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TO:	CHAIR AND MEMBERS CIVIC WORKS COMMITTEE MEETING ON APRIL 25, 2016
FROM:	JOHN BRAAM, P.ENG. MANAGING DIRECTOR, ENVIRONMENTAL & ENGINEERING SERVICES AND CITY ENGINEER
SUBJECT:	LANDSCAPE MATERIAL ON BOULEVARD POLICY

RECOMMENDATION

That, on the recommendation of the Managing Director, Environmental & Engineering Services and City Engineer, the following report regarding alternate landscape materials on City boulevards **BE RECEIVED** for information.

PREVIOUS REPORTS PERTINENT TO THIS MATTER
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- Environment and Transportation Committee – July 20, 2009 – Boulevard Naturalization Policy Update

2015-19 STRATEGIC PLAN

This report supports the Strategic Plan through the strategic focus area of *Leading in Public Service* by providing clarity in support of a more open, accountable and responsive municipal government.

BACKGROUND

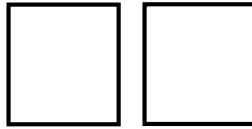
At the March 8th, 2016 Civic Works Committee, the following resolution was approved:

“That the Civic Administration BE REQUESTED to review the applicable by-law governing landscape material on boulevard areas and report back at a future meeting of the Civic Works Committee with options to permit rain gardens, mulch and hard mulch materials, etc. for boulevard areas.” (2016-E04).

This report reviews the City’s By-laws, policies and practices as they relate to the use of landscape material on City boulevards.

DISCUSSION

Landscape naturalization and the ability to place alternatives to grass on the road allowance has been discussed and reviewed by staff from Parks Planning, Risk Management, Transportation and Environmental Programs on numerous occasions since late 2008.



What is meant by “boulevard” and what are its characteristics?

For the purposes of this report, boulevard shall be defined as the portion of the City owned road allowance that is not publically traveled by either vehicles or pedestrians. It includes the area between the edge of road/curb to the public sidewalk (if any) and from the public sidewalk to the limit of the road allowance, also being the limit of private property. The majority of boulevards in the City consist of grass landscaping but in downtown areas boulevards are more often hard surfaces such as concrete, asphalt or interlocking brick.

In residential areas the road allowance limit is not well demarcated and boulevards tend to “blend in” with private property. As a consequence, homeowners usually treat and maintain the boulevard in a similar manner as they would their own property.

What landscaping material is permitted on the boulevard?

In new subdivisions, the standard agreement clauses include language requiring the purchaser of lots to top soil and sod the portion of the road allowance between street line and property line. In existing neighbourhoods and assumed subdivisions, the City’s S-1 (Streets) By-Law only permits grass landscaping on boulevards.

Why is boulevard landscaping material restricted to grass?

Road allowance governance presents a significant challenge for the City due to the wide range of competing uses of its roadways that not only include the primary needs of providing a right-of-way for public travel and a corridor for municipal services and utilities, but also provides a streetscape “canvas” supporting everything from boulevard tree planting programs to public place making initiatives. In addition to this, the City has to try to balance the desires of abutting property owners who tend to view boulevards as an extension of their own property which sometimes conflict with the primary uses for road allowances.

The focus of the Streets By-law is to establish the basic parameters for road allowance governance of the primary uses, being to support public travel and provide a corridor for City services and private utilities. All other uses are secondary and auxiliary to these primary needs.

Reflecting these primary concerns, the Streets By-law establishes grass as the officially approved landscaping material of choice because grass;

- is inexpensive to plant
- can be restored quickly with sod or seed and mulch, post construction
- is low maintenance and drought tolerant (watering and fertilizing are optional)
- is widely considered to be esthetically pleasing to the eye
- is people and pet friendly

In short, there is no other ground cover option available that is as effective as grass when satisfying the broad scope of needs for a boulevard landscaping material.

What do Londoner’s currently prefer for landscape material?

A brief walk through virtually any neighbourhood in the City clearly demonstrates the

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vast majority of property owners continue rely on grass landscape cover for their properties, presumably for many of the reasons mentioned above.

There is, however, a small but growing interest in the use of alternative landscape materials partly due to personal views on esthetics, partly out of environmental concerns and partly because the Provincial ban on the cosmetic use of pesticides and the higher cost of lawn watering has increased maintenance costs for homeowners who desire a lush, green lawn.

Are there any other considerations?

From a stormwater drainage perspective, alternative treatments to grass in the municipal boulevard can act as a form of stormwater management. Some forms of alternative treatments in the boulevard can decrease road runoff, promote groundwater recharge, and reduce irrigation requirements. These natural treatments are often referred to as Green Infrastructure or Low Impact Development (LID) measures. Common examples of LID measures include bioswales (specially designed vegetated ditches) and rain gardens.

The Ministry of Environment and Climate Change (MOECC) is currently developing a provincial guidance manual for Low Impact Developments (LIDs), which is tentatively scheduled for release in 2017. Once the manual is released, the MOECC has advised municipalities that LIDs will be required to promote the infiltration of stormwater in areas of new development and as part of infrastructure renewal programs.

To ensure the City of London is prepared for the upcoming regulatory changes, the Stormwater Engineering Division has started to develop an LID Implementation Strategy. The strategy will be completed in-house and will include a review of LID best practices in Ontario. In addition, it will consider factors including encroachments with utilities, capital/lifecycle costs, ongoing maintenance, public safety, and risk management in the City of London context.

What are the City of London’s current practices regarding alternative landscape materials on street boulevards?

In new subdivisions, the subdivider is required to bring all boulevards into compliance by replacing any unacceptable landscaping materials with grass prior to assumption of the road allowance by the City. Following assumption, Municipal By-Law Enforcement responds to cases of non-compliant landscaping materials within the public road allowance on a compliant driven basis through enforcement of the Streets By-law.

It is recognized, however, that there are many acceptable potential alternatives to grass that provide environmental benefits on the City’s boulevard. Notwithstanding that the Streets By-law restricts landscaping on boulevards to grass, the City’s long-standing practice is to generally allow alternative landscaping materials to be placed on boulevards **provided that:**

- If excavating, the property owner obtains a Permit for Approved Works (PAW) from the City and utility locates through Ontario One Call
- The alternative boulevard treatment is done entirely at the property owners risk and expense it being understood that the City and utility companies are not responsible for any damage caused to the landscaping material on the

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boulevard and are not obligated to restore the boulevard with anything other than grass upon completion of work

- The boulevard treatment does not interfere with the City’s or the public’s use and enjoyment of the road allowance
- The boulevard treatment does not create any unsafe or hazardous conditions
- The boulevard treatment does not interfere with City services, utility plant or their operations
- The boulevard treatment is not deemed by the City to be wholly unreasonable in the broader context of neighbourhood esthetics

These considerations are a direct application of the governing principles used to consider alternate uses for road allowances as taken from the City’s Street Encroachment Policy. That policy is the mechanism that allows Civic Administration to “ignore” the use of alternative landscape treatments on boulevards even though they are not in strict compliance with the provisions of the Streets By-law.

To the best of our knowledge, the City has never objected to a landowner’s reasonable use of alternative landscaping material on street boulevards provided such material did not contravene any provisions in the Street Encroachment Policy. Furthermore, in the few cases where the City has taken action against a property owner, it was because a specific risk issue was identified that required mitigation. In existing circumstances, when safety is an issue and the material is deemed “unacceptable”, City staff work with the homeowner to have the plantings and landscaping maintained differently or removed.

A few examples of alternative landscape materials currently being used on City boulevards include gardens, plant ground cover, various mulches and rockery. The City is also aware of at least one instance where a property owner has installed artificial turf on the boulevard up the public sidewalk. Provided the mulches do not spill out onto the travelled portion of the roadway/sidewalk and provided the rocks are not placed adjacent to the roadway or sidewalk thereby creating a snowplough hazard and the gardens do not create a sight obstruction, the City has generally taken no action in these instances.

CONCLUSION

Due to the broader concerns of road allowance administration and in particular City and utility operational costs, it is recommended there be no change to the City’s Streets By-law requiring grass as the City’s official landscape material of choice. The City will continue to restore boulevards with grass and require utility companies and contractors to do the same.

However, notwithstanding the provisions of the Streets By-law, the City has long accommodated property owners wishing to use alternative landscape materials on their boulevard and will continue to do so provided such materials do not conflict with the primary uses of road allowances and comply with the provisions of the City’s Street Encroachment Policy, and that the property owners understand they install the

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alternative landscape material at their own risk an expense.

At the present time, changes to the City’s rules for approved boulevard landscape materials are neither required nor recommended.

Acknowledgements

This report was prepared by Gary Irwin (Geomatics) with input from Shawna Chambers (Stormwater Management), Jennie Ramsay (Development Services), and Jason Wills (Risk Management).

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April 14, 2016

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