



City of Culver City

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Staff Report

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Item #: A-2.

CC - (1) Receive a presentation from Artecho Landscape Architects of new Residential Parkway Landscaping Guidelines; (2) Adoption of a Resolution Establishing Landscape Guidelines for Residential Parkways; (3) Introduction of an Ordinance Amending Culver City Municipal Code Chapter §9.08 *Streets and Sidewalks* to Add Subchapter 9.08.700 entitled *Parkway Landscaping Guidelines*, and Repealing Section §9.10.035 *Planting, Cutting, Removal of Trees or Plants in Streets* of Chapter 9.10 *Parks, Public Buildings and Property*; and (4) Adoption of a Categorical Exemption Relating Thereto Pursuant to the California Environmental Quality Act.

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Fiscal Impact: Yes ☐ No ☒

General Fund: Yes ☐ No ☐

Public Hearing: ☐

Action Item: ☒

Attachments: Yes ☒ No ☐

Commission Action Required: Yes ☐ No ☒

Public Notification: (E-Mail) Meetings and Agendas - City Council (06/08/2016); (Advertisement) A public notice appeared in the June 2, 2016 edition of the Culver City News; (E-Mail) All members of the public who attended prior meetings regarding this topic (06/02/2016); (E-Mail) The Following E-Mail Distribution List Subscribers: Urban Forest Management Plan, Community Gardening, Sustainability / Environmental Issues, the Culver City Chamber of Commerce and Public Notifications (06/02/2016); (E-Mail) The following Neighborhood Associations: The Downtown Neighborhood Association, Eastern Washington Boulevard, Fox Hills Neighborhood Association, Gateway Neighborhood Association, Studio Estates, Sunkist Park, Blair Hills, Carlson Park, Syd Kronenthal Park/Culver City East Neighborhood and West Washington Boulevard (06/02/2016)

Department Approval: Charles D. Herbertson (06/03/16)

RECOMMENDATION

Staff recommends the City Council (1) receive a presentation from Artecho Landscape Architects regarding new Residential Parkway Landscaping Guidelines; (2) adopt a Resolution establishing Residential Parkway Landscaping Guidelines; (3) introduce an Ordinance amending Culver City Municipal Code Chapter §9.08 *Streets and Sidewalks* to Add Subchapter 9.08.700 entitled *Parkway Landscaping Guidelines*, and repealing Section §9.10.035 *Planting, Cutting, Removal of Trees or Plants in Streets* of Chapter 9.10 *Parks, Public Buildings and Property*; and (4) adopt a categorical exemption related thereto pursuant to the California Environmental Quality Act (CEQA).

BACKGROUND

A parkway is that portion of a public street located between the curb and sidewalk. On March 28, 2013 a proposed ordinance was presented to the City Council with language to allow modifications to residential parkway landscaping and to alter the City's policies regarding parkway tree removals. The City Council decided to approve modifications to the tree removal policies but instructed staff to seek additional input on the proposed ordinance governing Residential Parkway Landscaping Guidelines (Guidelines).

In response to the City Council's direction, the Public Works Department developed an outreach strategy to obtain input from various groups throughout the City as well as educate the community about the importance of sustainability and how the Guidelines may be developed to advance the City's sustainability goals.

An online survey was created for the community to introduce the Guidelines and to obtain feedback on their content. The survey generated 135 responses and was promoted through the City's website, e-mail distribution lists, cable access channel and through a series of community meetings. Respondents to the survey supported development of Guidelines that further the City's sustainability goals with many respondents indicating a desire to include edible plants (78%) and benches (68%). The survey also revealed concerns regarding plants that may block passengers from exiting vehicles and the high amount of water edible plants require, along with their related health and safety concerns such as tripping hazards, food theft or damage (by humans, insects, rodents or other animals) and concerns regarding potential food-related illness resulting from direct exposure to vehicle tailpipe emissions or other environmental influences.

On August 24, 2014, after reviewing a draft of the Guidelines prepared by staff, the City Council requested they be revised to include bench specifications, to study the feasibility of including edible plantings, to prohibit artificial turf, to require new turf and all other plant species to be drought-tolerant and climate appropriate, to evaluate existing permitting requirements and to present these modifications to the community to obtain their feedback.

On May 21, 2015, staff released a Request for Proposals to several landscaping firms to refine the Guidelines to reflect input received from the community meetings, the survey, and the City Council. On August 18, 2015 staff administratively executed a \$21,000 contract with Artecho Landscape Architects to develop the Guidelines. Artecho's scope of work includes development of a plant palette, bench specifications and five sample schematic site plans designed to make it easier for residents to implement the new Guidelines.

DISCUSSION

On April 13, 2016, members of the community received a presentation of the draft Guidelines from Artecho and in response, they requested they be altered to i) provide watering recommendations, ii) permit edibles in all parkways, iii) permit fruit trees, iv) encourage rain gardens, v) clarify that plantings are not allowed to grow over the curb to prevent damage from street sweepers, (vi) recommend that accessway placement be near car doors and, (vii) clarify that the "50% total planted area minimum" requirement refers to mature plants.

The Guidelines were modified in response to the comments received at the community meeting and on June 2, 2016, a final draft of the Guidelines were posted on the City's website. A public notice

appeared in the June 2, 2016 edition of the Culver City News and was distributed via e-mail (with a link to review the Guidelines) with an invitation to respond with comments and to attend tonight's meeting.

Highlights of the Guidelines include: (see Attachment No. 3)

1. Plant Palette: A list of recommended plants was developed that focus on aesthetics, water infiltration, native/climate appropriate species, drought tolerance and ease of maintenance. The species selected require low to moderate irrigation or none at all after establishment. Plants with thorns or burs and poisonous species were excluded from the list.
2. Benches: Benches must be durable, safe, and be anchored to the ground.
3. Height: Plants must be trimmed to keep them under 30" in height to preserve pedestrian and motorist sightlines.
4. Edible Plantings: Artecho prepared an edible plant palette that is best suited for parkways. However, edible plants present potential issues in the parkway such as their need for a lot of water, they tend to grow over the 30" height limitation, and their fruit and vegetables can fall onto the street and sidewalk creating trip hazards. As many multi-family dwellings do not typically have room to plant edibles elsewhere on their property, they are permitted in their parkways. Though edibles are prohibited in single family home parkways, if the property owner is able to demonstrate that the remainder of their property is unsuitable for planting edibles, they may request an exemption.
5. Fruit Trees: Fruit trees may be planted provided there is sufficient room to accommodate them and if their presence will not interfere with the well-being of an existing City tree or plans to plant a new City tree..
6. Rain Garden: Rain Gardens capture and infiltrate storm water. They are permitted provided their design is prepared by a landscape architect and approved by the City. A permit is required.
7. Turf: In recognition of the drought in California, installation of traditional grass is prohibited. A list of turf species that require low to moderate watering, however, are permitted and are included in the plant palette. Artificial turf is prohibited.
8. Schematic Designs: Five schematic design plans are included in the Guidelines that provide good examples of how the Guidelines may be implemented by a property owner.
9. Walkability: If the parkway design includes plantings that cannot be traversed, an 18" step-out -strip following the curb line and a 24" accessway along the width of the parkway from the curb to the sidewalk is required. The step out strip may be hardscape or softscape (provided the softscape selected creates a suitable walking surface).
10. Mulch: A 2-3" layer of mulch is required to cover the soil of all planted areas and provides nutrients, reduces water evaporation and impedes the growth of weeds.
11. Coverage: At least 75% of the parkway area must be permeable and once matured, the plants shall cover a minimum of 50% of the permeable area.
12. Maintenance: Residents are required to maintain their parkway and keep it in good condition pursuant to CCMC Title 9, Chapter §9.04 *Nuisances*.
13. Liability: Residents are liable for any claims of property damage or personal injury resulting from their parkway landscaping.

Plan Check and Permitting Requirements:

1. Residents who adopt one of the five schematic designs, or create a design of their own that does not depart from the plant palette are not required to obtain a permit. If however, the

resident wants the City to verify that their design adheres to the Guidelines, staff will conduct a no-fee plan check and issue a permit.

2. A no-fee permit is required if a fruit tree, bench or other object (statues, rocks) are included in the parkway design.
3. A permit (with fee) is required if the parkway design is a rain garden, departs from the plant palette or includes a new or modified irrigation system.

CEQA:

Pursuant to CEQA Guidelines, approval and implementation of the Guidelines and Ordinance do not create any potentially significant adverse impacts on the environment; and the Guidelines and Ordinance have been determined to be Categorically Exempt pursuant to Section 15301(h), Class 1 - Existing Facilities (where the proposed project consists of the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing topographical features, involving negligible or no expansion of use). Specifically, subsection (h), sets forth maintenance of existing landscaping as an example of such a project. Therefore, the adoption of the Guidelines and Ordinance qualifies as a Class 1 Categorical Exemption, pursuant to CEQA.

Enforcement:

Individuals who violate the Guidelines are subject to the penalties and other provisions contained in CCMC Title 1, Chapter §1.01 *General Provisions* and Chapter §1.02 *Administrative Citations*. Though the Guidelines will become effective upon their adoption, enforcement will be limited to new construction or when a resident changes their parkway landscaping. If however, a hazardous condition exists staff will notify the property owner of the violation with a request to comply in accordance with Enforcement Service's standard procedure.

Staff is developing an award program that will recognize residents who have gone above and beyond to conserve natural resources or have implemented measures to make their homes environmentally friendly. The award program will include recognition of residents who plant drought-tolerant species and drip irrigation systems in their parkway.

If introduced this evening, staff will return to the City Council at the next City Council meeting to adopt the ordinance. Once the Guidelines are adopted, Artecho will create a brochure summarizing them to help guide residents to design and select plants for their parkways.

FISCAL ANALYSIS

Staff does not anticipate that introduction and adoption of the ordinance will have a direct fiscal effect.

The City's existing plan check and permit fees to review Rain Gardens, irrigation system modifications and parkway designs that depart from the Guidelines remain as-is and are as follows:

- Plan Check Review/Permit - \$175 per hour, with a one hour minimum
- Inspection (if required) - \$128 per hour with a one hour minimum

ATTACHMENTS

1. Proposed Resolution Establishing Residential Parkway Landscaping Guidelines
2. Proposed Ordinance Amending Chapter §9.08 *Streets and Sidewalks*
3. Proposed Residential Parkway Landscaping Guidelines

RECOMMENDED MOTIONS

That the City Council:

1. Adopt a Resolution Establishing Residential Parkway Landscaping Guidelines; and Adopt a Categorical Exemption relating thereto, pursuant to the California Environmental Quality Act; and
2. Introduce an Ordinance Amending Culver City Municipal Code Chapter §9.08 *Streets and Sidewalks* to Add Subchapter 9.08.700 entitled *Parkway Landscaping Guidelines*; and Repealing Section §9.10.035 of Chapter 9.10 of the Culver City Municipal Code, *Planting, Cutting, Removal of Trees or Plants in Streets*.

NOTES:

¹ Planting or alteration of parkway landscaping in non-residentially zoned properties remains unchanged and will continue to require a permit.

² For example, if a complaint is received that a grass lawn exists in a parkway, staff will not require the property owner to remove and replace it with plants or ground cover that adhere to the Guidelines. In addition, residents may also seed and fertilize their existing parkway lawns to maintain their health.

³ Enforcement Service's standard case flow is as follows:

- a) Violation observed/reported
- b) Case opened
- c) Data collected, case logged
- d) Notice of Violation issued with deadline to comply (either verbally or in writing)
- e) If noncompliance continues, Final Notice of Violation issued
- f) If noncompliance continues, \$100 citation issued, if continues, \$200 citation, if continues \$500 citation.
- g) Thereafter, if the violation continues, it is typically referred to the City Attorney's Office to enforce pursuant to CCMC Title 1, Chapter §1.01 *General Provisions* and Chapter §1.02 *Administrative Citations*