

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".

Adopted this 19th day of October 2023

ATTEST:

/s/ JOSH LINDSAY
CHAIR

/s/ JUDITH MOORE
RECORDING SECRETARY

STATE OF CALIFORNIA)
COUNTY OF ORANGE) SS:
CITY OF GARDEN GROVE)

I, JUDITH MOORE, Secretary of the City of Garden Grove Planning Commission, do hereby certify that the foregoing Resolution was duly adopted by the Planning Commission of the City of Garden Grove, California, at a meeting held on October 19, 2023, by the following vote:

AYES: COMMISSIONERS: (7) ARBGAST, CUEVA, CUNNINGHAM,
LARICCHIA, LINDSAY, PAREDES, RAMIREZ
NOES: COMMISSIONERS: (0) NONE
ABSENT: COMMISSIONERS: (0) NONE

/s/ JUDITH MOORE
RECORDING SECRETARY

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

A decision becomes final if it is not timely appealed to the City Council. Appeal deadline is November 9, 2023.