

**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-153-10		Date:	March 9, 2010

OBJECTIVE

To transmit a recommendation from the Planning Commission amending Sections 9.12.40.090.H, Ground Cover; 9.12.40.090.L, Substitute Landscaping; 9.16.40.070.H, Ground Cover; and 9.16.40.070.L, Substitute Landscaping of Title 9 of the Municipal Code, to allow artificial turf within the R-2 (Limited Multiple Residential), R-3 (Multiple-Family Residential), O-P (Office Professional), C-1 (Neighborhood Commercial), C-2 (Community Commercial), C-3 (Heavy Commercial), M-1 (Limited Industrial), M-P (Industrial Park), and O-S (Open Space) zones, subject to special standards.

BACKGROUND

In April of 2009, the City approved a Code Amendment (A-146-09) that allowed artificial turf in the R-1 (Single-Family Residential) zone, which included special standards. The standards addressed maintenance, installation, and use of living plant materials along with the artificial turf.

Since that time, Staff has received inquiries from the Apartment Association of Orange County and more recently, a formal request from an apartment owner to consider a Code Amendment to allow artificial turf within the Multi-Family Residential zones. In response to these requests, Staff has created standards to allow turf in all zones for consideration.

Currently, City Code prohibits the use of artificial plants and synthetic groundcovers in all zones except the R-1 (Single-Family Residential) zone. In order to allow the installation of artificial turf, Sections 9.12.40.090.H, Ground Cover; 9.12.40.090.L, Substitute Landscaping; 9.16.40.070.H, Ground Cover; and 9.16.40.070.L, Substitute Landscaping require amending to allow artificial turf within R-2 (Limited Multiple Residential), R-3 (Multiple-Family Residential), O-P (Office Professional), C-1 (Neighborhood Commercial), C-2 (Community Commercial), C-3 (Heavy Commercial), M-1 (Limited Industrial), M-P (Industrial Park), and O-S (Open Space) zones, subject to special standards.

On January 21, 2010, the Planning Commission considered Code Amendment No. A-146-09, and at the conclusion of the public hearing voted 4-0 (two Commissioners were absent and one seat is vacant) to adopt Resolution No. 5704 to recommend City Council Approval of A-153-10.

## DISCUSSION

In response to these requests and since City Code prohibits the use of artificial plants and synthetic groundcovers in the Multi-Family, Commercial, Industrial, and Open Space zones, standards have been created to allow turf in all zones for consideration. The standards follow the standards that were approved for the single-family zone with the exception that consideration to allow artificial turf in multi-family, commercial, industrial, and open space zones would require property owners/developers to submit landscape plans for Staff review. This would ensure that the turf installation not only complies with Code, but with the conditions of approval for the land use entitlements that affect their properties. The following shows the proposed Code Section changes with the bold text denoting additions and the strike-through text as deletions.

### Chapter 9.12: Multi-Family Residential Development Standards

#### **Section 9.12.40.090.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 an alternative ground cover, subject to the standards in Section 9.12.40.090.L, Substitute Landscaping.**

#### **Section 9.12.40.090.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.~~ **Artificial plants, with the exception of artificial turf, are prohibited. Artificial turf shall be allowed within the R-2 and R-3 Multiple-Family Residential zones, 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.
- (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, side, rear, and common areas 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.
- (7.) Three sets of detailed landscape and irrigation plans shall be submitted to the Planning Division for review and approval prior to installation of the artificial turf in order to confirm compliance with City Code and any valid land use entitlement for the property.

Chapter 9.16: Commercial, Office Professional, Industrial and Open Space Development Standards

**Section 9.16.40.070.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 an alternative ground cover, subject to the standards in Section 9.16.40.070.L, Substitute Landscaping.**

Section 9.16.40.070.L Substitute Landscaping

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  - (a.) **Artificial turf shall be permitted within the front and rear yards and shall comply with the following criteria:**
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- (7.) Three sets of detailed landscape and irrigation plans shall be submitted to the Planning Division for review and approval prior to installation of the artificial turf in order to confirm compliance with City Code and any valid land use entitlement for the property.**

FINANCIAL IMPACT

None.

RECOMMENDATION

It is recommended that the City Council:

- Introduce and conduct the first reading of the attached Ordinance amending Sections 9.12.40.090.H, Ground Cover; 9.12.40.090.L, Substitute Landscaping; 9.16.40.070.H, Ground Cover; and 9.16.40.070.L, Substitute Landscaping of Title 9 of the Municipal Code, to allow artificial turf within the R-2 (Limited Multiple Residential), R-3 (Multiple-Family Residential), O-P (Office Professional), C-1 (Neighborhood Commercial), C-2 (Community Commercial), C-3 (Heavy Commercial), M-1 (Limited Industrial), M-P (Industrial Park), and O-S (Open Space) zones, subject to special standards.



SUSAN EMERY

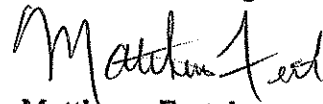
Community Development Director



By: Lee Marino

Senior Planner

**Approved for Agenda Listing**



**Matthew Ferial**  
City Manager

- Attachment 1: Planning Commission Staff Report dated January 21, 2010  
Attachment 2: Planning Commission Minute Excerpt of January 21, 2010  
Attachment 3: Planning Commission Resolution No. 5704  
Attachment 4: Draft City Council Ordinance



# COMMUNITY DEVELOPMENT DEPARTMENT PLANNING STAFF REPORT

<b>AGENDA ITEM NO: C.1.</b>	<b>SITE LOCATION:</b> Citywide
<b>HEARING DATE:</b> January 21, 2010	<b>GENERAL PLAN:</b> N/A
<b>CASE NO:</b> Amendment No. A-153-10	<b>ZONE:</b> N/A
<b>APPLICANT:</b> City of Garden Grove	<b>CEQA DETERMINATION:</b> Exempt

## **REQUEST:**

Amendment to Sections 9.12.40.090.H, Ground Cover; 9.12.40.090.L, Substitute Landscaping; 9.16.40.070.H, Ground Cover; and 9.16.40.070.L, Substitute Landscaping of Title 9 of the Municipal Code, to allow artificial turf within the R-2 (Limited Multiple Residential), R-3 (Multiple-Family Residential), O-P (Office Professional), C-1 (Neighborhood Commercial), C-2 (Community Commercial), C-3 (Heavy Commercial), M-1 (Limited Industrial), M-P (Industrial Park), and O-S (Open Space) zones, subject to special standards.

## **BACKGROUND:**

In April of 2009, the City approved a Code Amendment (A-146-09) that allowed artificial turf in the R-1 (Single-Family Residential) zone, which included special standards. The standards addressed maintenance, installation, and use of living plant materials along with the artificial turf.

Since that time, Staff has received inquiries from the Apartment Association of Orange County and more recently, a formal request from an apartment owner to consider a Code Amendment to allow artificial turf within the Multi-Family Residential zones. In response to these requests, Staff has created standards to allow turf in all zones for consideration.

Currently, City Code prohibits the use of artificial plants and synthetic groundcovers in all zones except the R-1 (Single-Family Residential) zone. In order to allow the installation of artificial turf, Sections 9.12.40.090.H, Ground Cover; 9.12.40.090.L, Substitute Landscaping; 9.16.40.070.H, Ground Cover; and 9.16.40.070.L, Substitute Landscaping require amending to allow artificial turf within R-2 (Limited Multiple Residential), R-3 (Multiple-Family Residential), O-P (Office Professional), C-1 (Neighborhood Commercial), C-2 (Community Commercial), C-3 (Heavy Commercial), M-1 (Limited Industrial), M-P (Industrial Park), and O-S (Open Space) zones, subject to special standards.

## **DISCUSSION:**

In response to these requests, Staff has created standards to allow turf in all zones for consideration. The standards follow the standards that were approved for the single-family zone with the exception that consideration to allow artificial turf in multi-family, commercial, industrial, and open space zones would require property owners/developers to submit landscape plans for Staff review. This would ensure that the turf installation not only complies with Code, but with the conditions of approval for the land use entitlements that affect their properties. The following shows the proposed Code Section changes with the bold text denoting additions and the strike-through text as deletions.

### **Chapter 9.12: Multi-Family Residential Development Standards**

#### Section 9.12.40.090.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 an alternative ground cover, subject to the standards in Section 9.12.40.090.L, Substitute Landscaping.**

#### Section 9.12.40.090.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.~~ **Artificial plants, with the exception of artificial turf, are prohibited. Artificial turf shall be allowed within the R-2 and R-3 Multiple-Family Residential zones, 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, side, rear, and common areas 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.
- (7.) Three sets of detailed landscape and irrigation plans shall be submitted to the Planning Division for review and approval prior to installation of the artificial turf in order to confirm compliance with City Code and any valid land use entitlement for the property.

#### **Chapter 9.16: Commercial, Office Professional, Industrial and Open Space Development Standards**

##### Section 9.16.40.070.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 an alternative ground cover, subject to the standards in Section 9.16.40.070.L, Substitute Landscaping.**

##### Section 9.16.40.070.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.~~ **Artificial plants, with the exception of artificial turf, are prohibited. Artificial turf shall be allowed within the O-P (Office Professional), C-1 (Neighborhood Commercial), C-2 (Community Commercial), C-3 (Heavy Commercial), M-1 (Limited Industrial), M-P (Industrial Park), O-S (Open Space) zones, 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.**
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- (7.) Three sets of detailed landscape and irrigation plans**

**shall be submitted to the Planning Division for review and approval prior to installation of the artificial turf in order to confirm compliance with City Code and any valid land use entitlement for the property.**

**RECOMMENDATION:**

Staff recommends that the Planning Commission:

1. Recommend approval of Amendment No. A-153-10 to the City Council.



Karl Hill  
Planning Services Manager



By: Lee Marino  
Senior Planner



## DRAFT MINUTE EXCERPT

GARDEN GROVE PLANNING COMMISSION

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PUBLIC HEARING: AMENDMENT NO. A-153-10  
APPLICANT: CITY OF GARDEN GROVE  
LOCATION: CITYWIDE  
DATE: JANUARY 21, 2010

REQUEST: To amend Title 9 of the Garden Grove Municipal Code, Sections 9.12.40.090H, Ground Cover; 9.12.40.090L, Substitute Landscaping; 9.16.40.070H Ground Cover; and 9.16.40.070L, Substitute Landscaping, to allow artificial turf within the R-2 (Limited Multiple Residential), R-3 (Multiple-Family Residential), O-P (Office Professional), C-1 (Neighborhood Commercial), C-2 (Community Commercial), C-3 (Heavy Commercial), M-1 (Limited Industrial), M-P (Industrial Park), and O-S (Open Space) zones, subject to special standards.

Staff report was read and recommended approval.

Commissioner Bui asked staff if the artificial turf would be installed by certified professionals only, as the cost could be a burden to residents. Staff stated that in the R-1 zone, the turf for single-family homes could be installed by the homeowner provided the manufacturer's requirements are followed; that turf in commercial and industrial zones, in addition to apartment and condominium areas, have a higher traffic use and therefore the turf should be installed correctly; that if the turf is not installed correctly, this could lead to a code enforcement problem; and, that most landscape contractors have licenses, however, certification for installation is not by the manufacturer, only that a contractor has been trained to install the turf.

Commissioner Bui asked staff to clarify the involvement of the Apartment Association of Orange County regarding the guidelines. Staff responded that early on, staff researched other Orange County communities and at that time, only Buena Park and Anaheim had artificial turf codes; that approximately half of the cities did not allow turf, though the remainder allowed turf on a case-by-case basis; and that Westminster and other cities now allow turf.

Commissioner Tran agreed that only residents of single-family homes should be able to install the turf themselves; however, multi-family homes and commercial/industrial areas should have professional installations.

Chair Beard asked staff to clarify the eight-year warranty regarding fading turf. Staff explained that the industry standard is eight years, however, in Arizona, some installations have not faded in ten to twelve years; and that overall, turf has improved, however, turf does require regular maintenance.

Commissioner Bui asked staff what would happen if turf was damaged by cigarette butts? Staff responded that the turf would melt before burning and there would be holes, and that owners would be required to maintain the turf, otherwise, the deterioration would be a property maintenance issue.

Draft Minute Excerpt – January 21, 2010  
Amendment No. A-153-10

Commissioner Tran asked if turf has any known dangers. Staff replied that recent studies show that there is no chemically toxic danger, but if the turf is not installed correctly, there could be sport or other injuries; and that the City would not be liable.

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

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

Chair Beard agreed that a licensed professional is a good idea for multiple-family, and commercial/industrial areas.

Commissioner Tran moved to recommend approval of Amendment No. A-153-10 to City Council, with corrected typographical errors, seconded by Commissioner Bui, pursuant to the facts and reasons contained in Resolution No. 5704. The motion received the following vote:

AYES:	COMMISSIONERS:	BEARD, BONIKOWSKI, BUI, TRAN
NOES:	COMMISSIONERS:	NONE
ABSENT:	COMMISSIONERS:	CABRAL, ELLSWORTH
VACANCY:	COMMISSIONERS:	ONE

RESOLUTION NO. 5704

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF GARDEN GROVE RECOMMENDING APPROVAL TO THE CITY COUNCIL OF AMENDMENT NO. A-153-10.

BE IT RESOLVED that the Planning Commission of the City of Garden Grove, in regular session assembled on January 21, 2010, 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 9.12.40.090.H, Ground Cover; 9.12.40.090.L, Substitute Landscaping; 9.16.40.070.H, Ground Cover; and 9.16.40.070.L, Substitute Landscaping, to allow artificial turf within the R-2 (Limited Multiple Residential), R-3 (Multiple-Family Residential), O-P (Office Professional), C-1 (Neighborhood Commercial), C-2 (Community Commercial), C-3 (Heavy Commercial), M-1 (Limited Industrial), M-P (Industrial Park), and O-S (Open Space) zones, subject to special standards.

BE IT FURTHER RESOLVED in the matter of Amendment No. A-153-10 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 9.12.40.090.H, Ground Cover; 9.12.40.090.L, Substitute Landscaping; 9.16.40.070.H, Ground Cover; and 9.16.40.070.L, Substitute Landscaping, to allow artificial turf within the R-2 (Limited Multiple Residential), R-3 (Multiple-Family Residential), O-P (Office Professional), C-1 (Neighborhood Commercial), C-2 (Community Commercial), C-3 (Heavy Commercial), M-1 (Limited Industrial), M-P (Industrial Park), and O-S (Open Space) zones, 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 January 21, 2010, 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 January 21, 2010; 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 Sections 9.12.40.090.H, Ground Cover; 9.12.40.090.L, Substitute Landscaping; 9.16.40.070.H Ground Cover; and 9.16.40.070.L, Substitute Landscaping, to allow artificial turf within the R-2 (Limited Multiple Residential), R-3 (Multiple-Family Residential), O-P (Office Professional), C-1 (Neighborhood Commercial), C-2 (Community Commercial), C-3 (Heavy Commercial), M-1 (Limited Industrial), M-P (Industrial Park), and O-S (Open Space) zones, subject to special standards, shall protect and preserve the existing character and integrity of the City's multi-family residential, commercial, and industrial neighborhoods.

The use of artificial turf as an alternative ground cover will assist in the reduction in water usage for all developments within the City, 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 multi-family residential, commercial, and industrial 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-153-10, to amend Sections 9.12.40.090.H, Ground Cover; 9.12.40.090.L, Substitute Landscaping; 9.16.40.070.H, Ground Cover; and 9.16.40.070.L,



Substitute Landscaping, to allow artificial turf within the R-2 (Limited Multiple Residential), R-3 (Multiple-Family Residential), O-P (Office Professional), C-1 (Neighborhood Commercial), C-2 (Community Commercial), C-3 (Heavy Commercial), M-1 (Limited Industrial), M-P (Industrial Park), and O-S (Open Space) zones, subject to special standards to read as follows (changes shown in bold and strike-through text):

## **Chapter 9.12: Multi-Family Residential Development Standards**

### Section 9.12.40.090.H Groundcover

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### Section 9.12.40.090.L. Substitute Landscaping

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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, side, rear, and common areas shall be included within the overall landscape design when installing artificial turf. Living plant material shall include shrubs, vines, trees, and flowering ground covers.**

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ADOPTED this 21st day of January, 2010

/s/ KRIS BEARD  
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 January 21, 2010, by the following votes:

AYES:	COMMISSIONERS:	BEARD, BONIKOWSKI, BUI, TRAN
NOES:	COMMISSIONERS:	NONE
ABSENT:	COMMISSIONERS:	CABRAL, ELLSWORTH
VACANCY:	COMMISSIONERS:	ONE

/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 February 11, 2010.