

City of Garden Grove

INTER-DEPARTMENT MEMORANDUM

To:	Matthew Fertal	From:	Susan Emery
Dept:	City Manager	Dept:	Community Development
Subject:	CONSIDERATION OF CODE AMENDMENT NO. A-146-09	Date:	March 24, 2009

OBJECTIVE

To transmit a recommendation from the Planning Commission amending Section 9.16.160 H. Groundcover and Section 9.16.160 L. Substitute Landscaping, to allow artificial turf within the R-1 (Single-Family Residential) zone subject to special standards.

BACKGROUND

The City has received requests to allow artificial turf within the R-1 zones as an alternative to natural groundcovers, and staff has been directed to analyze the requests.

Currently, City Code prohibits the use of artificial plants and synthetic groundcovers. In order to allow the installation of artificial turf, Section 9.16.160 H. Groundcover and Section 9.16.160 L. Substitute Landscaping require amending to allow artificial turf within the R-1 (Single-Family Residential) zone, subject to special standards.

At the July 29, 2008 City Council meeting, Council reviewed issues and concerns regarding the application of allowing artificial turf on single-family residential properties. Staff presented City Council with a brief overview of artificial turf applications in residential neighborhoods and parks. Staff was directed to return to Council with options on amending the Zoning Code to allow artificial turf in the R-1 (Single-Family Residential) zone.

On September 9, 2008, staff presented four options to the City Council, ranging from having no requirements to having specific requirements, in order to allow the application of artificial turf in both the front and rear yards of single-family homes. Council raised issues, as a result of public input and concerns, regarding the installation of artificial turf in the Single-Family Residential zone that included lead content, water conservation, odors, recycling, and turf installation. In response to those issues, City staff met with a representative from an artificial turf company and a landscape contractor to discuss the concerns.

On September 28, 2008, staff presented their findings to the City Council for consideration. The consensus of City Council was for staff to move forward with a Code Amendment to Title 9 of the Municipal Code to allow the installation of artificial turf within the R-1 zone.

On February 19, 2009, the Planning Commission considered Code Amendment No. A-146-09, and at the conclusion of the public hearing voted 7-0 to adopt Resolution No. 5670 to recommend City Council Approval of A-146-09 with the recommendation that the installation of the turf would be permitted to be installed by an owner as well as a licensed contractor.

DISCUSSION

Since City Code prohibits the use of artificial plants and synthetic groundcovers and in order to allow the installation of artificial turf, Section 9.16.160 H. Groundcover and Section 9.16.160 L. Substitute Landscaping will require to be amended as follows (changes shown in bold):

Section 9.16.160 H. Groundcover

1. All areas required to be landscaped shall be covered with turf, non-deciduous groundcover or other types of plantings. **Artificial turf may be used as a ground cover within the R-1 (Single-Family Residential) zone.**

Section 9.16.160 L. Substitute Landscaping

1. Materials such as crushed rock, redwood chips, pebbles and stone may not be used in lieu of live plant materials, although their limited use may be approved by the hearing body through the site plan review process. Artificial plants and synthetic groundcovers are prohibited **except where allowed within the R-1 (Single-Family Residential) zone, subject to the following standards:**
 - a. **Artificial turf shall be permitted within the front and rear yards and shall comply with the following criteria:**
 1. **Artificial turf shall have a minimum 8-year "No Fade" warranty.**
 2. **Artificial turf shall be installed by a licensed professional and shall be installed pursuant to manufacturer's requirements, except if the artificial turf is installed by the homeowner. The homeowner shall be required to follow the manufacturer's specifications for installation.**
 3. **Artificial turf shall be installed and maintained to effectively simulate the appearance of a well-maintained lawn. The turf shall be maintained in a green fadeless condition and shall be maintained free of weeds, debris, tears, holes, and impressions.**
 4. **The use of indoor or outdoor plastic or nylon carpeting as a replacement of artificial turf or natural turf shall be prohibited.**

Artificial shrubs, flowers, trees, and vines in-lieu of living plant material shall be prohibited.

- 5. Areas of living plant material (i.e., flower beds, tree wells, etc.) within the front yard area shall be included within the overall landscape design when installing artificial turf. Living plant material shall include shrubs, vines, trees, and flowering ground covers.**
- 6. Artificial turf shall be separated from flower beds by a concrete mow strip, bender board, or other barrier acceptable to the City in order to prevent intrusion of living plant material into the artificial turf.**

FINANCIAL IMPACT

None.

COMMUNITY VISION IMPLEMENTATION

The Community Vision Statement seeks to ensure that Garden Grove is, and remains, an attractive community to all groups within the community. This proposed Amendment will help facilitate this goal by encouraging and promoting resource conservation so that the needs of the present are met without compromising the ability of future generations to meet their needs.

RECOMMENDATION

It is recommended that the City Council:

- Introduce and conduct the first reading of the attached Ordinance amending Section 9.16.160 H. Groundcover and Section 9.16.160 L. Substitute Landscaping, to allow artificial turf within the R-1 (Single-Family Residential) zone subject to special standards.



SUSAN EMERY
Community Development Director

Approved for Agenda Listing



Matthew Fertal
City Manager

By: Lee Marino 
Senior Planner

- Attachment 1: Planning Commission Staff Report dated February 19, 2009
Attachment 2: Planning Commission Minute Excerpt of February 19, 2009
Attachment 3: Planning Commission Resolution No. 5670
Attachment 4: Draft City Council Ordinance

COMMUNITY DEVELOPMENT DEPARTMENT PLANNING STAFF REPORT

AGENDA ITEM NO: D.1	SITE LOCATION: Citywide
HEARING DATE: February 19, 2009	GENERAL PLAN: Low Density Residential
CASE NO: Amendment No. A-146-09	ZONE: R-1 (Single-Family Residential)
APPLICANT: City of Garden Grove	CEQA DETERMINATION: Exempt

REQUEST:

Amendment to Section 9.16.160 H. Groundcover and Section 9.16.160 L. Substitute Landscaping, to allow artificial turf within the R-1 (Single-Family Residential) zone, subject to special standards.

BACKGROUND:

The City has received requests to allow artificial turf within the R-1 zones as an alternative to natural ground covers. In response to these requests, Staff had been directed to analyze the requests.

Currently, City Code prohibits the use of artificial plants and synthetic groundcovers. In order to allow the installation of artificial turf, Section 9.16.160 H. Groundcover and Section 9.16.160 L. Substitute Landscaping require amending to allow artificial turf within the R-1 (Single-Family Residential) zone, subject to special standards.

At the July 29, 2008 City Council meeting, Council reviewed issues and concerns regarding the application of allowing artificial turf on single-family residential properties. Staff had presented City Council with a brief overview of artificial turf applications in residential neighborhoods and parks. After considering Staff's presentation, Staff was directed to return to Council with options on amending the Zoning Code to allow artificial turf in the R-1 (Single-Family Residential) zone.

On September 9, 2008, Staff presented four options to the City Council that ranged from having no requirements to having specific requirements in order to allow the application of artificial turf in both the front and rear yards of single-family homes. At that meeting, Council raised issues as a result of public input and concerns regarding the installation of artificial turf in the Single-Family Residential zone that included lead content, water conservation, odors, recycling, and turf installation. In response to those issues, City staff met with a representative with from an artificial turf company and a landscape contractor to discuss the concerns. On September 28, 2008, Staff presented their findings to the City Council for consideration. After careful consideration, the consensus of City Council was for Staff to move forward with a Code Amendment to Title 9 of the Municipal Code to allow the installation of artificial turf within the R-1 zone.

DISCUSSION:

In response to the Council's direction, Staff is proposing an Ordinance for consideration that would allow for the installation of artificial turf within the R-1 zone. Since City Code prohibits the use of artificial plants and synthetic groundcovers and in order to allow the installation of artificial turf, Section 9.16.160 H. Groundcover and Section 9.16.160 L. Substitute Landscaping, will require to be amended as follows (changes shown in bold):

Section 9.16.160 H. Groundcover

1. All areas required to be landscaped shall be covered with turf, non-deciduous groundcover or other types of plantings. **Artificial turf may be used as a ground cover within the R-1 (Single-Family Residential) zone.**

Section 9.16.160 L. Substitute Landscaping

1. Materials such as crushed rock, redwood chips, pebbles and stone may not be used in lieu of live plant materials, although their limited use may be approved by the hearing body through the site plan review process. Artificial plants and synthetic groundcovers are prohibited **except where allowed within the R-1 (Single-Family Residential) zone, subject to the following standards:**
 - a. **Artificial turf shall be permitted within the front and rear yards and shall comply with the following criteria:**
 1. **Artificial turf shall have a minimum 8-year "No Fade" warranty.**
 2. **Artificial turf shall be installed by a licensed professional and shall be installed pursuant to manufacture's requirements.**
 3. **Artificial turf shall be installed and maintained to effectively simulate the appearance of a well-maintained lawn. The turf shall be maintained in a green fadeless condition and shall be maintained free of weeds, debris, tears, holes, and impressions.**
 4. **The use of indoor or outdoor plastic or nylon carpeting as a replacement of artificial turf or natural turf shall be prohibited. Artificial shrubs, flowers, trees, and vines in-lieu of living plant material shall be prohibited.**
 5. **Areas of living plant material (i.e., flower beds, tree wells, etc.) within the front yard area shall be included within the overall landscape design when installing artificial turf. Living plant material shall include shrubs, vines, trees, and flowering ground covers.**
 6. **Artificial turf shall be separated from flowerbeds by a concrete mow strip, bender board, or other barrier acceptable to the City in**

order to prevent intrusion of living plant material into the artificial turf.

RECOMMENDATION:

Staff recommends that the Planning Commission:

1. Recommend approval of Amendment No. A-146-09 to the City Council.

Karl Hill
Planning Services Manager

By: Lee Marino
Senior Planner

MINUTE EXCERPT

GARDEN GROVE PLANNING COMMISSION

PUBLIC HEARING: AMENDMENT NO. A-146-09
APPLICANT: CITY OF GARDEN GROVE
LOCATION: CITYWIDE
DATE: FEBRUARY 19, 2009

REQUEST: To amend Title 9 of the Garden Grove Municipal Code, Section 9.16.160(H) - Groundcover, and Section 9.16.160(L) - Substitute Landscaping, to allow artificial turf within the R-1 (Single-Family Residential) zone, subject to special standards.

Staff report was read and recommended approval.

Commissioner Bankson asked Staff if a review process for the turf was built into the Code. Staff replied no; that a process could be added; that the type of artificial turf allowed would not be found at home improvement stores; that complaints to Code Enforcement would be one method of finding out if a different turf, such as astro-turf, had been installed; and that permits would not be required to install artificial turf, however, there would be City requirements.

Vice Chair Pak asked Staff to clarify the type of licensed professional who would install the turf. Staff deferred to Mr. Gary Hart, of Hartscape Co., to answer the question during the public hearing portion.

Vice Chair Pak commented that he did not think a mandatory licensed professional was required to install a simple artificial turf, however, City Hall should keep standards of acceptable products.

Staff added that samples would be kept in City Hall, however, there would be no promotion of manufacturers.

Commissioner Nguyen commented that a license should be required to monitor proper installation.

Chair Pierce opened the public hearing to receive testimony in favor of or in opposition to the request.

Mr. Gary Hart, a local landscape contractor, approached the Commission and stated that he installs both natural and artificial grass; and that the fourth generation artificial turf is so realistic that gardeners often mow it by accident.

Commissioner Kirkham asked Mr. Hart to clarify the turf drainage. Mr. Hart described that there is a 2" to 3" Class-2 sub-base to help with animal urine waste under the backing; that drainage is 7" per square yard per hour; that water goes through the matting to the base; and that infills differ.

Commissioner Kirkham asked Mr. Hart to address the planting of live plants along side or within the turf. Mr. Hart responded that the turf is cut around plantings; that a border is required to attach the turf; that there are products to help with pet urine; that the recommended maintenance process is to wash the turf periodically with

water or vinegar or products available on the market; that a new product is a pumice earth granular infill called ATD with neutralizes the urine; that there also sprays of good bacteria that would kill bad bacteria; that with the popularity of turf, there are more solutions.

Commissioner Nguyen asked Mr. Hart to describe the plastic used. Mr. Hart replied that the yarns are polyethylene, UV resistant; that there are different qualities available with different warranties; and that the turf would not catch on fire.

Vice Chair Pak asked Mr. Hart for the price comparison of natural grass and artificial turf. Mr. Hart replied that the cost of turf is approximately the same as installing concrete paving; that the product would never be inexpensive; that real sod would be approximately \$4.50/square foot with turf being \$8.00 to \$11.00/square foot; and that the Metropolitan Water District give rebates.

Commissioner Beard asked Mr. Hart if there are contaminants involved with artificial turf and to clarify the license classifications. Mr. Hart responded that a product called "Tiger Turf" is lead free; that the licensed contractor would be a C-27; that the D-12 is a new classification, however, a licensed contractor is acceptable; and that this turf cannot be purchased at Home Depot.

Mr. Herb Lieberman approached the Commission and asked Staff if 'relative transpiration' had been considered with regard to the heat and oxygen emissions that create a heat footprint.

Mr. Hart responded that in sports applications that create heat, an all-tire rubber infill is used for the G-force impact; that a new 2" rubber recycled matting is becoming available that would help to eliminate tire rubber; that heat is a drawback, and that masonry, concrete, and stone create heat; and that watering helps to break the heat tension.

Mr. Lieberman asked Staff to create a comparison table between the transpiration of real sod vs. artificial turf due to the potential heat footprint that would be created from the turf's popularity in the City; and that this would affect the environment.

There being no further comments, the public portion of the hearing was closed.

Commissioner Beard asked Staff if a license requirement of C-27 or D-12 would be a problem.

Staff responded that the words 'licensed professional' should be used as the State could change classifications.

Commissioner Bankson commented that he did not see the need for a licensed contractor to install artificial turf, especially for an owner/builder; that a homeowner should not have to bear the cost; and that a City review process would be good.

Staff added that the building code does require licensed contractors if a third party is hired to do construction on homes; that there is an exception for do-it-yourself construction; that any review processes or inspections would be costs to the City; and that these services would be provided without the opportunity to recoup the costs.

Commissioner Nguyen commented that with this new product, there would be trial and error; that a licensed contractor should be required for a time; and that there would be safety issues if the turf was not properly installed.

Vice Chair Pak modified Condition No. 1a, Subsection 2, to read that artificial turf be installed by a licensed professional and shall be installed pursuant to manufacturer's requirements except if the artificial turf is homeowner installed; and that the owner installation would be required to follow the manufacturer's requirements.

Vice Chair Pak moved to recommend approval of Amendment No. A-146-09 to City Council, with an amendment, seconded by Commissioner Kirkham, pursuant to the facts and reasons contained in Resolution No. 5670. The motion received the following vote:

AYES:	COMMISSIONERS:	BANKSON, BEARD, KIRKHAM, NGUYEN, PAK, PIERCE
NOES:	COMMISSIONERS:	NONE
ABSENT:	COMMISSIONERS:	BRIETIGAM

RESOLUTION NO. 5670

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF GARDEN GROVE RECOMMENDING APPROVAL TO THE CITY COUNCIL OF AMENDMENT NO. A-146-09.

BE IT RESOLVED that the Planning Commission of the City of Garden Grove, in regular session assembled on February 19, 2009, does hereby find that the action is exempt from further review pursuant to CEQA and recommends City Council approval to amend Title 9 of the Garden Grove Municipal Code, Sections 9.16.160 H. Groundcover and Section 9.16.160 L. Substitute Landscaping, to allow artificial turf within the R-1 (Single-Family Residential) zone, subject to special standards.

BE IT FURTHER RESOLVED in the matter of Amendment No. A-146-09 the Planning Commission of the City of Garden Grove hereby reports as follows:

1. The case was initiated by the City of Garden Grove.
2. The City of Garden Grove is proposing an amendment to Title 9 of the Garden Grove Municipal Code, Sections 9.16.160 H. Groundcover and Section 9.16.160 L. Substitute Landscaping, to allow artificial turf within the R-1 (Single-Family Residential) zone, subject to special standards.
3. The City of Garden Grove has determined that this project is exempt pursuant to Section 15304, Minor Alterations to Land, of the California Environmental Quality Act.
4. Report submitted by City staff was reviewed.
5. Pursuant to a legal notice, a public hearing was held on February 19, 2009, and all interested persons were given an opportunity to be heard.
6. The Planning Commission gave due and careful consideration to the matter during its meeting of February 19, 2009; and

BE IT FURTHER RESOLVED, FOUND AND DETERMINED that the facts and reasons supporting the conclusion of the Planning Commission are as follows:

FACTS:

The proposed changes to Section 9.16.160 H. Groundcover and Section 9.16.160 L. Substitute Landscaping, to allow artificial turf within the R-1 (Single-Family Residential) zone, subject to special standards, shall protect and preserve the existing character and integrity of the City's traditional residential neighborhoods.

The use of artificial turf as an alternative ground cover will assist in the reduction in water usage for single-family homes, will continue to allow the percolation of water into the ground, and will not increase the amount of water run-off.

FINDINGS AND REASONS:

1. The requested Amendment is internally consistent with the goals, objectives, and the elements of the General Plan. The use of artificial turf as an alternate ground cover will continue to foster the protection of the existing character and integrity of the City's traditional single-family residential neighborhoods. The Amendment will still require the use of natural landscape materials, including shrubs and trees, to soften the look of the artificial turf as well as to maintain a similar sense of aesthetic and harmony that the current landscaping requirements within the Code require.
2. The Amendment will promote the public interest, health, safety, and welfare, as well as continue the City's General Plan vision for the continued effort for water conservation and decrease in water run-off by allowing the percolation of water into the ground.

INCORPORATION OF FACTS AND FINDINGS SET FORTH IN STAFF REPORT:

In addition to the foregoing, the Commission incorporates herein by this reference, the facts and findings set forth in the staff report.

BE IT FURTHER RESOLVED that the Planning Commission does conclude:

The Amendment does possess characteristics that would indicate justification of the request.

The Planning Commission recommends the approval of Amendment No. A-146-09, to amend Section 9.16.160 H. Groundcover and Section 9.16.160 L. Substitute Landscaping, to allow artificial turf within the R-1 (Single-Family Residential) zone, subject to special standards to read as follows (changes shown in bold):

Section 9.16.160 H. Groundcover

1. All areas required to be landscaped shall be covered with turf, non-deciduous groundcover or other types of plantings. **Artificial turf may be used as a ground cover within the R-1 (Single-Family Residential) zone.**

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1. Materials such as crushed rock, redwood chips, pebbles and stone may not be used in lieu of live plant materials, although their limited use may be approved by the hearing body through the site plan review process. Artificial plants and synthetic groundcovers are prohibited **except where allowed within the R-1 (Single-Family Residential) zone, subject to the following standards:**
 - a. **Artificial turf shall be permitted within the front and rear yards and shall comply with the following criteria:**
 1. **Artificial turf shall have a minimum 8-year "No Fade" warranty.**
 2. **Artificial turf shall be installed by a licensed professional and shall be installed pursuant to manufacturer's requirements, except if the artificial turf is installed by the homeowner. The homeowner shall be required to follow the manufacturer's specifications for installation.**
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 4. **The use of indoor or outdoor plastic or nylon carpeting as a replacement of artificial turf or natural turf shall be prohibited. Artificial shrubs, flowers, trees, and vines in-lieu of living plant material shall be prohibited.**
 5. **Areas of living plant material (i.e., flower beds, tree wells, etc.) within the front yard area shall be included within the overall landscape design when installing artificial turf. Living plant material shall include shrubs, vines, trees, and flowering ground covers.**
 6. **Artificial turf shall be separated from flowerbeds by a concrete mow strip, bender board, or other barrier acceptable to the City in order to prevent intrusion of living plant material into the artificial turf.**

ADOPTED this 19th day of February, 2009

/s/ RON PIERCE
CHAIR

I HEREBY CERTIFY that the foregoing resolution was duly adopted at the regular meeting of the Planning Commission of the City of Garden Grove, State of California, held on February 19, 2009, by the following votes:

AYES:	COMMISSIONERS:	BANKSON, BEARD, KIRKHAM, NGUYEN, PAK, PIERCE
NOES:	COMMISSIONERS:	NONE
ABSENT:	COMMISSIONERS:	BRIETIGAM

/s/ JUDITH MOORE
SECRETARY

PLEASE NOTE: Any request for court review of this decision must be filed within 90 days of the date this decision was final (See Code of Civil Procedure Section 1094.6).

A decision becomes final if it is not timely appealed to the City Council.
Appeal deadline is March 12, 2009.

ORDINANCE NO.

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GARDEN GROVE APPROVING CODE AMENDMENT NO. A-146-09, TO ALLOW THE USE OF ARTIFICIAL TURF WITHIN THE R-1 (SINGLE-FAMILY RESIDENTIAL) ZONE.

WHEREAS, the case, initiated by City of Garden Grove, proposes amending Section 9.16.160H. Groundcover and Section 9.16.160L, Substitute Landscaping, to allow artificial turf within the R-1 (Single-Family Residential) zone, subject to special standards; and,

WHEREAS, the Planning Commission, at a public hearing held on February 19, 2009, determined that this project is exempt pursuant to Section 15304, Minor Alterations to Land, of the California Environmental Quality Act; and

WHEREAS, pursuant to Resolution No. 5670, the Planning Commission, at a public hearing held on February 19, 2009, recommended approval of Amendment No. A-146-09; and

WHEREAS, pursuant to a legal notice, a public hearing was held by the City Council on March 24, 2009, and all interested persons were given an opportunity to be heard; and

WHEREAS, the City of Garden Grove City Council, in regular session assembled on March 24, 2009, does hereby determine that this project is exempt pursuant to Section 15304, Minor Alterations to Land, of the California Environmental Quality Act.

THE CITY COUNCIL OF THE CITY OF GARDEN GROVE DOES ORDAIN AS FOLLOWS:

Section 1. The City of Garden Grove City Council has considered the proposed Code Amendment together with comments received during the public review process. The record of proceedings on which the City of Garden Grove City Council decision is based is located at the City of Garden Grove, 11222 Acacia Parkway, Garden Grove, California. The custodian of record of proceedings is the Director of Community Development. City of Garden Grove City Council finds on the basis of the whole record before it, including comments received, that the project is exempt pursuant to Section 15304, Minor Alterations to Land, of the California Environmental Quality Act.

Section 2. Amendment No. A-146-09 is hereby approved, pursuant to the facts and reasons stated in Planning Commission Resolution No. 5670, a copy of which is on file in the Office of the City Clerk and incorporated herein by reference with the same force and effect as if set forth in full.

Section 3. This ordinance shall take effect thirty (30) days after adoption and shall within fifteen (15) days of adoption be published with the names of Council members voting for and against the same in a newspaper adjudicated and circulated in the City of Garden Grove.