

City of La Quinta

CITY / SA / HA / FA MEETING DATE: March 18, 2014

ITEM TITLE: DISCUSS LANDSCAPE AND LIGHTING ASSESSMENT DISTRICT 89-1 AND RESULTS OF NORTH LA QUINTA LANDSCAPE OPTIONS SURVEY

AGENDA CATEGORY:

BUSINESS SESSION:

CONSENT CALENDAR:

STUDY SESSION: 1

PUBLIC HEARING:

RECOMMENDED ACTION:

Discuss City-wide Landscape and Lighting Assessment District 89-1 and the north La Quinta landscape options survey, and provide direction to staff.

EXECUTIVE SUMMARY:

- In 2013, the City Council directed staff to reach out to 11 north La Quinta subdivisions to gage their interest in paying for the cost of improved landscape maintenance at the perimeter parkways and entryways of their neighborhoods.
- Staff hosted a total of 13 workshops with the following goals: communicate the change in City finances since 2009, explain the Lighting and Landscape (L&L) District deficit and its direct effect on the General Fund, and solicit homeowner feedback on improving their common area landscaping.
- The culmination of staff's outreach efforts was a survey that was mailed out in January 2014 to 1,666 homeowners in north La Quinta. Forty-four percent of surveys were returned with most indicating general satisfaction with the landscaping of the developments and a very low desire to make improvements.
- Staff is seeking Council direction on what options for north La Quinta the City Council is willing to consider to offset the deficit in the City-wide L&L District.

FISCAL IMPACT:

None at this time.

BACKGROUND/ANALYSIS:

In order to address the growing deficit in the City-wide L&L Assessment District 89-1, in the spring of 2013, City Council directed staff to conduct public outreach to property owners of 11 north La Quinta subdivisions (Attachment 1). These properties were chosen because they are the only residential properties that receive "special benefit" from the L&L District due to their proximity to the parkway and entryway landscaping maintained by the assessment district. Because of the greater special benefit, by law, any revisions to the existing L&L District assessments would result in a higher proportionate assessment for these properties over other residential properties in the district. (Attachment 2 provides a history of the L&L District and key events.)

Staff, in consultation with the City's assessment district consultant, Willdan Financial Services, developed three options for landscape enhancements and improved landscape maintenance that could also help improve property values in these developments. The options included:

Option 1 – No change in assessment or landscape maintenance level

Option 2 – Improved landscape maintenance with annual entry flowers and greater plant replacement

Option 3 – Complete replacement of the landscaping and irrigation

The options were not intended to be an exhaustive list but rather a starting point for discussing the possibilities for improvements to the landscaping. Willdan's analysis showed there would be a significant difference in the cost of Option 3 versus Option 2 or Option 1. In order to replace all of the irrigation and landscaping, the City would need to sell bonds or raise capital in some other way to pay for the initial installation. If the City chose bond financing, the cost for making these improvements was estimated to be as high as \$600 per year per parcel depending on the zone; however, these rates were shown to be comparable to landscape maintenance dues paid by homeowners in neighboring homeowners associations (HOAs).

Through the summer and fall of 2013, staff hosted a series of workshops to review the history of the district and how the shortfall had been absorbed in years past by the General Fund. Staff explained this practice could not continue indefinitely because the City had lost significant financial capacity from the dissolution of the City's Redevelopment Agency in 2011 in addition to being a low property tax rate city in relation to other cities and still recovering from declining revenues from the recession (which began in 2008). In order to pay for the improvements, an

additional assessment was discussed, which could pay for the improvements and maintenance and partially offset the shortfall in the City-wide L&L District.

Unfortunately, despite the best efforts of staff to notify all 1,666 property owners in north La Quinta, the workshops held for both the individual developments as well as the three zones, were not well attended. Staff did follow up with those who left contact information and placed all presentation materials on the City's website for those who were not able to attend one of the 13 workshops at City Hall. Additionally, staff responded to all calls and emails from residents who wanted more information and offered follow-up meetings for homeowners who agreed to host a neighborhood presentation.

Landscape Survey Results

The City received 727 surveys from the 1,666 north La Quinta property owners. They were asked to rate their satisfaction with the existing level of landscape maintenance provided by the L&L District contractor as well as their desire for improvements to the landscaping in their parkways and entryways and their willingness to pay for these improvements. The following summarizes the zone results:

Zone 1: La Quinta Del Oro

Within this area of north La Quinta, there are 87 assessable parcels of which 38 properties (44%) returned a survey. Only 31.6% of the total respondents indicated they might support a new assessment if it was much lower than the proposed amounts.

Zone 2: Acacia, Cactus Flower, Desert Flower, La Quinta Highlands, Quinterra, and Rancho Ocotillo

Within this area of north La Quinta, there are 877 assessable parcels of which 400 properties (46%) returned a survey. Only 37.3% of the total respondents indicated they might support a new assessment if it was much lower than the proposed amounts.

Zone 3: Desert Pride, Marbella, Sierra Del Rey, and Topaz

Within this area of north La Quinta, there are 712 assessable parcels of which 289 properties (41%) returned a survey. Only 30.4% of the total respondents indicated they might support a new assessment if it was much lower than the proposed amounts.

The results of the survey suggest that, overall, a majority of the property owners are generally satisfied with the appearance of the area's landscape improvements and the level of maintenance being provided. Furthermore, the property owners generally do not perceive a need to renovate the existing improvements and thus there is little desire to financially support any such renovations or enhanced maintenance. Ultimately, the results of the survey clearly indicate minimal support for any new or increased assessment in the north La Quinta area. A detailed analysis of the survey results is included as Attachment 3.

Landscape Lot Ownership

Since a number of residents inquired as to the ownership of the landscaped parkway lots abutting their developments, the City obtained preliminary title reports for all parcels in question. With the exception of one landscape parkway along the west side of Adams Street and an access way lot between homes on Wakefield Circle, the title reports indicate that the City does not own any of these parcels but instead has easements for sidewalk, utilities, stormwater, and landscape purposes (Attachment 4). City-owned landscape lots or dedicated landscape easements do not obligate the City to maintain these facilities to any higher degree than what is required by the Municipal Code (Attachment 5).

Funding Options for L&L District 89-1

1. Reduce landscape maintenance costs by replacing the current landscaping over time.

The City would identify options to convert the existing parkway landscaping in these north La Quinta neighborhoods to a reduced maintenance landscape palette that would meet the minimum requirements in the Municipal Code as detailed in Attachment 5. The existing landscaping would be replaced with a combination of rock, decomposed granite, and small boulders with a minimum of irrigated landscaping to reduce future water and maintenance costs. Limited amounts of artificial turf could be added as an accent. These improvements would then be included in future Capital Improvement Programs and implemented as funding became available. The City does not have a source of funds for capital improvements, thus these improvements would be funded over the next decade.

2. Consider a City-wide Special or General Tax to fund landscape maintenance costs.

This option has been discussed with the City Council on several occasions; a special tax would require a 66 percent voter approval and a general tax a 51 percent approval. The tax could be structured as a parcel tax, sales tax increase, utility users' tax or a transient occupancy tax increase.

3. Replace the L&L Assessment District with a Community Facilities District (CFD) for parks and streetscape landscape maintenance.

In establishing a new CFD, the proposed tax would be based on the benefit all properties receive from the service or facility and would not be restricted to special benefit. Although this option has the same voting requirements as a special tax (i.e., 2/3 vote of registered voters), a CFD may provide a more stable long-term revenue source given recent legislative and judicial changes.

4. Reduce the level of maintenance for the parkways and entryways in north La Quinta to monthly instead of bi-weekly maintenance in order to reduce maintenance costs.

This may have a negative long-term effect on aesthetics and property values.

5. Continue to fund the deficit with the General Fund.

Jim McGuire, of Willdan, will be available to discuss the alternatives in detail as well as provide more information on the results of the north La Quinta landscape survey.

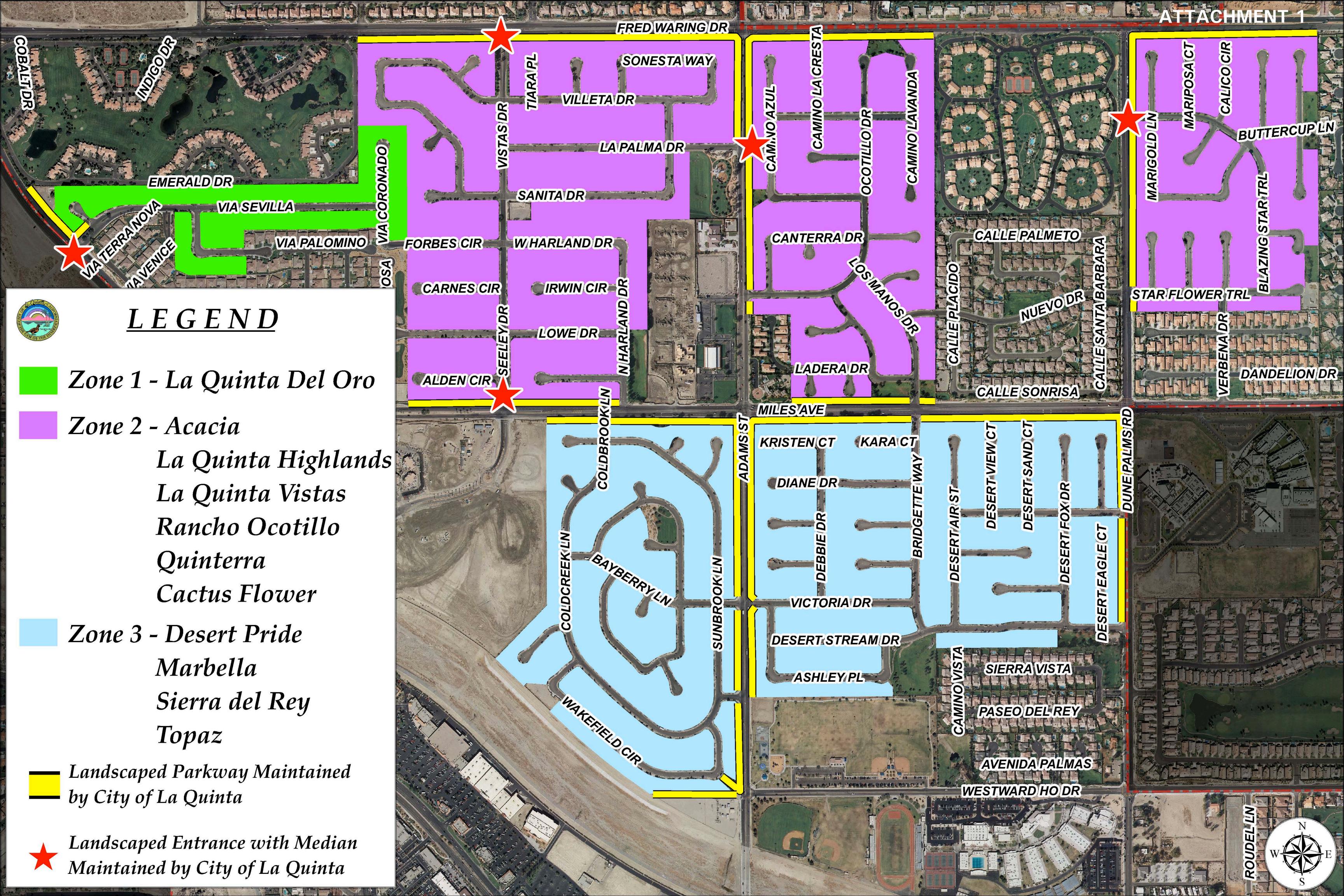
Report prepared by: Timothy R. Jonasson, P.E.,

Public Works Director/City Engineer

Report approved for submission by: Frank J. Spevacek, City Manager

Attachments:

- 1. North La Quinta Subdivisions Zone Map
- 2. L&L District 89-1 History & Key Events
- 3. Willdan Survey Analysis
- 4. Landscape Lot Ownership Map
- 5. Municipal Code Minimum Landscape Requirements



Citywide Landscape and Lighting District 89-1

Historical Information and Key Events

Lighting and Landscape Assessment District 89-1 (L&L 89-1) was formed in 1989 under the Landscape and Lighting Act of 1972. The district's purpose was to create one citywide district to pay for operating, maintaining and servicing landscaping as well as lighting and appurtenant facilities located within public places in the City. The improvements included landscape areas located in public rights-of-way (i.e., streets), medians, parkways, and/or easements adjacent to public rights-of-way in and along major thoroughfares and certain designated primary and secondary arterials. Lighting and appurtenant facilities included poles, street lights, and landscape lights and conduits. The original 1989 engineer's report indicates that the formation of the district would ensure a fair and equitable levying of the necessary costs of servicing and maintaining these facilities which, in turn, would enhance the value of every parcel in the City.

In anticipation of future growth, the City required new development projects to annex into this district as a condition of approval for the project. Every year, the assessments were adjusted to account for the annexation of new projects as well as any increases in cost for maintaining the facilities within the district. Under the 1972 Act, the City Council was required to have an engineer's report prepared to determine the district's cost and identify parcels receiving special benefits, hold a public hearing, then approve the assessments for the upcoming year. The City was able to include all reasonable costs in the district that could be shown to be of benefit to property owners. Consequently, the assessments could be adjusted as long as 50 percent or more of the property owners affected did not protest the new assessment rate prior to its adoption by City Council at a public hearing.

In addition to establishing a general City-wide benefit assessment amount for all parcels in the City, the original engineer's report included benefit sub-zones for the Cove, PGA West, and North of Highway 111 which all received "special benefit" given their "close proximity" to the landscape and lighting improvements within their sub-zone. This resulted in the following initial residential parcel assessments:

- PGA West Sub-zone = \$75 per parcel including City-wide benefit
- Cove Sub-zone = \$12 per parcel including City-wide benefit
- North of Highway 111 Sub-zone = \$30 per parcel including City-wide benefit
- City-wide benefit = \$6 per parcel

Between 1989 and 1994, district expenses grew from \$396,885 to \$1,001,545 as more developments were incorporated into the district and the City built more facilities for its residents. This resulted in the following residential parcel assessments in 1994:

- PGA West Sub-zone = \$46 per parcel including City-wide benefit
- Cove Sub-zone = \$43 per parcel including City-wide benefit
- North of Highway 111 Sub-zone = \$78 per parcel including City-wide benefit
- Citywide Benefit = \$35

The increase in sub-zone assessments was cause for concern by residents in all three sub-zones. This resulted in several public meetings in 1994 in which residents expressed their belief that their respective sub-zones were unfairly being burdened with landscape and lighting costs. Staff reviewed the complaints and proposed a reformulation policy for the district in February 1995 that spread most of the maintenance costs over the entire City. The City Council later adopted these policy changes which increased City-wide benefits to include parks, bike trails, building grounds, and retention basins with "City-wide uses," as well as maintenance of medians, traffic signals, and safety lighting for commercial areas and major thoroughfares having four lanes or greater. Local benefits were to limited to maintenance of medians, back-up landscaping (area in back of sidewalk), traffic signals, and safety lighting on all two-lane streets.

1995 Policy Changes

As part of the district reformulation of 1995, the PGA West, Cove, and North of Highway 111 sub-zones were eliminated; however, the North of Highway 111 sub-zone was replaced by five smaller "local benefit zones" for maintenance of entrance features only. The new zones included Cactus Flower, Rancho Ocotillo, La Quinta Highlands, Acacia Homes, and La Quinta Del Oro (Topaz was added in 1996). In total the reformulation resulted in the following residential parcel assessments for 1995:

- La Quinta Highlands Sub-zone = \$47.21 including City-wide benefit
- Rancho Ocotillo sub-zone = \$46.12 including City-wide benefit
- Cactus Flower Sub-zone= \$44.54 including City-wide benefit
- Acacia Homes Sub-zone = \$47.23 including City-wide benefit
- La Quinta del Oro Sub-zone = \$51.83 including City-wide benefit
- Topaz Sub-zone = \$46.83 including City-wide benefit
- Citywide benefit = \$43

In 1995, the City Council also decided to revise the L&L district assessments further by having the City pay the local benefit sub-zone charges for North La Quinta and, instead, included an inflator for the City-wide benefit of up to 5 percent per year to offset inflation of future maintenance costs. The revisions were intended to increase the district's City-wide benefit amount over time in order to offset the future increases in landscape and lighting maintenance costs.

"Exhibit A" is a graph showing anticipated Revenue Generation for Fiscal Year 1989/1990 (actuals) and for Fiscal Years 1995/1996 to 1999/2000 (projected).

Proposition 218

In October 1996, the League of California Cities issued a warning that pending legislation (The Fox Initiative) if approved would potentially reduce revenues to local cities by over \$100 million annually. Proponents of this initiative desired to reduce the use of fees, assessments and taxes by cities that were using them to offset the property tax revenue loss from Proposition 13. In order to comply with Prop 218 any changes to assessment rates or methodology would require cities to "reauthorize" their old 1972 Act districts by preparing an engineer's report detailing special versus general benefits to all parcels in the district of which only special benefit could be assessed. Under Prop 218 all general benefit must be paid with general revenues such as the

General Fund. Furthermore any changes to the assessment rate or methodology would be subject to approval by a majority of the affected property owners.

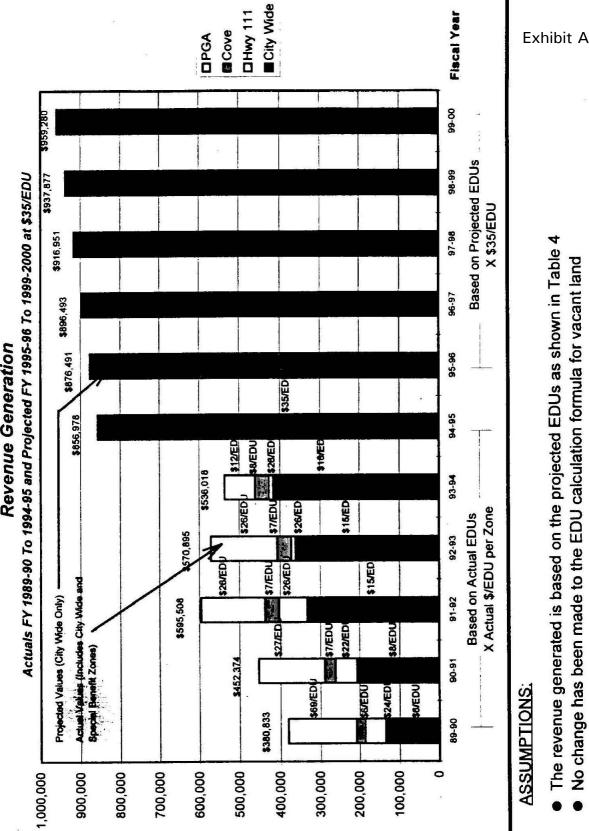
Proposition 218 passed in November 1996. Since the City's L&L district predated the act the district could be "grandfathered" in with the following revisions:

- Assessments for the maintenance of streets, street lights, traffic signals, landscape
 medians, retention basins, parkways and sidewalks only could continue as "exempt costs"
 since they were considered to be exempt from the requirements of Prop 218.
- The following landscape maintenance costs for public buildings and parks were <u>not</u> exempt from the provisions of Prop 218 (i.e., "nonexempt costs") and were therefore moved to the General Fund:
 - o City Hall
 - Senior Center
 - o Fritz Burns Park
 - Adams Park
 - o Fire Station #70 (PGA West)
 - Sports Complex
 - o Cove Mini Park

Accordingly, the 1997/1998 residential parcel assessment rates were revised as follows:

- LQ Highlands Sub-zone = \$45.11 including City-wide benefit
- Rancho Ocotillo Sub-zone = \$38.95 including City-wide benefit
- Cactus Flower Sub-zone = \$36.96 including City-wide benefit
- Acacia Sub-zone = \$37.45 including City-wide benefit
- LO del Oro Sub-zone = \$53.88 including City-wide benefit
- Topaz Sub-zone = \$37.34 including City-wide benefit
- City-wide Benefit = \$35.60

As anticipated after these changes to the district the total revenue dropped \$185,503 from the previous year to \$825,943 (less \$5,278 for North La Quinta entrances). Because the post Prop 218 assessment rates could not be increased without a vote of the property owners and the City Council desired to keep the assessment rates the same for all residential parcels, the City-wide benefit rate of \$35.60 has not changed since 1997; however, district expenses have continued to increase as shown in "Exhibit B."

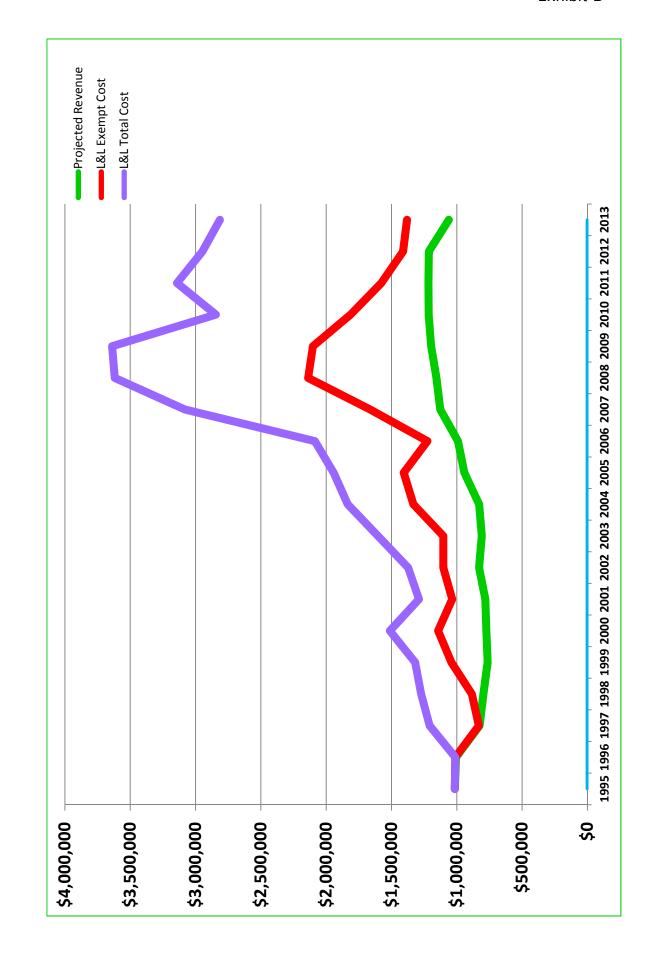


Number of EDUs

City of La Quinta

- The revenue generated is based on the projected EDUs as shown in Table 4
- No change has been made to the EDU calculation formula for vacant land

1995-2013 L&L DISTRICT REVENUE VS COST



North La Quinta Landscape Surveys Detailed Results and Analysis

In January 2014, the City mailed an informal survey to assess the desire of the north La Quinta developments to improve their parkway and entryway landscape and measure residents' willingness to pay for improved landscape maintenance going forward. The results from the survey by zone are as follows:

Zone 1 - La Quinta del Oro

	Agree/Support	Neutral	Disagree/Oppose
Satisfaction with current Appearance & Maintenance	60.5%	28.9%	10.5%
Think that Overall Renovations are needed:	18.4%	15.8%	65.8%
Level of Support for Perimeter Landscaping Renovations:	15.8%	10.5%	73.7%
Level of Support for Entryway Renovations:	34.2%	0.0%	65.8%
Level of Support for a \$150 to \$200 Assessment:	13.5%	2.7%	83.8%
Level of Support for a \$65 to \$85 Assessment:	18.9%	8.1%	73.0%
Level of Support for No Change:	62.2%	10.8%	27.0%
Feels the Improvements Benefit everyone in the City:	45.9%	18.9%	35.1%

Zone 2 - Acacia, Cactus Flower, Desert Flower, La Quinta Highlands, Quinterra, and Rancho Ocotillo

	Agree/Support	Neutral	Disagree/Oppose
Satisfaction with current Appearance & Maintenance	50.8%	19.4%	29.8%
Think that Overall Renovations are needed:	25.3%	13.6%	61.1%
Level of Support for Perimeter Landscaping Renovations:	18.5%	14.5%	67.0%
Level of Support for Entryway Renovations:	22.4%	12.7%	64.9%
Level of Support for Basin/Greenbelt Renovations:	14.3%	14.8%	70.9%
Level of Support for a \$450 to \$600 Assessment:	8.6%	2.5%	88.8%
Level of Support for a \$200 to \$250 Assessment:	19.2%	9.6%	71.2%
Level of Support for No Change:	53.7%	13.2%	33.1%
Feels the Improvements Benefit everyone in the City:	39.7%	16.0%	44.3%

Zone 3 - Desert Pride, Marbella, Sierra Del Rey, and Topaz

	Agree/Support	Neutral	Disagree/Oppose
Satisfaction with current Appearance & Maintenance	60.9%	17.6%	21.5%
Think that Overall Renovations are needed:	18.9%	10.8%	70.3%
Level of Support for Perimeter Landscaping Renovations:	11.3%	11.7%	77.0%
Level of Support for Entryway Renovations:	13.8%	11.0%	75.3%
Level of Support for Basin/Greenbelt Renovations:	6.7%	12.7%	80.6%
Level of Support for a \$350 to \$450 Assessment:	5.6%	5.6%	88.7%
Level of Support for a \$150 to \$250 Assessment:	14.8%	8.1%	77.0%
Level of Support for No Change:	63.4%	11.6%	25.0%
Feels the Improvements Benefit everyone in the City:	33.2%	16.8%	50.0%



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North La Quinta Landscape Survey

After reading the material included with this survey, please rank the following using a scale of 1 to 5 with:

- > "5" being that you STRONGLY AGREE or SUPPORT the statement or point of view; and
- > "1" being that you STRONGLY DISAGREE or OPPOSE the statement or point of view

Please clearly check ☑ or fill in the desired Box

5 4 3 2 1	I/We are generally satisfied with the appearance and level of service being provided to maintain the landscaping in and around my/our neighborhood.
5 4 3 2 1	I/We feel that the landscaping for my/our neighborhood needs to be renovated or enhanced.
5 4 3 2 1	I/We think refurbishing & renovating the landscaping on the <u>Perimeter</u> of my/our neighborhood is a high priority.
5 4 3 2 1	I/We think refurbishing & renovating the Entryway landscaping to my/our neighborhood is a high priority.
5 4 3 2 1	I/We would likely support an assessment on my/our property tax bill ranging between \$150 and \$200 per year to fund the renovation of the landscaping and enhanced level of maintenance. (This represents approximately \$13 to \$17 per month)
5 4 3 2 1	I/We would likely support an assessment on my/our property tax bill ranging between \$65 and \$85 per year that would involve a more modest or partial renovation plan and enhanced level of maintenance. (This represents approximately \$5 to \$7 per month)
5 4 3 2 1	I/We are satisfied with the maintenance services being provided and would likely <u>not</u> support a new local assessment, understanding that this limits the City's ability to replace damaged plants, trees and irrigation in the future.
5 4 3 2 1	I/We believe that the landscaping around my/our neighborhood benefits everyone in the City as much as my/our property and therefore should be funded by all property owners.
\$45 \$35 \$25 \$15	I/We would consider an assessment on my/our property tax bill to improve the level of landscape maintenance (No renovation) for up to an annual amount as indicated. (<i>Please Circle the Applicable Amount, if any</i>)
	unications and provide you with information regarding this effort and future events/activities, would be helpful. Providing this information is entirely optional.
Name:	
Address:	
E-mail Address:	
	(Please Print Clearly)

Please return this Survey in the envelope provided on or before Friday, February 21, 2014



North La Quinta Landscape Survey

After reading the material included with this survey, please rank the following using a scale of 1 to 5 with:

- > "5" being that you STRONGLY AGREE or SUPPORT the statement or point of view; and
- ➤ "1" being that you STRONGLY DISAGREE or OPPOSE the statement or point of view

Please clearly check ☑ or fill in the desired Box

5 4 3 2 1	I/We are generally satisfied with the appearance and level of service being provided to maintain the landscaping in and around my/our neighborhood.
5 4 3 2 1	I/We feel that the landscaping for my/our neighborhood needs to be renovated or enhanced.
5 4 3 2 1	I/We think refurbishing & renovating the landscaping on the <u>Perimeter</u> of my/our neighborhood is a high priority.
5 4 3 2 1	I/We think refurbishing & renovating the Entryway landscaping to my/our neighborhood is a high priority.
5 4 3 2 1	I/We think refurbishing & renovating the <u>Drainage Basins/Pocket Parks</u> within my/our neighborhood is a high priority.
5 4 3 2 1	I/We would likely support an assessment on my/our property tax bill ranging between \$450 and \$600 per year to fund the renovation of the landscaping and enhanced level of maintenance. (This represents approximately \$38 to \$50 per month)
5 4 3 2 1	I/We would likely support an assessment on my/our property tax bill ranging between \$200 and \$250 per year that would involve a more modest or partial renovation plan and enhanced level of maintenance. (This represents approximately \$17 to \$21 per month)
5 4 3 2 1	I/We are satisfied with the maintenance services being provided and would likely <u>not</u> support a new local assessment, understanding that this limits the City's ability to replace damaged plants, trees and irrigation in the future.
5 4 3 2 1	I/We believe that the landscaping around my/our neighborhood benefits everyone in the City as much as my/our property and therefore should be funded by all property owners.
\$125 \$100 \$75 \$50	I/We would consider an assessment on my/our property tax bill to improve the level of landscape maintenance (No renovation) for up to an annual amount as indicated. (<i>Please Circle the Applicable Amount, if any</i>)
	nunications and provide you with information regarding this effort and future events/activities, would be helpful. Providing this information is entirely optional.
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North La Quinta Landscape Survey

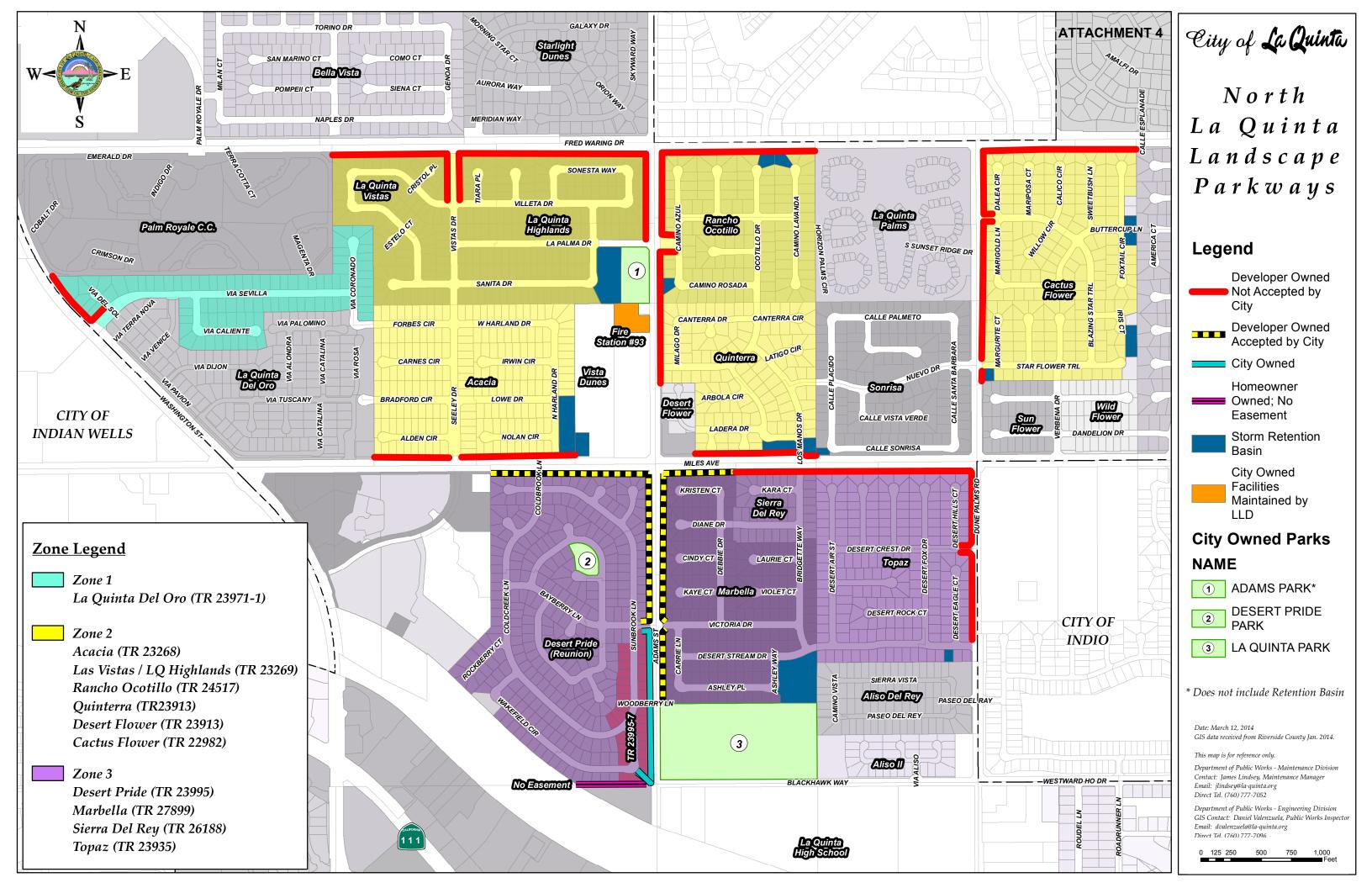
After reading the material included with this survey, please rank the following using a scale of 1 to 5 with:

- > "5" being that you STRONGLY AGREE or SUPPORT the statement or point of view; and
- "1" being that you STRONGLY DISAGREE or OPPOSE the statement or point of view

Please clearly check ☑ or fill in the desired Box

5 4 3 2 1	I/We are generally satisfied with the appearance and level of service being provided to maintain the landscaping in and around my/our neighborhood.
5 4 3 2 1	I/We feel that the landscaping for my/our neighborhood needs to be renovated or enhanced.
5 4 3 2 1	I/We think refurbishing & renovating the landscaping on the <u>Perimeter</u> of my/our neighborhood is a high priority.
5 4 3 2 1	I/We think refurbishing & renovating the Entryway landscaping to my/our neighborhood is a high priority.
5 4 3 2 1	I/We think refurbishing & renovating the <u>Drainage Basins/Pocket Parks</u> and Greenbelt/Pathways within my/our neighborhood is a high priority.
5 4 3 2 1	I/We would likely support an assessment on my/our property tax bill ranging between \$350 and \$450 per year to fund the renovation of the landscaping and enhanced level of maintenance. (This represents approximately \$29 to \$38 per month)
5 4 3 2 1	I/We would likely support an assessment on my/our property tax bill ranging between \$150 and \$250 per year that would involve a more modest or partial renovation plan and enhanced level of maintenance. (This represents approximately \$13 to \$21 per month)
5 4 3 2 1	I/We are satisfied with the maintenance services being provided and would likely <u>not</u> support a new local assessment, understanding that this limits the City's ability to replace damaged plants, trees and irrigation in the future.
5 4 3 2 1	I/We believe that the landscaping around my/our neighborhood benefits everyone in the City as much as my/our property and therefore should be funded by all property owners.
\$125 \$100 \$75 \$50	I/We would consider an assessment on my/our property tax bill to improve the level of landscape maintenance (No renovation) for up to an annual amount as indicated. (<i>Please Circle the Applicable Amount, if any</i>)
	unications and provide you with information regarding this effort and future events/activities, would be helpful. Providing this information is entirely optional.
Name:	
Address:	<u> </u>
E-mail Address:	(Diagon Drint Classics)
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Please return this Survey in the envelope provided on or before Friday, February 21, 2014



La Quinta Municipal Code

<u>Title 9 ZONING</u> Chapter 9.60 SUPPLEMENTAL RESIDENTIAL REGULATIONS

9.60.240 Landscaping and open area.

A.General Requirement. All multifamily, single-family attached and specific plan projects shall include both perimeter landscaping and common open area in accordance with the standards of this section. Perimeter landscaping shall not count toward common open area requirements or vice versa.

- B.Perimeter Landscaping. Perimeter landscape setbacks shall be installed to the depth specified in Section 9.50.030 (Table of development standards). Rights-of-way, parking areas, private patios and private yards shall not count toward the perimeter landscaping requirement.
- C.Common Open Area. Common open area shall meet the percent of net project area standards specified in Section 9.50.030 (Table of development standards). Common open area shall consist of passive landscaped and active recreation area. Rights-of-way, parking areas, private patios, private yards and slopes steeper than twenty percent shall not count toward the common open area requirement.
- D.Active Recreation Area. At least thirty percent of the required common open area shall be suitable for active recreational uses such as: swimming pool, spa and related facilities; clubhouse; tot lot with play equipment; court game facilities such as tennis, basketball or racquetball; improved softball or other playfields; or similar facilities for active recreational use. Active recreation area shall not include any common area which is less than fifteen feet wide or less than three hundred square feet in area or which has an average slope gradient greater than five percent.
- E. Landscaping Standards. A landscape plan shall be prepared and implemented for all affected projects. Perimeter and common open area landscaping shall be installed and maintained in accordance with the following standards:
 - 1. At intersections or corners of the following public or private streets, alleys, or driveways, the height of shrubs, planting, and other visual obstructions (such as boulders, etc.) shall be limited to a maximum height of thirty inches within the following triangular areas described in subsections a and b below:
 - a. At a corner, the area formed on two sides by the straight portions of the intersection of the back of street curb or edge of pavement. The third side of the triangle is formed by drawing a line that is tangent to the intersection of the two closest property lines and creates a triangle of approximately equal length sides with the curbs or edge of pavement.
 - b. Between two points located on and five feet distant from the point of intersection of an ultimate street or alley right-of-way on one hand and the edge of a driveway or another alley right-of-way on the other if parkway width is less than twelve feet wide.

- c. For purposes of this code, point of intersection shall mean the intersection of the prolongation of the street curbs or edge of pavement, excluding any curved portion joining the two lines.
- d. Trees may be planted within this triangular area provided the bottom of the canopy (leafy branches) of the tree is at least four feet above finish grade of the street adjacent to the tree. However, trees shall not be planted in such numbers that their trunks create a visibility obstruction for vehicles or pedestrians.
- 2. All landscaped areas shall be separated from adjacent parking or vehicular areas by a curb or other barrier at least six inches higher than the parking or vehicular area to prevent vehicular damage to the landscaped area.
- 3. All landscaping shall be maintained in a neat, clean and healthy condition, including proper pruning, mowing of lawns, weeding, removal of litter, fertilizing, replacement of plants when necessary and regular watering. Permanent automatic irrigation facilities shall be provided for all landscaped areas.
- F. Perimeter setback and parkway areas shall have undulating terrain. Seventy-five percent of the longitudinal length adjacent to the street shall have above curb-level berms and mounds exceeding two feet, but not more than three feet. The berms and mounds shall be undulated and fluctuating in position to accommodate the meandering sidewalk and shall cover not less than sixty-five percent of the landscape setback area. No retention of stormwaters is allowed within the setback area other than incidental stormwater that falls on the setback. The maximum slope steepness shall not exceed four to one anywhere in the landscape setback area, and shall not exceed eight to one in the first six feet adjacent to the curb in the right-of-way. (Ord. 361 § 1 (Exh. A), 2001; Ord. 325 § 1 (Exh. A), 1998; Ord. 284 § 1 (Exh. A), 1996)