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February 16, 2022

**City of Hermosa Beach**  
Department of Public Works  
1315 Valley Drive, Basement Level,  
Hermosa Beach, CA 90254

Attention: Mr. Lucho Rodriguez, Deputy City Engineer

Subject: Feasibility Study for an Accessible Trail along the Greenbelt for the Department of Public Works in the City of Hermosa Beach, California

Dear Mr. Rodriguez:

Access, Inc. is pleased to have the opportunity to be of service to the City of Hermosa Beach by performing a feasibility study to assess the practicality of providing an accessible route along a portion, or throughout the Greenbelt, which is located between Ardmore Avenue and Valley Drive from Herondo Street to the north city limit with the City of Manhattan Beach.

As will be explained in greater detail in the Greenbelt Feasibility Study for ADA Accessibility, incorporating accessibility into the design of outdoor developed areas must begin early in the planning process, with careful consideration given to the route type, material selection, and location of accessible elements.

If there are any questions or clarification is needed, please contact our office at (949) 270-2775.

Respectfully,

A handwritten signature in blue ink that reads "Matt Steele".

Matthew D. Steele  
Certified Access Specialist (CAsp) #865



**GREENBELT FEASIBILITY STUDY FOR ADA ACCESSIBILITY**

**City of Hermosa Beach  
1315 Valley Drive  
Hermosa Beach, CA 90254**

DRAFT



## **1.0 PROPERTY INFORMATION**

The subject facility is a nature path currently used primarily by pedestrians.

## **2.0 REPORT SCOPE**

In early 2021, the City engaged Access, Inc. to determine if it is feasible for an accessible route to be provided through all or a portion of the Greenbelt. This report seeks to identify potential construction-related barriers within the existing Greenbelt which persons with disabilities may encounter and which may prevent full and equal access to the activities along the Greenbelt.

## **3.0 BACKGROUND**

It is understood the Greenbelt was developed in 1986 on an abandoned Santa Fe Railroad spur, which once provided a rail connection between the Redondo Beach Wharf and downtown Los Angeles. The City planted vegetation, and added bark woodchips and mulch on the ground.

Over time, the City has provided for incremental access improvements to the Greenbelt with the construction of curb ramps and ramps at cross streets and various mid-block points of access. Additionally, the City has also installed workout stations, water fountains, benches and historic monuments.

### **A. CURRENT ZONING AND USE RESTRICTIONS**

The Greenbelt is currently zoned O-S-1 RESTRICTED OPEN SPACE. As per Hermosa Beach Municipal Code (HBMC) § 17.32.010, the O-S-1 zone is intended to restrict further the use of certain designated open space to assure permanent open space in and for public parks and recreation areas. The uses permitted in the O-S-1 zone are codified in Hermosa HBMC § 17.30.020 and lists 13 types of uses (e.g., public parks, playgrounds, bicycling and pedestrian walkways, etc.). Furthermore, improvements permitted in the Greenbelt area shall be as follows:

- A. Only nonbuilding public improvements relating to landscaping, beautification, erosion control and irrigation improvements by the city which are consistent with or necessary to maintain and assure permanent open space in and for public parks and recreation purposes or relating to anti-seawater intrusion wells as an existing use.



B. Improvements to only those two existing parking areas located within the Greenbelt area across from Clark Stadium and City Hall consistent with or necessary to maintain and assure designated parking spaces, without expanding the existing parking area. Such improvements shall be of a nature and material designed to enhance and preserve the existing natural landscape.

Additional information and analysis regarding the allowable uses for the Greenbelt may be found in the memorandum titled *Improvements on the Greenbelt* authored by City Attorney, Mr. Michael Jenkins, dated February 22, 2018 (**Attachment A**).

## **B. APPLICABLE STANDARDS**

The 1991 American with Disabilities Act (ADA) Standards nor the 2010 ADA Standards reference outdoor trails, therefore the Greenbelt is "Safe Harbored." With that said, accessible trail improvements are required to be provided when alterations occur, or through a barrier removal plan, which will be included in the City's Transition Plan. The ADA does not have a provision to "grandfather" a facility, but it does have a provision called "safe harbor" in the 2010 ADA regulations for state and local governments. A "safe harbor" means that City does not have to make modifications to elements in a facility that comply with the 1991 ADA Standards, even if the 2010 ADA Standards have different requirements for them. This provision is applied on an element-by-element basis. However, if City chooses to alter elements that were in compliance with the 1991 ADA Standards, the altered elements must comply with the 2010 ADA Standards and latest edition of the California Building Code (CBC).

The accessibility standards generally apply to buildings and facilities. Parking lots, play areas, patios, constructed trails, man-made outdoor areas are often not considered to be buildings. Rather, these elements are generally considered to be facilities.

The Access Board is responsible for developing accessibility guidelines for the construction and alteration of facilities covered by the ADA of 1990 and the Architectural Barriers Act (ABA) of 1968. The guidelines ensure that the facilities are readily accessible to and usable by people with disabilities. The Access Board issued guidelines in 2004, and contain provisions for several types of recreation facilities including boating facilities, fishing piers and platforms, golf facilities, play areas, sports facilities, and swimming pools. The Access Board amended the 2004 guidelines in 2013 by adding new provisions for trails, picnic and camping facilities, viewing areas, and beach access routes constructed or altered by Federal agencies or by non-federal entities on Federal land on behalf of a Federal agency pursuant to a concession contract, partnership agreement, or similar arrangement.



The new provisions for trails, picnic and camping facilities, viewing areas, and beach access routes are not included in the Department of Justice's (DOJ) 2010 ADA Standards and have no legal effect on State and local governments and private entities subject to DOJ's ADA regulations. State and local governments may, however, use the provisions for guidance when designing trails, picnic and camping facilities, viewing areas, and beach access routes. State and local governments are cautioned to check with DOJ about using the technical requirements for outdoor recreation access routes, instead of accessible routes, to connect elements at picnic and camping facilities, viewing areas, and trailheads.

For the purpose of this feasibility study, the 2014 ABA Guidelines for Outdoor Developed Areas and 2010 ADA Standards for Accessible Design are referenced. California State Parks Accessible Guidelines are also available for the elements included in this report although there are no major differences in the standards for the proposed uses.

#### **4.0 OBSERVATIONS**

The observations contained herein are based on a visual survey of the existing Greenbelt facility. The intent of the observation was to determine the general condition of representative portions of the existing recreational facility and related disabled access compliance. The tools used to perform the survey included: a digital level, various length tape measures and a digital camera.

The surfacing materials generally consist of wood chips and mulch over much of the path length. These improvements are typical of the developed portions of the Greenbelt, apart from the transitional areas at street intersections. Grades along the Greenbelt are moderate along the length of the trail. However, there are areas where the east to west grade transition between Ardmore Avenue and Valley Drive are significant, resulting in access grades that are challenging to a person with ambulatory disabilities.

Photo documentation and observations were completed for the length of the Greenbelt from Herondo Street to north city limits. Photo documentation is provided in Figure's 1-A to 1-D below.



HERONDO STREET to 8<sup>TH</sup> STREET



8<sup>TH</sup> STREET TO PIER AVENUE



PIER AVENUE to GOULD AVENUE





PIER AVENUE to GOULD AVENUE



## 5.0 ANALYSIS

Incorporating accessibility into the design of outdoor developed areas must begin early in the planning process, with careful consideration given to the route type, material selection, and location of accessible elements and the routes that connect them. It is recommended an emphasis be placed on ensuring that people with disabilities can access and use the variety of elements that serve the Greenbelt.

### A. Route Type Selection

Determining the type of route is often a challenging exercise but necessary to determine the scope of the required improvements and associated slope requirements. The following details the technical requirements in accordance with the Architectural Barriers Act (ABA) Guidelines for Outdoor Developed area as well as the California State Parks Accessibility Guidelines that were evaluated in the selection of the most appropriate route type.

**Accessible Routes**—An accessible route is a continuous, unobstructed path that connects all accessible elements and spaces of a building or facility. Interior accessible routes may include corridors, floors, ramps, elevators, lifts, and clear floor space at fixtures. Exterior accessible routes may include accessible parking space access aisles, curb ramps, crosswalks at vehicular ways, walks, ramps, and platform lifts.

**Pedestrian Access Routes**—A pedestrian access route, often called a sidewalk, is located in a public right-of-way and typically is parallel to a roadway. Consequently, sidewalk grades (running slopes) must generally be consistent with roadway grades so that they fit into the right-of-way. Sidewalks are designed for pedestrian transportation and are not designed for bicycles or other recreational purposes.

**Pedestrian Trails**—A trail typically is not parallel to a roadway and is designed primarily for recreational purposes. Trails are not necessarily part of an infrastructure connecting elements or facilities, but typically are designed to provide a recreational experience. Trails may also be used by multiple types of users, but most are not designed for bicycles, nor do they have a transportation purpose.

**Outdoor Recreation Access Routes**—An outdoor recreation access route (ORAR) is a continuous, unobstructed path that is intended for pedestrian use and that connects accessible elements, spaces, and facilities within camping and picnic facilities and at viewing areas and trailheads only. ORAR's cannot be used at other types of facilities, such as educational campuses, office parks, or theme parks.



**Shared-Use Paths**—A shared-use path is part of a transportation system in a public right-of-way that provides off-road routes for a variety of users. Even where the primary users may be bicyclists, skaters, or equestrians, shared-use paths typically are designed to serve pedestrians, including people using mobility devices such as manual or motorized wheelchairs. In addition to transportation uses, shared-use paths often provide recreational experiences. They may extend or complement a roadway network. For example, they may supplement on-road bike lanes, shared roadways, bike boulevards, and paved shoulders. Shared-use path design is similar to roadway design but on a smaller scale and for lower speeds. Whether located within a highway right-of-way, provided along a riverbank, or established over natural terrain within an independent right-of-way, shared-use paths differ from sidewalks and trails in that they are designed for a variety of users and serve both recreational and transportation purposes. **Table 1** below is a quick reference to show the different route characteristics:

**TABLE 1**

Route Characteristics	
Pedestrian Route Type	Key Elements of Design Intent
Accessible route (AR)	Connects accessible elements and spaces of a building or facility on a site
Sidewalk—pedestrian access route (PAR)	Parallel to roadway  Designed for pedestrians (not bicycles)  Sometimes part of the roadway
<u>Pedestrian Trail (Trail)</u>	Designed for the "recreation experience"  Does not connect elements and spaces on a site  Generally includes a trailhead  Has limited to no transportation function
Outdoor recreation access route (ORAR)	Connects outdoor constructed features and spaces within picnic and camping facilities, viewing areas, and trailheads <b>only</b>
Beach access route (BAR)	Crosses the surface of the beach to the shoreline  Coincides with or is located in the same general area as pedestrian access points to the beach
Shared-use path (SUP)	Intended for multi-use  Bicycle/transportation focus  Machined, layered surface (improved)  Located in either an "independent corridor" or public right-of-way



The current use of the greenbelt would best be identified as a ***Pedestrian Trail (Trail)***. A pedestrian trail is typically designed primarily for recreational purposes. Trails are not necessarily part of an infrastructure connecting elements or facilities, but typically are designed to provide a recreational experience. Trails may also be used by multiple types of users, but most are not designed for bicycles, nor do they have a transportation purpose. **Table 2** below highlights the technical requirements for slope, width, and surface for different route types:

**TABLE 2**

Technical Requirements for Slope			
If Running Slope of Segment is Steeper Than	But Running Slope of Segment is Not Steeper Than	Maximum Length of Segment	Cross Slope
<b>Trail</b>			
0:00 (0%)	1:20 (5%)	any length	Concrete, asphalt, boards—1:48 (2%)
1:20 (5%)	1:12 (8.33%)	200 feet	All other surfaces when necessary for drainage —1:20 (5%)
1:12 (8.33%)	1:10 (10%)	30 feet	
1:10 (10%)	1:8 (12%)	10 feet	
<b>ORAR</b>			
0:00 (0%)	1:20 (5%)	any length	Concrete, asphalt, boards—1:48 (2%)
1:20 (5%)	1:12 (8.33%)	50 feet	All other surfaces when necessary for drainage —1:20 (5%)
1:12 (8.33%)	1:10 (10%)	30 feet	
<b>BAR</b>			
0:00 (0%)	1:20 (5%)	any length	Concrete, asphalt, boards—1:48 (2%)
1:20 (5%)	1:12 (8.33%)	50 feet	All other surfaces when necessary for drainage —1:20 (5%)
1:12 (8.33%)	1:10 (10%)	30 feet	

Technical Requirements for Width and Surface		
	Minimum Width	Surface
AR	36 inches	Firm, Stable, Slip Resistant
PAR	48 inches	Firm, Stable, Slip Resistant
Trail	36 inches	Firm and Stable
ORAR	36 inches	Firm and Stable
BAR	60 inches	Firm and Stable
SUP	No requirement	Firm, Stable, Slip Resistant



The pedestrian trail would require some re-grading to meet slope requirements. Grade transitions across the Greenbelt accommodate elevation differences which are, in places, significant given the hillside nature of the community. Thus, the means of access, particularly in mid-block locations, may be steep and non-compliant with respect to allowable grades for the paths of travel. The level of regrading would vary depending on the segment as slope conditions vary significantly throughout the greenbelt.

Pedestrian must have a minimum 36” width, but are recommended to be 6 feet to facilitate two-way travel.

### **B. Pathway Material**

The most significant barrier to disabled access to the Greenbelt is the surfacing of the trail itself. Surfacing of disabled paths of travel shall be firm, stable and slip resistant. In order to maintain the natural look of the Greenbelt, the surface materials used for the accessible pedestrian trails may consist of natural stabilized decomposed granite (DG). DG will need to stay fairly dry to ensure a firm and flat surface, which could be accomplished by ensuring that irrigation is properly adjusted to minimize watering the pathway surface.

### **C. Alternations and Valuation Threshold**

The City has provided for incremental access improvements to the Greenbelt with construction of curb ramps and disabled access ramps at cross streets and some mid-block points of access. Alterations to the Greenbelt facility, including facility elements such as surfacing, drinking fountains, exercise equipment, or parking, would trigger disabled accessible improvements to the area of alteration. Required improvements are prioritized by those actions that improve points of access, path of travel, and provide disabled accessible drinking fountains.

For any alterations within the Greenbelt that are not solely for purposes of providing accessibility access, 20% of the adjusted construction cost shall go to access compliance. Adjusted construction cost is defined as “*all costs directly related to the construction of a project, including labor, material, equipment, services, utilities, contractor financing, contractor overhead and profit, and construction management costs.*”

When the adjusted construction cost is less than or equal to the current valuation threshold, which is currently \$186,172.00 (2022) the cost of compliance shall be limited to 20 percent of the adjusted construction cost. When the cost of full compliance would exceed 20 percent, compliance shall be provided to the greatest extent possible without



exceeding 20 percent. When the adjusted construction cost exceeds the current valuation threshold, full compliance shall not be required.

#### **D. Feasibility**

Based on the field findings and research performed as a part of this feasibility study, it is the opinion of Access, Inc. that it is technically feasible for the City to provide a portion of, or the entire Greenbelt accessible, provided the requirements contained in this report are met.

Given the variability of the terrain along the Greenbelt, some segments would require more substantial regrading and construction to meet accessibility requirements. The City could consider the segment between Pier Avenue and 8<sup>th</sup> Street for an initial Pilot Study as it has flatter terrain and offers all the elements offered elsewhere along the Greenbelt. The one element that sets this segment apart from the other segments along the Greenbelt is that it is served with a parking lot that has accessible parking spaces.

SWA Group, the City's on-call landscape architect, provided the City with a conceptual design package to assist with the visualization of what an accessible pedestrian trail could look like along this segment of the Greenbelt. The graphics present three (3) concepts for a natural stabilized decomposed granite (DG) pedestrian trail. The concepts also detail options for edge treatments and coloration of the material. In addition to the illustrative materials, SWA Group provided rough order of magnitude cost estimates for the design and construction of the three conceptual options. Please find this information in **Attachment B** at the end of this report.

### **6.0 MAINTENANCE**

To ensure the accessible pedestrian trail encourages and sustains a high level of use, it will be essential for it to be well-maintained. During the design and construction stages, elements such as surface type, drainage, and planting will need to be taken into consideration to help keep the route as low-maintenance as possible.

Regular inspections of the trail will identify what is required to keep the route safe and clear of any obstructions. Examples of the types of maintenance required to maintain the trail include, but not limited to; cutting back encroaching vegetation, trimming overhanging trees, sweeping or leaf blowing and litter picked up.



## 7.0 RECOMMENDATIONS

According to the Architectural Barriers Act (ABA) Guidelines for Outdoor Developed area as well as the California State Parks Accessibility Guidelines, the current use of the Greenbelt would best be identified as a ***Pedestrian Trail (Trail)***.

A pedestrian trail is typically designed primarily for recreational purposes. Trails are not necessarily part of an infrastructure connecting elements or facilities, but typically are designed to provide a recreational experience. Trails may also be used by multiple types of users, but most are not designed for bicycles, nor do they have a transportation purpose.

The existing grades along the above mentioned portion of the Greenbelt are moderate. The addition of an accessible pedestrian trail should be able to be constructed with very little change to the existing grade elevations along the trail. There are however steeper grades at the mid-block access point where the running slope exceptions, outlined in Table 2 of this report, will need to be utilized to achieve a compliant route of travel at the access location.

The grade transitions across other areas of the Greenbelt have elevation differences which are, in places, significant given the hillside nature of the community. Thus, the means of access, particularly in mid-block locations, may be steep and non-compliant with respect to allowable grades for the paths of travel.

Based on the field findings and research performed as a part of this feasibility study, it is the opinion of Access, Inc. that it is technically feasible for the City to provide a portion of, or the entire Greenbelt accessible, provided the requirements contained in this report are met.

The most significant barrier to disabled access to the Greenbelt is the surfacing material used for the trail itself. Surfacing of disabled paths of travel shall be firm, stable and slip resistant. In order to maintain the natural look of the Greenbelt, the surface materials used for the accessible pedestrian trails may consist of natural stabilized decomposed granite (DG).

The ideal location for an initial pilot project was determined to be between Pier Avenue and 8<sup>th</sup> Street. This segment of the Greenbelt offers all the elements offered elsewhere along the Greenbelt (monument, workout station, benches, water fountain, etc.). The one element that sets this segment apart from the other segments along the Greenbelt is that it is served with a parking lot that has accessible parking spaces. The City's on-call



landscape architect SWA, provided the City with a conceptual design package to assist with the visualization of what an accessible pedestrian trail could look like along a portion of this segment of the Greenbelt from Pier to 11<sup>th</sup> Street to establish an initial pilot. The City could in the future add additional elements as discussed above or extend to 8<sup>th</sup> Street. The visualizations includes 3 options and also details options for edge treatments and colorization of the DG material.

## 8.0 FINAL COMMENTS

The observations and recommendations contained herein should be considered the opinions of the Certified Access Specialist (CAsp) working on behalf of Access, Inc., and based on a limited review. These observations do not purport to be either complete or exhaustive, but rather limited to what a visual survey and level measurements of the pedestrian trail would reasonably reveal.

We appreciate the opportunity to be of service in this effort. If you have any questions, or require additional information, please feel free to contact us at (949) 270-2775.

Respectfully submitted,

Matthew D. Steele, CAsp #865  
Principal Access Specialist

Attachments:

- A. *Improvements on the Greenbelt* authored by City Attorney, Mr. Michael Jenkins, dated February 22, 2018
- B. SWA Group Conceptual Designs, February 2022





**ATTACHMENT A**  
**JENKINS & HOGIN, LLP**  
A LAW PARTNERSHIP

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MEMORANDUM

TO: MEMBERS OF THE CITY COUNCIL

CC: SERGIO GONZALEZ, CITY MANAGER

FROM: MICHAEL JENKINS, CITY ATTORNEY

DATE: FEBRUARY 22, 2018

RE: IMPROVEMENTS ON THE GREENBELT

This memorandum discusses whether material producing hardscape<sup>1</sup> may be placed on the Hermosa Beach Greenbelt (“Greenbelt”) under the Hermosa Beach Municipal Code to make the Greenbelt accessible to those in wheelchairs. This memorandum also discusses access laws (*e.g.*, Americans with Disabilities Act) and whether City action is required to make the Greenbelt more accessible.

**Introduction**

The Greenbelt was developed in 1986 on an abandoned Santa Fe Railroad spur which once provided a rail connection between the Redondo Beach Wharf and downtown Los Angeles. Development of the Greenbelt as a recreational amenity commenced in the late 1980s. The City planted vegetation, installed workout stations, and added bark woodchips and mulch on the ground. As provided by contract, the City’s landscape contractors regularly recycle the citywide tree trimming into chips that are placed onto the Greenbelt, which is part of the City’s program to reduce green waste.

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<sup>1</sup> For purposes of this memorandum, this type of surface, typically a decomposed compacted granite substance, will be referred to as hardscape.

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## **Analysis & Discussion**

### *A. Code Permitted Improvements*

The Greenbelt is zoned OS-1 RESTRICTED OPEN SPACE. The uses and improvements permitted in this zone are codified in Hermosa Beach Municipal Code (“HBMC”) §§ 17.32.020 & 17.32.030. HBMC § 17.32.020 (Permitted uses) states as follows:

“Those uses permitted in the O-S zone,<sup>2</sup> except that no structure, building or improvement shall be developed, constructed or erected unless specifically authorized as a permitted improvement herein.”

HBMC § 17.32.030 (Permitted improvements) provides as follows:

“Improvements permitted in the O-S-1 zone shall be as follows:

A. Only nonbuilding public improvements ***relating to landscaping, beautification, erosion control and irrigation improvements*** by the city which are consistent with or necessary to maintain and assure permanent open space in and for public parks and recreation purposes or relating to anti-seawater intrusion wells as an existing use;

B. Improvements to only those two existing parking areas located within the greenbelt area across from Clark Stadium and City Hall consistent with or necessary to maintain and assure designated parking spaces, without expanding the existing parking area. Such improvements shall be of a nature and material designed to enhance and preserve the existing natural landscape.” (emphasis added)

When read together, the *uses* permitted on the Greenbelt are as broad as those in the O-S zone; however, the *physical improvements* permitted on the Greenbelt are limited by § 17.32.030 to the improvements stated therein. Thus, while pedestrian and bicycling walkways, by way of example, are

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<sup>2</sup> The uses permitted in the O-S zone are codified in HBMC § 17.30.020 and list 13 categories of uses (*e.g.*, public parks, playgrounds, riding, bicycling and pedestrian walkways, transit uses, *etc.*)

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permitted uses of the Greenbelt (by virtue of the cross-reference to HBMC § 17.30.020), physical improvement of the Greenbelt is explicitly limited by HBMC § 17.32.030 (*i.e.*, “relating to landscaping, beautification, erosion control and irrigation improvements by the city which are consistent with or necessary to maintain and assure permanent open space in and for public parks and recreation purposes”).

Chapter 17.32 was added to the HBMC by a vote of the electorate at the November 1989 municipal election, enacting Proposition “F” (adding Ordinance No. 89-1001 to the HBMC). Section 6 of Ordinance No. 89-1001 provides that “[T]here shall be no modification, amendment or repeal of any provision of this ordinance without a vote of the people.” Similarly, California Elections Code section 9217 provides that “[n]o ordinance that is either proposed by initiative petition and adopted by the vote of the legislative body of the city without submission to the voters, or adopted by the voters, shall be repealed or amended except by a vote of the people, unless provision is otherwise made in the original ordinance.” Hence, Section 17.32.030 can only be amended by a vote of the electorate.

The question of whether hardscape is permitted on the Greenbelt depends on whether hardscape is “landscaping” within the meaning of HBMC Section 17.32.030(A). Unfortunately, the Municipal Code does not define the word “landscaping,” and there is no dispositive definition of that word that would either include or exclude hardscape. Hence, in light of this ambiguity, it is necessary to consider extrinsic evidence to aid in the interpretation.

*B. Intent of the Measure*

The stated intent of Ordinance No. 89-1001 (adopted by Proposition F) was to preserve the Greenbelt “for parkland and open space purposes” as “an aesthetic oasis for all the people of the City of Hermosa Beach.” To the extent that it might assist with interpretation of the ordinance if the text is ambiguous or supports multiple interpretations, courts may turn to extrinsic sources such as ballot summaries and arguments in the ballot pamphlet for

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insight into the voters' intent. (*Kwikset Corp. v. Superior Court* (2011) 51 Cal. 4th 310, 321.)

The ballot argument in favor of Proposition F (authored by three Councilmembers – Chuck Sheldon, Jim Rosenberger and June Williams) proposes that the Greenbelt be “forever a tranquil oasis” and further states, with reference to the parking area identified in Paragraph B of Section 17.32.030, the following:

“Forget visions of concrete and asphalt though, the ordinance specifically states that parking lot ‘improvements shall be of a nature and material designed to enhance and improve the existing natural landscape.’ We’re talking woodchips, gravel, railroad ties and grass crete.”

The debate between proponents and opponents of Proposition F appeared to focus on the existing parking area just south of City Hall and whether dogs should be leashed while on the Greenbelt. There is no direct discussion of the materials to be used on the Greenbelt aside from the discussion above pertaining to the parking area. Hence, the ballot materials are of little assistance in divining the intent of the voters in passing Proposition F as regards the surface of the Greenbelt itself.

*C. Clarifying Language Elsewhere in the Hermosa Municipal Code*

The HBMC does not provide much in the way of guidance on what constitutes landscaping or beautification. In an unrelated provision of the HBMC, Chapter 8.60 (Efficient Landscaping) defines the term “Landscape area” as follows:

““Landscape area” means the total area of the landscape project (planting areas, turf areas, and water features) in a landscape design plan . . . Landscape area includes “new construction landscape” and “rehabilitated landscape.” Landscape area does not include footprints of buildings or structures, sidewalks, driveways, parking lots, decks, patios, gravel or stone walks, other pervious or impervious hardscapes,

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and other non-irrigated areas designated for non-development (e.g., open spaces and existing native vegetation).

The definition above excludes hardscape from a “landscape area.” The focused purpose of the water efficient landscape chapter is to minimize water waste; this narrow purpose limits the utility of this definition in other contexts.

HBMC § 17.36.020 (permitted uses in the Open-Space Overlay Zone) lists “Landscaping (hardscape/softscape)” as a permitted use, arguably leading to the opposite treatment of hardscape as landscaping than in the water efficient regulations. This explanatory qualifier of either hardscape or softscape, while absent from HBMC § 17.32.030(A), lends some support to treating hardscape as landscaping. However, the OS Overlay designation is only used for Strand-facing property sideyard improvements where parking areas and patios are permitted, a completely different context than the Greenbelt. At bottom, nothing in the HBMC offers definitive guidance as to the meaning of “landscape” and “hardscape” for purposes of Section 17.32.030.

*D. Dictionary Definitions*

Various dictionary definitions also fail to provide much guidance.

Landscaping is defined as (i) “the process of making a yard or other piece of land more attractive by altering the existing design, adding ornamental features, and planting trees and shrubs;” (ii)

“to improve the appearance of (an area of land, a highway, etc.), as by planting trees, shrubs, or grass, or altering the contours of the ground;”

and (iii) “features such as trees, stones, etc. that have been added to make a piece of land more attractive; land that has been made more attractive in this way.” These definitions do not appear to indicate that only living features

(grass, shrubs, plants, *etc.*) qualify as landscaping.<sup>3</sup> See Oxford Learner’s

Dictionary

(<http://www.oxfordlearnersdictionaries.com/us/definition/english/landscaping>); <http://www.dictionary.com/browse/landscape>.

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<sup>3</sup> Under these definitions, the bark woodchips and mulch added to the Greenbelt may not qualify as landscaping.

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*E. The City's Application of this Language in Other Contexts*

Noble Park, which is zoned OS-2 RESTRICTED OPEN SPACE, is subject to an almost identical improvement restriction.<sup>4</sup> Its paths consist of decomposed granite (which we have defined as "hardscape"); there is no evidence revealing whether the landscape-only restriction in the OS-2 zone was considered when the paths were installed.

*F. Common Sense Reading of the Ordinance*

Courts hold that ordinances should be given a common sense interpretation; in other words, that when reading an ordinance, a court will avoid a reading that has absurd results. *See Wotton v. Bush* (1953) 41 Cal. 2d 460, 467; *Granberry v. Islay Inv.* (1984) 161 Cal.App.3d 382, 388 (statute should be interpreted to produce a result that is reasonable and to avoid absurd result).

It is reasonable from a policy point of view that a non-building improvement that advances or facilitates a permitted use of the Greenbelt could be allowed. Section 17.32.020 expressly allows all of the uses enumerated in Section 17.30.020, which include "[r]iding, bicycling and hiking trails and pedestrian ways."

Alternatively, the intent of Section 17.32.030 was to preserve the Greenbelt in as natural a state as possible, thereby allowing riding, bicycling and hiking/walking on the natural surface of the ground, but precluding the addition of materials that would create a road-like surface and fundamentally alter its character.<sup>5</sup>

A relevant consideration in the common sense interpretation of Section 17.32.030 is the compatibility of uses on the Greenbelt. The placement of decomposed granite or similar hardscape surface on all or substantially all of the Greenbelt will not just make the Greenbelt accessible to the disabled but

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<sup>4</sup> Only non-building public improvements relating to landscaping, beautification: grass, trees, flowers, plants, soil, unobtrusive park lighting, some benches to view the ocean, existing public utilities, one flag pole for the American Flag, and erosion and irrigation improvements to assure permanent open space for park purposes shall be permitted.

<sup>5</sup> Such a limitation, aggravated by the addition of woodchips, creates a barrier to use of the Greenbelt by some people with disabilities.

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will also facilitate cycling, roller skating/blading and similar recreational activities, all of which are permitted on the Greenbelt by virtue of Section 17.32.020.<sup>6</sup> These are not necessarily compatible activities on a single path of travel. Attempting to create a safe multi-modal hard surface pathway with adequate separation of cyclists from pedestrians and including specifications to accommodate disabled users would require modification of the existing vegetation protected by Ordinance No. 89-1001 to preserve the Greenbelt in a relatively natural state as a tranquil “aesthetic oasis.” Proposition F was not intended to convert the Greenbelt into a regional bicycle path; hence, if decomposed granite were to be placed on the surface, it would have to be accomplished in a manner that preserves the Greenbelt as a tranquil, safe, vegetated open space environment.

*G. Role of the City Council Interpreting City Ordinances*

Ultimately, interpretations of the Zoning Ordinance rest with the City Council. *City of Berkeley v. City of Berkeley Rent Stabilization Bd.* (1994) 27 Cal.App.4th 951, 962. The City Council’s interpretation of its own laws is given deference by the courts and will be upheld if not manifestly unreasonable. *Robinson v. City of Yucaipa* (1994) 28 Cal.App.4th 1506 (“construction of the law need not be the only reasonable interpretation, and its application of the law will be upheld unless it is arbitrary, capricious, lacks any rational basis, or disregards the plain meaning of the ordinance”). Increasing the accessibility of the Greenbelt is one plausible basis for the Council to conclude that limited hardscape is consistent with the limitation on improvements on the Greenbelt so long as it does not alter the fundamental character-defining attributes of the facility.

*H. Accessibility Requirements*

The City engaged the firm of M6 Consulting to analyze the accessibility of the Greenbelt. That analysis concludes that the grade transitions (i.e. slopes) in certain (but not all) locations hinder entry to and exit from the Greenbelt by disabled persons. Further, the analysis concludes that the surface of the Greenbelt (consisting of wood chips and mulch) is not sufficiently firm, stable

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<sup>6</sup> Those activities cannot be banned from the Greenbelt without passage of an ordinance by the electorate.

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or slip resistant to qualify as accessible to the disabled under regulatory standards.

The City is subject to the disabled access provisions of the 2010 federal Americans with Disabilities Act and related provisions of Title 24 of the California Code of Regulations, the intent of which is to eliminate barriers to access to public facilities. A city's duty to eliminate barriers arises only in the event alterations are made to the facility. Thus, the City has no legal obligation to improve the accessibility of the Greenbelt unless it undertakes a project to alter or modify it. See United States Access Board's (federal agency responsible for developing accessibility guidelines for the construction and alteration of facilities covered by the ADA) Guidelines and Standards for Trails (<https://www.access-board.gov/guidelines-and-standards/recreation-facilities/outdoor-developed-areas/background/committee-report/trails>); see also 28 CFR §35.150.

As of the date of this Memorandum, there are no applicable guidelines for trail facilities like the Greenbelt. The United States Access Board has indicated that it will develop guidelines potentially applicable to non-federally owned sites like the Greenbelt at some time in the future.<sup>7</sup>

## **Conclusion**

In sum, the City may only improve the Greenbelt with a hardscape pathway if it finds that the path is landscaping consistent with the open space designation. One benefit of hardscape might be that it increases accessibility of the Greenbelt. The City is not obligated by State or federal law to undertake such improvements unless the City is making other improvements. However, there currently are no standards to determine what improvements would achieve a level of accessibility to comply with the ADA.

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<sup>7</sup> <https://www.access-board.gov/guidelines-and-standards/recreation-facilities/outdoor-developed-areas>



# ATTACHMENT B

## **Greenbelt Accessibility Path** City of Hermosa Beach

**swa**



Pier Ave to 11th St  
Hermosa Beach, CA 90254

March 01, 2022

# AGENDA

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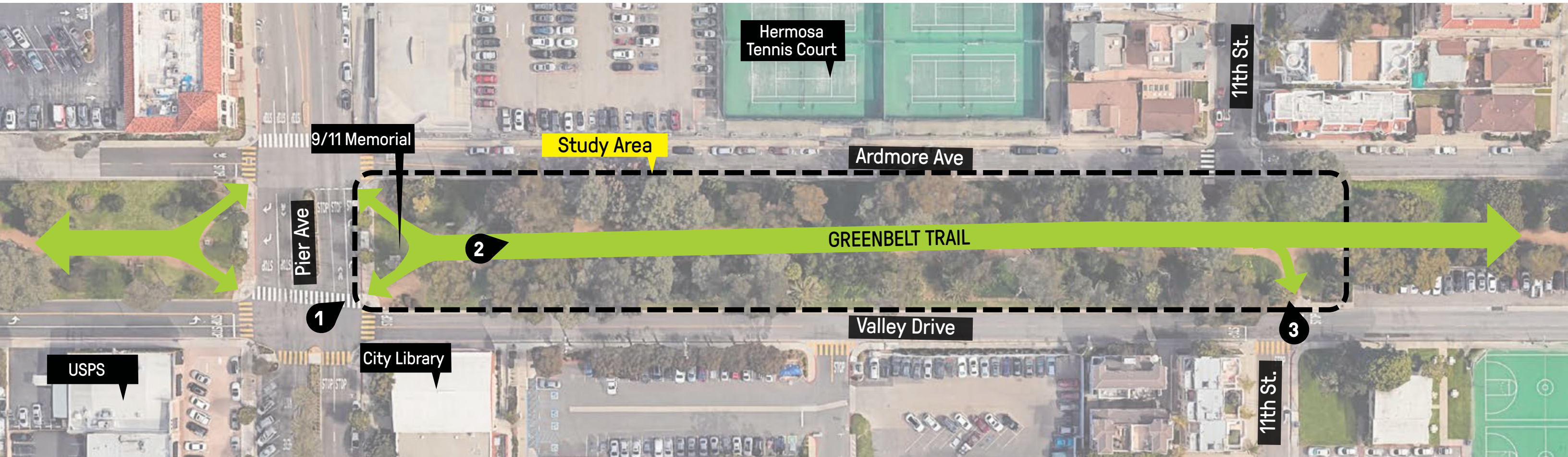
- 1. Site Location**
- 2. Project Overview**
- 3. Design Alternatives**

# Site Location



# Project Overview

## Existing Condition



1. Pier Ave & Valley Drive Entry



2. Greenbelt Trail

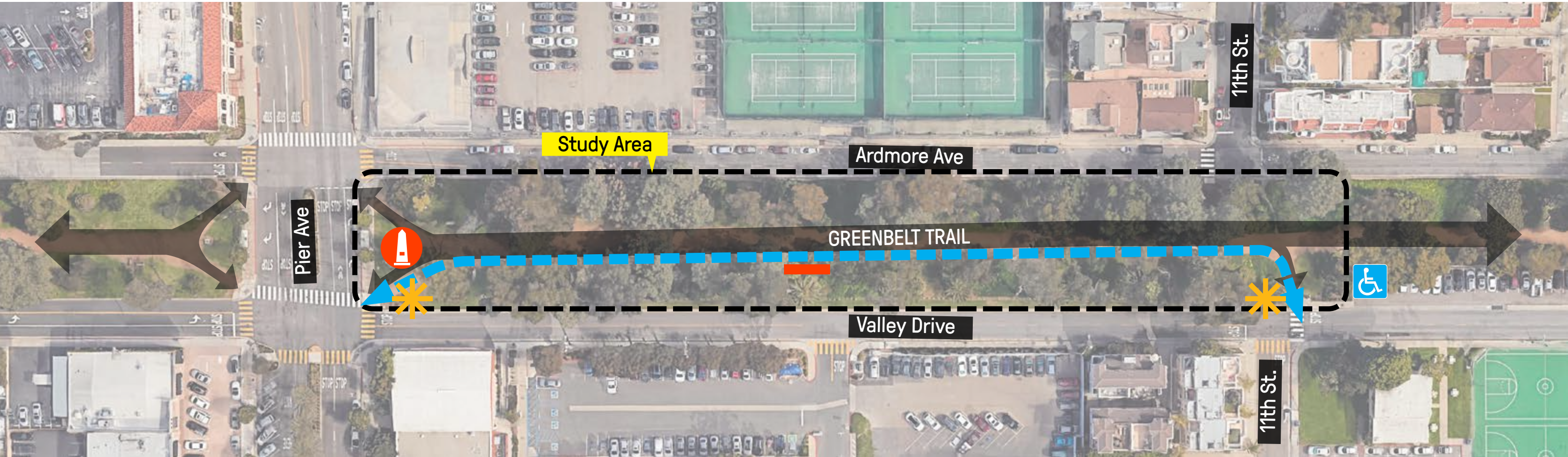


3. 11th Street Entry







# Project Overview

## Accessibility Upgrade



### Legend

-   
 Accessible Trail  
*(Decomposed Granite)*
-   
 Trail Marker
-   
 Hermosa Beach  
 9/11 Memorial
-   
 Accessible Bench  
 with Companion Seat
-   
 Accessible Parking



# Project Overview

## South Bay Precedents



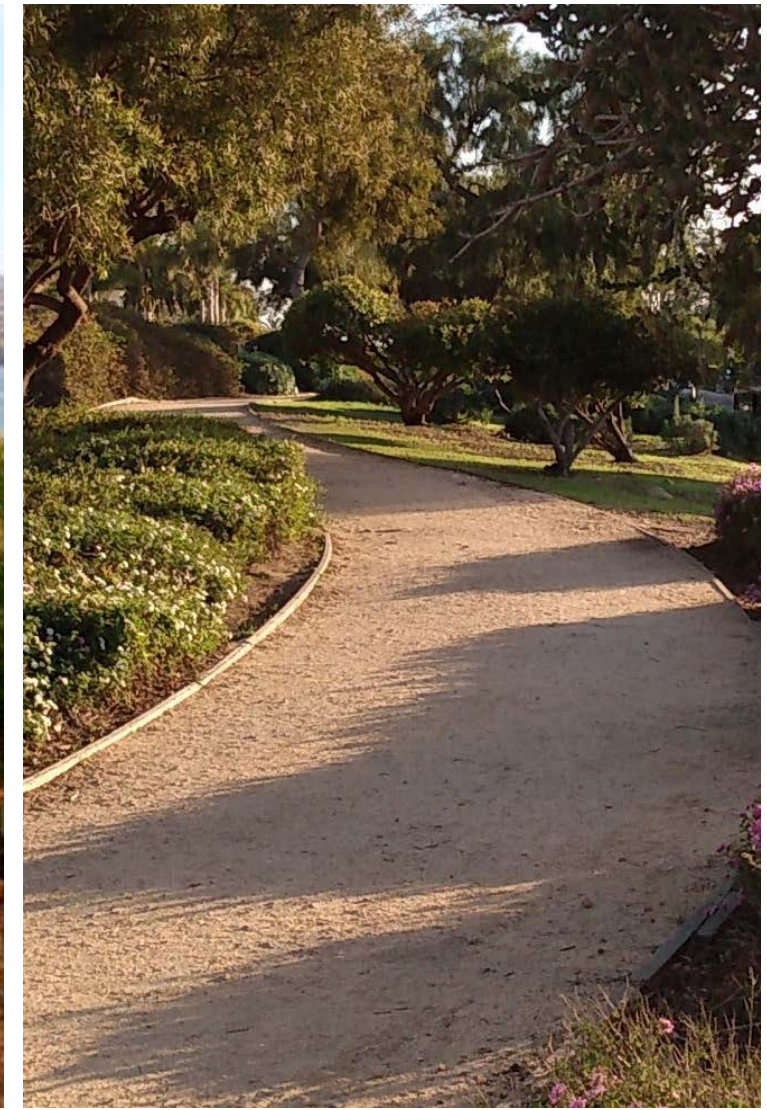
Nature Trail  
*Palos Verdes Estates*



Seascape Trail  
*Rancho Palos Verdes*



Terranea Trail  
*Rancho Palos Verdes*



Nature Trail  
*Rancho Palos Verdes*

# Project Overview

## Decomposed Granite

### Edge Conditions



Natural Edge  
*Jeffrey Open Space Trail*

### Colors



Gold Decomposed Granite  
*Sunnyside*



Red / Brown  
*Canyon clay*



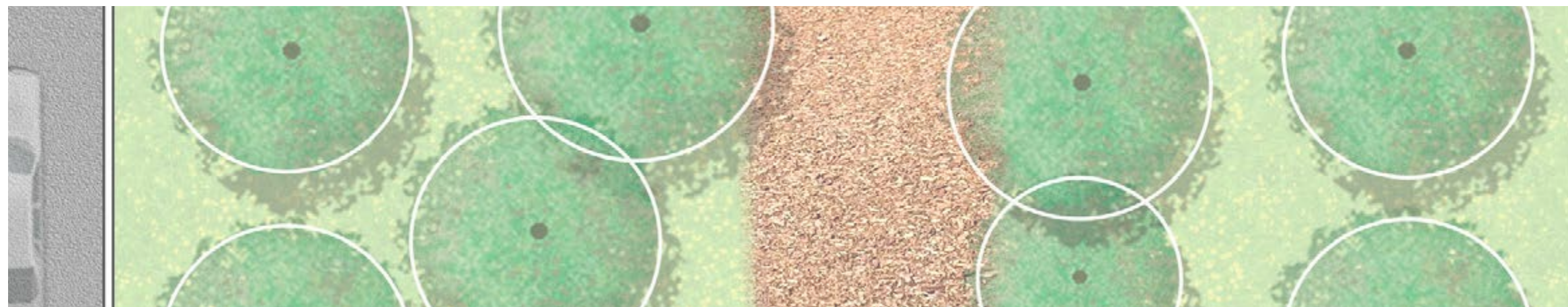
Brown / Grey  
*Kettle*

# Project Overview

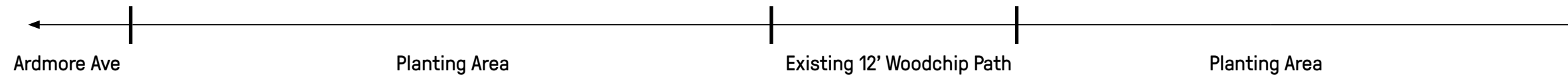
## Existing Condition



## Section



## Plan



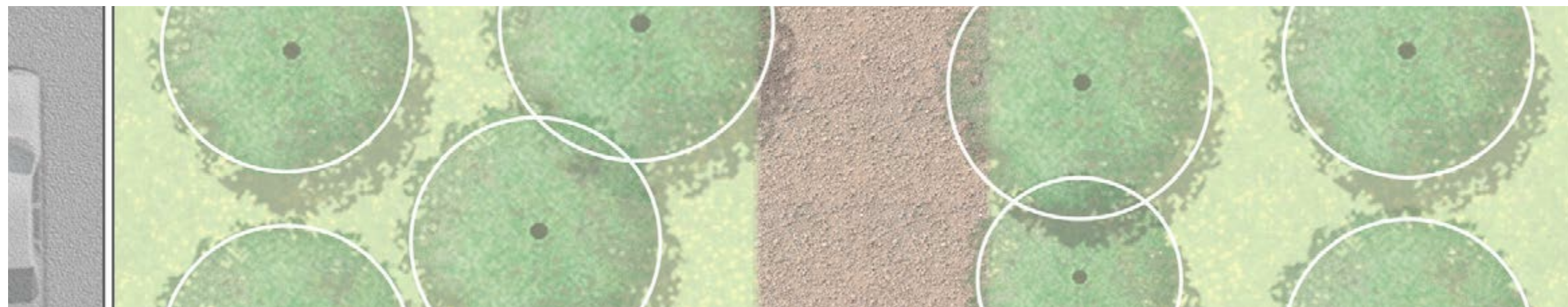


# Design Alternative

Option 1: Replace entire path with decomposed granite.



Section



Plan

Ardmore Ave

Planting Area

12' Proposed DG Path

Planting Area

# Design Alternative

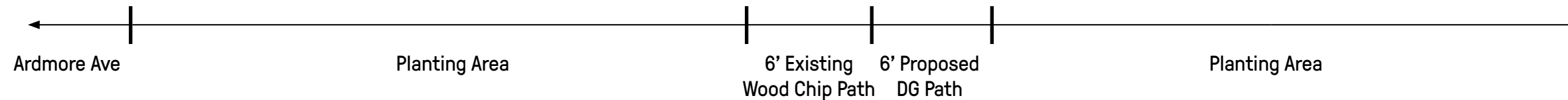
Option 2: Combine wood chip and decomposed granite path.



Section

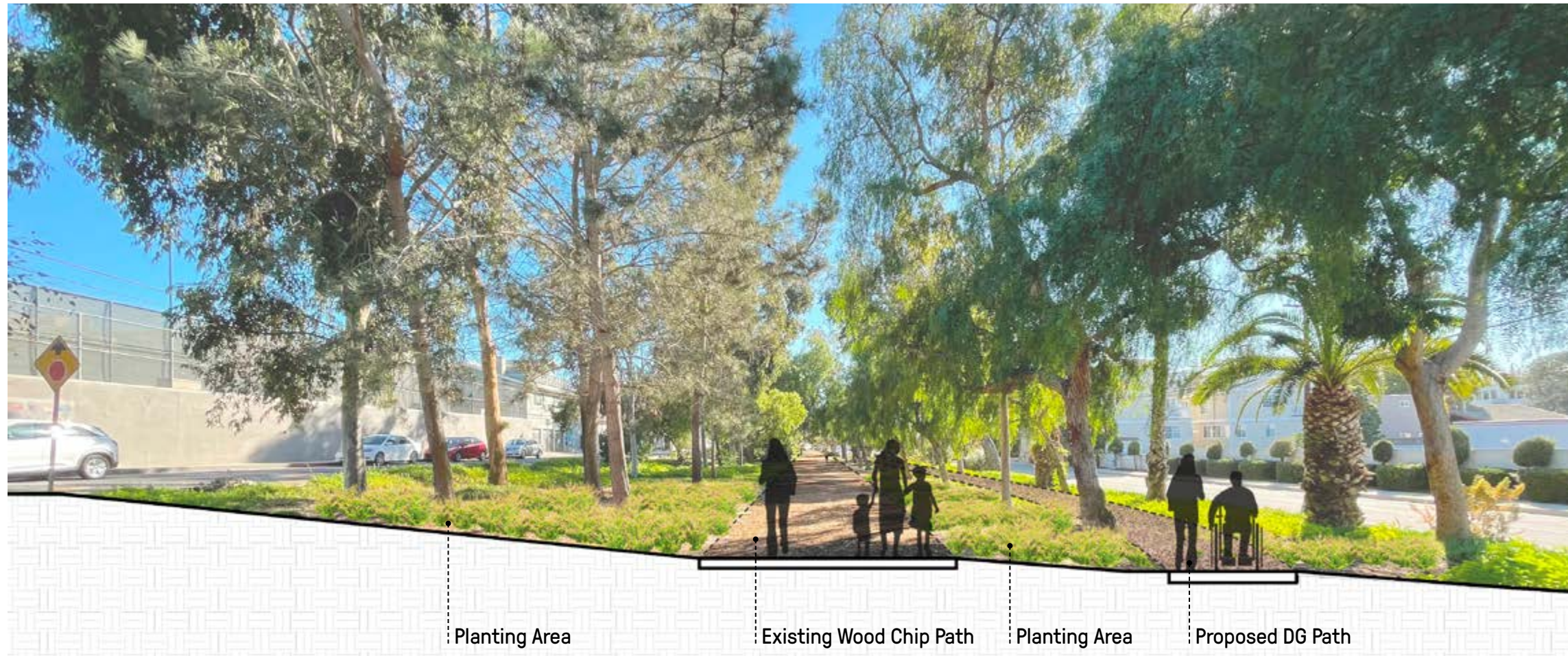


Plan

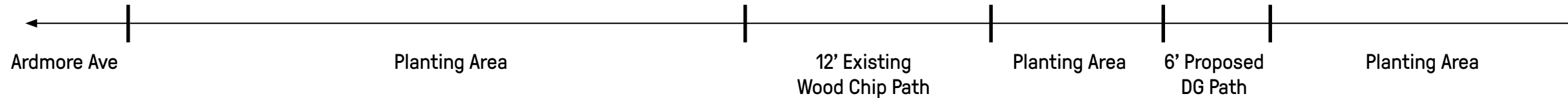
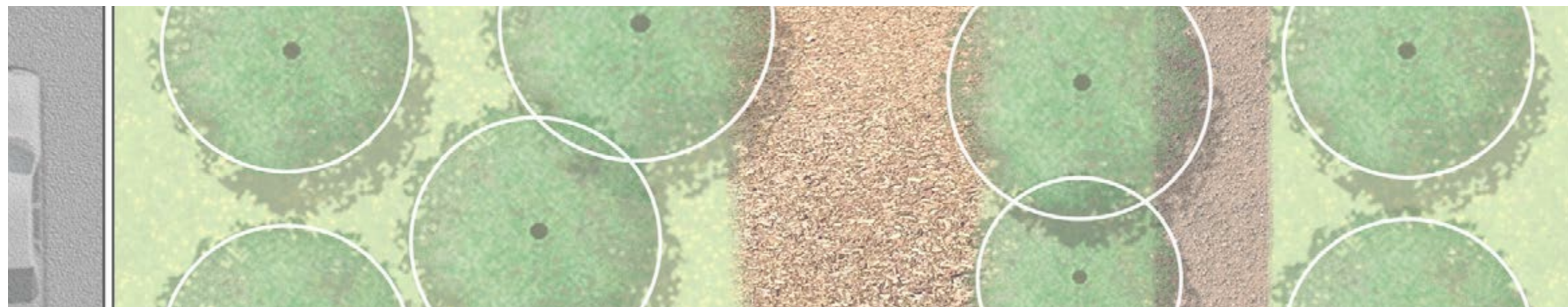


# Design Alternative

Option 3: Separate decomposed granite path.



Section



Plan

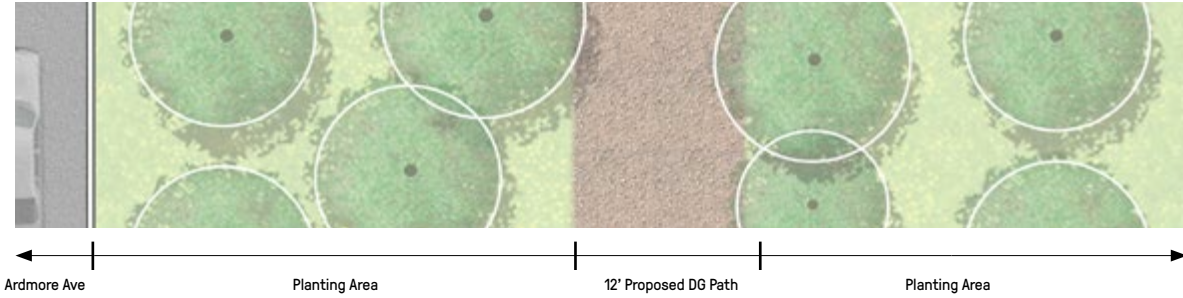


**Greenbelt Accessibility Path**

# Design Alternatives

## Pros and Cons

### Option 1



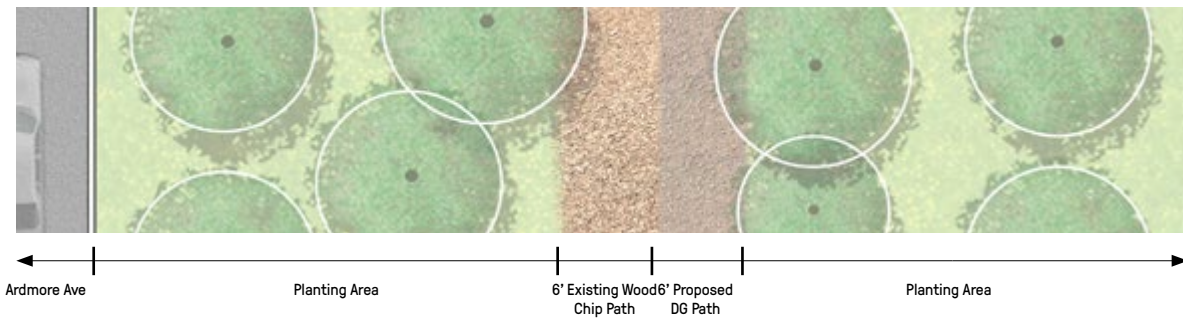
### PROS

- Lowest maintenance
- Seamless Access

### CONS

- Removes wood chips
- Minor modifications required to existing irrigation and planting

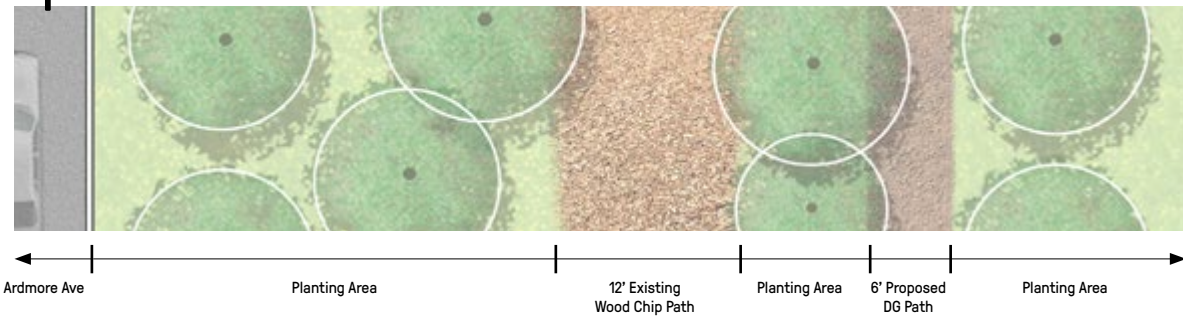
### Option 2



- Provides choice of material within existing path cross-section

- Significant maintenance due to mixing of materials
- Would require a fixed header - potential tripping hazard
- Minor modifications required to existing irrigation and planting
- May increase conflicts between passing users

### Option 3



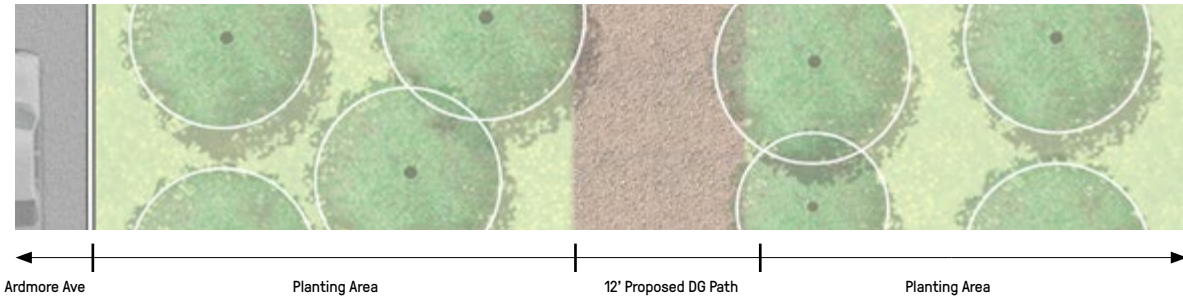
- Dedicated path
- Retains existing woodchip path
- Reduces potential conflicts with existing path

- Highest cost
- Some plant and tree removal
- Equal Access would require additional tertiary paths to points of interest
- May not be feasible for entire greenbelt - requires additional study.

# Design Alternatives

## ROM Costs

### Option 1



Total Construction Cost: \$205,000

Total Design Cost: \$63,250

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**Total Project Cost: \$268,250**

### Option 2



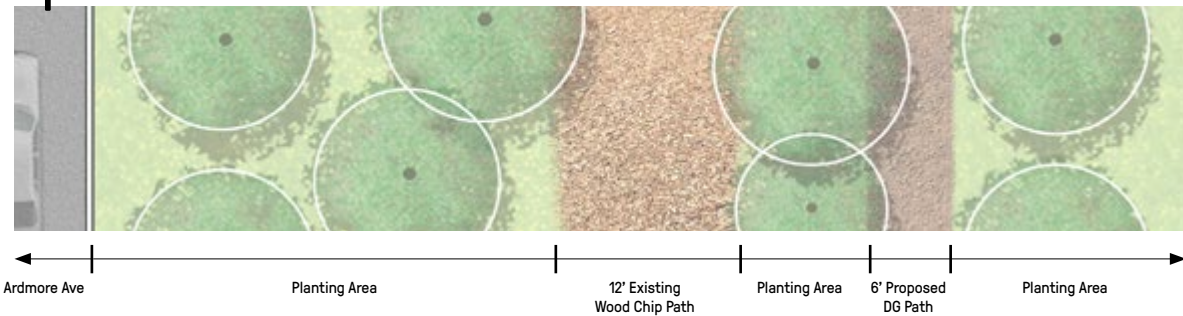
Total Construction Cost: \$195,000

Total Design Cost: \$74,750

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**Total Project Cost: \$269,750**

### Option 3



Total Construction Cost: \$315,000

Total Design Cost: \$86,250

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**Total Project Cost: \$401,250**

**Thank You**  
**Any Questions?**