City Council Report

915 I Street, 1st Floor
Sacramento, CA 95814
www.cityofsacramento.org

File #: 2016-01339 | November 29, 2016 | **Consent Item 04**

Title: (Pass for Publication) Use of Artificial Turf in Required Front and Street Side Yard Setbacks (M15-008)

Recommendation: 1) Review an ordinance amending section 17.612.010 of the Sacramento City Code relating to landscape requirements and the use of artificial turf; and 2) pass for publication the ordinance title as required by Sacramento City Code section 32 (c) to be adopted on December 6, 2016.

Location: Citywide

Contact: Joy Patterson, Principal Planner, (916) 808-5607, Community Development Department

Presenter: Joy Patterson, Principal Planner, (916) 808-5607, Community Development Department

Department: Community Development Department, Planning Division

Attachments:
1-Description/Analysis
2-Title 17 Ordinance (Redline)
3-Title 17 Ordinance (Clean)

Description/Analysis

Issue Detail: Currently Title 17 of the Sacramento City Code does not permit the installation of artificial in the required front-yard and street side-yard setbacks of residences and non-residential uses. In keeping with the concept of having an attractive lawn area while also conserving water in this time of drought conditions, several city residents and Council Members inquired in the spring of 2015 as to whether there could be standards for installing artificial turf in these yard areas. On April 14, 2015, the Sacramento City Council, at the request of Councilmember Harris, asked the City Manager to have staff report to the Law and Legislation Committee on the use of artificial turf. A proposed ordinance was reviewed by the committee in June of 2015 and by the Planning and Design Commission in August and October 2015. On October 9, 2015, Governor Brown signed 24 drought related bills to help boost water conservation, strengthen ground water management and improve water quality. AB 1164, which bars a city from enacting or enforcing any ordinance that prohibits the installation of artificial turf, was one of these bills. Councilmember Harris, at the City Council meeting of November 17, 2015, requested that review of the ordinance be delayed so that legislation could be enacted at the state level that would allow the city to restrict the location of artificial turf in the dripline of trees. The state legislation has been enacted and a revised ordinance has been prepared.

Policy Considerations: The city's ongoing drought mitigation actions are consistent with Article XI (Outdoor Water Conservation) of Chapter 13.04 of the City Code.

Economic Impacts: Not applicable.

Environmental Considerations: The adoption of the ordinance would have no significant effect on the environment and is exempt pursuant to the California Environmental Quality Act Guidelines section 15061(b)(3).

Sustainability: The proposed ordinance amendment would assist in the implementation of the City's Water Shortage Contingency Plan which supports the City's sustainability goals of reducing greenhouse gases and conserving resources.

Commission/Committee Action: The Law and Legislation Committee reviewed the proposed ordinance at their June 9, 2015 Committee meeting. They voted to forward the ordinance to the Planning and Design Commission for public hearing and asked staff to investigate some of the regulations of neighboring jurisdictions on artificial turf and the pros and cons of the use of artificial turf.

The Planning and Design Commission reviewed the proposed ordinance on August 13, 2015 and October 22, 2015. The Commission, by a vote of 12 ayes and 1 absent voted to forward the item to the City Council with four recommendations, including amendments to the proposed ordinance. These recommendations are detailed in the attached Background.

The proposed ordinance was revised and reviewed again by the Law and Legislation Committee on November 15, 2016 after the state legislation was enacted allowing local jurisdictions to prohibit artificial turf in the dripline of trees. The Committee, by a vote of three ayes and one absent recommended to forward the proposed ordinance to the City Council for approval with a minor wording addition adding that the turf and its substrate is required to be permeable.

Rationale for Recommendation: Clarifying the Planning and Development Code's landscaping regulations and allowing for the use of artificial turf will assist city residents in conserving water while also allowing for aesthetically pleasing landscaped areas and protecting the city's tree canopy.

Financial Considerations: Not applicable.

Local Business Enterprise (LBE): Not applicable.

Background: On January 14, 2014, the Sacramento City Council adopted Resolution No. 2014-0018 declaring a water shortage and implementing Stage Two of the City's Sacramento Water Shortage Contingency Plan. Entering a fourth year of extraordinary drought, on April 1, 2015, the Governor issued an Executive Order requiring a mandatory overall water reduction of 25 percent in California cities and towns. In particular, the City of Sacramento is mandated to reduce usage by 28 percent. City of Sacramento residents have been limited to watering outdoors to two days a week (one day a week November through March) and have been encouraged to install drip irrigation and drought tolerant plants in landscaped areas. Additionally, the City has added staff to cite those wasting water and to help homeowners and businesses reduce their overall water usage.

In this time of drought people have become interested in investigating the use of artificial turf in the place of live grasses in the landscaped areas of their property. Title 17.612.010 of the Planning and Development Code discusses landscaping requirements in setback areas for residential and non-residential uses. Currently the code requires living vegetation and specifically prohibits the use of artificial turf in required front-yard and required street side-yard landscaped setback area. The code, however, is silent and does not prohibit the use of artificial turf in other yard areas. In order to allow the use of artificial turf as a landscape material in required front-yards and street side-yards an amendment to Title 17 is required.

The code has not always prohibited artificial turf in required yard areas. From 1964 to 1984, the code focused primarily on the amount of pavement in required setback areas and indicated that, except for approved off-street parking areas, every minimum front and street side-yard setback area would be landscaped and maintained primarily with low ground cover, not paving, rocks or gravel. In 1984, the code clarified that a maximum of 40 percent of the yard area could be paved; the remaining area was to be "landscaped, irrigated and maintained" and that "only living vegetation may be used as ground cover". The 1999 Zoning Code update increased the allowed paved area to 50 percent so walkways and patios could be incorporated into required setback areas and added the words "ground cover or turf". In 2007, as part of the amendments to the code to address as to whether vegetables could be grown in required front setbacks, Title 17 became very specific as to what could or could not be used for landscaping in the required front-yard and street side-yard setback areas. The purpose of these amendments were to provide for flexibility on what could be grown in required landscape setback areas while still achieving aesthetically pleasing landscapes. At that time "artificial turf" was listed as a product that could not be used as the primary ground cover in these areas along with plastic plants and flowers.

As noted above, on April 14, 2015 Councilmember Harris asked the City Manager to have his staff investigate the use of artificial turf for private development. On June 9, 2015, the Law and Legislation Committee reviewed a draft ordinance. The committee voted to forward the

ordinance for review by the Planning and Design Commission, as required by City Code, before going forward to City Council for review. The Committee also requested staff to further investigate the pros and cons of the use of artificial turf and investigate some of the regulations of neighboring jurisdictions. The results of the investigation are discussed below.

One of the primary reasons artificial turf was prohibited in required landscape areas was aesthetic. Previously the use of artificial turf was seen as a material that was installed on golf courses and athletic fields and not residential front lawns. The first generation of turf introduced in the 1960's was made of short-pile plastic fibers. However, the product has improved significantly in appearance, including increased pile height. The turf introduced in the late 1990's is infilled with a sand or crumb rubber that keeps the plastic fibers upright and provides shock absorption similar to that of natural grass. Because of its improved appearance, durability, drainage, and low maintenance requirements, the use of artificial turf has moved from beyond athletic fields to residential lawns and landscaped areas. Staff finds that a 1.5 to 1.75-inch height allows for a more dense/plush looking lawn, however, pile height also comes in 1.25 height which is still acceptable and often preferred by pet owners as it is easier to maintain.

Staff research indicates that there are, however, reasons why people would not want to use artificial turf in their yards. The tire rubber crumbs used in turf can heat up and emit an unpleasant smell in direct sunlight. The surface temperature of the turf itself can also be elevated in direct sunlight as compared to natural grass. Manufacturing of the turf does include consumption of raw materials and energy as opposed to natural sod. In addition, when it is worn out artificial turf would also need to be disposed of in a landfill rather than as yard waste. Artificial turf is also more expensive to install than living turf.

Staff surveyed several jurisdictions in the immediate area regarding the use of artificial turf in yard areas.

Citrus Heights:	Permitted
Elk Grove:	Permitted as long as it adequately drains water runoff into the soil.
Rancho Cordova:	Allows pervious landscape materials; Planning Director has determined artificial turf is permitted if it is installed properly.
Roseville:	Permitted
Rocklin:	No specific prohibition in code
Sacramento County:	Permitted
West Sacramento:	No specific prohibition in code. Landscaped area is pervious area and code allows combination of ground cover, shrubs, hedges, trees and other pervious materials.

On August 13, 2015 staff presented to the Planning and Design Commission a draft ordinance that would permit artificial turf with a pile height on 1.25 inches in required front and street side yard setbacks. The draft ordinance also included minor amendments to the landscaping section to clean-up the language and provide consistency between subsections. The Commission had some concerns regarding the use of the product, including its permeability, durability and the overall combination of the use of non-living products, such as pavement and artificial turf, in the setback areas. The Commission formed a subcommittee to review the draft ordinance and return to the Commission with recommended changes.

On September 25, 2015, the California Legislature sent to Governor Brown Assembly Bill (AB) 1164 (California Government Code Section 53087.7), which prohibits local jurisdictions from enacting or enforcing any ordinance or regulation that would prohibit the installation of drought tolerant landscaping, synthetic grass or artificial turf on residential property. The bill did indicate, however, that a jurisdiction to impose reasonable restrictions on the type of drought tolerant landscaping, synthetic grass, or artificial turf that could be installed, provided that the restrictions do not do any of the following:

1. Substantially increase the cost of installing drought tolerant landscaping, synthetic grass, or artificial turf.
2. Effectively prohibit the installation of drought tolerant landscaping, synthetic grass, or artificial turf.
3. Significantly impede the installation of drought tolerant landscaping, including, but not limited to, a requirement that a residential yard must be completely covered with living plant material.

On October 9, 2015, Governor Brown, as part of a package of bills related to California's drought, signed 24 bills to help boost water conservation, strengthen groundwater management and improve water quality. AB 1164 was one of these bills. In order to address the historic, prolonged, and potentially devastating drought, the law was enacted as urgency legislation effective immediately.

The Planning and Design Commission met to review the ordinance again on October 22, 2015. At that time, the Commission subcommittee recommended that the following additions be made to the City's proposed ordinance:

1. Clarify that if artificial turf is used it must be permeable.
2. Require that, if artificial turf is used, 20 percent of the required front and/or street side yard setback area must be landscaped in living ground cover.

The subcommittee felt that adding these provisions would alleviate several of the Commission's concerns, including runoff, impact of turf on existing trees and other living vegetation, and the heat island effect, while still abiding by the provisions of AB 1164.

AB 1164, which bars a city, including a charter city, from enacting or enforcing any ordinance that prohibits the installation of synthetic grass or artificial turf appeared to prevent the City from limiting the coverage area of synthetic grass or artificial turf. Staff, therefore, presented to the Commission an ordinance with the addition that the turf must be permeable. The Commission, however, indicated that they believed that the 20 percent was a reasonable provision that did not conflict with AB 1164. After testimony by members of the public and significant discussion, the Commission voted to forward the proposed ordinance to the City Council with the following four recommendations:

1. The ordinance be modified to include a provision that requires that a minimum of 20 percent of the required setback be landscaped in living groundcover if artificial turf is used as a groundcover.
2. Direct the Urban Forestry Division to investigate the use of artificial turf in the drip line of trees and report back on as to whether artificial turf is an appropriate landscape material in this area. The commission was particularly concerned with the use of turf in planters located in the city right-of-way adjacent to private property where city street trees are planted and heritage trees on private property.
3. Direct the Utilities Department to explore the potential runoff concerns from the installation of artificial turf, particularly the use of polypropylene micro-beads (crumb rubber) and how it might impact the storm water drainage system.
4. Have the Utilities Department recommend what a definition of permeability would be in regards to the installation of artificial turf.

The proposed ordinance was on the November 17, 2015 City Council agenda as a pass-for-publication (pfp) item. At the November 17th meeting, Councilmember Harris requested that the item be withdrawn and heard at a later date so that he could have the opportunity to see if legislation could be adopted at the state level to give local jurisdictions the ability to prohibit the installation of artificial turf in the dripline of trees.

On September 14, 2016 Governor Brown signed SB 974, an Omnibus clean-up bill which amended California Government Code Section 53087.7 to include the provision that a city could impose reasonable restrictions on the installation or design of synthetic grass or artificial turf within the dripline of a tree protected by local ordinance. The draft ordinance previously reviewed by the Law and Legislation Committee and Planning and Design Commission in 2015 has been modified to include this provision and the most recent recommendation of the Law and Legislation Committee of November 2016. A red-lined and final version of the

ordinance is attached. The Commission recommendation that a minimum of 20 percent of the required front and/or street side yard setback area be landscaped in living ground cover if artificial turf is used was not included. The SB 974 amendment to California Government Code Section 53087.7 only included an exception for the driplines of trees and did not include any other exception to limit the coverage of artificial turf or synthetic grass. The revised ordinance, however, does address the commission's concerns regarding the use of artificial turf in the dripline.

ORDINANCE NO.

Adopted by the Sacramento City Council

Date Adopted

AN ORDINANCE AMENDING SECTION 17.612.010 OF THE SACRAMENTO CITY CODE RELATING TO LANDSCAPING REQUIREMENTS

BE IT ENACTED BY THE COUNCIL OF THE CITY OF SACRAMENTO:

SECTION 1.

Section 17.612.010 of the Sacramento City Code is amended to read as follows:

17.612.010 Landscaping requirements.

A. Landscaping requirements in setback areas.

1. Single-unit and duplex dwellings—Front-yard and street side-yard setbacks.

a. Setback area paving restrictions. A maximum of 540% of the required front-yard and street side-yard setbacks may be paved for off-street parking, ~~and~~ driveways, walkways, uncovered patios, and other forms of hardscape. ~~An additional maximum of 10% of the front-yard setback may be paved for walkways or uncovered patio use. A maximum of 40% of the required street side-yard setback may be paved for off-street parking, driveways, walkways, or uncovered patio use; H~~however, this maximum limitation does not apply to that portion of the street side-yard located behind a fence that is in compliance with the street side fence requirements set forth in chapter 17.620.

b. Landscape and maintenance requirements. The unpaved portion of the ~~a~~ required front-yard ~~setback~~ and street side-yard setbacks shall be landscaped ~~, irrigated,~~ and maintained. The landscape shall primarily ~~may include~~consist of grass, annuals, perennials, groundcover, shrubs, trees, or other living vegetation~~,~~ provided that ~~and any d~~ artificial turf may be used if it and its substrate is permeable, has a minimum pile height of 1.25 inches, and is not located within the dripline of any trees. Design elements like~~such as~~ planters, rocks, mulch, wood chips, bark, or similar elements are permitted when integrated as part of the landscape. ~~However, only living vegetation may be used as a primary ground cover; no cement, brick, artificial turf, or other non-vegetative products such as plastic plants or flowers may be used for this purpose.~~ All landscaping materials shall be mowed, trimmed, and maintained as often as necessary

to prevent overgrowth and blight. No junk, debris, or other similar materials shall be stored in the landscaped setback area.

c. Height restrictions for landscaping located in the clear zone. All landscaping located within the clear zone for driveways and corner lots, as described~~fined~~ in section 17.620.10~~1~~0, shall not exceed four feet in height, except that trees exceeding four feet in height are allowed if the tree is maintained free of branches five feet above the finish grade, as defined in section 15.88.050.

d. Vehicle parking requirements-all yard areas. Vehicles, including automobiles, boats, campers, trailers, and other recreational vehicles must be parked on a paved surface, as provided for in section 10.44.010.

~~Vehicles shall not be parked within the landscaped setback area.~~

2. Multi-unit dwellings (three or more units)—Front-yard and street side-yard setbacks. All minimum required front-yard and street side-yard setbacks shall be landscaped~~, irrigated~~ and maintained~~ with primarily low ground cover or turf. Only living vegetation may be used as ground cover~~. The landscape shall primarily consist of grass, annuals, perennials, groundcover, shrubs, trees, or other living vegetation, provided that artificial turf may be used if it and its substrate is permeable, has a minimum pile height of 1.25 inches, and is not located within the dripline of any trees. Design elements like planters, rocks, mulch, wood chips, bark, or similar elements are permitted when integrated as part of the landscape. Driveways and uncovered walkways are permitted to cross over the required front-yard and street side-yard setbacks. The required front-yard and street side-yard setbacks may not be paved for parking or patio areas.

3. Nonresidential—Front-yard and street side-yard setbacks. All minimum required front-yard and street side-yard setbacks shall be landscaped~~, irrigated,~~ and maintained. The landscape shall primarily consist of grass, annuals, perennials, groundcover, shrubs, trees, or other living vegetation, provided that ~~with primarily low ground cover or turf. Only living vegetation may be used as ground cover. No asphaltic concrete, masonry, rock, gravel, wood bark, chips or other form of surfacing as a principal ground cover is permitted.~~ artificial turf may be used if it and its substrate is permeable, has a minimum pile height of 1.25 inches, and is not located within the dripline of any trees. Design elements like planters, rocks, mulch, wood chips, bark, or similar elements are permitted when integrated as part of the landscape.

4. Residential and nonresidential—Interior side-yard and rear-yard setbacks. There is no minimum landscape requirement for interior side-yard ~~setbacks~~ and rear-yard setbacks.

B. Planter required.

1. Except for single-unit and duplex dwellings and where driveways and walkways enter and exit a lot, a landscaped planter is required as follows:

a. A landscaped planter is required to separate all surfaced areas from the adjacent public street; and

b. A landscaped planter is required along the entire perimeter of surface parking lots of more than 30 spaces.

2. The planter shall be surrounded with six~~-~~inch raised concrete curbing. The minimum width of the planter, excluding curbing, is six feet, except that front-yard and street side-yard setbacks shall have planters at least as wide as the minimum setback or six feet, whichever is greater. An irrigation system shall be installed in each separate planter area. ~~Planter areas shall not be surfaced in part or whole with concrete, asphalt, or other impermeable surface material, but shall contain earth and living plants.~~ The landscape shall primarily consist of grass, annuals, perennials, groundcover, shrubs, trees, or other living vegetation, provided that artificial turf may be used if it and its substrate is permeable, has a minimum pile height of 1.25 inches, and is not located within the dripline of any trees. Design elements like planters, rocks, mulch, wood chips, bark, or similar elements are permitted when integrated as part of the landscape.

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A. Landscaping requirements in setback areas.

1. Single-unit and duplex dwellings—Front-yard and street side-yard setbacks.

a. Setback area paving restrictions. A maximum of 50% of the required front-yard and street side-yard setbacks may be paved for off-street parking, driveways, walkways, uncovered patios, and other forms of hardscape. However, this maximum limitation does not apply to that portion of the street side-yard located behind a fence that is in compliance with the street side fence requirements set forth in chapter 17.620.

b. Landscape and maintenance requirements. The unpaved portion of the required front-yard and street side-yard setbacks shall be landscaped and maintained. The landscape shall primarily consist of grass, annuals, perennials, groundcover, shrubs, trees, or other living vegetation provided that artificial turf may be used if it and its substrate is permeable, has a minimum pile height of 1.25 inches, and is not located within the dripline of any trees. Design elements like planters, rocks, mulch, wood chips, bark, or similar elements are permitted when integrated as part of the landscape. All landscaping materials shall be mowed, trimmed, and maintained as often as necessary to prevent overgrowth and blight. No junk, debris, or other similar materials shall be stored in the landscaped setback area.

c. Height restrictions for landscaping located in the clear zone. All landscaping located within the clear zone for driveways and corner lots, as described in section 17.620.100, shall not exceed four feet in height, except that trees exceeding four feet in height are

allowed if the tree is maintained free of branches five feet above the finish grade, as defined in section 15.88.050.

d. Vehicle parking requirements-all yard areas. Vehicles, including automobiles, boats, campers, trailers, and other recreational vehicles must be parked on a paved surface, as provided for in section 10.44.010.

2. Multi-unit dwellings (three or more units)—Front-yard and street side-yard setbacks. All minimum required front-yard and street side-yard setbacks shall be landscaped and maintained. The landscape shall primarily consist of grass, annuals, perennials, groundcover, shrubs, trees, or other living vegetation, provided that artificial turf may be used if it and its substrate is permeable, has a minimum pile height of 1.25 inches, and is not located within the dripline of any trees. Design elements like planters, rocks, mulch, wood chips, bark, or similar elements are permitted when integrated as part of the landscape. Driveways and uncovered walkways are permitted to cross over the required front-yard and street side-yard setbacks. The required front-yard and street side-yard setbacks may not be paved for parking or patio areas.

3. Nonresidential—Front-yard and street side-yard setbacks. All minimum required front-yard and street side-yard setbacks shall be landscaped and maintained. The landscape shall primarily consist of grass, annuals, perennials, groundcover, shrubs, trees, or other living vegetation, provided that artificial turf may be used if it and its substrate is permeable, has a minimum pile height of 1.25 inches, and is not located within the dripline of any trees. Design elements like planters, rocks, mulch, wood chips, bark, or similar elements are permitted when integrated as part of the landscape.

4. Residential and nonresidential—Interior side-yard and rear-yard setbacks. There is no minimum landscape requirement for interior side-yard and rear-yard setbacks.

B. Planter required.

1. Except for single-unit and duplex dwellings and where driveways and walkways enter and exit a lot, a landscaped planter is required as follows:

a. A landscaped planter is required to separate all surfaced areas from the adjacent public street; and

b. A landscaped planter is required along the entire perimeter of surface parking lots of more than 30 spaces.

2. The planter shall be surrounded with six-inch raised concrete curbing. The minimum width of the planter, excluding curbing, is six feet, except that front-yard and street side-yard setbacks shall have planters at least as wide as the minimum setback or six feet, whichever is greater. An irrigation system shall be installed in each separate planter area. The landscape shall primarily consist of grass, annuals, perennials, groundcover, shrubs, trees, or other living vegetation, provided that artificial turf may be used if it and its substrate is permeable, has a minimum pile height of 1.25 inches, and is not located within the dripline of any trees. Design elements like planters, rocks, mulch, wood chips, bark, or similar elements are permitted when integrated as part of the landscape.