

AGENDA
City of Brookings
Urban Renewal Advisory Committee
City Hall Council Chambers
898 Elk Drive, Brookings
Thursday, September 11, 2008 3:00 PM

- I. Call to Order**
- II. Roll Call**
- III. Acceptance of Minutes: August 14, 2008**
- IV. Public Comments**
- V. Regular Agenda**
 - Dumpster screening – Pete Chasar
 - Update on cost of tree infill – Public Works Inspector
 - Landscape maintenance ordinance – City Manager
 - URA fund balance – City Manager
- VI. Executive Director Reports**
- VII. Committee Member Comments**
- VIII. Items for October 9th Meeting**
- IX. Adjournment**

MINUTES
Urban Renewal Advisory Committee
Council Chambers, 898 Elk Drive
Thursday, August 14, 2008

Call to Order:

Chair Fitzgerald called the meeting to order at 3:00 p.m.

Present:

Committee members: Chair Ted Fitzgerald, Vice Chair Pete Chasar, Donna Cramer, Tony Parrish, Dan Nachel, Joyce Tromblee and Rick Bishop. Staff members attending were Executive Director Gary Milliman, Building Official LauraLee Gray, Administrative Services Director Patti Dunn and Public Works Inspector Rich Christensen.

Minutes/Last Meeting:

July 10, 2008 minutes accepted as submitted.

Regular Agenda:

Bicycle racks: ODOT will not approve funding for bicycle racks until a Master Plan has been submitted, this project is in the works per Director Milliman.

Dumpsters: Committee consensus is that the design for dumpster surrounds is too big and recommended additional discussion with CTR.

Tree infill: Rich Christensen was asked to fine tune cost estimates for his proposal for 29 additional trees.

Chetco Inn sign: Committee voted unanimously to recommend a cost share of up to \$2,500.00 for removal of the sign. Motion made by Pete Chasar, second by Donna Cramer

Banner poles: Discussion of whether it would be more appropriate for funding for these to come out of bed tax monies. Joyce recommended checking with potential users to find out what they are willing to pay to have their banner displayed.

Executive Director Report:

Director Milliman presented information on the URA fund balance. The capitol outlay fund will be depleted if funding is committed for the Chetco Sign removal and the new street trees.

Next months meeting:

Landscape Maintenance Ordinance discussion

Update on cost to add new trees

Dumpster screening

Committee Members comments:

Joyce commented on the need to find a location to be used as a town square for farmers market and other community activities. Stout Park was suggested by other Committee members. Tony asked if parking spaces could be striped in front of the Pilot as he has

seen many instances of people being blocked when too many people attempt to park along that block. LauraLee will talk to the Traffic Safety Committee to see if they will recommend it be done.

Adjournment: adjourned at 4:30

Respectfully submitted,

_____ (Approved at _____ meeting).

_____ (Chair or Vice Chair)

Print Name and Title



MEMORANDUM

Office of the City Manager

GARY MILLIMAN

City Manager

TO: URAC

DATE: August 25, 2008

Cc: Planning Director, Senior Planner

SUBJECT: Property Maintenance

The enactment and enforcement of property or landscape maintenance ordinances is a serious matter that is often controversial. Controversial because it involves enforcement of a "community standard" that is difficult to define and, for many people, is viewed as an intrusion into personal property rights.

That being said, many cities throughout the country have enacted property/landscape maintenance regulations. My first job with local government in 1971 included managing a code enforcement program dealing with property maintenance standards.

Cities have developed various types and levels of regulations, usually addressing issues that are pertinent to a particular community. Attached are three examples.

The Bell Gardens regulations are similar to those of Brookings. It generally defines conditions which property owners or tenants are prohibited from allowing to exist on their property. The Cerritos regulations go into greater detail and provide, for example (page 5), that lawn grass in excess of six inches in height constitutes a public nuisance. Another Cerritos provision is that:

"Failure of any concerned or responsible person to comply with the landscaping plants (should be "plans") previously approved by the city in connection with the city's issuance of and land use approval." constitutes a nuisance.

The Cerritos regulations are considered among the most stringent in the nation.

The Carmel regulations concerning landscape design are far more detailed, and are consistent with that community's strong desire to preserve the natural landscape of that region. Carmel is one of the most intensely developed tourist destination small downtowns in the nation.

The approach to enforcement also differs among communities. Some cities practice a purely "reactive" approach to code enforcement...taking no action unless a complaint is received. Other communities are more proactive, often sending code enforcement officers to patrol the community and initiate enforcement when violations are observed.

Many communities are able to maintain community property maintenance standards without government intervention. Perhaps the best reasonably nearby example of this is Ferndale, California, where both downtown merchants and residents have concluded that a high level of property maintenance is, simply, good business.

A growing number of cities have partnered with downtown business associations to develop "Main Street programs. Oregon is gearing up to provide technical assistance to communities like Brookings who may be interested in developing such programs. One of the four attributes of a successful downtown revitalization effort is Design as indicated in the attachment.

I have invited Senior Planner Donna Colby Hanks to attend the next URAC meeting to discuss the status of the City's current code enforcement effort.

The Main Street Approach

Main Street™ is a philosophy, a program, and a proven comprehensive approach to downtown commercial district revitalization. This approach has been implemented in over 1,600 cities and towns in 40 states across the nation with the help of the National Main Street Center and statewide downtown revitalization programs.

The success of the Main Street™ approach is based on its comprehensive nature. By carefully integrating four points into a practical downtown management strategy, a local Main Street™ program will produce fundamental changes in a community's economic base:

Organization involves building a Main Street™ framework that is well represented by business and property owners, bankers, citizens, public officials, chambers of commerce, and other local economic development organizations. Everyone must work together to renew downtown. A strong organization provides the stability to build and maintain a long-term effort.

Promotion creates excitement downtown. Street festivals, parades, retail events, and image development campaigns are some of the ways Main Street™ encourages customer traffic. Promotion involves marketing an enticing image to shoppers, investors, and visitors.

Design enhances the attractiveness of the business district. Historic building rehabilitation, street and alley clean-up, colorful banners, landscaping, and lighting all improve the physical image of the downtown as a quality place to shop, work, walk, invest in, and live. Design improvements result in a reinvestment of public and private dollars to downtown.

Economic Restructuring involves analyzing current market forces to develop long-term solutions. Recruiting new businesses, creatively converting unused space for new uses, and sharpening the competitiveness of Main Street's traditional merchants are examples of economic restructuring activities.

The Eight Principles

“Successful Downtown Revitalization”

- 1. Comprehensive.** A single project cannot revitalize a downtown or commercial neighborhood. An ongoing series of initiatives is vital to build community support and create lasting progress.
- 2. Incremental.** Small projects make a big difference. They demonstrate that "things are happening" on Main Street and hone the skills and confidence the program will need to tackle more complex projects.
- 3. Self-Help.** The State can provide valuable direction and technical assistance, but only local leadership can breed long-term success by fostering and demonstrating community involvement and commitment to the revitalization effort.
- 4. Public/Private Partnership.** Every local Main Street™ program needs the support and expertise of both the public and private sectors. For an effective partnership, each must recognize the strengths and weaknesses of the other.
- 5. Identifying and Capitalizing on Existing Assets.** Unique offerings and local assets provide the solid foundation for a successful Main Street™ initiative.
- 6. Quality.** From storefront design to promotional campaigns to special events, quality must be instilled in the organization.
- 7. Change.** Changing community attitudes and habits is essential to bring about a commercial district renaissance. A carefully planned Main Street™ program will help shift public perceptions and practices to support and sustain the revitalization process.
- 8. Action Oriented.** Frequent visible changes in the look and activities of the commercial district will reinforce the perception of positive change. Small, but dramatic, improvements early in the process will remind the community that the revitalization effort is underway.



Chapter 16.20 MAINTENANCE OF PROPERTY*

Sections:

16.20.010 Enforcement officers.

16.20.020 Condition of property.

* Prior legislation: Prior code § 4262.

16.20.010 Enforcement officers.

The city manager shall appoint code enforcement officers who shall have the authority and duty to enforce the provisions of this chapter and any ordinances of the city as may be from time to time designated or assigned by the city manager. Code enforcement officers may issue citations for violations of this chapter pursuant to California Penal Code Sections 836.5; 853.5, et seq; and Chapter 1.12 BGMC. Code enforcement officers shall report to the city manager for the proper performance of their duties and shall be subject to removal by the city manager. Discretion is given to the director of community development or his or her designee to determine the party responsible for violating this chapter or any material question of fact raised in this chapter. (Ord. 763 § 1, 2002; Ord. 704 § 1, 1998).

16.20.020 Condition of property.

A. No person who owns, leases, rents, manages, or otherwise controls and/or possesses any real property shall permit to exist on any part of the real property any of the following conditions:

- 1. Unsightly and/or unsafe property erosion or subsidence;
- 2. Overgrown vegetation, weeds, or dead, decayed or diseased trees or other vegetation which constitute an unsightly appearance, or which are dangerous to public safety or welfare, or which are detrimental to nearby property or property values. For purposes of this subsection, the term "weeds" is defined pursuant to Section 39561.5 of the California Government Code;
- 3. Storage or accumulation of debris, rubbish and trash visible from the public right-of-way for a period of 24 hours;
- 4. Storage or accumulation of broken, discarded or inoperable household furnishings, appliances, tools or machinery, play equipment or other similar items when visible from the public right-of-way;
- 5. Materials or items of any kind stored on rooftops when visible from the public right-of-way or from neighboring properties;
- 6. Clothes lines in front yard areas or clothing, laundry or merchandise draped over walls or fences;
- 7. Garbage or trash cans or containers (a) stored in front of side-yard areas which are visible from the public right-of-way, or (b) emitting offensive odors to adjacent properties;
- 8. Fences or walls which are unsightly, unsafe, in a state of disrepair or which hinder or obstruct access to public sidewalks;
- 9. Attractive nuisances, including, but not limited to, unsecured and/or hazardous pools, ponds, excavations, refrigerators, washing machines, clothes

dryers, or stoves;

10. On-site and off-site signs, as those terms are defined in Section 87.01 of the Bell Gardens Zoning Code, which advertise uses no longer conducted, or products no longer sold, if such signs are not removed within 30 days after such use or sale has ceased;

11. Temporary signs, as that term is defined in Section 87.01 of the Bell Gardens Zoning Code, not removed within 30 days of the final occurrence of the events advertised or to which the sign relates;

12. Abandoned, wrecked, dismantled or inoperative automobiles, trailers, campers, boats or similar vehicles;

13. Parking of motor vehicles on unpaved portions of the property within view of the public right-of-way;

14. Swimming pools maintained or operated in such a manner which allows the pool(s) to become breeding places for mosquitoes or other insects;

15. Displaying of merchandise items "for sale" outside an approved establishment;

16. Erecting an unsightly structure or covering, viewable from a public right-of-way.

B. Any person who owns, rents, manages, or otherwise controls and/or possesses any real property and who permits to exist on the real property any of the conditions listed in subsection (A) of this section shall be issued a notice of violation by the code enforcement officer. The notice of violation shall list all violations.

C. Any person who is issued a notice of violation pursuant to this chapter shall have at least 10 calendar days, but no more than 30 calendar days, to correct the violation(s) listed on the notice of violation.

D. Following the deadline stated in the notice of violation to correct any violation, the code enforcement officer shall reinspect the property for compliance with the corrections noted on the notice of violation. If compliance is not achieved within the deadline stated in the notice of violation, the code enforcement officer shall issue a citation and a fine in the amount specified below by the person cited:

1. A fine not exceeding \$150.00 for a first violation;

2. A fine not exceeding \$300.00 for a second violation of the same section of this code or ordinance within one year;

3. A fine not exceeding \$900.00 for each additional violation of the same section of this code or ordinance within one year.

E. If compliance is not achieved within 30 days after issuance of the citation by the code enforcement officer, the person cited shall be guilty of a misdemeanor which shall be prosecuted by the city prosecutor in the appropriate court of law. (Ord. 763 § 1, 2002; Ord. 704 § 1, 1998).

Chapter 6.20 PROPERTY MAINTENANCE

Sections:

- 6.20.010 Scope.
- 6.20.020 Definitions.
- 6.20.030 Maintenance of property nuisances unlawful.
- 6.20.040 Conditions constituting property nuisance.
- 6.20.050 Cerritos property preservation commission.
- 6.20.060 Action by director, notice of substandard property.
- 6.20.070 Immediate hazards to life or property.
- 6.20.080 Action upon noncompliance.
- 6.20.090 Notice of hearing—Form.
- 6.20.100 Serving notice of hearing.
- 6.20.110 Hearing—Order.
- 6.20.120 Appeal procedure—City council action.
- 6.20.130 Abatement order—Recordation.
- 6.20.140 Abatement by city.
- 6.20.150 Interference prohibited.
- 6.20.160 Cost of abatement.
- 6.20.170 Special assessments—Lien.
- 6.20.180 Cost assessment.
- 6.20.190 Cost paid to city.
- 6.20.200 Correction of erroneous assessments.
- 6.20.210 Remedies for violation.

6.20.010 Scope.

(a) The provisions of this chapter shall apply to all substandard buildings, substandard structures and substandard property.

(b) Occupancies in existing buildings may be continued as provided in Section 104(g) of the Los Angeles County Building Code except in such structures as are found to be substandard as defined in this chapter and ordered vacated or as are found to be unsafe as defined in Section 203(d) of the Los Angeles County Building Code.

(c) The provisions of this chapter shall also apply to unoccupied buildings or structures not property secured, locked or closed which are accessible to juveniles, transients and undesirables and are a health, fire or safety hazard. (Ord. 585 § 2 (part), 1981)

6.20.020 Definitions.

For the purposes of this chapter, and in addition to the definitions set forth in the previous chapters of this code, certain terms, phrases and words and their derivatives shall be defined as set out in this section.

(1) "Appropriate agency" means that agency of the city vested with the authority under this chapter of determining if a property nuisance exists and may include the director of community and safety services and his designees, including

enforcement officers, the property maintenance appeals board, and the city council.

(2) "City council" or "council" is the city council of the city of Cerritos.

(3) "Commission" is the Cerritos property preservation commission as set forth in Section 6.20.050.

(4) "Completion." Where a building is found to be substandard due to having been under construction for an unreasonable time, the terms "demolition, improvement, removal, repair, or rehabilitation," as used in this chapter, shall include "completion."

(5) "Concerned person" means the person, if any, in real or apparent charge and control of the property involved, the record owner, the holder of any mortgage, trust deed or other lien or encumbrance of record, the owner or holder of any lease of record or the record holder of any estate or interest in or to the building or structure or the land upon which it is located.

(6) "Director" is the director of community and safety services of the city of Cerritos.

(7) "Demolition." Whenever the word "demolish" or "demolishment" is used in this chapter, it shall include the removal of the resulting debris from such demolition and the protection by filling of excavations exposed by such demolition and abandonment of sewer or other waste disposal facilities as may be required by this code or other ordinances or laws.

(8) "Property nuisance" means any condition upon the property involved determined by the appropriate agency to be a property nuisance in accordance with the provisions of this chapter.

(9) "Responsible person" means the record owner of the property involved and the occupant or any other person in real or apparent charge and control of the property involved, if not the same as the record owner.

(10) "Vehicle" means a device by which any person or property may be propelled, moved or drawn upon a highway, excepting a device moved by human power or used exclusively upon stationary rails or tracks. (Ord. 938 § 1, 2008; Ord. 876 § 1, 2004; Ord. 818 § 1 (part), 2000; Ord. 770 § 1 (part), 1996; Ord. 702 §§ 1—3, 1991; Ord. 585 § 2 (part), 1981)

6.20.030 Maintenance of property nuisances unlawful.

It is unlawful for any person owning, leasing, occupying or having charge or possession of any property to maintain it in such a manner that it is determined by an appropriate agency of the city pursuant to this chapter, that a property nuisance exists upon such property. A property nuisance shall exist whenever any of the following findings are made by the appropriate agency:

(1) The condition of the property endangers the life, limb, health, property, safety or welfare of the public or occupants thereof;

(2) The condition of the property is unsightly in appearance and is out of harmony or conformity with the maintenance standards of adjacent properties so as to cause a substantial diminution of the enjoyment, use or property values of such adjacent properties;

(3) The condition of the property contributes to the establishment of a prevalence of depreciated values, impaired investments and social and economic maladjustments to such an extent that the capacity to pay taxes is reduced and tax receipts are inadequate for the cost of public services rendered;

(4) The condition of the property is detrimental to the public health, safety and general welfare;

(5) The condition of the property constitutes a public nuisance as defined by Civil Code Section 3480; or

(6) The condition of the property created by the improper parking of equipment and/or a vehicle or vehicles creates visual pollution that contributes to depreciated values of surrounding property. (Ord. 666 § 1, 1987; Ord. 585 § 2 (part), 1981)

6.20.040 Conditions constituting property nuisance.

The existence of any of the following conditions upon any property shall be considered as evidence that a property nuisance exists upon the property:

(1) Substandard Buildings or Structures. Buildings or structures or portions thereof having one or more of the following conditions:

(A) Unoccupied. Buildings or structures not properly secured, locked, or closed and accessible to juveniles, transients and undesirables and constituting a health, fire or safety hazard;

(B) Unfinished. Buildings or structures which are unfinished and which have been in the course of construction for an unreasonable period of time;

(C) Inadequate sanitation:

(i) Lack of hot and cold running water to plumbing fixtures in a hotel or dwelling unit,

(ii) Lack of the minimum amounts of natural light and ventilation required by this code,

(iii) Room and space dimensions less than required by this code,

(iv) Dampness of habitable rooms,

(v) Violation of any applicable provisions of Chapter 6.04 adopting a health code as determined and reported to the director by the health officer;

(D) Structural hazards:

(i) Deteriorated or inadequate foundations,

(ii) Defective, deteriorated or inadequate size flooring and/or floor supports,

(iii) Defective, deteriorated or inadequate size members of walls, partitions, or other vertical supports,

(iv) Defective, deteriorated or inadequate size ceiling, roof, or other horizontal supports,

(v) Defective, damaged, or inadequate construction fireplace or chimney;

(E) Inadequate or hazardous wiring:

(i) Lack of required electrical lighting or convenience outlets. In existing residential occupancies, every habitable room is required to contain at least two supplied electric convenience outlets or one such convenience outlet and one supplied electric fixture. Every water closet compartment, bathroom, laundry room, furnace room and public hallway in such occupancies are required to contain at least one supplied electric fixture,

(ii) All wiring except that which conformed with all applicable laws in effect at the time of installation and which has been maintained in good condition and is being used in a safe manner;

(F) Inadequate or faulty plumbing:

(i) Lack of plumbing fixtures required elsewhere in this code,

(ii) All plumbing except that which conformed with all applicable laws in effect at the time of installation and which has been maintained in good condition and which is free of cross connections;

(G) Inadequate or faulty mechanical equipment:

(i) Lack of safe, adequate heating facilities in a dwelling, apartment house or hotel,

(ii) Lack of, or improper operation of, required ventilating equipment,
(iii) All mechanical equipment, including vents, except that which conformed with all applicable laws in effect at the time of installation and which has been maintained in good and safe conditions;

(H) Faulty weather protection;

(i) Lack of a sound and effective roof covering,

(ii) Lack of a sound and effective exterior wall covering,

(iii) Broken windows and doors,

(iv) Deteriorated or ineffective water proofing of foundation walls or floor,

(v) Unpainted buildings or structures causing dry rot, warping and termite infestation;

(I) Faulty Materials of Construction. Any material of construction except those which are allowed or approved by this code and which have been adequately maintained in good and safe condition;

(J) Unsanitary. Those buildings and structures having an accumulation of vegetation, junk, dead organic matter, debris, garbage, offal, rat harborages, stagnant water, and similar materials or conditions;

(K) Hazardous. Any building or structure which is determined to be unsafe as defined in Section 203 of the Los Angeles County Building Code;

(L) Fire Hazard. Any building, structure, device, apparatus, equipment, combustible waste, or vegetation which is in such a condition as to cause a fire or explosion or provide a ready fuel to augment the spread of intensity of fire or explosion arising from any cause;

(M) Inadequate Fire Structures or Firefighting Equipment. All buildings or structures which are not provided with exit facilities or fire-resistive construction or fire extinguishing system or equipment required by this code, except those buildings or structures which conformed with all applicable laws at the time of their construction, which provide adequate safe exits, and whose fire-resistive integrity and fire-extinguishing systems and equipment provide adequate fire safety;

(N) Improper Occupancy. All buildings or portions thereof occupied or used for any purpose for which they were not designed or intended to be used;

(O) Unfinished Relocated Buildings or Structures. Building or structures or portions thereof as described in Section 6811 of the Los Angeles County Building Code.

(2) Substandard Property. Property or portions thereof having one or more of the following conditions:

(A) Substandard buildings;

(B) Dead Vegetation. Keeping of property with substantial dead vegetation;

(C) Equipment Visible In Front and Side Yards. Trailers, camper shells, boats, inoperable vehicles and other equipment kept or stored for unreasonable periods, but not less than seventy-two hours, in yard areas where the equipment is not screened from streets or highways;

(D) Vehicles Not Parked on Driveways. Vehicles kept or stored in yard areas other than on paved driveways installed in accordance with the city's zoning and development standards where the vehicles are not screened from streets or highways by way of a legally permitted opaque wall, fence, gate or hedge measuring at least six feet in height;

(E) Garbage Cans. Garbage cans stored in front or side yards and visible from public streets except when placed in places of collection at the time permitted and in full compliance with Section 6.08.070;

(F) Lack of and/or Overgrown Landscaping. Inadequately installed and/or

maintained landscaping, on vacant or developed land, that is visible from any public street, property or right-of-way or which, either alone or in combination with other conditions on the subject property, results in a diminution of the appearance of the subject property as compared with adjacent property, degrades the aesthetic quality of or reduces property values in the immediate neighborhood, including, without limitation:

- (i) Lack of vegetation, lawns, shrubs, or other softscape groundcover;
- (ii) Insufficient groundcover or landscaping resulting in blowing dust and/or soil erosion;
- (iii) Lawns or weeds growing in excess of six inches in height or lawns that are untrimmed or encroaching more than two inches over sidewalks or other landscape improvements;
- (iv) Untrimmed trees, hedges, shrubs or other plants that are normally trimmed by property owners in the city;
- (v) Trees, shrubs, lawn or other plants that are dying from lack of water, fertilizer or maintenance, or where the trees are dead, dying or diseased;
- (vi) Failure of any concerned or responsible person to comply with the landscaping plants previously approved by the city in connection with the city's issuance of any land use approval; or
- (vii) There shall be a conclusive presumption that vegetation is overgrown if the vegetation has not been properly cut and trimmed within thirty days after notification that said vegetation is overgrown;
- (G) Stagnant water or excavations;
- (H) Building or Structure Exteriors. Improperly maintained building or structure exteriors including building or structure exteriors in a state of neglect or damage, from fire and other causes, or in need of repairs such as painting, weatherproofing, or insect extermination;
- (I) Unsightly Appearance. Any device, decoration, design, graffiti, fence, structure, clothesline, collapsible canopy or vegetation, which is unsightly by reason of its condition or its inappropriate location;
- (J) Inorganic Debris. Keeping of property including parkway areas with lumber, junk, trash, debris; abandoned, neglected and broken equipment, including vehicles; abandoned, discarded or unused objects of equipment such as furniture, stoves, refrigerators, freezers, cans, containers or boxes;
- (K) Organic Debris. Keeping of property including parkway areas with an accumulation of weeds, vegetation, junk, dead organic matter, debris, garbage, offal, rat harborages, stagnant water, and similar materials or conditions;
- (L) Fire Hazard. Keeping of property with combustible waste or vegetation which is in such condition as to cause a fire or explosion or to provide a ready fuel to augment the spread and intensity of fire or explosion arising from any cause;
- (M) Attractive nuisances dangerous to children;
- (N) Vehicles Not Parked Perpendicular to the Street. No person shall park, or leave standing any vehicle, whether attended or unattended, upon a paved driveway area unless said vehicle is parallel with tangent line drawn along the side of that portion of the paved driveway where the vehicle is stopped or parked. (Ord. 938 § 2, 2008; Ord. 920 § 1, 2007; Ord. 911 § 1, 2006; Ord. 876 §§ 2, 3, 2004; Ord. 666 § 2, 1987; Ord. 585 § 2 (part), 1981)

6.20.050 Cerritos property preservation commission.*

(a) The Cerritos property preservation commission of the city of Cerritos, California, is created and established.

(b) The commission shall consist of five members who are qualified to pass on matters pertaining to substandard buildings and property. Each councilmember shall appoint one commissioner subject to approval by the city council. In addition to the five appointed members of the commission, the director of community and safety services or his or her designated representative shall be an ex officio nonvoting member and shall act as secretary.

(c) Unless otherwise provided in this section, all appointments shall be for a term of two years commencing on April 1st of each odd-numbered year and expiring on March 31st of the next succeeding odd-numbered year or earlier if the councilmember making the appointment ceases to hold office as a member of the Cerritos city council. Persons appointed may be removed by action of the councilmember making the appointment, subject to approval of the city council or by a majority vote of the city council. Appointments may be extended pursuant to subsection (d) of this section.

(d) The term of any regular member of the commission is automatically extended for not more than ninety days pending the qualification of his or her successor.

(e) If a vacancy shall occur otherwise than by expiration of terms, it shall be filled by appointment for the unexpired portion of the term. Such appointment shall be made by the councilmember making the original appointment, with the approval of the city council.

(f) Notwithstanding any of the other provisions of this chapter, any member who absents himself from any three consecutive regular meetings of the commission, unless excused from such attendance by consent of the commission expressed by action of record in its minutes or who is absent from a total of five regular meetings of the commission in any six month period without such consent of the commission so expressed of record, shall automatically forfeit his or her position or office as a member of the commission, and the name of such person shall be automatically removed from the membership of the commission immediately after the adjournment of any such third consecutive meeting or of any such fifth meeting in any such six month period, as the case may be, at which such member has not appeared. The chairperson or the secretary of the commission shall thereupon promptly notify the city council, and any such person so ceasing to be such member of such fact; whereupon the vacancy so created shall be filled by appointment.

(g) The commission shall have no power or authority to bind or obligate the city or any officer or department thereof for any money, debt, undertaking or obligation of any kind in excess of the appropriations which the city council may have made for the purpose of the commission in any fiscal year.

(h) Except as otherwise provided in this chapter or by law, the commission shall have power to and shall provide for its own organization; shall adopt rules and regulations for the transaction of business before it; shall keep proper records of its official acts and proceedings; and shall designate the time and place for the regular monthly meeting or meetings of the commission; provided, that regular meetings of the commission shall be held on the last Monday of each month at seven-thirty p.m. at the city hall or such other time and location as the commission may by resolution provide.

(i) Members shall be paid such compensation as the city council may by resolution from time to time provide. (Ord. 818 § 1 (part), 2000; Ord. 753 §§ 1, 2, 1995; Ord. 702 §§ 4 (part), 5—7, 1991; Ord. 585 § 2 (part), 1981)

* Editor's Note: The term of office of all present members of the Cerritos property preservation commission

shall expire on March 31, 1997, and such members shall continue as members of the commission until such date unless terminated as provided herein above.

6.20.060 Action by director, notice of substandard property.

(a) Whenever the director of community and safety services or his designated representative shall make any of the findings contained in Section 6.20.030 for any property within the city, then he shall give written notice of same to the responsible persons. The notice shall set forth the conditions constituting a property nuisance, any suggested methods of correcting same, and shall require the correction of the conditions within thirty days or such other reasonable period of time as the director shall stipulate. Where conditions warrant, the director may require and the notice may state that the property or portion thereof must be vacated and not reoccupied until the conditions are corrected, inspected and approved by the director and any person so notified shall comply with the order of the director.

(b) Notwithstanding the foregoing, where there is an immediate danger to the public health, safety and welfare, the director or his designee, in their sole discretion, may determine that notice pursuant to subsection (a) of this section is not required and in such case shall schedule an immediate hearing of the property maintenance appeals board giving notice thereof in accordance with Section 6.20.100.

(c) The director may cause to be posted on any substandard property, a notice of substandard property and/or a sign to read: "SUBSTANDARD PROPERTY, DO NOT ENTER OR DAMAGE, BY ORDER OF THE DIRECTOR OF COMMUNITY AND SAFETY SERVICES, CITY OF CERRITOS." Such sign may contain such additional information and warnings as in the opinion of the

director are expedient. Such notice or sign shall remain posted until the required repairs, demolition, removal, barricading or property cleanup are completed. Such notice or sign shall not be removed without permission of the director and if the substandard property has been ordered vacated, no person shall enter except for the purpose of making the required repairs or of demolishing any substandard buildings or structures. (Ord. 818 § 1 (part), 2000; Ord. 770 § 1 (part), 1996; Ord. 585 § 2 (part), 1981)

6.20.070 Immediate hazards to life or property.

Whenever any property or portion thereof constitutes an immediate hazard to life or property, and in the opinion of the director the conditions are such that repairs or demolition or other work necessary to abate the hazard must be undertaken sooner than provided by the procedures otherwise set forth in this chapter, he may make such alterations or repairs, or cause such other work to be done to the extent necessary to abate the hazard or demolish any buildings or structures or portions thereof as is necessary to protect life or property, or both, after giving such notice to the responsible persons as the circumstances will permit or without any notice whatever, when, in his opinion, immediate action is necessary. The costs incurred by the city pursuant to this section, if any, may be recovered from the property owner in accordance with the procedure provided in this chapter. (Ord. 585 § 2 (part), 1981)

6.20.080 Action upon noncompliance.

In the event the responsible persons shall fail, neglect, or refuse to comply with the notice of substandard property and correct the conditions within the time period provided, or where an immediate danger to the public health, safety and welfare

exists pursuant to Section 6.20.070, the commission shall conduct a public hearing to determine whether conditions exist upon the property which constitute a property nuisance pursuant to Section 6.20.030. The director or his designee shall schedule the hearing giving notice thereof according to the provisions of Section 6.20.100. (Ord. 702 § 4 (part), 1991; Ord. 585 § 2 (part), 1981)

6.20.090 Notice of hearing—Form.

This notice of said hearing shall be substantially as follows:
NOTICE OF PUBLIC HEARING

Notice is hereby given that the Property Preservation Commission shall conduct a public hearing on _____, 19 __, to ascertain whether the condition of certain property situated in the City of Cerritos, State of California, known and designated as (street address) in said City, and more particularly described as (tract, lot) constitutes a property nuisance subject to abatement, repair, or curing by the City. If the condition of said property, in whole or part, is found to constitute a property nuisance as defined in Chapter 6.20 of the Cerritos Municipal Code and if the same is not promptly abated, repaired or cured by the property owner, then said nuisance shall be abated, repaired or cured by municipal authorities, in which case the cost of such property and such cost will constitute a lien upon such land until paid.

The conditions to be abated upon the property consist of the following:

The methods of abatement available are:

All persons having an interest in said matters may attend said hearing when their testimony and evidence will be heard and given due consideration.

This Property Preservation Commission hearing will begin at _____ P.M. in the Council Chambers of the Cerritos City Hall located at the Cerritos Civic Center at Bloomfield Avenue and 183rd Street, Cerritos.

DATED: This ____ day of _____, 19 __.

DIRECTOR OF COMMUNITY
AND SAFETY SERVICES

(Ord. 818 § 1 (part), 2000; Ord. 770 § 1 (part), 1996; Ord. 702 § 4 (part), 1991; Ord. 585 § 2 (part), 1981)

6.20.100 Serving notice of hearing.

(a) Notice of said hearing shall be served upon the responsible persons not less than ten days before the time fixed for the hearing. Service shall be made upon the owner or person shown as the owner upon the last equalized tax assessment roll by personal service or by mailing a copy of said notice by registered or certified

mail, return receipt requested, postage prepaid, at the owner's last known address, or at the address shown upon the last equalized tax assessment roll. The service shall be deemed complete at the time of deposit in the mail. Such notice shall also be served in the same manner upon the occupants or any other persons in real or apparent charge and control of the property involved, if not the same as the owner. The failure of any person to receive such notice shall not affect the validity of any proceedings hereunder.

(b) Such notices shall be conspicuously posted on or in front of the property on or in front of which the nuisance exists, as follows:

(1) One notice shall be posted on or in front of each separately owned parcel;

(2) Not more than two notices to any such parcel of fifty to one hundred feet frontage are required;

(3) Notices shall be placed at intervals of not more than one hundred feet if the frontage of a parcel is greater than one hundred feet, with one notice for each one hundred feet of frontage.

(c) If the notice of substandard property requires the repair or demolition of any building or structure and the director intends, in the event of noncompliance, to directly proceed to repair or demolish the substandard building or structure to the extent necessary to eliminate the substandard conditions, then any concerned person as defined by Section 6.20.050(5) other than those receiving notice pursuant to subsection (a) of this section, shall be served with notice in the manner provided in this section prior to the hearing of the commission. The notice shall state that no further notices provided in this chapter shall be required for such concerned person unless requested in writing by such person or persons. No notice shall be required if the director cannot determine the address of the concerned person with due diligence. (Ord. 702 § 4 (part), 1991; Ord. 585 § 2 (part), 1981)

6.20.110 Hearing—Order.

(a) At the time stated in the notice the commission shall hear and consider all relevant evidence, objections or protests, and shall receive testimony from owners, occupants, city personnel and interested persons relative to the alleged property nuisance and to the proposed abatement, repair, and curing of the conditions existing upon the property. Said hearing may be continued from time to time.

(b) If the commission determines that a property nuisance exists and makes any finding contained in Section 6.20.030, the commission shall adopt a resolution containing a report of such findings and ordering that the condition constituting a nuisance be abated within a specified period of time not less than five or more than thirty days from the date of the hearing. The determination of the commission shall be final unless appealed to the city council and shall be effective immediately, unless stayed by the filing of an appeal. The resolution and report of the commission shall be delivered to the city council. (Ord. 702 § 4 (part), 1991; Ord. 585 § 2 (part), 1981)

6.20.120 Appeal procedure—City council action.

(a) Any person aggrieved may appeal from the decision of the commission by filing at the office of the city clerk within five days after the date of such decision, a written, dated appeal containing:

(1) A brief statement setting forth the legal interest of the appellant in the property involved in the abatement order;

(2) A statement in ordinary and concise language of the specific order or action protested, together with any material facts supporting the contentions of the

appellant;

(3) The signatures of all persons named as appellants and their official mailing addresses;

(4) The verification of at least one appellant as to the truth of the matters stated in the appeal.

(b) Any member of the city council may initiate an appeal by requesting at the meeting at which the council receives the resolution and report of the commission that the decision be formally reviewed by the council.

(c) As soon as practicable after receiving the appeal, the city clerk shall set a date for hearing of the appeal by the city council, which date shall be not more than twenty days from the date the appeal was filed. Written notice of the time and place of the hearing shall be given at least ten days prior to the date of the hearing to each appellant by the city clerk, either by causing a copy of such notice to be delivered to the appellant personally or by mailing a copy thereof by first class mail, postage prepaid. Service in a similar manner shall also be made upon all other persons entitled to notice of the previous hearing before the commission except for those concerned persons not requesting notice pursuant to Section 6.20.100(c)

(d) Upon the conclusion of the hearing on such appeal, the city council shall, by resolution either:

(1) Terminate the proceedings;

(2) Confirm the action and decision of the commission; or

(3) Modify such decision based upon evidence presented at said hearing.

(e) Where the proceedings are not terminated, the resolution shall declare the property to be a property nuisance, make any finding required by Section 6.20.030, and order the abatement of the conditions constituting the nuisance within such time as is determined appropriate and in no event less than five nor more than thirty days thereafter by having such conditions abated, repaired or cured in the manner and means specifically set forth in said resolution. (Ord. 702 § 4 (part), 1991; Ord. 585 § 2 (part), 1981)

6.20.130 Abatement order—Recordation.

(a) A copy of the resolution ordering the abatement of the property nuisance, whether of the commission or council, shall be served upon the responsible persons in accordance with the provisions of Section 6.20.100(a) and shall contain a detailed list of needed corrections and abatement methods. Any responsible person shall have the right to have the condition of such property or premises abated, repaired, or cured in accordance with said resolution at his own expense provided the same is done prior to the expiration of the abatement period as set forth in the resolution. Upon such abatement in full, then proceedings hereunder shall terminate.

(b) Any abatement order of the commission or council may include stipulations governing the future maintenance of the property. The stipulations shall prevent the recurrence of said conditions. Thereafter, the director shall use said stipulations to determine whether violations of the abatement order occur.

(c) The director may file with the county recorder for recordation a declaration of substandard property declaring that by resolution of the commission or council, as the case may be, certain property has been found to be a property nuisance in accordance with this chapter and that the conditions constituting said nuisance must be abated by the property owner or by a special assessment of the property. The declaration shall be terminated upon termination of the abatement proceedings. (Ord. 702 § 4 (part), 1991; Ord. 585 § 2 (part), 1981)

6.20.140 Abatement by city.

If such nuisance is not completely abated by the responsible persons within said period as directed, then the city, its officers, employees, agents or contractors may enter upon said property and perform all acts necessary to abate, repair or cure the property in accordance with the abatement order. (Ord. 585 § 2 (part), 1981)

6.20.150 Interference prohibited.

A person shall not obstruct, impede, or interfere with the director or with any person who owns or holds any interest or estate in substandard property which has been ordered by the director, the commission, or by the council to be barricaded, repaired, vacated, demolished or removed, or with any person engaged in barricading, repairing, vacating, demolishing or removing any substandard conditions, pursuant to this chapter, or in the performance of any necessary act preliminary to or incidental to such work, or otherwise authorized or directed pursuant hereto. (Ord. 702 § 4 (part), 1991; Ord. 585 § 2 (part), 1981)

6.20.160 Cost of abatement.

The director shall keep an account of the cost, including incidental expenses, of abating such nuisance on each separate lot, or parcel of land where the work is done and shall render an itemized report in writing to the city council showing the cost of abatement of the conditions determined to constitute a nuisance, less any salvage value relating thereto; provided, that before said report is submitted to the council, a copy of the same shall be posted for at least five days upon the property, together with a notice of the time when said report shall be heard by the council for confirmation. A copy of said report and notice shall be served upon the owners of said property, in the manner provided by Section 6.20.100(a) at least five days prior to submitting the same to the city council. Proof of said posting and service shall be made by affidavit filed with the city clerk. The failure of the owner to receive such notice shall not affect the power of the city or its officers or employees to proceed as provided in this chapter, nor shall it invalidate the assessment against the involved property. The council shall modify the report if it is deemed necessary and shall then confirm the report by motion or resolution. The term "incidental expenses" shall include the actual expenses and costs of the city in the preparation of notices, title searches, specifications and contracts, and in inspecting the work, and the costs of printing and mailing required hereunder. (Ord. 585 § 2 (part), 1981)

6.20.170 Special assessments—Lien.

The costs of abatement in front of or upon each lot or parcel of land constitutes a special assessment against that lot or parcel. After the assessment is made and confirmed, it is a lien on the lot or parcel. (Ord. 585 § 2 (part), 1981)

6.20.180 Cost assessment.

After confirmation of a report, a certified copy of the same shall be filed with the county auditor on or before August 10th. The descriptions of the parcels reports shall be those used for the same parcels on the county assessor's map book for the current year. The county auditor shall enter each assessment on the county tax roll opposite the parcel of land. The amount of the assessment shall be collected at the time and in the manner of ordinary municipal taxes. If delinquent, the amount is subject to the same penalties and procedures of foreclosure and sale provided for

ordinary municipal taxes. As an alternative method, the county tax collector, in his discretion, may collect the assessments without reference to the general taxes, by issuing separate bills and receipts for the assessments. Laws relating to the levy, collection, and enforcement of county taxes shall apply to such special assessment taxes. (Ord. 585 § 2 (part), 1981)

6.20.190 Cost paid to city.

The city officer designated by the council shall receive the amount due on the abatement cost and shall issue receipts at any time after the confirmation of the report, prior to August 1st of the current year. (Ord. 585 § 2 (part), 1981)

6.20.200 Correction of erroneous assessments.

(a) Any assessment erroneously made may be canceled or reduced so as to correct such error, and the tax paid on account thereof, not including any penalties or interest, may be refunded to the person who paid the same, in accordance with the following procedure:

(1) A claim of error may be filed with the city clerk at any time before the expiration of one year following April 10th of the year in which such assessment appears or would first appear on the tax bill for the affected property. Such claim shall be in writing, in such form and detail as shall be required by the city clerk, and shall be verified.

(2) Any claim filed shall be forwarded to the director of public works for review and report to the city treasurer. If the director of community and safety services shall determine that such assessment was erroneously made, in whole or in part, the city treasurer shall direct the county auditor-controller to correct the tax rolls as to the affected property by removing or reducing the erroneous assessment, and the direction of the city treasurer shall be authority for the auditor-controller to so correct the tax bills. If such assessment shall have been paid, the part determined to be erroneously levied shall be refunded to the person, who paid the same, by the city treasurer. In lieu of proof otherwise, the city treasurer may presume that the person or persons to whom the tax was assessed was the person or persons who paid the same.

(3) Any claimant whose claim is not favorably acted upon in whole or in part within sixty days after the filing of same, or whose claim is denied, in whole or in part, in writing, by the city treasurer, may, within ten days after such denial or after the expiration of such period, appeal such denial or failure to act favorably to the city council, by written letter filed with the city clerk.

(4) The city council shall consider such disputed assessment at an open meeting, upon reasonable notice to the claimant, and shall afford the claimant an opportunity to be heard. If the city council shall find the disputed assessment to be erroneous in whole or in part, it may direct the city treasurer to correct the assessment accordingly, to cause the tax rolls to be corrected, and to make a refund of any portion of the assessment paid, all in the manner as hereinabove provided for such corrections and refunds.

(5) Not later than thirty days after the correction of any assessment or refund of moneys hereunder, except by direction of the city council, the city treasurer shall transmit to the city council a report of such action together with the report to the director of community and safety services.

(b) Whenever the tax rolls have been corrected or a refund has been made hereunder by reason of an erroneous assessment, a corrected written report of the type required by Section 6.20.160 relating to the work for which such erroneous

assessment was levied, may be prepared by the officer who prepared the original report. Such report shall show the cost of abatement in front of or on the parcel or lot where the work has been done and shall state that it is proposed to assess such cost against such lot or parcel. A copy of such corrected report shall be mailed to the owner of the lot or parcel as shown upon the current assessment rolls. In all other respects, Sections 6.20.160 through 6.20.190 shall apply to such corrected assessment, except that the time for doing all things therein specified shall relate from the date of confirmation of the corrected assessment. (Ord. 818 § 1 (part), 2000; Ord. 770 § 1 (part), 1996; Ord. 585 § 2 (part), 1981)

6.20.210 Remedies for violation.

(a) Violation of this chapter is declared to be a public nuisance which may be abated as provided in Part 3 of Division 4 of the Civil Code of the state, which remedy shall be in addition to any other remedy provided in this chapter or by state law, including Section 372 of the Penal Code of the state.

(b) The existence of any of the conditions constituting the property nuisance upon the property after the expiration of the period provided in the abatement order of the commission or council for the abatement, repair and cure of said conditions shall be unlawful and a violation of this code. Each day said violations continue shall be deemed a new and separate offense.

(c) Each offense pursuant to subsection (b) of this section shall be an infraction punishable by a fine as provided in Section 36900 of the Government Code of the state, except that four or more offenses in the same year shall constitute a misdemeanor.

(d) Any person who fails to comply with the order of any appropriate agency that property be vacated, fails to comply with any order of the appropriate agency where an immediate hazard to life or property is determined to exist pursuant to Section 6.20.070, removes any sign posted upon substandard property pursuant to Section 6.20.060(c), commits interference in violation of Section 6.20.150, or violates any provision of this chapter other than as specified in subsection (b) of this section, shall be guilty of a misdemeanor.

(e) Where the commission or council, as the case may be, as a part of an abatement order makes stipulations concerning the maintenance of the property, after the abatement, repair and cure of the conditions constituting the property nuisance, any subsequent occurrence of those conditions violating the stipulations contained in said order within three years after the date of such order shall be an infraction punishable by a fine as provided in Section 36900 of the Government Code of the state, except that four or more offenses in the same year shall constitute a misdemeanor. Each day said violations continue shall be a new and separate offense.

(f) Notwithstanding any other provision of law, any person may bring an action to enjoin a violation of this chapter. (Ord. 702 § 4 (part), 1991; Ord. 585 § 2 (part), 1981)

Chapter 17.34 LANDSCAPING

Sections:

- 17.34.010 Purpose.
- 17.34.020 Applicability.
- 17.34.030 Relation to Chapter 17.48 CMC, Trees and Shrubs.
- 17.34.040 Plan Requirements.
- 17.34.050 Relation to Landscape Design Guidelines.
- 17.34.060 General Landscaping Standards.
- 17.34.070 Landscaping Standards for Residential Districts.
- 17.34.080 Landscaping Standards for Commercial Districts.
- 17.34.090 Landscaping Standards for Overlay Districts.

17.34.010 Purpose.

The purpose of this chapter is to protect and enhance Carmel-by-the-Sea's dominant Monterey Pine urbanized forest and landscaped amenities. It is also the purpose of this chapter to provide for water conservation, and to protect environmentally sensitive habitat areas from degradation by providing for the restoration of native vegetation in and around these areas. (Ord. 2004-02 § 1, 2004; Ord. 2004-01 § 1, 2004).

17.34.020 Applicability.

The provisions of this chapter shall be considered minimum standards and shall apply to all new development, or substantial alteration of existing development, proposed on private property anywhere in the City of Carmel-by-the-Sea. This chapter shall also apply to any development located in the ESHA overlay district that will disturb existing or potential native plant habitat. (Ord. 2004-02 § 1, 2004; Ord. 2004-01 § 1, 2004).

17.34.030 Relation to Chapter 17.48 CMC, Trees and Shrubs.

All new landscaping shall be installed and maintained in conformance with the standards in Chapter 17.48 CMC, Trees and Shrubs. (Ord. 2004-02 § 1, 2004; Ord. 2004-01 § 1, 2004).

17.34.040 Plan Requirements.

All new development or substantial alteration of existing development shall require submittal and approval of a forest enhancement and management plan and a landscape plan.

A. Site Plan. Prior to the submittal of design plans, a site plan shall be prepared by a qualified professional documenting topography, drainage features, existing trees and structures, street edge treatments, and existing conditions on adjacent properties.

B. Preliminary Site Assessment. Following submittal of the site plan, the City's planning staff and City Forester shall prepare a preliminary site assessment that includes an evaluation of the design character, streetscape attributes, potential

historic resources, and forest resources of the block and neighborhood, as well as the resource constraints of the site.

C. Forest Enhancement and Maintenance Plan. Following the preparation of a preliminary site assessment, applicants shall submit a forest enhancement and maintenance plan which shall:

1. Address the impacts of the proposed development on the existing forest conditions of the site.
2. Recognize the constraints of the land and work within these limitations.
3. Minimize the extent of the excavation and fill on a site to avoid adverse impacts on trees, consistent with Chapter 17.48 CMC, Trees and Shrubs, and to ensure that new development follows the natural contours of the site.

D. Landscape Plan. Following approval of the forest enhancement and maintenance plan, a landscape plan shall be submitted in a manner and form established by the City Forester. Landscape plans shall document all proposed plantings as well as any tree removal, replacements, or relocations and shall document how new plantings will conform with the forest enhancement and maintenance plan. Landscape plans shall include the following:

1. Contents Required. Approved landscaping plans shall include a separate and simplified account of required new and replacement trees in eight-and-one-half-inch by 11-inch format to allow the Director to monitor the establishment of new trees and their growth to maturity. The account shall include a map of the location of required new and replacement trees, the date each tree was planted, and the size and species of each tree planted.
2. Approval Authority. The decision-making authority for the development permit shall also approve the landscaping plan or may delegate approval authority to the Planning Director who shall review the plan in consultation with the City Forester. (Ord. 2004-02 § 1, 2004; Ord. 2004-01 § 1, 2004).

17.34.050 Relation to Landscape Design Guidelines.

All landscape plans shall be incorporate as many features recommended by the City's residential design guidelines as are appropriate and feasible for the proposed project. (Ord. 2004-02 § 1, 2004; Ord. 2004-01 § 1, 2004).

17.34.060 General Landscaping Standards.

A. Plant Selection.

1. Landscape designs shall use plant species similar in character to those species established along the block and on adjoining properties except that use of invasive species is prohibited.
2. A minimum of 75 percent of new plant materials on a site shall be native plants and/or noninvasive drought-tolerant plants as determined by the City Forester.
3. Much of Carmel's forested charm comes from the informality of unplanted public rights-of-way. This also provides for off-street parking and adequate space for public safety vehicles to pass through the streets safely. All plants within landscaped areas on any public right-of-way adjacent to private property shall be drought-tolerant and low water use predominantly native species as determined by the City Forester.
4. A minimum of 75 percent of new plant materials in all open space areas on project sites in the commercial, R-4, and R-1 districts shall be planted with drought-tolerant and low water use species as determined by the City Forester.

B. Landscape Design.

1. Plant material located in areas visible from the street or other public places shall be arranged in a relaxed, informal pattern consistent with the character of the Carmel forest. Formal, unnatural arrangements shall be avoided except for focal points.

2. The use of bedding plants and exotic flowering species shall be limited to small accents at walkways, entries, or near special site features, unless otherwise approved by the City Forester.

C. Paving Materials and Design.

1. Paving materials used for driveways, patios, and walkways, shall be consistent in color and texture with native materials. Use of materials that allow for percolation of rain into the soil and reduce water run-off is encouraged.

2. Paved areas shall be designed to be small, informal, and intimate. Large, continuous areas of paving shall be avoided. Additional landscaping may be required to soften the appearance of paved areas.

D. Irrigation and Maintenance.

1. Landscaping plans for projects in any zoning district shall, where feasible, require the use of water retention storage devices such as cisterns or underground bladders to capture precipitation or surface runoff for landscape maintenance purposes or detention basins or berms to retain water on-site for natural percolation into the soil.

2. Irrigation systems shall be designed to minimize the use of water. Landscaping irrigation systems for projects in any zoning district shall use low-output sprinkler heads and/or drip irrigation.

3. Landscaping plans for projects in any zoning district that include paved areas shall include design features such as sand-set paving and/or drainage collection and distribution systems that enhance surface water percolation.

4. Privately installed irrigation systems within a public right-of-way adjacent to private property shall require the approval of an encroachment permit and shall be allowed only in the commercial and R-4 zoning districts. (Ord. 2004-02 § 1, 2004; Ord. 2004-01 § 1, 2004).

17.34.070 Landscaping Standards for Residential Districts.**A. General Standards.**

1. All properties, private and public, located in the R-1 or R-4 district shall contribute to the urbanized forest or other vegetation characteristic of the neighborhood by harboring an appropriate mix of upper and lower canopy trees and/or shrubs consistent with the neighborhood context and the neighborhood streetscape. Forested neighborhoods shall perpetuate the Monterey Pine, Monterey Cypress, Coast Live Oak or Redwood forest that predominates in the vicinity.

2. Proposed residential projects shall preserve adequate space for the growth of trees or other vegetation.

3. When the Planning Commission or Design Review Board reviews building plans for proposed projects, adequate space shall be preserved for the growth of trees or other vegetation and the Commission or Board shall ensure that such space is used for this purpose through the review and approval of landscaping plans. The purpose of this requirement is to perpetuate and enhance the established forest character throughout the district on both public and private property in each neighborhood where it exists. The proposed location of upper

canopy trees shall also be studied for their impact on the protected viewshed in the R-4 district established in Chapter 17.12 CMC.

B. Public Right-of-Way in the R-1 District.

1. Landscaping in public rights-of-way in the R-1 district is limited to drought-tolerant plants that are native and are consistent with the character of the Monterey Peninsula environment.

2. Plants should be natural in character and informally arranged to reflect the surrounding forest atmosphere. Landscaping shall not include bedding plants, highly colorful flowering plants and "formal plant arrangements."

3. Landscaping should consist of leafy ground covers, low shrubs and/or trees of the urbanized forest. Natural dirt rights-of-way with pine needles is also permitted. Parking spaces may be defined in the unpaved right-of-way with landscaping.

4. Paving, gravel, boulders, logs, timbers, planters or other above-ground encroachments are prohibited, except paving for driveways. Pathways paved only with decomposed granite or other soil materials made of soil materials are permitted. (Ord. 2004-02 § 1, 2004; Ord. 2004-01 § 1, 2004).

17.34.080 Landscaping Standards for Commercial Districts.

A. Landscaping Requirements for All Commercial Development. The following standards apply to all commercial districts in the City.

1. A minimum of 50 percent of the required open space on each site shall be landscaped. Landscaping may include nonliving materials such as garden benches, water features and patterned paving treatments as long as the combined total area of such plant alternatives is not used as more than 25 percent of the required landscaping on any site. All landscaping improvements shall include upper canopy trees on-site and/or in the sidewalk in front of the property whenever possible.

2. Building sites contiguous to the R-1 district shall provide sufficient landscaping and trees to blend visually with open space and landscaping on adjacent sites.

B. Landscaping Requirements for Gasoline Stations. Landscaping shall be provided and maintained in a healthy state to give an attractive appearance to the public street along 80 percent of the street frontage not occupied by driveways. Planting shall be of a type that will provide a minimum height of four feet along no less than 60 percent of the required landscaped frontage.

C. Landscape Requirements for Surface Parking Areas. Building sites incorporating surface parking lots shall include at least 15 percent of the site area in landscaping. Landscaping shall be distributed along all street frontages and pedestrian walkways that are adjacent to parking areas to help screen parked automobiles from view. Plant species and/or planters should be designed to achieve a height of at least five feet above the surface of the parking lot except where this would conflict with safe visibility or good site design. Landscaping shall also be provided within the interior of surface lots to break up large expanses of paving. Parking lots with four or more vehicles shall provide interior landscaping of at least 10 square feet per vehicle. (Ord. 2004-02 § 1, 2004; Ord. 2004-01 § 1, 2004).

17.34.090 Landscaping Standards for Overlay Districts.

A. Beach Overlay and Park Overlay District. The following standards apply to the park overlay district.

1. New native trees or other significant native vegetation shall be planted between the buildings on the site and the adjoining parklands when such vegetation would enhance the visual resources of the park by screening the buildings from public view, and when there is adequate space available to make such landscaping practical.

2. At least 75 percent of all landscaped areas on the property visible from the park shall be planted with drought-tolerant and/or native species. Areas of the site adjacent to parklands shall be landscaped and designed to establish a natural transition to the parkland vegetation. Trees approved for removal shall be replaced by two or more native specimen trees listed in the forest management plan preferably on-site or, if necessary, in the adjoining park as determined by the City Forester. Invasive species shall be removed if currently established.

B. ESHA Overlay District. Landscaping plans for projects in the ESHA overlay district shall provide for native vegetation restoration consistent with performance criteria established in the biological resources report required in CMC 17.20.220 (D). The plan shall also be consistent with all standards set forth in CMC 17.20.220, Environmentally Sensitive Habitats. (Ord. 2004-02 § 1, 2004; Ord. 2004-01 § 1, 2004).





MEMORANDUM

Office of the City Manager

GARY MILLIMAN
City Manager

TO: URAC

DATE: August 25, 2008

SUBJECT: Use of 2008-09 Funds

As reported at the last meeting, the Urban Renewal Agency project budget for the current fiscal year has an unallocated balance of \$60,000.

Staff recommends that these funds be allocated for the following project categories:

1. \$40,000 for a façade improvement program. Modify the program to provide a maximum grant of \$10,000. Include dumpster enclosure structures as an eligible activity.
2. \$2,500 to remove the Chetco Inn sign.
3. \$17,500 for downtown landscaping improvements, including pocket parks and street trees.

Cc: Administrative Services Director, Planning Director, Public Works Director, Building Official, Public Works Inspector