



## A G E N D A

### GARDEN GROVE PLANNING COMMISSION

October 19, 2023 - 7:00 PM

COMMUNITY MEETING CENTER  
11300 STANFORD AVENUE

**Meeting Assistance:** Any person requiring auxiliary aids and services, due to a disability, to address the Planning Commission, should contact the Department of Community & Economic Development at (714) 741-5312 or email [planning@ggcity.org](mailto:planning@ggcity.org) 72 hours prior to the meeting to arrange for special accommodations. (Government Code §5494.3.2).

**Agenda Item Descriptions:** Are intended to give a brief, general description of the item. The Planning Commission may take legislative action deemed appropriate with respect to the item and is not limited to the recommended action indicated in staff reports or the agenda.

**Documents/Writings:** Any revised or additional documents/writings related to an item on the agenda distributed to all or a majority of the Planning Commission within 72 hours of a meeting, are made available for public inspection at the same time (1) in the Planning Services Division Office at 11222 Acacia Parkway, Garden Grove, CA 92840, during normal business hours; and (1) at the Community Meeting Center at the time of the meeting.

**Public Comments:** Members of the public who attend the meeting in-person and would like to address the Planning Commission are requested to complete a yellow speaker card indicating their name and address, and identifying the subject matter they wish to address. This card should be given to the Recording Secretary before the meeting begins. General comments are made during "Oral Communications" and are limited to three (3) minutes and to matters the Planning Commission has jurisdiction over. Persons wishing to address the Planning Commission regarding a Public Hearing matter will be called to the podium at the time the matter is being considered. Members of the public who wish to comment on matters before the Commission, in lieu of doing so in person, may submit comments by emailing [public-comment@ggcity.org](mailto:public-comment@ggcity.org) no later than 3:00 p.m. the day of the meeting. The comments will be provided to the Commission as part of the meeting record.

**PLEASE SILENCE YOUR CELL PHONES DURING THE MEETING.**

### REGULAR MEETING AGENDA

ROLL CALL: CHAIR LINDSAY, VICE CHAIR CUNNINGHAM  
COMMISSIONERS ARBGAST, CUEVA, LARICCHIA, PAREDES,  
RAMIREZ

PLEDGE OF ALLEGIANCE TO THE FLAG OF THE UNITED STATES OF AMERICA

- A. ORAL COMMUNICATIONS - PUBLIC
- B. APPROVAL OF MINUTES – [October 5, 2023](#)
- C. PUBLIC HEARING(S) (Authorization for the Chair to execute Resolution shall be included in the motion.)

#### C.1. [AMENDMENT NO. A-038-2023](#)

APPLICANT: CITY OF GARDEN GROVE  
LOCATION: CITYWIDE

REQUEST: A City-initiated zoning text amendment to Title 9 (Land Use) of the Garden Grove Municipal Code pertaining to retail sale by delivery of medicinal cannabis and development standards for mechanical equipment, maximum hardscape coverage within front yard setbacks, and substitute landscaping. The proposed code amendment would update portions of Chapters 9.08, 9.12, 9.16, and 9.18 (Single-Family Residential Development Standards, Multifamily Residential Development Standards, Commercial, Office Professional, Industrial, and Open Space Development Standards, and Mixed Use Regulations and Development Standards, respectively) of Title 9 of the City of Garden Grove Municipal Code to specify standards for the screening of mechanical equipment within an exterior equipment enclosure in residential zones; to clarify how the maximum permitted hardscape coverage in the front yard setback in residential, commercial, industrial, and open space zones is calculated; and to update the standards for artificial turf in all zones. In addition, the proposed code amendment would amend existing provisions of Chapter 9.52 (Cannabis Activities) of Title 9 of the Garden Grove Municipal Code in a manner consistent with the recently enacted Medicinal Cannabis Patients' Right of Access Act to permit the retail sale by delivery of medicinal cannabis in the City from licensed facilities located outside of the City, subject to specified regulations. The proposed code amendment is exempt from the provisions of the California Environmental Quality Act.

STAFF RECOMMENDATION: Recommend approval of Amendment No. A-038-2023 to the City Council.

D. PRESENTATION

D.1. CIVIC CENTER REVITALIZATION PROJECT UPDATE

E. MATTERS FROM COMMISSIONERS

F. MATTERS FROM STAFF

G. ADJOURNMENT

GARDEN GROVE PLANNING COMMISSION  
Community Meeting Center  
11300 Stanford Avenue, Garden Grove, CA 92840

Meeting Minutes  
Thursday, October 5, 2023

CALL TO ORDER: 7:00 p.m.

ROLL CALL:

Commissioner Arbgast  
Commissioner Cueva  
Commissioner Cunningham  
Commissioner Laricchia  
Commissioner Lindsay  
Commissioner Paredes  
Commissioner Ramirez

Absent: Cueva, Paredes, Ramirez

PLEDGE OF ALLEGIANCE: Led by Commissioner Arbgast

ORAL COMMUNICATIONS – PUBLIC – None.

September 21, 2023 MINUTES:

Action: Received and filed.

Motion: Laricchia Second: Arbgast

Ayes: (4) Arbgast, Cunningham, Laricchia, Lindsay

Noes: (0) None

Absent: (3) Cueva, Paredes, Ramirez

PUBLIC HEARING – VARIANCE NO. V-040-2023 FOR PROPERTY LOCATED ON THE  
NORTHEAST CORNER OF NEWHOPE STREET AND TRASK AVENUE AT 11551 TRASK  
AVENUE.

Applicant: DON SCHLENSKER

Date: October 5, 2023

Request: A request for Variance approval to deviate from minimum distance requirements to another electronic changeable copy sign to construct a new standard monument sign with electronic changeable copy at the southwest corner of a site currently improved with a private lodge, the Elks Lodge. The site is in the R-3 (Multiple-Family Residential) zone. In conjunction with the request, the Planning Commission will also consider

a determination that the project is categorically exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15311 – Accessory Structures – of the State CEQA Guidelines.

Action: Resolution No. 6066-23 was approved.

Motion: Arbgast Second: Lindsay

Ayes: (4) Arbgast, Cunningham, Laricchia, Lindsay

Noes: (0) None

Absent: (3) Cueva, Paredes, Ramirez

PUBLIC HEARING –SITE PLAN NO. SP-128-2023 AND CONDITIONAL USE PERMIT NO. CUP-347-12 (REV. 2023) FOR PROPERTY LOCATED ON THE SOUTH SIDE OF TRASK AVENUE, BETWEEN BROOKHURST STREET AND MAGNOLIA STREET, AT 9898 TRASK AVENUE.

Applicant: AKC PERMIT CO. (KASEY CLARK)

Date: October 5, 2023

Request: A request for Site Plan approval to deviate from two (2) development standards of Planned Unit Development No. PUD-110-96 (REV. 12) to allow for the following at a site currently improved with an auto dealership, Garden Grove Hyundai: (i) to remove the arched cap feature on the existing freeway dealer electronic readerboard sign and, (ii) to install a secondary 20'-0" tall freeway dealer sign. In addition, a request for a Modification to the Conditions of Approval of Conditional Use Permit No. CUP-347-12 to remove conditions related to the arched cap feature on the existing freeway dealer electronic readerboard sign. The site is in the PUD-110-96 (Planned Unit Development) zone. In conjunction with the request, the Planning Commission will also consider a determination that the project is categorically exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15311 – Accessory Structures – of the State CEQA Guidelines.

Action: Resolution No. 6067-23 was approved with one amendment to the Conditions of Approval as follows in bold:

12. The applicant shall allow the advertising of community events, as approved by the City Manager, on the freeway-oriented electronic readerboard sign. Said advertising shall not exceed ten (10) percent of the overall advertising time the readerboard is changing

copy. **Up to two (2) percent of overall advertising time shall be utilized for strawberry-themed copy approved by the City Manager or designee, provided the combined amount of advertising of community events and the strawberry-themed copy does not exceed ten (10) percent of the overall advertising time the readerboard is changing copy.**

Also, one letter was submitted by Mike and Carol McDuarte with concerns for lighting issues such as unwanted illumination and glare to their home.

Motion: Lindsay Second: Laricchia

Ayes: (4) Arbgast, Cunningham, Laricchia, Lindsay

Noes: (0) None

Absent: (3) Cueva, Paredes, Ramirez

MATTERS FROM COMMISSIONERS: None.

MATTERS FROM STAFF: Staff gave a brief description of future agenda items for the October 19<sup>th</sup> Planning Commission meeting.

ADJOURNMENT: At 7:58 p.m.

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Judith Moore  
Recording Secretary

# COMMUNITY DEVELOPMENT DEPARTMENT PLANNING STAFF REPORT

<b>AGENDA ITEM NO.:</b> C.1.	<b>SITE LOCATION:</b> Citywide
<b>HEARING DATE:</b> October 19, 2023	<b>GENERAL PLAN:</b> N/A
<b>CASE NO.:</b> Amendment No. A-038-2023	<b>ZONE:</b> N/A
<b>APPLICANT:</b> City of Garden Grove	<b>APN:</b> N/A
<b>OWNER:</b> N/A	<b>CEQA DETERMINATION:</b> Exempt: 15061(b)(3) – Common Sense; and 15301 – Existing Facilities

## **REQUEST:**

A City-initiated zoning text amendment to Title 9 (Land Use) of the Garden Grove Municipal Code pertaining to retail sale by delivery of medicinal cannabis [A-038-2023(A)] and development standards for mechanical equipment, maximum hardscape coverage within front yard setbacks, and substitute landscaping [A-038-2023(B)]. The proposed code amendment would update portions of Chapters 9.08, 9.12, 9.16, and 9.18 (Single-Family Residential Development Standards, Multifamily Residential Development Standards, Commercial, Office Professional, Industrial, and Open Space Development Standards, and Mixed Use Regulations and Development Standards, respectively) of Title 9 of the City of Garden Grove Municipal Code to specify standards for the screening of mechanical equipment within an exterior equipment enclosure in residential zones; to clarify how the maximum permitted hardscape coverage in the front yard setback in residential, commercial, industrial, and open space zones is calculated; and to update the standards for artificial turf in all zones. In addition, the proposed code amendment would amend existing provisions of Chapter 9.52 (Cannabis Activities) of Title 9 of the Garden Grove Municipal Code in a manner consistent with the recently enacted Medicinal Cannabis Patients’ Right of Access Act to permit the retail sale by delivery of medicinal cannabis in the City from licensed facilities located outside of the City, subject to specified regulations.

## **BACKGROUND:**

### A-038-2023(A) - RETAIL SALE BY DELIVERY OF MEDICINAL CANNABIS

On January 26, 2016, the City Council adopted Ordinance No. 2863, adding Chapter 9.52 "Cannabis Activities" to Title 9 of the Garden Grove Municipal Code. Chapter 9.52 prohibited the establishment, maintenance, or operation of marijuana dispensaries and related commercial cannabis activities, including the distribution, manufacture, cultivation and delivery of cannabis and/or cannabis products in all zoning districts, planned unit development districts, and specific plan areas in the City.

On November 8, 2016, California voters approved Proposition 64 – the Control, Regulate, and Tax Adult Use of Marijuana Act – legalizing recreational marijuana use

for adults 21 or older. Although the measure legalized recreational use of marijuana, it allowed the City to continue to prohibit marijuana business activities, except that the City could not prohibit adults 21 years or older from cultivating up to six (6) living marijuana plants inside a private residence, or inside an accessory structure that is fully enclosed and securely located at that private residence. In 2017, the City adopted Ordinance No. 2882 approving Amendment No. A-017-2017 amending portions of Chapter 9.52 to conform the City's Land Use Code by incorporating the changes to State law regarding private cannabis cultivation. The ordinance affirmed continuation of the ban against marijuana business activities, but carved out the private cultivation exception so that the City's ban could conform to the new measure.

Senate Bill (SB) 1186 (Chapter 395, Statutes of 2022), known as the Medicinal Cannabis Patients' Right of Access Act, prohibits local jurisdictions, beginning January 1, 2024, from adopting or enforcing any regulation that prohibits, or has the effect of prohibiting, the retail sale by delivery within the jurisdiction of medicinal cannabis to medicinal cannabis patients or their primary caregivers by licensed medicinal cannabis businesses in a timely and readily accessible manner, and in types and quantities that are sufficient to meet demand from medicinal cannabis patients within the local jurisdiction. SB 1186 permits local jurisdictions to adopt and enforce reasonable regulations on retail sale by delivery of medicinal cannabis, and does not limit or otherwise affect the ability of a local jurisdiction to adopt and enforce any regulations on commercial cannabis operations other than retail sale by delivery of medicinal cannabis in the local jurisdiction.

To respond to SB 1186, the City is proposing to amend Chapter 9.52.020 (Cannabis Dispensaries and Delivery Prohibited) of Chapter 9.52 (Cannabis Activities) of Title 9 of the Garden Grove Municipal Code to permit the retail sale by delivery of medicinal cannabis in the City subject to specified regulations in compliance with recent State law changes.

#### A-038-2023(B) - FOCUSED ZONING AMENDMENT

The City's Code Enforcement team has long served as a tool for maintaining the image of the City, helping to resolve property maintenance issues across the City. The City Council identified Code Enforcement as a Tier 2 priority this fiscal year, and a related implementation item includes evaluation of the Garden Grove Municipal Code to promote positive property maintenance.

Code Enforcement has found that certain property maintenance issues continuously appear across a multitude of properties. Namely, Code Enforcement has identified three recurring problem areas: the appearance of exterior mechanical equipment (e.g., water heaters) attached to residential units, over-paving of front yards, and the improper installation of artificial turf. The intent of this proposed text Amendment is to make the Municipal Code easier for property owners to understand and implement, and easier for Code Enforcement to regulate.

Due to recent changes to State-required energy standards for residential units, many property owners are moving away from tankless water heaters, and installing heat-pump water heaters instead. Tankless heaters are typically wall-mounted, which

does not require any floor area for installation. The new heat-pump water heaters are substantially larger than tankless heaters, limiting the ability to locate them inside a residential unit. As a result, these new heat pumps are often installed on the exteriors of buildings. Manufacturers' specifications for this type of equipment typically includes requirements for the equipment to be located in a protective enclosure. Code Enforcement has received numerous complaints that the installation of equipment in enclosures to be unsightly.

With the proliferation of Accessory Dwelling Units (ADUs), and Senate Bill 9 (SB 9) units, which often do not require additional parking per State law, Code Enforcement has received an increase in complaints regulating parking both on- and off-street. Title 9 of the Garden Grove Municipal Code does not regulate on-street parking, only parking on private properties. In wanting to keep residential neighborhoods an attractive place to live, the Municipal Code requires a maximum of 50% hardscape within the front yard setback. As more property owners remove landscaping to add parking, Code Enforcement officers are finding more properties do not meet the minimum amount of landscape area, and that enforcing the maximum 50% hardscape area is becoming more challenging.

In an effort to keep landscape maintenance costs to a minimum, particularly water costs associated with irrigation, more property owners are installing artificial turf in lieu of live landscaping. The Municipal Code does allow artificial turf, as it is similar in appearance to live grass. Code Enforcement has encountered numerous artificial turf installations that do not abide by manufactures' requirements and/or specifications. Incorrectly installed turf can pose a hazard to passerby (e.g., tripping hazard), and can also prevent proper drainage during rainstorms. Incorrectly installed, and poorly maintained, artificial turf also does not mimic the appearance of live grass, counter to the intent of the Municipal Code.

While these problem areas are most prevalent in R-1 (Single-Family Residential) zoned properties, the Municipal Code has similar language across multiple zones. Revising the Municipal Code text across all zones will help make interpreting the Code simpler, and more readily implementable. This assists home owners to understand the City's property maintenance requirements, and helps streamline Code Enforcement procedures for these recurring issues.

## **DISCUSSION:**

### **A-038-2023(A) - RETAIL SALE BY DELIVERY OF MEDICINAL CANNABIS**

The proposed amendment will allow the City of Garden Grove to be in compliance with the provisions of SB 1186, which require cities to permit the retail sale by delivery of medicinal cannabis within their jurisdictions. The proposed amendment will also include additional reasonable regulations intended to continue to protect the public health, safety and welfare of the community.

The California Department of Cannabis Control regulates the sale and delivery of both adult use and medicinal cannabis and has adopted detailed regulations governing many aspects of cannabis delivery operations. A copy of the pertinent state



regulations pertaining to cannabis delivery can be found in [Attachment 1](#). The following is a summary of the state regulations:

- All deliveries of cannabis goods shall be performed by a delivery employee who is at least 21 years old and is directly employed by a licensed retailer.
- All deliveries of cannabis goods shall be made in person during specified hours of operation in which the delivery employee may not engage in any activities except for cannabis goods delivery and necessary rest, fuel, or vehicle repair stops.
- Delivery employees shall return to the licensed premises after making their last delivery of the day if they have any unsold cannabis goods to return to the premises.
- A delivery employee shall, during deliveries, carry a copy of the retailer's current license, a copy of the QR Code certificate issued by the Department of Cannabis Control, the employee's government-issued identification, and an identification badge provided by the employer.
- A delivery employee shall confirm the identity and age of the delivery customer.
- An unlicensed third party, intermediary business, broker, or any other business or entity, may not be used to sell cannabis goods to a customer. However, a technology platform may be used to facilitate the sale and delivery of cannabis goods, subject to specific restrictions.
- A delivery employee may only deliver cannabis goods to a physical address in California.
- A delivery employee shall not deliver cannabis goods to an address located on publicly owned land or any address on land or in a building leased by a public agency, to a school providing instruction in kindergarten or any grades 1 through 12, day care center, or youth center.
- A vehicle used in the delivery of cannabis goods shall not have any marking or other indications on the exterior that may indicate that cannabis goods are located within the vehicle and the cannabis goods shall not be visible to the public. Cannabis goods shall be stored in a secure, fully enclosed trunk that cannot be accessed from inside the vehicle, or in a secured area or compartment within the interior of the vehicle. Cannabis goods shall not be in an unattended motor vehicle unless the motor vehicle is locked and equipped with an active vehicle alarm system. The vehicle shall be outfitted with a dedicated Global

Positioning System (GPS) device for identifying the geographic location of the delivery vehicle and recording a history of all locations traveled.

- Upon request, a licensed retailer shall provide the vehicle's make, model, color, Vehicle Identification Number, license plate number and Department of Motor Vehicles registration information.
- Vehicles used to deliver cannabis goods may be stopped and inspected by the Department of Cannabis Control at any licensed premises or during delivery.
- A delivery employee may only carry cannabis goods in the delivery vehicle with a value not to exceed \$10,000 and for one licensed retailer only at any time.
- A delivery employee may only carry cannabis goods in the delivery vehicle and may only perform deliveries for one licensed retailer at a time.
- Before leaving the licensed premises, the delivery employee must have a delivery inventory ledger of all cannabis goods provided to the delivery employee. The inventory log must include all stops, and the log must be turned in to the licensed retailer when the delivery employee returns to the licensed premises.
- Prior to arrival at any delivery location, the licensed retailer must have received a delivery request from the customer and provided the delivery request receipt to the delivery employee electronically or in hard copy.
- If a delivery employee does not have any delivery requests to be performed for a 30-minute period, the delivery employee shall return to the licensed premises. Upon returning to the licensed premises, all undelivered cannabis goods shall be returned to the licensed retailer's inventory and recorded.
- Delivery employees shall not consume cannabis during deliveries.
- While making deliveries of cannabis goods, a licensed retailer's delivery employee shall only travel from the retailer's licensed premises to the delivery address, from one delivery address to another delivery address, or from a delivery address back to the retailer's licensed premises.

The City is proposing restrictions and requirements in addition to the provisions set forth by the Department of Cannabis Control. A summary of the reasonable regulations imposed by the City through the proposed amendment is as follows:

- Delivery of medicinal cannabis is allowed to medicinal cannabis patients or their primary caregivers by a medicinal cannabis business from a fixed location outside of the City only.
- Medicinal cannabis businesses engaging in the retail sale by delivery of medicinal cannabis within the City shall be subject to the following requirements:
  - Shall obtain and maintain a City of Garden Grove business tax certificate.
  - Shall maintain an active M-license (medicinal license) issued by the State of California and all applicable permits and/or licenses required by the local jurisdiction in which the business is located.
  - Shall comply with all applicable regulations of the California Department of Cannabis Control.
  - Shall not deliver adult-use cannabis, cannabis accessories, and/or branded merchandise.
  - Deliveries shall be performed by a delivery employee who is directly employed by the medicinal cannabis business.
  - Shall maintain an accurate list of its delivery employees and shall provide the list to the City upon request.
  - Delivery employees shall carry and immediately provide upon request by the City or any law enforcement officer the following: a copy of the current business tax certificate, a copy of the license issued by the State Department of Cannabis Control, a copy of the QR Code certificate issued by the State Department of Cannabis Control, the employee's government-issued identification; an identification badge, delivery inventory ledgers, all delivery receipts for cannabis goods carried in the delivery vehicle, or any deliveries that have already been made to customers, and a log of all stops from the time the employee left the employer's premises.
  - Shall not carry cannabis goods valued in excess of \$5,000 in the delivery vehicle.
  - Shall deliver to a physical address that is not located on publicly owned land, on land or in a building leased by a public agency, a school providing instruction in kindergarten or any grades one through twelve, a day care center, or a youth center.
  - Shall only deliver to individuals who are at least 18 years of age and possesses a valid physician's recommendation and identification.

- Shall maintain a list of all vehicles, including vehicles' make, model, year, color, license plate number, vehicle identification number (VIN), and Department of Motor Vehicles registration information, along with proof of current automobile liability insurance.
- Shall utilize delivery vehicles that are unmarked.
- Shall deliver using a vehicle that is outfitted with a dedicated Global Positioning System (GPS) device for identifying the geographic location of the delivery vehicle and recording a history of all locations traveled to by the delivery employee.

The exact proposed changes to the Municipal Code are shown in the draft City Council Ordinance (Exhibit "A") that is attached to the proposed Planning Commission Resolution No. 6071-23.

#### A-038-2023(B) - FOCUSED ZONING AMENDMENT

The following discussion summarizes the proposed amendments to the Municipal Code. These proposed revisions to the existing standards and regulations are intended to maintain the positive character of the City's residential, commercial, and mixed use areas in support of the City Council's identification of Code Enforcement as a Tier 2 priority. The specific language is intended to simplify the Code, making it easier for property owners to comply with, and for Code Enforcement officers to enforce. The proposed changes to the Municipal Code are found in the draft City Council Ordinance (Exhibit "A") that is attached to the proposed Planning Commission Resolution No. 6072-23.

There are four updates to Title 9 of the Municipal Code under this Amendment. Collectively, the four areas of update will affect all zoning designations of the Municipal Code. The areas that will be updated are as follows: (1) updating the General Requirements in all three residential (R-1, R-2, and R-3) zones, (2) revising the maximum front yard hardscape percentage in all residential (R-1, R-2, and R-3) zones, (3) updating the language pertaining to the maximum front yard hardscape percentage in the landscaping requirements for all three residential (R-1, R-2, and R-3) and the commercial zones (C-1, C-2, C-3, O-P, O-S, M-1, M-P) zones, and (4) and adding language pertaining to the installation of artificial turf in all zones.

#### General Requirements:

Currently, the Municipal Code provides general requirements pertaining to the installation of mechanical equipment and metering equipment in residential zones. The proposed Amendment would address said requirements in Section 9.08.040.010 (Single-Family Residential – General Requirements) of Chapter 9.08 (Single-Family Residential Development Standards), and Section 9.12.040.010 (Multifamily Residential – General Requirements) of Chapter 9.12 (Multifamily Residential Development Standards).

The proposed Amendment would add additional language to address exterior enclosures that may be required for exterior equipment. Currently, the Municipal Code does not explicitly address equipment enclosures. The Amendment specifically allows for equipment enclosures, as required by manufacturer specifications, and requires said enclosures to be painted to match the color of the existing house. The intent is to create a more uniform look in residential zoned properties. It would also more closely match the requirements for commercial and mixed-use zone properties, which require all equipment to be screened from view, or placed in equipment enclosures.

While changes to State energy standards may necessitate the location of more efficient equipment on the exterior of residential units, the proposed Amendment would help improve their aesthetic appeal. The proposed language adds objective design standards that help shield mechanical equipment enclosures from being readily viewed from the public right-of-way, or adjacent properties. Requiring enclosures, and their attachments and/or appurtenances, to be painted to match the house, can help disguise the equipment. Furthermore, requiring equipment enclosures to be painted to match the house is consistent with other City requirements for new construction or improvements to match existing buildings.

#### Residential – General Development Standards:

The Municipal Code regulates the maximum amount of hardscape that can be provided in the front yard setback for residential uses. The intent is to create a more attractive streetscape, maintaining a certain amount of landscaping in the front yard. In addition to the aesthetics, other benefits to limiting front yard hardscaping and requiring landscaping can include ensuring proper drainage of stormwater, energy savings, and ecological benefits. The proposed Amendment clarifies what land area counts toward the maximum hardscape percentage. Specifically, Section 9.08.040.020 (Residential – General Development Standards) of Chapter 9.08 (Single-Family Development Standards) and Section 9.12.040.020 (Residential – General Development Standards) of Chapter 9.12 (Multifamily Development Standards) are proposed to be revised.

With the proposed Amendment, the language defining the maximum front yard hardscaping will be altered. The specific language will now specify that driveways required for exterior parking, and the specific sizes for each driveway based on the size of the garage, are exempt from the maximum front yard hardscape requirements. The Municipal Code currently makes exceptions to the front yard landscape requirements for “standard driveway” areas that are required for parking. Whereas a “standard driveway” was not previously defined, this proposed Amendment adds specificity to how much driveway area can be exempted from the maximum hardscape percentage.

For multiple-family developments, where there is often a central driveway, the front yard hardscape percentage is limited to a maximum of 50%, exclusive of any driveway or walkway necessary to access the site. Chapter 9.12 (Multifamily Development Standards) will therefore not make any exceptions for driveway parking. This is consistent with the typical pattern of multifamily developments with a shared driveway, and no driveway parking.

In requiring a maximum 50% hardscape in the front yard setback, the Municipal Code exempts driveway parking from that requirement, as said parking is required in other sections of the Code. In the parking section of the Municipal Code, each garage requires a certain amount of driveway parking. For example, a two-car garage requires 400 square feet of driveway parking. Until the proposed Amendment, the Municipal Code has not specified the required driveway area, in terms of square feet, that can be exempted from the maximum hardscape percentage. The driveway area that can be exempted is the same size of the garage that the driveway is intended to lead to. Additionally, in some cases, properties can also have multiple driveways. The revised language also identifies the specific driveway location that can be exempted. Only those driveways that lead to a garage, or a legally converted garage, can be exempted from the maximum hardscape requirements.

#### Landscaping – General Provisions:

Similar to the aforementioned General Development Standards, the landscaping requirements of the Municipal Code also regulate the maximum amount of hardscape that can be provided in the front yard setback. The proposed Amendment simplifies the calculation of the maximum hardscape percentage. Section 9.08.040.050 (Landscaping – General Provisions) of Chapter 9.08 (Single-Family Residential Development Standards), Section 9.12.040.080 (Landscaping – General Provisions) of Chapter 9.12 (Multifamily Residential Development Standards), and Section 9.16.040.060 (Landscaping – General Provisions) of Chapter 9.16 (Commercial, Office Professional, Industrial, and Open Space Development Standards) are proposed to be revised.

The current language in the Municipal Code allows for up to a five-foot (5'-0") wide walkways to be exempted from the hardscape requirements in residential zones. The Code does not specify how many walkways, or the allowed locations of the walkways that can be exempted from this requirement. The Amendment strikes this allowance in its entirety, leaving a simpler maximum 50% hardscape area. In commercial zones, the 50% maximum requirement will be removed altogether, consistent with other Development Standards of Chapter 9.16 (Commercial, Office Professional, Industrial, and Open Space Development Standards).

The amended language of the Landscape General Provisions would be consistent with the aforementioned Residential General Development Standards section of the Municipal Code. The maximum hardscape in the front yard setback will continue to be limited to a maximum of 50%. By limiting, and specifying, the exceptions to the maximum hardscape area, the calculation becomes easier to implement. It is expected that the net amount of landscape versus hardscape will largely stay unchanged Citywide.

#### Landscaping Requirements:

Currently, the use of artificial turf as a substitute landscaping material is implemented with similar regulations across all zones in the City. Any changes to the requirements for artificial turf will need to be revised across all residential, commercial, industrial, and mixed-use zones. Therefore, the proposed amendments would amend Section

9.08.040.060 (Landscaping Requirements) of Chapter 9.08 (Single-Family Residential Development Standards), Section 9.12.040.090 (Landscaping Requirements) of Chapter 9.12 (Multifamily Residential Development Standards), Section 9.16.040.070 (Landscaping Requirements) of Chapter 9.16 (Commercial, Office Professional, Industrial, and Open Space Development Standards), and Section 9.18.120.030 (Landscaping Requirements) of Chapter 9.18 (Mixed Use Regulations and Development Standards).

The proposed Amendment to the language of the artificial turf regulations will add specific language to guide the installation of artificial turf. Currently, the Municipal Code defers artificial turf installation to manufacturers' requirements. Compared to when the artificial turf requirements were originally crafted, artificial turf is much more readily available to purchase at home improvement stores and other retailers. Retail purchases of artificial turf are often absent any guidance from manufacturer or certified landscapers; installing artificial turf is not bound to any proper installation techniques. This Amendment of the Municipal Code can give guidance on how to properly and safely install artificial turf across all zones.

The intent of the artificial turf landscaping is to mimic the look and feel of live grass. The proposed Amendment is consistent with that same intent. Specifically, the proposed modification to the artificial turf requirements clarify what type of turf is required, how it shall be installed, what type of base layer is required, and guide the proper maintenance of said turf. If adhered to, the proposed language can help ensure artificial turf is installed safely, and that its appearance is long-lasting. This can help limit any hazards related to turf (e.g., uplifting seams or edges), allow proper drainage, and improve the aesthetics of turf installations.

**CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA):**

**A-038-2023(A) - RETAIL SALE BY DELIVERY OF MEDICINAL CANNABIS**

The adoption of an ordinance is not subject to the California Environmental Quality Act ("CEQA") where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment (CEQA Guidelines Section 15061(b)(3)). The proposed ordinance merely implements the provisions of State law governing retail sale of medicinal cannabis and will impose limits and procedural requirements on this activity, which is already permitted by State law. The ordinance will not result in new land uses or authorize new activities that have the potential to significantly affect the environment.

**A-038-2023(B) - FOCUSED CODE ENFORCEMENT ZONING AMENDMENT**

The operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public or private structures, facilities, mechanical equipment, or topographical features, involving negligible or no expansion of existing or former use, are categorically exempt from CEQA pursuant to CEQA's Class 1 Categorical exemption. (CEQA Guidelines Section 15301) The proposed Amendment will make minor and clarifying amendments to existing zoning provisions governing enclosures screening mechanical equipment installed on private residential property, the

calculation of the maximum amount of hardscape that may be installed in the front yard setback on private property, and standards for the installation of artificial turf on private property, each of which are activities covered by the Class 1 exemption. The proposed Code amendments are also exempt from CEQA pursuant to the "common sense" exemption because it can be seen with certainty there is no possibility they may have a significant impact on the environment. (CEQA Guidelines Section 15061(b)(3))

The modified language of the Amendment does not introduce new development standards; the Amendment merely clarifies the way the existing standards of the Code are applied. Therefore, it can be assumed that there is no environmental effect relating to the Amendment.

**RECOMMENDATION:**

Staff recommends that the Planning Commission:

1. Adopt Resolution No. 6071-23 recommending that the Garden Grove City Council approve Amendment No. A-038-2023(A).
2. Adopt Resolution No. 6072-23 recommending that the Garden Grove City Council approve Amendment No. A-038-2023(B).



MARIA PARRA  
Planning Services Manager



By: Mary Martinez  
Urban Planner



By: Priit Kaskla, AICP  
Associate Planner

Attachment 1: Department of Cannabis Control Regulations Pertaining to Retail Sale by Delivery of Medicinal Cannabis

Attachment 2: Resolution No. 6071-23 for Amendment No. A-038-2023(A)

Attachment 3: Resolution No. 6072-23 for Amendment No. A-038-2023(B)



**§ 15414. Non-Storefront Retailer.**

- (a) A non-storefront retailer licensee shall be authorized to conduct retail sales exclusively by delivery as defined in Business and Professions Code section 26001(o).
- (b) A complete application for a non-storefront retailer license shall include all the information required in an application for a retailer license.
- (c) A non-storefront retailer licensee shall comply with all the requirements applicable to retailer licensees, except for those provisions related to public access to the licensed premises and the retail area.
- (d) The licensed premises of a non-storefront retailer licensee shall be closed to the public.

**§ 15415. Delivery Employees.**

- (a) All deliveries of cannabis goods shall be performed by a delivery employee who is directly employed by a licensed retailer.
- (b) Each delivery employee of a licensed retailer shall be at least 21 years of age.
- (c) All deliveries of cannabis goods shall be made in person. A delivery of cannabis goods shall not be made through the use of an unstaffed vehicle.
- (d) Deliveries of cannabis goods shall be received by customers only during the hours of operation established by section 15403. Delivery employees shall return to the licensed premises after making their last delivery of the day if they have any unsold cannabis goods to return to the premises.
- (e) During the process of delivery, the licensed retailer's delivery employee may not engage in any activities except for cannabis goods delivery and necessary rest, fuel, or vehicle repair stops.
- (f) A delivery employee of a licensed retailer shall, during deliveries, carry a copy of the retailer's current license, a copy of the QR Code certificate issued by the Department, which complies with section 15039, subsection (d), the employee's government-issued identification, and an identification badge provided by the employer pursuant to section 15043. A delivery employee shall provide a copy of the retail license, a copy of the QR Code certificate, and their employee identification badge to a delivery customer upon request.
- (g) Prior to providing cannabis goods to a delivery customer, a delivery employee shall confirm the identity and age of the delivery customer as required by section 15404 and ensure that all cannabis goods sold comply with requirements of section 15413.
- (h) A licensed retailer shall maintain an accurate list of the retailer's delivery employees and shall provide the list to the Department upon request.

**§ 15415.1. Deliveries Facilitated by Technology Platforms.**

- (a) A licensed retailer or licensed microbusiness shall not sell or otherwise transfer any cannabis goods to a customer through the use of an unlicensed third party, intermediary business, broker, or any other business or entity.
- (b) Notwithstanding subsection (a) of this section, a licensed retailer or licensed microbusiness may contract with a service that provides a technology platform to

facilitate the sale and delivery of cannabis goods, in accordance with all of the following:

- (1) The licensed retailer or licensed microbusiness does not allow for delivery of cannabis goods by the technology platform service provider.
- (2) The licensed retailer or licensed microbusiness does not share in the profits of the sale of cannabis goods with the technology platform service provider, or otherwise provide for a percentage or portion of the cannabis goods sales to the technology platform service provider.
- (3) The licensed retailer or licensed microbusiness shall not advertise or market cannabis goods in conjunction with the technology platform service provider, outside of the technology platform, and shall ensure that the technology platform service provider does not use the licensed retailer's or licensed microbusiness's license number or legal business name on any advertisement or marketing that primarily promotes the services of the technology platform.
- (4) The licensed retailer or licensed microbusiness shall ensure the following information is provided to customers:
  - (A) Any cannabis goods advertised or offered for sale on or through the technology platform shall disclose, at a minimum, the licensed retailer's or licensed microbusiness's legal business name and license number.
  - (B) Customers placing an order for cannabis goods through the technology platform shall be able to easily identify the licensed retailer or licensed microbusiness that each cannabis good is being ordered or purchased from. This information shall be available to the customer prior to the customer placing an order or purchasing the cannabis goods.
- (5) All required sales invoices and receipts, including any receipts provided to the customer, shall disclose, at a minimum, the licensed retailer's or licensed microbusiness's legal business name and license number.
- (6) All other delivery, marketing, and advertising requirements under this division are complied with.

**§ 15416. Delivery to a Physical Address.**

- (a) A delivery employee may only deliver cannabis goods to a physical address in California.
- (b) A delivery employee shall not leave the State of California while possessing cannabis goods.
- (c) A delivery employee shall not deliver cannabis goods to an address located on publicly owned land or any address on land or in a building leased by a public agency. This prohibition applies to land held in trust by the United States for a tribe or an individual tribal member unless the delivery is authorized by and consistent with applicable tribal law.
- (d) A delivery employee may deliver to any jurisdiction within the State of California provided that such delivery is conducted in compliance with all delivery provisions of this division.
- (e) A delivery employee shall not deliver cannabis goods to a school providing instruction in kindergarten or any grades 1 through 12, day care center, or youth center.

**§ 15417. Delivery Vehicle Requirements.**

(a) A licensed retailer's delivery employee, carrying cannabis goods for delivery, shall only travel in an enclosed motor vehicle. Any vehicle used in the delivery of cannabis goods shall be operated by a delivery employee of the licensee. A vehicle used in the delivery of cannabis goods shall not have any marking or other indications on the exterior of the vehicle that may indicate that the delivery employee is carrying cannabis goods for delivery. Only the licensee or an employee of the retailer licensee for whom delivery is being performed shall be in the delivery vehicle.

(b) While carrying cannabis goods for delivery, a licensed retailer's delivery employee shall ensure the cannabis goods are not visible to the public. Cannabis goods shall be stored in a secure, fully enclosed trunk that cannot be accessed from inside the vehicle, or in a secured area or compartment within the interior of the vehicle. A "secured area" is defined as an area where solid or locking metal partitions, cages, or high-strength shatterproof acrylic can be used to create a secure compartment in the fully enclosed vehicle. The secured area may be comprised on three sides by any part of the body of the vehicle, provided the parts of the vehicle used for the purposes of this section are shatterproof and are not made of glass.

(c) A licensed retailer's delivery employee shall not leave cannabis goods in an unattended motor vehicle unless the motor vehicle is locked and equipped with an active vehicle alarm system. Any cannabis goods left in an unattended vehicle must be stored in a container as required in subsection (b).

(d) A vehicle used for the delivery of cannabis goods shall be outfitted with a dedicated Global Positioning System (GPS) device for identifying the geographic location of the delivery vehicle and recording a history of all locations traveled to by the delivery employee while engaged in delivery. A dedicated GPS device must be owned by the licensee and used for delivery only. The device shall be either permanently or temporarily affixed to the delivery vehicle and shall remain active and inside of the delivery vehicle at all times during delivery. At all times, the licensed retailer shall be able to identify the geographic location of all delivery vehicles that are making deliveries for the licensed retailer and document the history of all locations traveled to by a delivery employee while engaged in delivery. A licensed retailer shall provide this information to the Department upon request. The history of all locations traveled to by a delivery employee while engaging in delivery shall be maintained by the licensee for a minimum of 90 days.

(e) Upon request, a licensed retailer shall provide the Department with information regarding any motor vehicle used for the delivery of cannabis goods, including the vehicle's make, model, color, Vehicle Identification Number, license plate number and Department of Motor Vehicles registration information.

(f) Any motor vehicle used by a licensed retailer to deliver cannabis goods is subject to inspection by the Department. Vehicles used to deliver cannabis goods may be stopped and inspected by the Department at any licensed premises or during delivery.

**§ 15418. Cannabis Goods Carried During Delivery.**

(a) A licensed retailer's delivery employee shall not carry cannabis goods in the delivery vehicle with a value in excess of \$10,000 at any time.

(b) For the purposes of this section, the value of cannabis goods shall be determined using the current retail price of all cannabis goods carried by, or within the delivery vehicle of, the licensed retailer's delivery employee.

(c) A delivery employee may only carry cannabis goods, cannabis accessories, branded merchandise of any licensee, or promotional materials in the delivery vehicle and may only perform deliveries for one licensed retailer at a time. A delivery employee must depart and return to the same licensed premises before taking possession of any cannabis goods from another licensee to perform deliveries.

(d) Before leaving the licensed premises, the licensed retailer's delivery employee must have a delivery inventory ledger of all cannabis goods provided to the licensed retailer's delivery employee. The contents of the delivery inventory ledger must comply with the requirements of section 15049.3. During the delivery trip, as defined in section 15049.3, the delivery employee shall maintain the delivery inventory ledger in hard copy or electronically, the latter of which may be an electronic copy maintained in the track and trace system. The delivery inventory ledger must be updated after each completed delivery to reflect the remaining inventory carried by the delivery employee. The delivery inventory ledger must otherwise be updated in accordance with the requirements of section 15049.3, and then entered into the track and trace system no later than the end of the calendar day on which the delivery trip occurred.

(e) The licensed retailer's delivery employee shall maintain a log that includes all stops from the time the licensed retailer's delivery employee leaves the licensed premises to the time that the licensed retailer's delivery employee returns to the licensed premises, and the reason for each stop. The log shall be turned in to the licensed retailer when the licensed retailer's delivery employee returns to the licensed premises. The licensed retailer must maintain the log as a commercial cannabis activity record as required by this division. The log may be maintained electronically.

(f) Prior to arrival at any delivery location, the licensed retailer must have received a delivery request from the customer and provided the delivery request receipt to the licensed retailer's delivery employee electronically or in hard copy. The delivery request receipt provided to the licensed retailer's delivery employee shall contain all of the information required in section 15420, except for the date and time the delivery was made, and the signature of the customer.

(g) Immediately upon request by the Department or any law enforcement officer, the licensed retailer's delivery employee shall provide:

(1) The delivery inventory ledgers from the time the licensed retailer's delivery employee left the licensed premises up to the time of the request;

(2) All delivery request receipts for cannabis goods carried by the delivery employee, in the delivery vehicle, or any deliveries that have already been made to customers; and

(3) The log of all stops from the time the licensed retailer's delivery employee left the licensed premises up to the time of the request.

(h) If a licensed retailer's delivery employee does not have any delivery requests to be performed for a 30-minute period, the licensed retailer's delivery employee shall not make any additional deliveries and shall return to the licensed premises. Required meal breaks shall not count toward the 30-minute period.

(i) Upon returning to the licensed premises, all undelivered cannabis goods shall be returned to the licensed retailer's inventory and recorded within the track and trace system in accordance with section 15049.3.

**§ 15419. Cannabis Consumption During Delivery.**

A licensed retailer's delivery employees shall not consume cannabis or cannabis products while delivering cannabis goods to customers.

**§ 15420. Delivery Request Receipt.**

A licensed retailer shall prepare a hard copy or electronic delivery request receipt for each delivery of cannabis goods.

(a) The delivery request receipt shall contain the following:

- (1) The legal business name and license number of the licensed retailer;
- (2) The first name and employee number of the licensed retailer's delivery employee who delivered the order;
- (3) The first name and employee number of the licensed retailer's employee who prepared the order for delivery;
- (4) The first name of the customer and a licensed retailer-assigned customer number for the person who requested the delivery;
- (5) The date and time the delivery request was made;
- (6) The delivery address;
- (7) A detailed description of all cannabis goods requested for delivery. The description shall include the weight, volume, or any other accurate measure of the amount of all cannabis goods requested;
- (8) The total amount paid for the delivery, including any taxes or fees, the cost of the cannabis goods, and any other charges related to the delivery; and
- (9) Upon delivery, the date and time the delivery was made, and the handwritten or electronic signature of the customer who received the delivery.

(b) At the time of the delivery, the delivery employee of the retailer shall provide the customer who placed the order with a hard or electronic copy of the delivery request receipt. The delivery employee shall retain a hard or electronic copy of the signed delivery request receipt for the licensed retailer's records.

(c) For the purposes of this section, an employee number is a distinct number assigned by a licensed retailer to an employee that would allow the licensed retailer to identify the employee in documents or records using the employee number rather than the employee's full name. A licensed retailer shall be able to identify the employee associated with each employee number upon request from the Department.

(d) For the purposes of this section, a customer number is a distinct number assigned by a licensed retailer to a customer that would allow the licensed retailer to identify the customer in documents or records using the customer number rather than the customer's full name. A licensed retailer shall be able to identify the customer associated with each customer number upon request from the Department.

**§ 15421. Delivery Route.**

While making deliveries of cannabis goods, a licensed retailer's delivery employee shall only travel from the retailer's licensed premises to the delivery address; from one delivery address to another delivery address; or from a delivery address back to the retailer's licensed premises. A delivery employee of a licensed retailer shall not deviate from the delivery path described in this section, except for necessary rest, fuel, or vehicle repair stops, or because road conditions make continued use of the route unsafe, impossible, or impracticable.

RESOLUTION NO. 6071-23

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF GARDEN GROVE RECOMMENDING THAT THE CITY COUNCIL APPROVE AMENDMENT NO. A-038-2023(A), A ZONING TEXT AMENDMENT TO CHAPTER 9.52 (CANNABIS ACTIVITIES) OF TITLE 9 (LAND USE) OF THE GARDEN GROVE MUNICIPAL CODE TO PERMIT THE RETAIL SALE BY DELIVERY OF MEDICINAL CANNABIS IN THE CITY SUBJECT TO SPECIFIED REGULATIONS IN COMPLIANCE WITH STATE LAW.

BE IT RESOLVED that the Planning Commission of the City of Garden Grove, in regular session assembled on October 19, 2023, does hereby recommend that the City Council approve Amendment No. A-038-2023(A) and adopt the draft Ordinance attached hereto as Exhibit "A".

BE IT FURTHER RESOLVED in the matter of Amendment No. A-038-2023(A), the Planning Commission of the City of Garden Grove does hereby report as follows:

1. The case was initiated by the City of Garden Grove.
2. The City of Garden Grove is proposing a zoning text amendment to Chapter 9.52.020 (Cannabis Dispensaries and Delivery Prohibited) of Chapter 9.52 (Cannabis Activities) of Title 9 of the Garden Grove Municipal Code to permit the retail sale by delivery of medicinal cannabis in the City subject to specified regulations in compliance with State law.
3. The Planning Commission recommends the City Council find that the proposed amendment is exempt from the California Environmental Quality Act ("CEQA") pursuant to CEQA Guidelines Section 15061(b)(3) (It can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment).
4. Pursuant to legal notice, a public hearing was held on October 19, 2023, and all interested persons were given an opportunity to be heard.
5. Report submitted by City staff was reviewed.
6. The Planning Commission gave due and careful consideration to the matter during its meeting of October 19, 2023; and

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

FACTS:

On January 26, 2016, the City Council adopted Ordinance No. 2863, adding Chapter 9.52 "Cannabis Activities" to Title 9 of the Garden Grove Municipal Code. Chapter

9.52 prohibited the establishment, maintenance, or operation of marijuana dispensaries and related commercial cannabis activities, including the distribution, manufacture, cultivation and delivery of cannabis and/or cannabis products in all zoning districts, planned unit development districts, and specific plan areas in the City.

On November 8, 2016, California voters approved Proposition 64 – the Control, Regulate, and Tax Adult Use of Marijuana Act – legalizing recreational marijuana use for adults 21 or older. Although the measure legalized recreational use of marijuana, it allowed the City to continue to prohibit marijuana business activities, except that the City could not prohibit adults 21 years or older from cultivating up to six (6) living marijuana plants inside a private residence, or inside an accessory structure that is fully enclosed and secured located at that private residence. In 2017, the City adopted Ordinance No. 2882 approving Amendment No. A-017-2017 amending portions of Chapter 9.52 to conform the City’s Land Use Code by incorporating the changes to State law regarding private cannabis cultivation. The ordinance affirmed continuation of the ban against marijuana business activities, but carved out the private cultivation exception so that the City’s ban could conform to the new measure.

Senate Bill (SB) 1186 (Chapter 395, Statutes of 2022), known as the Medicinal Cannabis Patients’ Right of Access Act, prohibits local jurisdictions, beginning January 1, 2024, from adopting or enforcing any regulation that prohibits, or has the effect of prohibiting, the retail sale by delivery within the jurisdiction of medicinal cannabis to medicinal cannabis patients or their primary caregivers by licensed medicinal cannabis businesses in a timely and readily accessible manner, and in types and quantities that are sufficient to meet demand from medicinal cannabis patients within the local jurisdiction. SB 1186 permits local jurisdictions to adopt and enforce reasonable regulations on retail sale by delivery of medicinal cannabis, and does not limit or otherwise affect the ability of a local jurisdiction to adopt and enforce any regulations on commercial cannabis operations other than retail sale by delivery of medicinal cannabis in the local jurisdiction.

To respond to SB 1186, the City is proposing to amend Chapter 9.52.020 (Cannabis Dispensaries and Delivery Prohibited) of Chapter 9.52 (Cannabis Activities) of Title 9 of the Garden Grove Municipal Code to permit the retail sale by delivery of medicinal cannabis in the City subject to specified regulations in compliance with recent State law changes.

The proposed amendment will allow the City of Garden Grove to be in compliance with the provisions of SB 1186, which require cities to permit the retail sale by delivery of medicinal cannabis within their jurisdictions. The proposed amendment will also include additional reasonable regulations intended to continue to protect the public health, safety and welfare of the community.



The California Department of Cannabis Control regulates the sale and delivery of both adult use and medicinal cannabis and has adopted detailed regulations governing many aspects of cannabis delivery operations. The City is proposing restrictions and requirements in addition to the provisions enforced by the Department of Cannabis Control.

The proposed amendment does not authorize the establishment of physical premises within the City from which retail sale by delivery of medicinal cannabis is conducted. There are presently more than thirty (30) licensed medicinal cannabis retailers located within a 15 mile radius of the City of Garden Grove from which retail sale by delivery of medicinal cannabis in the City is or may be available. Therefore, prohibiting the establishment of physical premises within the City from which retail sale by delivery of medicinal cannabis is conducted will not have the effect of prohibiting the retail sale by delivery of medicinal cannabis to medicinal cannabis patients or their primary caregivers in a timely and readily accessible manner in types and quantities that are sufficient to meet demand from medicinal cannabis patients who reside in the City.

#### FINDINGS AND REASONS:

1. The Amendment is internally consistent with the goals, objectives and elements of the City's General Plan.

The proposed code amendment to Chapter 9.52.020 (Cannabis Dispensaries and Delivery Prohibited) of Chapter 9.52 (Cannabis Activities) of Title 9 of the Garden Grove Municipal Code will affirm continuation of the City's ban against cannabis activities, but permit and regulate the retail sale by delivery of medicinal cannabis in the City to medicinal cannabis patients or their primary caregivers by licensed medicinal cannabis businesses located outside of the City in a timely and readily accessible manner and in types and quantities that are sufficient to meet demand from medicinal cannabis patients within the City. The proposed amendment will not allow for the establishment or development of new land uses in the City. The General Plan does not contain specific goals or policies pertaining to cannabis-related activities. However, continuing to prohibit cannabis dispensaries in the City, with the limited exception for retail sale by delivery of medicinal cannabis, as required by Senate Bill 1186, is consistent with the City's General Plan Land Use Element, which encourages compatibility between uses and seeks to protect residential areas from the effects of potentially incompatible uses. The proposed amendment is also consistent with the crime reduction goals set forth in the General Plan Safety Element by establishing regulations and registration requirements for medicinal cannabis businesses that engage in the retail sale of medicinal cannabis in the City.

2. The Amendment will promote the public interest, health, safety and welfare.

The proposed Code Amendment will conform to SB 1186 by continuing to prohibit commercial cannabis activities in the City, but permit and regulate the retail sale by delivery of medicinal cannabis in the City to medicinal cannabis patients or their primary caregivers by licensed medicinal cannabis businesses located outside of the City in a timely and readily accessible manner and in types and quantities that are sufficient to meet demand from medicinal cannabis patients within the City. The California Department of Cannabis Control regulates the sale and delivery of cannabis and has adopted detailed regulations governing many aspects of cannabis delivery operations. The proposed code amendment will include restrictions and requirements in addition to the provisions enforced by the Department of Cannabis Control, which will promote the public interest, health, safety, and welfare, such as the requirement for a City business license, the prohibition of adult-use cannabis and cannabis accessories/merchandise deliveries, the restriction of deliveries to physical addresses only not located on public or school properties, the limit of the value of cannabis goods on the delivery vehicles not to exceed \$5,000, and the requirement for vehicle delivery logs, registration, and insurance information.

INCORPORATION OF FACTS AND FINDINGS SET FORTH IN STAFF REPORT:

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

BE IT FURTHER RESOLVED that the Planning Commission does conclude:

1. Amendment No. A-038-2023(A) possesses characteristics that would indicate justification of the request in accordance with Municipal Code Section 9.32.030.D.1 (Code Amendment).
2. The Planning Commission recommends that the City Council approve Amendment No. A-038-2023(A) and adopt the amendments to Title 9 reflected in the draft Ordinance attached hereto as Exhibit "A".

## Exhibit "A"

ORDINANCE NO. \_\_\_

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GARDEN GROVE APPROVING A ZONING TEXT AMENDMENT TO CHAPTER 9.52 OF TITLE 9 OF THE GARDEN GROVE MUNICIPAL CODE PERTAINING TO RETAIL SALE BY DELIVERY OF MEDICINAL CANNABIS.

### **City Attorney Summary**

***This Ordinance amends Chapter 9.52 (Cannabis Activities) of Title 9 (Land Use) of the Garden Grove Municipal Code to permit the retail sale by delivery of medicinal cannabis in the City subject to specified regulations in compliance with State law.***

THE CITY COUNCIL OF THE CITY OF GARDEN GROVE, CALIFORNIA, HEREBY FINDS AND DETERMINES AS FOLLOWS:

WHEREAS, the City of Garden Grove currently prohibits the delivery of medicinal cannabis within the City limits; and

WHEREAS, SB 1186 (Chapter 395, Statutes of 2022), known as the Medicinal Cannabis Patients' Right of Access Act ("Act"), prohibits local jurisdictions, beginning January 1, 2024, from adopting or enforcing any regulation that prohibits, or has the effect of prohibiting, the retail sale by delivery within the jurisdiction of medicinal cannabis to medicinal cannabis patients or their primary caregivers by licensed medicinal cannabis businesses in a timely and readily accessible manner, and in types and quantities that are sufficient to meet demand from medicinal cannabis patients within the local jurisdiction ; and

WHEREAS, the Act permits local jurisdictions to adopt and enforce reasonable regulations on retail sale by delivery of medicinal cannabis; and

WHEREAS, the Act does not limit or otherwise affect the ability of a local jurisdiction to adopt and enforce any regulations on commercial cannabis operations other than retail sale by delivery of medicinal cannabis in the local jurisdiction; and

WHEREAS, Amendment No. A-038-2023(A) was initiated by the City of Garden Grove and includes a zoning text amendment to Chapter 9.52 of the Garden Grove Municipal Code to establish an exception in accordance with the Act to permit and regulate the retail sale by delivery of medicinal cannabis within the City; and

WHEREAS, the City Council finds that there are presently more than thirty (30) licensed medicinal cannabis retailers located within a 15 mile radius of the City of Garden Grove from which retail sale by delivery of medicinal cannabis in the City is or may be available; therefore, prohibiting the establishment of physical premises within the City from which retail sale by delivery of medicinal cannabis is conducted will not have the effect of prohibiting the retail sale by delivery of medicinal cannabis to medicinal cannabis patients or their primary caregivers in a timely and readily accessible manner in types and quantities that are sufficient to meet demand from medicinal cannabis patients who reside in the City; and

WHEREAS, the City Council finds that the proposed Ordinance is exempt from the California Environmental Quality Act ("CEQA"), Cal. Pub. Resources Code Section 21000 et seq. pursuant to Section 15061(b)(3) of the State CEQA Guidelines (Cal. Code of Regs., Title 14, Section 15064(b)(3)) because it can be seen with certainty that there is no possibility that the proposed Ordinance may have a significant effect on the environment.

WHEREAS, following a public hearing held on October 19, 2023, the Garden Grove Planning Commission adopted Resolution No. 6071-23 recommending that the City Council approve Zoning Text Amendment No. A-038-2023(A) and adopt the proposed Ordinance; and

WHEREAS, a duly noticed public hearing regarding Amendment No. A-038-2023(A) was held by the City Council on \_\_\_\_\_, 2023 and all interested persons were given an opportunity to be heard; and

WHEREAS, the City Council of the City of Garden Grove gave due and careful consideration to the matter during its meeting of \_\_\_\_\_, 2023, and considered all oral and written testimony presented; and

WHEREAS, the City Council hereby makes the following findings regarding Zoning Text Amendment No. A-038-2023(A):

- A. Amendment No. A-038-2023(A) is internally consistent with the goals, objectives and elements of the City's General Plan as described in the Findings and Reasons of Planning Commission Resolution No. 6071-23.
- B. Amendment No. A-038-2023(A) will promote the public interest, health, safety, and welfare as described in the Findings and Reasons of Planning Commission Resolution No. 6071-23.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF GARDEN GROVE DOES HEREBY ORDAIN AS FOLLOWS:

SECTION 1: The City Council finds that the above recitals are true and correct.

SECTION 2: Amendment No. A-038-2023(A) is hereby approved pursuant to the findings set forth herein and the facts and reasons stated in Planning Commission Resolution No. 6071-23 a copy of which is on file in the Office of the City Clerk, and which is incorporated herein by reference with the same force and effect as if set forth in full.

SECTION 3: Subsection (C) of Section 9.52.020 (Cannabis Dispensaries and Delivery Prohibited) of Chapter 9.52 (Cannabis Activities) of Title 9 (Land Use) of the Garden Grove Municipal Code is hereby amended to read as follows (additions in **bold/underline** text):

## C. Exemptions.

**(1)** Pursuant and subject to Proposition 64 adopted by the State voters in November 2016, this section shall not prohibit: (1) the possession, planting, cultivation, harvesting, drying, or processing of up to six marijuana plants by persons 21 years of age or older inside a private residence, or inside an accessory structure to a private residence located upon the grounds of a private residence that is fully enclosed and secure; or (2) the possession of, or giving away of, the marijuana produced by such plants to persons 21 years of age or older.

**(2) (a) Pursuant and subject to SB 1186 (Chapter 395, Statutes of 2022), known as the Medicinal Cannabis Patients' Right of Access Act, subject to the provisions of this subsection C(2), this section shall not prohibit the retail sale by delivery within the City of medicinal cannabis to medicinal cannabis patients or their primary caregivers by a medicinal cannabis business from a fixed location outside of the City. For purposes of this subsection (C)(2), the terms "medicinal cannabis," "medicinal cannabis business," and "medicinal cannabis patient" shall have the same meaning as defined in Section 26321 of the California Business and Professions Code.**

**(b) Medicinal cannabis businesses engaging in the retail sale by delivery of medicinal cannabis within the City shall be subject to the following requirements:**

**(i) Each medicinal cannabis business engaging in the retail sale by delivery of medicinal cannabis in the City shall obtain and maintain a City of Garden Grove business tax certificate pursuant to Title 5 (Business Operation Taxes, Permits and Regulations) of the Garden Grove Municipal Code.**

**(ii) Each medicinal cannabis business shall maintain an active M-license issued by the State of California and all applicable permits and/or licenses required by the local jurisdiction in which the business is located. The business shall submit a copy of any and all of its State and local licenses and permits required for its operation to the City's Tax Administrator prior to issuance or renewal of a business tax certificate. The business shall notify the City's Tax Administrator if any applicable State or local license or permit required for its operation expires or is denied, suspended, modified, revoked.**

**(iii) Each medicinal cannabis business and employee of a medicinal cannabis business engaged in the retail sale by delivery of medicinal cannabis in the City shall at all times comply with all applicable regulations promulgated by the California Department of Cannabis Control, including, but not limited to, the regulations**

**pertaining to the delivery of cannabis set forth in Cal. Code of Regs., tit. 4, sections 15415 through 15421.**

**(iv) In accordance with Subsection A above, the retail sale by delivery of adult-use cannabis is prohibited throughout the City. Only the retail sale by delivery of medicinal cannabis or medicinal cannabis products in the City as required by State law is permitted. A medicinal cannabis business or employee of a medicinal cannabis business shall not sell or offer for sale any cannabis accessories or branded merchandise of any kind concurrently or in conjunction with the retail sale of medicinal cannabis or medicinal cannabis products in the City.**

**(v) All deliveries of medicinal cannabis shall be performed by a delivery employee who is directly employed by the medicinal cannabis business. Each medicinal cannabis business shall maintain an accurate list of its delivery employees and shall provide the list to the City upon request. Each delivery employee engaging in the retail sale by delivery of medicinal cannabis in the City shall carry during deliveries and immediately provide upon request by the City or any law enforcement officer the following: a copy of the current business tax certificate issued to the medicinal cannabis business; a copy of the current license or licenses issued to the medicinal cannabis business by the State Department of Cannabis Control which authorize it to engage in the retail sale of medicinal cannabis; a copy of the QR Code certificate issued by the State Department of Cannabis Control; the employee's government-issued identification; an identification badge provided by the employer; delivery inventory ledgers from the time the employee left the employer's premises; all delivery receipts for cannabis goods carried by the delivery employee, in the delivery vehicle, or any deliveries that have already been made to customers; and a log of all stops from the time the employee left the employer's premises. A delivery employee shall not carry cannabis goods valued in excess of five thousand dollars (\$5,000) at any time while engaged in the retail sale by delivery of medicinal cannabis in the City.**

**(vi) All deliveries of medicinal cannabis must be made to a physical address that is not located on publicly owned land, on land or in a building leased by a public agency, a school providing instruction in kindergarten or any grades one through twelve, a day care center, or a youth center. A licensed retailer shall only sell medicinal cannabis goods to individuals who are at least 18 years of age and possesses a valid physician's recommendation after confirming the customer's age, identity, and physician's recommendation.**

**(vii) Each medicinal cannabis business shall maintain an accurate list of all vehicles used by its employees to deliver medicinal cannabis in the City, including each vehicles' make, model, year, color, license plate number, vehicle identification number (VIN), and Department of Motor Vehicles registration information, along with proof of current automobile liability insurance for each such vehicle as required by State law, and shall provide such list and proof of automobile insurance to the City upon request, in the event of any changes, and prior to issuance or renewal of a business tax certificate. Retail sale by delivery of medicinal cannabis in the City may only be conducted using a properly insured vehicle that is identified on the most current list provided to the City and that is outfitted with a dedicated Global Positioning System (GPS) device for identifying the geographic location of the delivery vehicle and recording a history of all locations traveled to by the delivery employee while engaged in delivery, as provided by State law. In accordance with State law, a delivery vehicle shall not have any marking or other indications on the exterior of the vehicle that may indicate that the delivery employee is carrying cannabis goods for delivery.**

**(c) This Subsection C(2) only authorizes the retail sale by delivery of medicinal cannabis by a licensed medical cannabis business from a fixed premises located outside of the City. Nothing in this section shall be construed to permit the establishment of a cannabis dispensary or other physical premises from which retail sale by delivery of medicinal cannabis within the City is conducted.**

**(d) Nothing in this subsection C(2) is intended to or shall be interpreted to prohibit medicinal cannabis patients or their caregivers from purchasing by delivery sufficient medicinal cannabis to meet their demands in a timely and readily accessible manner.**

SECTION 4: If any section, subsection, subdivision, sentence, clause, phrase, word, or portion of this Ordinance is, for any reason, held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council hereby declares that it would have adopted this Ordinance and each section, subsection, subdivision, sentence, clause, phrase, word, or portion thereof, irrespective of the fact that any one or more sections, subsections, subdivisions, sentences, clauses, phrases, words or portions thereof be declared invalid or unconstitutional.

SECTION 5: The Mayor shall sign and the City Clerk shall certify to the passage and adoption of this Ordinance and shall cause the same, or the summary thereof, to be published and posted pursuant to the provisions of law and this Ordinance shall take effect thirty (30) days after adoption or on January 1, 2024, whichever is later.

RESOLUTION NO. 6072-23

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF GARDEN GROVE RECOMMENDING THAT THE CITY COUNCIL APPROVE AMENDMENT NO. A-038-2023(B), A ZONING TEXT AMENDMENT TO PORTIONS OF CHAPTERS 9.08, 9.12, 9.16, AND 9.18 OF TITLE 9 OF THE CITY OF GARDEN GROVE MUNICIPAL CODE ESTABLISHING ENHANCED STANDARDS FOR THE SCREENING OF MECHANICAL EQUIPMENT WITHIN AN EXTERIOR EQUIPMENT ENCLOSURE IN RESIDENTIAL ZONES; CLARIFYING HOW THE MAXIMUM PERMITTED HARDSCAPE COVERAGE IN THE FRONT YARD SETBACK IN RESIDENTIAL, COMMERCIAL, INDUSTRIAL, AND OPEN SPACE ZONES IS CALCULATED; AND UPDATING THE STANDARDS FOR ARTIFICIAL TURF IN ALL ZONES.

BE IT RESOLVED that the Planning Commission of the City of Garden Grove, in regular session assembled on October 19, 2023, does hereby recommend that the City Council approve Amendment No. A-038-2023(B) and adopt the draft Ordinance attached hereto as Exhibit "A".

BE IT FURTHER RESOLVED in the matter of Amendment No. A-038-2023(B), the Planning Commission of the City of Garden Grove does hereby report as follows:

1. The case was initiated by the City of Garden Grove.
2. The City of Garden Grove is proposing a zoning text amendment to portions of Chapters 9.08, 9.12, 9.16, and 9.18 (Single-Family Residential Development Standards, Multifamily Residential Development Standards, Commercial, Office Professional, Industrial, and Open Space Development Standards, and Mixed Use Regulations and Development Standards, respectively) of Title 9 of the City of Garden Grove Municipal Code to specify standards for the screening of mechanical equipment within an exterior equipment enclosure in residential zones; to clarify how the maximum permitted hardscape coverage in the front yard setback in residential, commercial, industrial, and open space zones is calculated; and to update the standards for artificial turf in all zones.
3. The Planning Commission recommends the City Council find that the proposed Amendment is exempt from the California Environmental Quality Act ("CEQA"), Cal. Pub. Resources Code Section 21000 et seq., pursuant to Sections 15301, Existing Facilities, and 15601(b)(3), Common Sense, of the State CEQA Guidelines (Cal. Code of Regs., Title 14, Sections 15301 and 15601(b)(3)).
4. Pursuant to legal notice, a public hearing was held on October 19, 2023, and all interested persons were given an opportunity to be heard.
5. Report submitted by City staff was reviewed.



6. The Planning Commission gave due and careful consideration to the matter during its meeting of October 19, 2023; and

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

FACTS:

There are four updates to Title 9 of the Municipal Code under this Amendment. Collectively, the four areas of update will affect all zoning designations of the Municipal Code. The areas that will be updated are as follows: (1) updating the General Requirements for exterior mechanical equipment in all three residential (R-1, R-2, and R-3) zones, (2) revising the maximum front yard hardscape percentage in all residential (R-1, R-2, and R-3) zones, (3) updating the language pertaining to the maximum front yard hardscape percentage in the landscaping requirements for all three residential (R-1, R-2, and R-3) and the commercial zones (C-1, C-2, C-3, O-P, O-S, M-1, M-P) zones, and (4) and updating the language pertaining to the installation of artificial turf in all zones.

Currently, the Municipal Code provides general requirements pertaining to the installation of mechanical equipment and metering equipment in residential zones. The proposed Amendment would address said requirements in Section 9.08.040.010 (Single-Family Residential – General Requirements) of Chapter 9.08 (Single-Family Residential Development Standards), and Section 9.12.040.010 (Multifamily Residential – General Requirements) of Chapter 9.12 (Multifamily Residential Development Standards).

The Municipal Code does not explicitly address equipment enclosures. The Amendment specifically allows for equipment enclosures, as required by manufacturer specifications, but requires said enclosures to be painted to match the color of the existing house. The intent is to create a more uniform look in residential zoned properties. The proposed language adds objective design standards that help shield mechanical equipment enclosures from being readily viewed from the public right-of-way, or adjacent properties.

The Municipal Code regulates the maximum amount of hardscape that can be provided in the front yard setback for residential uses. The intent is to create a more attractive streetscape, maintaining a certain amount of landscaping in the front yard. The proposed Amendment clarifies what land area counts toward the maximum hardscape percentage. Specifically, Section 9.08.040.020 (Residential – General Development Standards) of Chapter 9.08 (Single-Family Development Standards) and Section 9.12.040.020 (Residential – General Development Standards) of Chapter 9.12 (Multifamily Development Standards) are proposed to be revised.

With the proposed Amendment, the language defining the maximum front yard hardscaping will be altered. In the R-1 (Single-Family Residential) zone, the specific language will now specify that driveways required for exterior parking, and the specific sizes for each driveway based on the size of the garage, are exempt from the maximum front yard hardscape requirements. Until the proposed Amendment, the Municipal Code has not specified the required driveway area, in terms of square feet, that can be exempted from the maximum hardscape percentage. In the R-2 and R-3 (Limited Multiple Residential) and R-3 (Multiple-Family Residential) zones, only driveways and pedestrian walkways necessary to access the site are excluded from the 50% hardscape area.

Similar to the aforementioned General Development Standards, the landscaping requirements of the Municipal Code reiterate the maximum amount of hardscape that can be provided in the front yard setback. Section 9.08.040.050 (Landscaping – General Provisions) of Chapter 9.08 (Single-Family Residential Development Standards), Section 9.12.040.080 (Landscaping – General Provisions) of Chapter 9.12 (Multifamily Residential Development Standards), and Section 9.16.040.060 (Landscaping – General Provisions) of Chapter 9.16 (Commercial, Office Professional, Industrial, and Open Space Development Standards) are proposed to be revised.

The maximum hardscape in the front yard setback will continue to be limited to a maximum of 50% in all residential zones. The current language in the Municipal Code allows for a five-foot (5'-0") wide walkways to be exempted from the hardscape requirements. The exception for walkways will be removed altogether. In the commercial, industrial, and open space zones, the 50% maximum requirement will be removed altogether, consistent with other Development Standards of Chapter 9.16 (Commercial, Office Professional, Industrial, and Open Space Development Standards).

Currently, the use of artificial turf as a substitute landscaping material is implemented with similar regulations across all zones in the City. Any changes to the requirements for artificial turf will need to be revised across all residential, commercial, industrial, and mixed-use zones. Therefore, the proposed amendments would amend Section 9.08.040.060 (Landscaping Requirements) of Chapter 9.08 (Single-Family Residential Development Standards), Section 9.12.040.090 (Landscaping Requirements) of Chapter 9.12 (Multifamily Residential Development Standards), Section 9.16.040.070 (Landscaping Requirements) of Chapter 9.16 (Commercial, Office Professional, Industrial, and Open Space Development Standards), and Section 9.18.120.030 (Landscaping Requirements) of Chapter 9.18 (Mixed Use Regulations and Development Standards).

The proposed Amendment to the language of the artificial turf regulations will add specific language to guide the installation of artificial turf. Currently, the Municipal Code defers artificial turf installation to manufacturers' requirements. Retail

purchases of artificial turf are often absent any guidance from manufacturer or certified landscapers. This Amendment of the Municipal Code can give guidance on how to properly and safely install artificial turf across all zones. Specifically, the proposed modification to the artificial turf requirements clarify what type of turf is required, how it shall be installed, what type of base layer is required, and guide the proper maintenance of said turf. If adhered to, the proposed language can help ensure artificial turf is installed safely, and that its appearance is long-lasting.

#### FINDINGS AND REASONS:

1. The Amendment is internally consistent with the goals, objectives and elements of the City's General Plan.

The General Plan contains objectives, goals, policies, and implementation programs that address well-planned commercial areas with a variety of uses, safe and effective design standards, and land use compatibility. One of the many objectives in the City's General plan is to uphold a high standard of property maintenance across all land uses and zones throughout the City. The proposed Amendment achieves this objective by making Municipal Code requirements easier to implement, and enforce. In particular, the Amendment is consistent with the following General Plan Goals, Policies, and Implementation Measures:

*Goal LU-2 Stable, well-maintained residential neighborhoods in Garden Grove.* The proposed Amendment is intended to assist Code Enforcement officers in addressing property maintenance issues throughout the City. Modifying the Municipal Code to be more readily understood by property owners, and easier for Code Enforcement officers to administer, can help maintain a high standard of property maintenance. The proposed Amendment addresses current deficiencies in the Code, and clarifies requirements that are persistently difficult for Code Enforcement officers to enforce.

*Policy LU-2.2 Strive to provide a diverse mix of housing types, along with uniformly high standards of residential property maintenance to preserve residents' real estate values and their high quality of life.* The proposed Amendments are intended to help Code Enforcement officers in their inspections of property maintenance-related complaints. The modified language makes the Municipal Code easier to interpret and enforce. This can help maintain a high standard of property maintenance. Specifically, the proposed Amendment helps maintain the appearance of mechanical equipment within an exterior equipment enclosure in residential zones; clarify how the maximum permitted hardscape coverage in the front yard setback in residential, commercial, industrial, and open space zones is calculated; and to update the standards for artificial turf in all zones.

*LU-IMP-2A Continue to monitor maintenance standards in neighborhoods to maintain high standards of appearance and stability in the neighborhood.* The City's Code Enforcement team has received recurrent complaints pertaining to a

selection of Municipal Code Standards. This includes standards for mechanical equipment, hardscaping in the front yard setback, and artificial turf installations. The proposed Amendment addresses all of these repeat issues. Modifying the standards within the Municipal Code will help simplify the implementation of said standards. The Amendment is intended to clarify the existing provisions in the Code, not to add additional regulations. This will help sustain high standards of property maintenance throughout the City.

*Goal LU-18 Preservation of City quality and character through compliance with relevant codes and regulations.* The proposed Amendments are intended to help Code Enforcement officers in their inspections of property maintenance-related complaints. The modified language makes the Municipal Code easier to interpret and implement, by both property owners and Code Enforcement officers alike. This can help maintain a high standard of property maintenance.

*Policy LU-18.1 Review the Zoning Code and determine which sections are outdated to meet current trends, regulations, adopted community visions, and the General Plan 2030 land use designations, and revise as necessary.* The proposed Amendment addresses recent property maintenance trends that the City's Code Enforcement officers routinely encounter. The subject Municipal Code sections that are consistently cited as difficult to understand or outdated, are proposed to be revised as a part of this Amendment. These modifications can help keep the Municipal Code up-to-date, and more easily understood and implemented.

*Goal CD-1 Create a positive and distinctive City image by protecting historic resources, and by strengthening the positive qualities of the City's overall image and neighborhood identity.* The proposed Amendment is intended to assist Code Enforcement address property maintenance issues in various neighborhoods throughout the City. Clarifying the Municipal Code to be easier to interpret and enforce can help maintain a high standard of property maintenance. Properly maintaining property helps strengthen the positive image of the City.

*CD-IMP-8A Amend the City's Zoning Code to incorporate development standards.* The proposed Amendment revises existing development standards for mechanical equipment, maximum permitted hardscape coverage in the front yard setback, and standards for artificial turf installations. The proposed language of the specific Code changes incorporate objective development standards. Codifying development standards can contribute to a more cohesive Citywide aesthetic, and also assist property owners in their maintenance of properties across all zones.

*CON-IMP-1C Promote site appropriate, low-water-use, and drought tolerant native plants city-wide.* In an effort to reduce water use for irrigation, the Municipal Code allows for the installation of artificial turf as a substitute for live grass lawns. The Amendment keeps in that intent. The proposed modifications to the artificial turf standards of the Municipal Code helps promote the proper installation of artificial

turf. Adhering to the language of the Amendment will help limit potential hazards, and ensure the proper maintenance of artificial turf areas.

2. The Amendment will promote the public interest, health, safety and welfare.

The zoning and development standards proposed in this Amendment promote the public interest, health, safety, and welfare by helping to achieve a high standard of property maintenance. The Development Standards and Landscaping Requirements in the Municipal Code provide regulations that help maintain public health, safety, and welfare needs of the City.

By maintaining high property maintenance standards, the Municipal Code promotes the public interest by helping keep Garden Grove an attractive place to live. Well-maintained properties and their aesthetic values can increase property values. In addition, the proposed Amendment can help reduce energy costs (e.g., by promoting landscaping), allow for the infiltration of stormwater, and reduce potential hazards (e.g., tripping hazards from improperly installed artificial turf). All of these benefits have the public interest in mind; every property owner can receive these benefits if they adhere to the standards of the Municipal Code.

The proposed Amendment also promotes public health, safety, and welfare. The revised language helps ensure mechanical equipment is installed correctly, according to the manufacturers' specifications. These specifications are intended to ensure the safe operation of the specific equipment. Additionally, the proposed Amendment intends to promote the proper maintenance of the front yard either through hardscaping or landscaping. Proper maintenance of the front yard in accordance with the Amendment can reduce tripping hazards, facilitate proper stormwater drainage to reduce localized flooding, and reduce energy costs. These benefits all propose the public health, safety, and welfare.

#### INCORPORATION OF FACTS AND FINDINGS SET FORTH IN STAFF REPORT:

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

BE IT FURTHER RESOLVED that the Planning Commission does conclude:

1. Amendment No. A-038-2023(B) possesses characteristics that would indicate justification of the request in accordance with Municipal Code Section 9.32.030.D.1 (Code Amendment).
2. The Planning Commission recommends that the City Council approve Amendment No. A-038-2023(B) and adopt the amendments to Title 9 reflected in the draft Ordinance attached hereto as Exhibit "A".

## Exhibit "A"

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GARDEN GROVE APPROVING AMENDMENT NO. A-038-2023(B), A ZONING TEXT AMENDMENT TO PORTIONS OF CHAPTERS 9.08, 9.12, 9.16, AND 9.18 OF TITLE 9 OF THE CITY OF GARDEN GROVE MUNICIPAL CODE ESTABLISHING ENHANCED STANDARDS FOR THE SCREENING OF MECHANICAL EQUIPMENT WITHIN AN EXTERIOR EQUIPMENT ENCLOSURE IN RESIDENTIAL ZONES; CLARIFYING HOW THE MAXIMUM PERMITTED HARDSCAPE COVERAGE IN THE FRONT YARD SETBACK IN RESIDENTIAL, COMMERCIAL, INDUSTRIAL, AND OPEN SPACE ZONES IS CALCULATED; AND UPDATING THE STANDARDS FOR ARTIFICIAL TURF IN ALL ZONES.

### **City Attorney Summary**

**This Ordinance approves zoning text amendments to portions of Chapters 9.08, 9.12, 9.16, and 9.18 (Single-Family Residential Development Standards, Multifamily Residential Development Standards, Commercial, Office Professional, Industrial, and Open Space Development Standards, and Mixed Use Regulations And Development Standards, respectively) of Title 9 of the City of Garden Grove Municipal Code to establish enhanced standards for the screening of mechanical equipment within an exterior equipment enclosure in residential zones; to clarify how the maximum permitted hardscape coverage in the front yard setback in residential, commercial, industrial, and open space zones is calculated; and to update the standards for installation of artificial turf in all zones.**

THE CITY COUNCIL OF THE CITY OF GARDEN GROVE FINDS AND DETERMINES AS FOLLOWS:

WHEREAS, Amendment No. A-038-2023(B) was initiated by the City of Garden Grove and is a zoning text amendment to portions of Chapters 9.08, 9.12, 9.16, and 9.18 (Single-Family Residential Development Standards, Multifamily Residential Development Standards, Commercial, Office Professional, Industrial, and Open Space Development Standards, and Mixed Use Regulations and Development Standards, respectively) of Title 9 of the City of Garden Grove Municipal Code establishing enhanced general development standards within residential zones and modified landscaping requirements within all zones;

WHEREAS, following a Public Hearing held on October 19, 2023, the Planning Commission adopted Resolution No. 6072-23 recommending approval of Amendment No. A-038-2023(B);

WHEREAS, pursuant to a legal notice, a Public Hearing regarding the proposed adoption of this Ordinance was held by the City Council on \_\_\_\_\_, 2023, and all interested persons were given an opportunity to be heard;

WHEREAS, the City Council gave due and careful consideration to the matter; and

WHEREAS, the City Council hereby incorporates by reference the findings and reasons set forth in Planning Commission Resolution No. 6072-23, and makes the following findings regarding Amendment No. A-038-2023(B):

A. The Amendment is internally consistent with the goals, objectives and elements of the City's General Plan.

B. The Amendment will promote the public interest, health, safety and welfare.

WHEREAS, the City Council finds that the proposed Ordinance is exempt from the California Environmental Quality Act ("CEQA"), Cal. Pub. Resources Code Section 21000 et seq. pursuant to Sections 15301, Existing Facilities, and 15601(b)(3), Common Sense, of the State CEQA Guidelines (Cal. Code of Regs., Title 14, Sections 15301 and 15601(b)(3)).

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF GARDEN GROVE DOES ORDAIN AS FOLLOWS:

SECTION 1: The above recitals are true and correct.

SECTION 2: The facts and reasons stated in Planning Commission Resolution No. 6072-23 recommending approval of Amendment No. A-038-2023(B), a copy of which is on file in the Office of the City Clerk, are hereby incorporated herein by reference with the same force and effect as if set forth in full.

SECTION 3: Subdivision G of Section 9.08.040.010 (Single-Family Residential – General Requirements) of Chapter 9.08 (Single-Family Residential Development Standards) of Title 9 of the Garden Grove Municipal Code is hereby amended as follows to specify standards for exterior equipment enclosures (deletions shown in ~~strikethrough~~, additions shown in ***bold-italics***):

G. Mechanical Equipment, Metering Devices. All roof and ground mounted mechanical equipment and metering devices shall be screened from view from either on or off the property.

Ground-mounted mechanical equipment, including, but not limited to, water heaters, heating, cooling or ventilating equipment, swimming pool or spa heaters, pumps or filters, may be permitted to be located in a side yard setback on any property improved with a single-family residence, provided that the equipment is screened from view from all public rights-of-way. ***If required by manufacturer's specifications, equipment may be installed within exterior equipment enclosures. All equipment enclosures, including any flues, accessories, or other appurtenances, shall be painted to match the main house.*** If the equipment is to be located between a structure and the property line, an unobstructed path at least three feet wide shall be provided between the equipment and the property line.

SECTION 4: Subdivision G of Section 9.12.040.010 (Multifamily Residential – General Requirements) of Chapter 9.12 (Multifamily Residential Development Standards) of Title 9 of the Garden Grove Municipal Code is hereby amended as follows to specify standards for exterior equipment enclosures (deletions shown in ~~strikethrough~~, additions shown in ***bold-italics***):

G. Mechanical Equipment, Metering Devices—Screening and Location.

1. Except as otherwise required by state law, all roof-mounted and ground-mounted mechanical equipment and metering devices shall be screened from view from the adjacent public rights-of-way, adjacent properties, and on-site uses using one of the following methods for the specific equipment referenced. Exceptions to this screening requirement shall be fire-fighting equipment required by the Fire Department.

a. Roof-mounted: Shall be screened by parapet walls, rooftop architectural features such as a tower equal to the height of the equipment, or low walls surrounding the equipment and shall be painted to match the color of the building materials.

b. Ground-mounted: Shall be screened by densely planted and maintained landscaped hedges or a fence or wall. Ground-mounted equipment shall not exceed the maximum allowable height for a wall, fence, or hedge.

2. Ground-mounted mechanical equipment including, but not limited to, water heaters, heating, cooling or ventilating equipment, swimming pool or spa heaters, pumps or filters shall not be located within a front yard setback but may be permitted to be located in a rear or side yard setback, provided that the equipment is screened from view from all abutting public rights-of-way and is shielded to achieve the requirements of Garden Grove Municipal Code Chapter 8.47 (Noise Control). ***If required by manufacturer's specifications, equipment may be installed within exterior equipment enclosures. All equipment enclosures, including any flues, accessories, or other appurtenances, shall be painted to match the main house.*** If the equipment is to be located between a structure and the property line, an unobstructed path at least three feet wide shall be provided between the equipment and the property line.

SECTION 5: Footnote 4 to the R-1 Development Standards Table in Subdivision A of Section 9.08.040.020 (Residential – General Development Standards) of Chapter 9.08 (Single-Family Development Standards) of Title 9 of the Garden Grove Municipal Code is hereby amended as follows to clarify how the maximum permitted hardscape coverage in the front yard setback is calculated (deletions shown in ~~strikethrough~~, additions shown in ***bold-italics***):



**R-1 DEVELOPMENT STANDARDS TABLE**

<b>Placement</b>	<b>R-1</b>
...	...
Maximum front setback coverage (4)	50%
...	...

...

4. Hardscape ***counted toward maximum coverage*** percentage includes driveways ***and pedestrian walkways, excepting portions of driveways that directly lead to a private garage, or legally converted garage, in the following amounts: 200 square feet for a one-car garage, 400 square feet for a two-car garage, 600 square feet for a three-car garage, and 800 square feet for a four-car garage*** (~~except allowed standard driveway in the front yard~~).

SECTION 6: Subdivision D of Section 9.08.040.050 (Landscaping – General Provisions) of Chapter 9.08 (Single-Family Residential Development Standards) of Title 9 of the Garden Grove Municipal Code is hereby amended as follows to clarify how the maximum permitted hardscape coverage in the front yard setback is calculated (deletions shown in ~~strikethrough~~, additions shown in ***bold-italics***):

D. The following regulations are for maximum coverage of hardscape.

1. The maximum permitted hardscape coverage in the front yard setback shall be 50%, ***inclusive of pedestrian walkways and portions of driveways not excepted pursuant to Section 9.08.040.020***. ~~Private sidewalks and walkways are excluded from this 50% so long as they do not exceed a width of five feet.~~

2. The measurement of the front yard setback shall be from the back of sidewalk or street dedication line. The public parkway area between the curb and sidewalk must be fully landscaped.

SECTION 7: Footnote 3 of Subdivision A of Section 9.12.040.020 (Residential – General Development Standards) of Chapter 9.12 (Multifamily Development Standards) of Title 9 of the Garden Grove Municipal Code is hereby amended as follows to clarify how the maximum permitted hardscape coverage in the front yard setback is calculated (deletions shown in ~~strikethrough~~, additions shown in ***bold-italics***):

**R-2 and R-3 Development Standards Table**

<b>Placement</b>	<b>R-2 (5)</b>	<b>R-3 (5)</b>
...	...	...
Front setback coverage – Maximum (3)	50%	50%
...	...	...

...

3. Hardscape **counted towards maximum coverage** percentage includes driveways **and pedestrian walkways** (except ~~allowed standard driveway in the front yard~~).

SECTION 8: Subdivision D of Section 9.12.040.080 (Landscaping – General Provisions) of Chapter 9.12 (Multifamily Residential Development Standards) of Title 9 of the Garden Grove Municipal Code is hereby amended as follows to clarify how the maximum permitted hardscape coverage in the front yard setback is calculated (deletions shown in ~~strikethrough~~, additions shown in **bold-italics**):

D. The following regulations are for maximum coverage of hardscape.

1. The maximum permitted hardscape coverage in the front yard setback shall be 50%, **inclusive of driveways and pedestrian walkways**. Private sidewalks and walkways are excluded from this 50% so long as they do not exceed a width of five feet.

2. The measurement of the front yard setback shall be from the back of sidewalk or street dedication line. The public parkway area between the curb and sidewalk must be fully landscaped.

SECTION 9: Subdivision D of Section 9.16.040.060 (Landscaping – General Provisions) of Chapter 9.16 (Commercial, Office Professional, Industrial, and Open Space Development Standards) of Title 9 of the Garden Grove Municipal Code is hereby amended as follows to establish standards for installation of artificial turf (deletions shown in ~~strikethrough~~, additions shown in **bold-italics**):

D. The following regulations are for maximum coverage of hardscape.

1. The maximum permitted hardscape coverage in the front yard setback shall be 50%. Private sidewalks and walkways are excluded from this 50% so long as they do not exceed a width of five feet.

2. The measurement of the front yard setback shall be from the back of sidewalk or street dedication line. The public parkway area between the curb and sidewalk **All portions of the front yard setback, not covered with approved driveways and walkways**, must be fully landscaped, **including, but not limited to, the public parkway area between the curb and sidewalk**.

SECTION 10: Subdivision N of Section 9.08.040.060 (Landscaping Requirements) of Chapter 9.08 (Single-Family Residential Development Standards) of Title 9 of the Garden Grove Municipal Code is hereby amended as follows to establish standards for installation of artificial turf (deletions shown in ~~strikethrough~~, additions shown in ***bold-italics***):

N. Substitute Landscaping

1. Materials such as crushed rock, decomposed granite, redwood chips, pebbles and stone may be used in lieu of live plant materials for up to 30% of the required landscape coverage area. 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 is permitted, provided it complies with the following:

i. Artificial turf shall have a minimum eight-year "No Fade" warranty.

ii. 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.

***iii. Artificial turf shall be of a type known as cut pile infill, and shall be installed over a compacted and porous road base material, and shall be anchored at all edges and seams. Artificial turf may not be layered over concrete or other nonporous surfaces, according to the manufacturer's specifications for installation. A proper drainage system shall be installed underneath the turf to prevent excessive run-off or pooling.***

***iv. ~~iii.~~ 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. An infill medium consisting of clean washed sand or other approved mixture shall be brushed into the fibers to ensure that the fibers remain in an upright position, and to provide ballast that will help hold the turf in place and provide a cushioning effect.***

**v.** ~~iv.~~ The use of indoor or outdoor plastic or nylon carpeting as a replacement of artificial turf or natural turf shall be prohibited. No rubber infill is permitted.

**vi.** ~~v.~~ Artificial shrubs, flowers, trees, and vines in lieu of living plant material shall be prohibited.

**vii.** ~~vi.~~ Areas of living plant material (i.e., flower beds, tree wells, etc.) shall be included in the overall landscape design when installing artificial turf. Living plant material shall include shrubs, vines, trees, and flowering groundcovers and shall constitute a minimum of 25% of the landscape area.

**viii.** ~~vii.~~ Artificial turf shall be separated from flower beds by a concrete mow strip, bender board, or other barriers acceptable to the City to prevent intrusion of living plant material into the artificial turf.

**ix.** ~~viii.~~ Artificial turf in front yards shall be limited to 75% of required landscape area.

SECTION 11: Subdivision N of Section 9.12.040.090 (Landscaping Requirements) of Chapter 9.12 (Multifamily Residential Development Standards) of Title 9 of the Garden Grove Municipal Code is hereby amended as follows to establish standards for installation of artificial turf (deletions shown in ~~strikethrough~~, additions shown in ***bold-italics***):

N. Substitute Landscaping

1. Materials such as crushed rock, decomposed granite, redwood chips, pebbles and stone may be used in lieu of live plant materials for up to 30% of the required landscape coverage area. Artificial plants and synthetic groundcovers are prohibited.

Artificial turf is permitted, provided it complies with the following criteria:

- a. Artificial turf shall have a minimum eight-year "No Fade" warranty.
- b. 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.~~
- c. Artificial turf shall be of a type known as cut pile infill, and shall be installed over a compacted and porous road**

***base material, and shall be anchored at all edges and seams. Artificial turf may not be layered over concrete or other nonporous surfaces, according to the manufacturer's specifications for installation. A proper drainage system shall be installed underneath the turf to prevent excessive run-off or pooling.***

~~d.e.~~ 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. ***An infill medium consisting of clean washed sand or other approved mixture shall be brushed into the fibers to ensure that the fibers remain in an upright position, and to provide ballast that will help hold the turf in place and provide a cushioning effect.***

~~e.d.~~ The use of indoor or outdoor plastic or nylon carpeting as a replacement of artificial turf or natural turf shall be prohibited. No rubber infill is permitted.

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

~~g.f.~~ Areas of living plant material (i.e., flower beds, tree wells, etc.) shall be included in the overall landscape design when installing artificial turf. Living plant material shall include shrubs, vines, trees, and flowering groundcovers and shall constitute a minimum of 25% of the landscape area.

~~h.g.~~ Artificial turf shall be separated from flower beds by a concrete mow strip, bender board, or other barriers acceptable to the City to prevent intrusion of living plant material into the artificial turf.

~~i.h.~~ Artificial turf in front yards shall be limited to 75% of required landscape area.

SECTION 12: Subdivision N of Section 9.16.040.070 (Landscaping Requirements) of Chapter 9.16 (Commercial, Office Professional, Industrial, and Open Space Development Standards) of Title 9 of the Garden Grove Municipal Code is hereby amended as follows to establish standards for installation of artificial turf (deletions shown in ~~strikethrough~~, additions shown in ***bold-italics***):

N. Substitute Landscaping

1. Materials such as crushed rock, decomposed granite, redwood chips, pebbles and stone may be used in lieu of live plant materials

for up to 30% of the required landscape coverage area. 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), and O-S (Open Space) zones, subject to the following standards:

a. Artificial turf is permitted, provided it complies with the following:

i. Artificial turf shall have a minimum eight-year "No Fade" warranty.

ii. 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.

**iii. Artificial turf shall be of a type known as cut pile infill, and shall be installed over a compacted and porous road base material, and shall be anchored at all edges and seams. Artificial turf may not be layered over concrete or other nonporous surfaces, according to the manufacturer's specifications for installation. A proper drainage system shall be installed underneath the turf to prevent excessive run-off or pooling.**

~~iv.iii.~~ 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. **An infill medium consisting of clean washed sand or other approved mixture shall be brushed into the fibers to ensure that the fibers remain in an upright position, and to provide ballast that will help hold the turf in place and provide a cushioning effect.**

~~v.iv.~~ The use of indoor or outdoor plastic or nylon carpeting as a replacement of artificial turf or natural turf shall be prohibited. No rubber infill is permitted.

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

~~vii.vi.~~ Areas of living plant material (i.e., flower beds, tree wells, etc.) shall be included in the overall landscape design when installing artificial turf. Living plant material shall include

shrubs, vines, trees, and flowering groundcovers and shall constitute a minimum of 25% of the landscape area.

*viii.vii.* Artificial turf shall be separated from flower beds by a concrete mow strip, bender board, or other barriers acceptable to the City to prevent intrusion of living plant material into the artificial turf.

*ix.viii.* Artificial turf in front yards shall be limited to 75% of required landscape area.

SECTION 13: Subdivision E of Section 9.18.120.030 (Landscaping Requirements) of Chapter 9.18 (Mixed Use Regulations and Development Standards) of Title 9 of the Garden Grove Municipal Code is hereby amended as follows to establish standards for installation of artificial turf (deletions shown in ~~strikethrough~~, additions shown in ***bold-italics***):

E. Artificial Turf. 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 eight-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 of a type known as cut pile infill, and shall be installed over a compacted and porous road base material, and shall be anchored at all edges and seams. Artificial turf may not be layered over concrete or other nonporous surfaces, according to the manufacturer’s specifications for installation. A proper drainage system shall be installed underneath the turf to prevent excessive run-off or pooling.***

~~4.3.~~ 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. ***An infill medium consisting of clean washed sand or other approved mixture shall be brushed into the fibers to ensure that the fibers remain in an upright position, and to provide ballast that will help hold the turf in place and provide a cushioning effect.***

~~5.4.~~ 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.

**6.5.** 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 groundcovers.

**7.6.** 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.

**8.7.** 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 the City Code and any valid land use entitlement for the property.

SECTION 14: If any section, subsection, subdivision, sentence, clause, phrase, word, or portion of this Ordinance is, for any reason, held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council hereby declares that it would have adopted this Ordinance and each section, subsection, subdivision, sentence, clause, phrase, word, or portion thereof, irrespective of the fact that any one or more sections, subsections, subdivisions, sentences, clauses, phrases, words or portions thereof be declared invalid or unconstitutional.

SECTION 15: The Mayor shall sign and the City Clerk shall certify to the passage and adoption of this Ordinance and shall cause the same, or the summary thereof, to be published and posted pursuant to the provisions of law and this Ordinance shall take effect thirty (30) days after adoption.