

# *WHALERS' ISLAND HOMEOWNERS ASSOCIATION*

## *ARTIFICIAL TURF RULE*

These Rules were adopted by the Board of Directors of The Whalers' Island Homeowner Association (the Association) on June 23, 2016. These Rules shall be effective on the date of adoption and shall remain in effect until modified by the Board.

These rules apply to all homes within the Association and are different for the following categories of yard areas:

- Front yard and unfenced areas on Greenwich, Portsmouth, Waterbury and Gloucester Lanes (the "Island" homes);
- Front yard and unfenced areas on Bridgeport, Plymouth, Mystic, Dover and Essex Lanes (the "Landing" homes);
- Inner yards of the Island and Landing homes that are enclosed by fencing; and
- Rear yards of the Island and Landing homes that face the lagoon (Waterfront homes).

The CC&Rs of the Association assign maintenance, replacement and repair responsibilities for the Landing home front yards to the Association, unless the Board expressly designates a portion of this responsibility to the homeowner in writing. Maintenance, repair and replacement responsibilities for all other yard areas are assigned to the lot owner. This document defines the front yard as the area between the inner edge of the street curb and the outside of the fence running parallel to the street.

The City of Foster City does not consider artificial turf hardscape and does not require a building permit before installing artificial turf. However, the City does have restrictions on the amount of hardscape that can be placed in the yard. Therefore, the homeowner is encouraged to discuss the proposed improvements with the City before requesting approval from the Association if the proposed work will include hardscape improvements.

### **GENERAL RECOMMENDATIONS AND STANDARDS**

1. The Association recommends the non-driveway portion of the front yard contain a maximum of 60 percent artificial turf (synthetic softscape) and a minimum of 40 percent of a Board approved combination of natural softscape (natural grass, long-lived groundcover, shrubs, and trees) - some hardscape (e.g. stone walkways, walls) may be considered under separate approval. Please note, this rule only pertains to the installation and maintenance of artificial turf. Please consult the applicable portion of the Association's rules on landscaping and exterior home renovation for additional Association approvals that may be needed if installation of new landscape or hardscape is proposed with the installation of artificial turf.

2. Artificial turf cannot be installed: a) within the common area between the street curb and the sidewalk; b) within 30 inches of the front yard side property line (unless the adjacent neighbor will also be installing the exact same type of artificial turf); or c) within 3 feet of a tree. Areas 2(a) and 2(b) should contain an approved combination of natural softscape with some of the plants having a minimum height of 18 inches (some hardscape may be considered under separate approval). The height and width of plants in area 2(a) should not inhibit the use of the sidewalk.

3. A minimum 30-inch-wide buffer zone of natural softscape is highly recommended between the artificial turf and the street curb, or between the artificial turf and the sidewalk if the lot is on the sidewalk side of the street - some hardscape may be considered in this area under separate approval. At least some of the natural plants in this buffer zone should have a minimum height of 18 inches; however, the height and width of the plants should not inhibit the use of the sidewalk.
4. Homeowners shall provide sufficient irrigation to trees and other plants surrounded by artificial turf because the lack of irrigation under artificial turf deprives the roots of needed water during the dry summer months. All Association maintained trees proposed to be surrounded by artificial turf must be provided with adequate deep irrigation. This may necessitate the installation of a separate irrigation valve dedicated to the deep watering of the trees because of the differing water requirements between shrubs and trees.
5. Waterfront rear yard artificial turf installations touching the concrete bulkhead cap must:
  - a) remove the old wooden bulkhead cap along the entire length of the property and
  - b) remove the rock infill between the old and new bulkhead sheet piles to the depth required to properly prepare the site for the installation of artificial turf.
6. Lot owners installing artificial turf in front yard areas agree to hold harmless and indemnify the Association for any future damage to common area landscaping and components caused by the installation and presence of artificial turf and for personal injury resulting from the installation and presence of artificial turf in the common area between the street curb and the front yard lot boundary.

## **SPECIFICATIONS**

1. The turf blades shall be 1.7 to 2.7 inches long and shall be a combination of interwoven turf and thatch with two-tone face yarn. Turf, thatch, and face yarn shall be 100% polyethylene monofilament fiber having a minimum face weight of 60 ounces per square yard (infill or backfill thatch is not permitted). Polypropylene, nylon fiber, and slit film turf products, and products without a thatching system are not permitted. Turf color must achieve a natural look. The style and color selection must compliment other adjacent natural lawn and landscaped grass within the community. Only artificial turf with multi-height, width, textured, and colored blades are acceptable in front yards. Tufting gauge shall be 3/8 to 1/2 inch. Lead content in the artificial turf system must satisfy ASTM standards.
2. Primary backing materials shall be stabilized triple layered woven polypropylene. Secondary backing materials shall be polyurethane. The total backing weight must be at least 26 ounces per square yard unless a lesser backing weight is justified to and approved by the Association.
3. The base layer for the artificial turf shall consist of permeable geotextile fabric covered by a 4-inch-thick layer of compacted base material consisting of Class 2 road base capped by compacted decomposed granite unless an alternative base material is justified to and approved by the Association. The base material must be shaped for a natural look (either a flat or crown shape) – a crown shape is recommended if excavation may damage tree roots. In-ground vaults within the limits of the artificial turf shall be raised prior to the installation of the base material.
4. The artificial turf must contain infill. The infill shall consist of thermo-plastic elastomer coated silica sand, zeolite, or organic cork or coconut materials unless an alternative base material is justified to and approved by the Association - rubber, uncoated silica sand, and

sub-angular coated silica sand are not permitted for infill. The infill must be certified by the manufacturer as non-toxic and anti-microbial and shall be spread evenly at a rate of no less than one pound per square foot unless a lesser application is justified to and approved by the Association.

5. The turf system shall have the ability to drain water at not less than 4 inches of rain per hour per square yard. The drain rate of the base material and geotextile fabric must be at least as great as the drain rate of the turf. Drainage must be directed toward the street (or toward the bulkhead if a waterfront home) and not onto adjacent private property.

6. Border materials surrounding the artificial turf must not exceed the height of the artificial turf unless stone is used for the border. Wood is not an acceptable border material. No edges or seams shall be exposed and the turf must be installed with an orientation that minimizes blade reflection towards the street and lagoon. Edging treatment must raise the turf slightly above adjacent hard surfaces in order to create a natural turf appearance.

7. The artificial turf system shall be installed by a California C-61 licensed contractor having a D-12 (synthetic product) specialization and extensive experience in installing artificial turf systems.

8. The turf system shall have a minimum five (5) year warranty against installation defects and a minimum ten (10) year warranty against manufacturer's defects, brittleness, and ultraviolet light degradation and fading.

### **MAINTENANCE**

Homeowners must periodically clean and sanitize the artificial turf area to prevent problems caused by animal waste (chiefly birds, dogs and cats). The edges of the artificial turf should also be regularly weeded and sprayed with a non-toxic weed killer.

The artificial turf must be maintained in accordance with the procedures recommended and required by the manufacturer to ensure its appearance is maintained to a high standard. Rips, exposed seams, undulations, or other damage must be promptly repaired. Patching of artificial turf may not be satisfactory if there is a noticeable difference in color and texture between the old and new material. If the product loses its ability to hold itself in a natural, upright appearance or the color fades or changes, then the Association, at its sole discretion, may require removal and/or replacement of the artificial turf.

### **APPROVAL PROCESS FOR ALL YARD AREAS EXCEPT THE FRONT YARD AREA OF THE LANDING HOMES**

The installation of artificial turf must be approved by the Association prior to commencing any site preparation work. The homeowner must submit the following information to the Managing Agent of the Association before the Board can consider approving any request to install artificial turf. All required information must be submitted to the Managing Agent by the first day of the month in order for the Board to consider the request at the Board meeting held later that month.

1. A written statement from a certified arborist indicating the installation and existence of the artificial turf system will not likely adversely affect trees and plantings maintained by the Association or on the property of an adjacent homeowner.

2. Two scaled plot plans are required. One plan will show all existing structures, hardscape, synthetic softscape, natural softscape, and irrigation in the front yard. The other plan will show all proposed structures, hardscape, synthetic softscape, natural softscape, irrigation, and artificial turf in the front yard, including the proposed drainage of the area that

will be modified. Please note, if the installation of artificial turf is proposed in combination with another exterior renovation project, then separate plans must be submitted for both the artificial turf and exterior renovation projects.

3. A cross-section identifying the components (layers) of the proposed artificial turf system.
4. A specification sheet for the proposed artificial turf system. This sheet will identify the: a) manufacturer and model number of the turf; b) color, height, face weight, and thatch of the turf; c) type, weight, and construction of the primary and secondary backing; d) type and size of the infill and base material; e) type and permeability of the soil stabilizing fabric; f) total lead content in the yarn fibers of the turf; and g) the seaming and adhesive materials.
5. Certification from the manufacturer that the turf, backing, infill, seaming and adhesive materials are non-toxic, will not contaminate water supplies, and can be disposed at a Class III landfill.
6. A copy of the manufacturer's installation instructions for the artificial turf system.
7. A copy of the manufacturer's care recommendations and requirements for the artificial turf.
8. A copy of the manufacturer's warranty for the artificial turf and a copy of the builder's warranty statement for workmanship and construction.
9. A minimum one (1) square foot sample of the actual artificial turf proposed for use.
10. A document signed by the property owner(s) stating the owners: a) agree to allow the representatives of the Association to access the homeowner's property to inspect the installation of the artificial turf system; b) agree to promptly remove the artificial turf at the owner's sole expense if the Association finds the artificial turf is not being maintained in accordance with the standards and specifications in this document; and c) agree to disclose the responsibilities in this document to potential purchasers of the homeowner's property.

The Managing Agent for the Association will place the homeowner's proposal on the agenda of a properly noticed Board meeting and the Architectural Review Committee will review the documentation submitted by the homeowner for completeness and adherence to these rules and make a recommendation to the Board. The Board will then either deny or conditionally approve the homeowner's proposal during the properly noticed Board meeting. If the Board conditionally approves the proposal, then the Managing Agent will submit a letter to the homeowner summarizing the conditions of approval.

The Association determines compliance with the general standards, specifications and maintenance requirements of the artificial turf rules. If the Association directs the homeowner to replace or remove any portion of the artificial turf system for violating these standards, specifications and maintenance requirements, and the homeowner fails to fully comply, then the Association may levy an enforcement assessment against the homeowner for the violation.

Please note, if the health of any tree or other natural planting maintained by the Association is compromised by the installation or existence of the artificial turf system, then the homeowner must bear all costs to modify the artificial turf system to restore adequate health to the compromised planting. If the modification fails to restore adequate health to the compromised planting, then the homeowner must bear all costs to remove and replace the compromised planting. The Association determines whether the health of the compromised planting is adequate and whether the planting should be removed and replaced.

## **APPROVAL PROCESS FOR THE FRONT YARD AREA OF THE LANDING HOMES**

The installation of artificial turf must be approved by the Association prior to commencing any site preparation work. Before the Board can consider approving any request to install artificial turf, the Landing homeowner must submit to the Managing Agent of the Association the information required in Items #1 through #10 on pages 4 and 5 of this document. Because the Association maintains the irrigation system in the front yards of the Landing homes, the homeowner should request the Managing Agent to provide a drawing identifying the layout and components of the irrigation system in their front yard so this information can be incorporated into the required plans.

All required information must be submitted to the Managing Agent by the first day of the month in order for the Board to consider the request at the Board meeting held later that month. The Managing Agent will place the homeowner's proposal on the agenda of a properly noticed Board meeting and the Architectural Review Committee will review the documentation submitted by the homeowner for completeness and adherence to these rules and make a recommendation to the Board. The Board will deny or conditionally approve the homeowner's proposal during the properly noticed Board meeting. If the Board conditionally approves the homeowner's proposal, then the Managing Agent will submit a letter to the homeowner summarizing the conditions of approval.

If the Board conditionally approves the homeowner's request to install artificial turf, then the Managing Agent will request a bid from the Association's landscaping contractor to reconfigure the front yard irrigation system. The managing agent will also request a bid from the Association's landscaping contractor to install the natural plants proposed on the approved plans unless the homeowner received written approval from the Board to install the plants. Please note, if the Board approves a Landing homeowner's request to install the natural plants, then the homeowner is responsible for the initial health of these plants. In addition, if the proposed landscaping takes the Association's landscape contractor more time to maintain than the landscaping standard for the landing homes, then the Board may require the homeowner to also maintain the new plants. No change in monthly assessment will be granted to a Landing homeowner if this maintenance responsibility is a condition of approval of the homeowner's artificial turf proposal.

The Managing Agent will submit the completed bid to the Landing homeowner for review when it is returned by the landscaping contractor. If the landscape contractor's bid amount is acceptable to the homeowner, then the homeowner signs and dates the bid in the area reserved for their acceptance, and returns the bid and a check for 50 percent of the bid amount to the Managing Agent. The homeowner's acceptance of the landscaping contractor's bid will represent one of the conditions of Board approval of the homeowner's artificial turf proposal.

Once the homeowner accepts the bid and returns the required deposit, the Managing Agent will notify the homeowner of the date the Association's landscaping contractor will modify the irrigation system. The homeowner cannot commence construction until the irrigation system modifications are completed; however, the homeowner must commence construction no later than 30 days after the irrigation modifications are completed. This will represent one of the conditions of Board approval of the homeowner's artificial turf proposal. Given the 30 day timeline to start work, it is essential the homeowner inform the Managing Agent of firm start dates provided by the artificial turf installation contractor so the Association can coordinate the irrigation system modification work to minimize the stressing of existing landscaping. The homeowner will pay the remaining 50 percent of the

Association's landscaping contractor's bid amount within 30 days following the completion of the work required by the Association's landscape contractor. This will represent one of the conditions of Board approval of the homeowner's artificial turf proposal.

The only construction the Association performs is: 1) the reconfiguration of the front yard irrigation system and 2) the installation of the natural plants on the approved plans, unless the homeowner received written approval from the Board to install the plants. The Landing homeowner is responsible for the installation of all other improvements on the approved plans in addition to the general standards, specifications and maintenance requirements discussed on pages 1 through 4 of these rules. Upon completion, the Association is responsible for maintaining: 1) the modified irrigation system and 2) the natural plants in the front yard area, unless the Board required the homeowner to maintain these plants as a condition of approval of the homeowner's artificial turf proposal.

The Association determines compliance with the general standards, specifications and maintenance requirements of the artificial turf rules. If the Association directs the homeowner to replace or remove any portion of the artificial turf system for violating these standards, specifications and maintenance requirements, and the homeowner fails to fully comply, then the Association may levy an enforcement assessment against the homeowner for the violation.

Please note, if the health of any tree or other natural planting maintained by the Association is compromised by the installation or existence of the artificial turf system, then the homeowner must bear all costs to modify the artificial turf system to restore adequate health to the compromised planting. If the modification fails to restore adequate health to the compromised planting, then the homeowner must bear all costs to remove and replace the compromised planting. The Association determines the adequate health of the compromised planting and whether the planting should be removed and replaced.

Please also note, the installation of the artificial turf system and other improvements on the approved plans will not reduce the monthly assessment the Landing homeowner pays for the Association's maintenance of the front yard.

## **THE WHALERS' ISLAND HOMEOWNERS ASSOCIATION**

### **NOTICE OF ADOPTION OF ARTIFICIAL TURF RULES**

June 23, 2016

Dear Homeowner:

At the open meeting of the Board on June 23, 2016 the Board adopted the Artificial Turf Rules, a copy of which was previously mailed to all members.

Sincerely,

Your Board of Directors