

ORDINANCE NO. 19-1074

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, MODIFYING THE ZONING ORDINANCE TO ADD REFERENCES TO THE NEW PARKWAY STANDARDS IN TITLE 11 AND ADDING VIOLATIONS OF THE NEW PARKWAY STANDARDS TO THE LIST OF CODE VIOLATIONS SUBJECT TO THE ADMINISTRATIVE PENALTY PROCEDURES.

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

SECTION 1. Parkways are the strip of land between the street and the walkway portion of the sidewalk. There have been a number of changes to parkways by adjacent property owners that have created hazards. New parkway standards in Title 11 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. On March 13, 2019, the Public Facilities Commission held a meeting and unanimously recommended that the City Council adopt the parkway standards ordinance with a few design recommendations.

SECTION 3. 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. The Planning Commission voted 5-1-0 to recommend approval of the proposed amendments to Title 19.

SECTION 4. A public hearing was duly noticed for the City Council meeting of July 15, 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 July 4, 2019.

SECTION 5. The ordinance 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. 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 6. The City Council of the City of West Hollywood hereby finds that the proposed Municipal Code Amendments are 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 7: A new Chapter 11.46, entitled "Parkway Standards" and containing Sections 11.46.010 through 11.46.080, 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

The purpose of these standards is to provide standards for the design and maintenance of parkways in the City. Parkway standards are important to individual property owners and the City as a whole for reasons that include, but are not limited to the following:

- a) Parkway standards 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) Parkway standards can collect and treat stormwater and irrigation runoff and return it to the groundwater table.
- c) Parkway standards provide a buffer between sidewalks and streets.
- d) Parkway standards improve the curb appeal and value of homes.
- e) Parkway standards enhance the visual quality of the city.

11.46.020 – Applicability

This chapter shall apply to all Parkway standards 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, Parkway standards 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.
- 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. "Invasive Plant" shall mean any plant that is non-native to the ecosystem and whose introduction causes or is likely to cause economic or environmental harm, or harm to human health.
- e. "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 $\frac{3}{4}$ " and no larger than 1" in diameter.
- f. "Parkway" shall mean the same thing as defined in section 19.90.020 of the municipal code.
- g. "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.
- h. "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.
- i. "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.
- j. "Walkable surface" shall mean a firm, uniform, level walking surface that is slip-free in most weather conditions.

11.46.040 – ENCROACHMENT PERMIT REQUIRED.

- a) An encroachment permit shall be obtained from the City Engineer, pursuant to Chapter 11.18 of this code, prior to:
 - 1. Demolishing, removing, adding to, or otherwise altering the sidewalk or parkway
 - 2. Removing or installing any tree within the parkway
 - 3. Installing any hardscape paving material or non-vegetative ground cover within the parkway
 - 4. Installing fences, planters, stones, monuments, statues, benches, lighting fixtures, irrigation systems, above ground sprinkler heads, art work, rails and any other objects.
- b) Exemption. Notwithstanding any other provisions of this code, the maintenance of existing plantings or non-vegetative groundcover, or the regular and routine maintenance of existing irrigation systems or objects in the parkway compliant

with the provisions of this chapter within the limits of the existing parkway, shall not require an encroachment permit.

11.46.050 – Parkway Design

Parkways 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 be selected from those plants listed in the Parkway Design Guide, or materials that are approved by the City Engineer and 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 toxic when ingested or touched by persons of ordinary sensitivity.
 6. Is not an invasive plant or listed as prohibited in the Parkway Design Guide.
 7. 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) 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 consisting of 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 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 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 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 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 manner away from adjacent paved surfaces at all times and shall not obstruct or infringe upon the areas of curbs, walks, sidewalks, or driveways. Plantings that are not neat and obstruct or infringe upon the areas of curbs, walks, sidewalks, or driveways shall be trimmed to create a neat appearance.
- 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.

11.46.070 – 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 8: 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 9: 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 10: 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.-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.

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 11: 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 12: 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.

SECTION 13: 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 14: Effective Date. This ordinance shall take effect thirty days after its passage and adoption pursuant to California Government Code section 36937.

SECTION 15: 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.

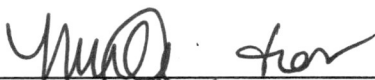
PASSED, APPROVED, AND ADOPTED by the City Council of the City of West Hollywood at a regular meeting held this 19th day of August, 2019 by the following vote:

AYES:	Councilmember:	Duran, Heilman, Meister, Mayor Pro Tempore Horvath, and Mayor D'Amico.
NOES:	Councilmember:	None.
ABSENT:	Councilmember:	None.
ABSTAIN:	Councilmember:	None.



JOHN D'AMICO, MAYOR

ATTEST:



YVONNE QUARKER, CITY CLERK

STATE OF CALIFORNIA)
COUNTY OF LOS ANGELES)
CITY OF WEST HOLLYWOOD)

I, YVONNE QUARKER, City Clerk of the City of West Hollywood, do hereby certify that the foregoing Ordinance No. 19-1074 was duly passed, approved, and adopted by the City Council of the City of West Hollywood at a regular meeting held on the 19th day of August, 2019, after having its first reading at the regular meeting of said City Council on the 15th day of July, 2019.

I further certify that this ordinance was posted in three public places as provided for in Resolution No. 5, adopted the 29th day of November, 1984.

WITNESS MY HAND AND OFFICIAL SEAL THIS 20th DAY OF AUGUST, 2019.



YVONNE QUARKER, CITY CLERK