in front of the property.

- b) Parkway plantings shall be kept in a neat, trimmed manner away from adjacent paved surfaces at all times and shall not obstruct or infringe upon the areas of curbs, walks, sidewalks, or driveways.
- c) The adjacent property owner shall maintain all plantings within the parkway in a healthy manner by providing sufficient watering consistent with the State Model Water Efficient Landscape Ordinance and pursuant to a method approved by the City Engineer, so as to ensure the viability and sustainability of the parkway plantings. Dead or dying plantings shall be replaced.
- d) The adjacent property owner shall maintain the proper amount of, and orderly composition of, any ground cover materials, so as to ensure compliance with this chapter's surface elevations and slope requirements. The property owner shall not allow the ground cover materials to deposit outside of the parkway limits.
- e) All irrigation systems within the parkway shall be maintained by the adjacent property owner in a functioning and sufficient manner to ensure the viability and sustainability of the parkway plantings. Irrigation systems shall be kept free of leaks.
- f) The adjacent property owner shall maintain the parkway in a manner that is free of rubbish, debris, weeds, dead foliage, animal waste, and spent flowers.
- g) Walkable plants shall not be allowed to grow taller than 6 inches.

11.46.080 – Violations

A violation of this chapter is subject to the administrative penalty provisions of Sections 1.08.030 through 1.08.070 of this code. Where the violation is of a continuing nature, each day or portion thereof wherein the violation continues constitutes a separate and distinct violation. It is a violation of this chapter to knowingly make a false statement in any application for a license or permit or in any report required under this chapter.

SECTION 2: The list in Section 1.08.010(d) of municipal code chapters and sections that are subject to the Administrative Penalty Procedures in Section 1.08.030 through 1.08.070 in Section 1.08.010 in Chapter 1.08 of Title 1 of the West Hollywood Municipal Code is amended to add "Chapter 11.46, Parkway Standards" to the list in numeric order and the remainder of the list is to remain unchanged.

SECTION 4: Effective Date. This ordinance shall take effect thirty days after its passage and adoption pursuant to California Government Code section 36937.

SECTION 5: Certification. The City Clerk is directed to certify the passage and adoption of this Ordinance; cause it to be entered into the City of West Hollywood's book of original ordinances; make a note of the passage and adoption in the records of this meeting; and, within fifteen days after the passage and adoption of this Ordinance, cause it to be published or posted in accordance with California law.

PASSED, APPROVED, AND ADOPTED THIS _____ day of _____, 2019.

AYES: Councilmember:
NOES: Councilmember:
ABSENT: Councilmember:
ABSTAIN: Councilmember:

John D'Amico, Mayor

ATTEST:

Yvonne Quarker, City Clerk