

ARTIFICIAL/SYNTHETIC TURF RULES

Use Common Area maintained by a Condominium Owner that is not completely fenced from view, all in accordance with the below listed provisions.

(j) Applications for front and/or side yard or Maintenance Association Common Areas or Exclusive Use Common Areas installation of artificial/synthetic turf will be reviewed with respect to the specifications below and with respect to architectural considerations which the Committee, in its sole discretion, will deem appropriate. The Architectural Committee shall have the discretion, on a case-by-case basis, to disapprove any proposal for artificial/synthetic turf whether or not such turf otherwise complies with the specifications below.

(k) Condominium Owners may install artificial/synthetic turf within fenced rear yard areas, provided that such artificial/synthetic turf is not visible from any streets or common areas, and subject to any restrictions established by the corresponding Maintenance Association.

~~(l) For any proposed installation within a homeowner maintained area, and subject to the restrictions on visibility detailed in sub-section (s) below, artificial/synthetic turf may not exceed fifty (50) percent of the required softscape areas for front and side yards visible from streets and/or common areas within attached units and/or Maintenance Association neighborhoods. A maximum of forty (40) percent of those front and side yards may have artificial/synthetic turf installed. A minimum of forty (40) percent of those front and side yards must have natural softscape materials (natural lawn, ground cover, shrubs, or trees).~~

(Amended 3-4-20)

(m) Artificial/synthetic turf must be well maintained in a high quality condition that demonstrates a clean and attractive appearance. If the product loses its ability to hold itself in a natural, upright appearance or the color fades or changes, the Association, at its sole discretion, may require removal and replacement within a reasonable time period, and such replacement shall be subject to compliance with the Association's governing documents. The patching of the artificial/synthetic turf may not be satisfactory in appearance due to the difference in color and texture of the older and newer material.

(n) The use of putting green type artificial/synthetic turf, or any other type of artificial/synthetic turf that does not comply with the specifications listed below, is not permitted in front yard or side yards, and is to be limited to only rear yards, Common Areas or Exclusive Use Common Areas completely fenced from view.

(o) Only artificial/synthetic turf with multi-height, width, textured, and colored blades are acceptable in front yards, side yards and other visible areas.

(p) Artificial/synthetic turf is not permitted to be installed immediately adjacent to natural grass/turf or artificial/synthetic turf at adjacent properties. A buffer in the form of softscape materials, a concrete mow curb a minimum of six (6) inches wide, or a similar buffer as approved by the Architectural Committee, must separate artificial/synthetic turf from natural grass/turf and artificial/synthetic turf at adjacent properties. Joint Home Improvement Applications proposing to install front yard artificial/synthetic turf with the same material, installed at the same time, with the same installer, and not abutting natural grass/turf, are not required to have a buffer separating artificial/synthetic turf at adjacent properties, as described above. Artificial/synthetic turf cannot be placed directly on top of existing grass, dirt, or hardscape areas.

MARKUP #1 ->

MARKUP #1 · CONFLICTS WITH MANDATORY STATE STATUTE

BOARD & COUNSEL REVIEW

Sec. (s) (p. 3): Landscaping covenant conflicts with California Civil Code § 4735 protections for low-water-use plants, artificial turf, or drought-period watering reductions.

Statutory / Legal Reference: Cal. Civ. Code § 4735

Statutory Comparison: Under Cal. Civ. Code § 4735(a), any provision of the governing documents is void and unenforceable if it prohibits, or includes conditions that have the effect of prohibiting, the use of low water-using plants as a group or as a replacement of existing turf, or prohibits the use of artificial turf or any other synthetic surface that resembles grass. In addition, under § 4735(c), an association may not impose a fine or assessment against an owner for reducing or eliminating the watering of vegetation or lawns during any government-declared drought emergency.

CURRENT WORDING IN DOCUMENT:

below, artificial/synthetic turf may not exceed fifty (50) percent of the required softscape areas for front and side yards visible from streets and/or common areas within attached units and/or Maintenance Association neighborhoods.

SAMPLE DISCUSSION WORDING (FOR HOA ATTORNEY REVIEW):

Pursuant to California Civil Code § 4735, nothing in the governing documents shall prohibit the installation of California-friendly low water-using plants or quality artificial turf/synthetic grass meeting reasonable design and maintenance standards, nor shall any fine or assessment be imposed on a member for reducing or eliminating lawn watering during a state or local government-declared drought emergency.

ISSUE #1