

ORDINANCE NO. _____

**AN ORDINANCE OF THE COUNCIL OF THE CITY OF GLENDALE, CALIFORNIA
AMENDING TITLE 12 OF THE GLENDALE MUNICIPAL CODE, 1995, BY
AMENDING PORTIONS OF CHAPTERS 12.04 AND 12.48 AND ADDING SECTIONS
12.48.130 AND 12.48.140 TO UPDATE STANDARDS FOR
LANDSCAPING IN PARKWAYS**

WHEREAS, the City Council of the City of Glendale has reviewed parkway landscaping standards for the City, as codified in Chapters 12.04 and 12.48 of the Glendale Municipal Code, 1995; and

WHEREAS, the City Council has directed staff to return with an ordinance to reduce or eliminate some of these landscaping restrictions to ease the burden on property owners and provide increased flexibility for modification of parkway areas; and

WHEREAS, the proposed amendments to Chapters 12.04 and 12.48 make the following changes:

- A. Defines the parkway as the public right-of-way between the sidewalk and curb exempting right-of-way areas where sidewalk is not present.
- B. Increases the height limit for non-living material from 6 inches to 18 inches.
- C. Allows loose non-living material such as stones, loose rock, wood chips and gravel.
- D. Changes the standards for the 18-inch stepout strip from a “uniform, firm walking surface” to “reasonably walkable surface” to allow loose material in this area.
- E. Requires live plant material to compose no less than 30% of the parkway area which is reduced from the current 50% requirement.
- F. Eliminates the prohibition on plants that contain needles, spines, stickers or thorns.
- G. Reduces the permit requirement to allow non-living material under six inches in height such as gravel and wood chips without a permit.
- H. Adds a requirement that the adjacent property owner maintain the parkway in a safe and non-dangerous condition and will be liable for damages and injury caused by their failure to meet this requirement.

WHEREAS, the City Council has considered the report dated October 27, 2020 along with the proposed amendments to Chapters 12.04 and 12.48 and the additions of

Sections 12.48.130 and 12.48.140 and by this Ordinance amends Title 12 of the Glendale Municipal Code, 1995.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF GLENDALE:

SECTION 1. The above recitals are true and correct.

SECTION 2. Chapter 12.04.005 of the Glendale Municipal Code, 1995 is amended to read as follows:

12.04.005 Definitions.

For purposes of this chapter, “parkway” means that portion of a public right-of-way between the sidewalk and curb which is available for landscaping ~~and not for curb, gutter or pavement.~~

SECTION 3. Chapter 12.48 of the Glendale Municipal Code, 1995 is amended to read as follows:

12.48.010 Purpose and intent.

This chapter establishes regulations and standards to promote safe and appealing parkways. The intent of the chapter is as follows:

- A. Establish standards that promote safe, accessible and aesthetically pleasing parkway areas along all public rights-of way;
- B. Encourage the use of water efficient landscaping;
- C. Establish standards that promote access and prohibit obstructions;
- D. Allow for flexibility for a variety of landscaping options;
- E. Protect public health, safety, and welfare by enhancing pedestrians, bicyclist and vehicular traffic safety;
- F. Reduce urban runoff by ensuring the preservation of permeable surface for the absorption of rain water;
- G. Reduce the urban heat island effect and enhance the local micro-climate.

12.48.020 Definitions.

“California-friendly plantings” has the same meaning ascribed to the term “California-friendly plantings” in Section 13.36.040 of this code.

“Director of public works” means the director of public works or authorized representative.

“Drip line” has the same meaning ascribed to the term “drip line” in Section 12.44.020 of this code.

“Parkway” has the same meaning ascribed to the term “parkway” in Section 12.04.005 of this code.

12.48.030 Regulations for landscaping of all parkways.

The following regulations shall apply for landscaping of all parkways:

A. Non-living material, such as hardscape, decorative rock and permeable surfaces, ~~in the parkway~~ shall not exceed six (6) eighteen (18) inches in height.

B. All landscaping in parkways, whether composed of living or non-living materials, shall be permanently maintained in a clean, orderly and healthy manner at all times, pursuant to requirements set forth in Chapter 8.32 of the Glendale Municipal Code.

C. All irrigation systems in the parkway shall be maintained in good repair and working condition. Said systems shall be adjusted so as not to spray across or into any sidewalk, driveway, and/or street.

D. To promote pedestrian access, a step-out strip along the length of the curb shall be provided for passengers to enter and exit vehicles parked at the curb, except when there is a red curb or tree roots preclude it. The strip must be a ~~uniform, firm~~ walking reasonably walkable surface (such as turf, permitted hardscape or other permitted walkable ground cover) extending at least eighteen (18) inches from the back of the curb.

12.48.040 Regulations for landscaping of residential parkways, excluding mixed use zones.

The following regulations shall apply for landscaping of parkways in single-family or multi-family residential zones:

A. All parkways in single-family or multi-family residential zones shall be landscaped with live plant materials, or a combination of live plant materials and non-living materials such as hardscape and permeable surfaces. Examples of non-living material that may be installed in the parkway include, but are not limited to: stepping stones, ~~stones, loose rock, wood chips, gravel~~ and/or concrete carriage walks.

B. Live plant materials shall compose a ~~majority (more than fifty (50))~~ thirty (30) percent) of the residential parkway, exclusive of permitted driveways. Other than permitted nonliving material, all areas shall be covered with live plant material.

~~12.48.050 No permit required for certain installations in parkway.~~

~~—No permit from the director of public works shall be required for the installation or maintenance of grass or live drought tolerant natural turf at or less than six (6) inches in height including, but not limited to, Silver Carpet, UC Verde, and Blue Sedge, in the parkway.—~~

12.48.060 Permit required for certain installations in parkway in any zone.

A. A permit from the director of public works shall be required for the installation or maintenance of ~~live plant material other than grass or living drought tolerant natural turf at or less than six (6) inches in height, or any non-living materials including, but not limited to, concrete, stones and/or decorative rock.~~ in the parkway of any living or non-

living material greater than six (6) inches in height. It is unlawful for any person to install and/or maintain such landscaping or non-living materials in the parkway prior to applying for and obtaining any required permit from the director of public works.

B. Parkway in commercial and industrial zones are regulated by the Commercial and Industrial Property Maintenance Code in the Glendale Supplement to the California Building Code and pursuant to the requirements set forth in Chapter 8.32 of the Glendale Municipal Code.

12.48.070 Prohibitions in parkway.

Notwithstanding any other provision of this code, it is unlawful for a person to do or to cause to be done any of the following in the parkway:

A. Without a permit from the director of public works, install ~~living material or nonliving material or object in the parkway other than grass or living drought tolerant natural turf at or less than~~ any living or non-living material in the parkway greater than six (6) inches in height;

B. Install any non-living materials more than ~~six (6)~~ eighteen (18) inches in height;

C. Install any plant material in the parkway that contains ~~needles, spines, stickers, thorns or~~ poisonous to touch plants;

D. Pave, brick, or completely cover ~~fifty (50)~~ seventy (70) percent or more of the parkway area with any hardscape or non-living material, including but not limited to stones, stepping stones, loose rock, wood chips, or gravel in a residential area;

E. Install any plant material that bears fruits and/or vegetables;

F. Install artificial turf;

G. Install landscaping that endangers the life, limb, health, property, safety, or welfare of the public by creating a traffic hazard, obstructing vision, obstructing traffic signs or signals;

H. Install landscaping or objects that preclude the passage of pedestrians along the sidewalk or from parking spaces or ramps to the sidewalk;

I. Install ivy or other dense ground covers that harbor or attract rodents and other pests and obscure the ground surface making it difficult to walk over;

J. Install any objects or plant materials that block access to a fire hydrant or impair the health of a city street tree;

K. ~~Install gravel, small loose rock, wood chips or any other loose material that can be kicked and displaced into the street or sidewalk, except as permitted under Section 12.48.080(C);~~

——K.——Plant trees, except as permitted under Section 12.40.050.

12.48.080 Exemptions from permit requirements.

The following shall be exempt from the permit requirements contained in Section 12.48.060:

A. The director of public works may exempt a landscape plan from permit requirements and specific provisions of this chapter in order to ensure consistency with a development plan, subdivision or project granted a discretionary entitlement under Title 30. Any person (including, but not limited to, an owner, architect, engineer, contractor or developer) who applies for a grading permit, building permit, land use permit under Title 30 of this code, subdivision map application under Title 16 of this code, or any other similar land development permit or entitlement, shall submit an application including an accurate landscaping plan showing the exact location of each proposed living and non-living material component for the parkway area.

B. Any objects installed with an encroachment permit pursuant to Chapter 12.08 of this code.

C. ~~Wood chips or mulch placed for the purpose of promoting and/or ensuring the health and safety of city street trees within the boundary of the tree's drip line under the authority of the director of public works.~~

D. Work installed by employees, agents and contractors of the city acting under the authority of the director of public works.

~~E.~~D. Any work in the parkway which is required by federal or state law of general application.

12.48.090 Permit applications requirements.

The application for the permit required under Section 12.48.060 shall:

A. State the variety, size and location of all plant material proposed to be installed in the parkway.

B. State the type, size and location of all non-living materials to be installed, constructed, deposited or maintained.

C. Require submittal of a plan or diagram which clearly identifies each plant material, non-living material and irrigation component proposed.

D. State the individual's or company's name, address, daytime telephone number, and state contractor's license number (if required by law to have a license), in the event the applicant has engaged the services of an individual or a company to perform the work on the parkway.

12.48.100 Permit issuance.

A. The director of public works shall approve, conditionally approve, or deny the application for the permit required in Section 12.48.060. The director of public works may require the applicant to provide additional information which does not appear on the application and may be needed for taking action on the application. The director of public works may impose any one or more reasonable conditions that he or she deems necessary to implement the provisions of this chapter.

B. No permit shall be issued if any of the following are proposed to be installed in a parkway:

1. Any material prohibited by Section 12.48.070;

2. Impediments to accessibility from the curb to the sidewalk ~~or walkway area~~ (this includes the presence of objects, ~~plants, loose material or plants~~ that may prevent all persons from traversing the parkway area);
3. Non-drought tolerant living plant material that is not California-friendly plantings, when a city council approved mandatory water conservation ordinance, including water use restriction is in effect;
4. Any object, living or non-living that is determined by the director of public works to be detrimental to the public health and safety.

12.48.110 Permit fees.

The city council shall establish by resolution the permit fee for any permit required under this chapter. Fees will be subject to annual revision and adjustment to reflect current administrative costs. An applicant for a permit shall pay the full fee when the applicant submits the permit application. The director of public works shall not accept an application for a permit under this chapter, unless the applicant pays the fee in full.

12.48.120 Stop work order—Permit modification, termination and revocation—Appeals.

A. When the director of public works determines that a responsible party has violated any of the terms of this chapter or that a planting, installation or construction in the parkway has created a hazardous situation, public emergency, or threat to the public health, safety or welfare; has resulted in a public nuisance; or when a paramount public purpose exists; the director of public works is authorized to issue an order to the responsible party to stop all work that is creating such a condition, to impose new conditions upon a permit, or to suspend, terminate, or revoke a permit by notifying the permittee of such action in writing with seven (7) days' prior notice.

B. Any person aggrieved by a decision of the director of public works to grant, conditionally grant, deny, suspend, impose new conditions upon or revoke any permit under this chapter, may appeal such a decision to the council within the time and the manner provided in the Uniform Appeal Procedure contained in Chapter 2.88 of this code.

SECTION 4. Section 12.48.130 and Section 12.48.140 are added to Chapter 12.48 of the Glendale Municipal Code, 1995, as follows:

12.48.130 Duty of property owner to repair and maintain parkway

- A. The owner of real property adjacent to or fronting on any parkway, shall repair and maintain such parkway areas in a safe and non-dangerous condition and pay the costs and expenses therefor.
- B. For the purposes of this section, maintenance and repair of the parkway area shall include but not be limited to those requirements of section 12.48.030 of this code.

C. For purposes of this section, maintenance and repair of the parkway area shall not include care, maintenance, modification, planting, or removal of City Street Trees as regulated by chapter 12.40 of this code.

12.48.140 Liability for injuries to the public

Any property owner required by section 12.48.130 to repair and maintain any adjacent parkway areas shall owe a duty to members of the general public to maintain such parkway areas in a safe and non-dangerous condition. If, as a result of the failure of any property owner to maintain the adjacent parkway area in a non-dangerous condition as required by section 12.48.130, any person suffers damage or injury to person or property, the property owner shall be directly liable to such person for the resulting damages or injury.

SECTION 5. Compliance with California Environmental Quality Act.

The City Council finds and determines that this ordinance is not subject to the California Environmental Quality Act ("CEQA") because no possibility exists that the activity in question may have a significant effect on the environment (Section 15061(b)(3)), and because it falls under the categorical exemptions for Inspections (Section 15309) and Enforcement Actions by Regulatory Agencies (Section 15321).

SECTION 6. Severability.

This Ordinance's provisions are severable. If any portion of this Ordinance or its application to any person or circumstance is held invalid or unconstitutional, that decision does not affect the validity of the Ordinance's remaining portions and the Ordinance's application to other persons and circumstances. The City Council declares that it would have passed the remainder of the Ordinance without the invalid or unconstitutional provision.

SECTION 7. Effective Date.

This Ordinance shall take effect and be in force thirty (30) days after the date of its passage.

Adopted by the Council of the City of Glendale on the _____ day of _____, 2020.

ATTEST:

Mayor

City Clerk

STATE OF CALIFORNIA)
COUNTY OF LOS ANGELES) SS.
CITY OF GLENDALE)

I, Aram Adjemian, City Clerk of the City of Glendale, hereby certify that the foregoing Ordinance was adopted by the Council of the City of Glendale, California, at a regular meeting held on the _____ day of _____, 2020, and that the same was adopted by the following vote:

Ayes:

Noes:

Absent:

Abstain:

City Clerk