



AGENDA REPORT

Meeting Date: October 6, 2015

Item Number: D-7

To: Honorable Mayor & City Council

From: Laurence S. Wiener, City Attorney

Subject: AN ORDINANCE OF THE CITY OF BEVERLY HILLS AMENDING THE BEVERLY HILLS MUNICIPAL CODE TO ALLOW SYNTHETIC TURF IN RESIDENTIAL FRONT YARDS

Attachments:

1. Ordinance
2. Legislative Digest Showing Changes Made by the Council at the Meeting of September 1, 2015

RECOMMENDATION

It is recommended that the City Council move to waive the full reading and adopt the ordinance as amended, entitled "AN ORDINANCE OF THE CITY OF BEVERLY HILLS AMENDING THE BEVERLY HILLS MUNICIPAL CODE TO ALLOW SYNTHETIC TURF IN RESIDENTIAL FRONT YARDS."

INTRODUCTION

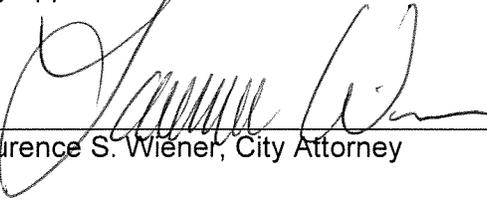
This ordinance modifies the Municipal Code to allow synthetic turf in residential front yards and to set standards for synthetic turf.

DISCUSSION

At its meeting of September 1, 2015, the City Council conducted a first reading and introduced this ordinance. At that meeting, the City Council made changes to the draft ordinance. These changes included: removing restrictions on synthetic turf in street side yards, eliminating the requirement to landscape the buffer between synthetic turf and a residence, reducing required turf bind strength to eight pounds, and reducing the minimum manufacturer's warranty to eight years. These changes have now been incorporated into the ordinance being presented to the City Council for adoption.

FISCAL IMPACT

The costs associated with administering synthetic turf installations are expected to be covered by the building permit fee that will accompany applications.



Laurence S. Wiener, City Attorney

Attachment 1

ORDINANCE NO. 15-O-_____

AN ORDINANCE OF THE CITY OF BEVERLY HILLS
AMENDING THE BEVERLY HILLS MUNICIPAL CODE TO
ALLOW SYNTHETIC TURF IN RESIDENTIAL FRONT
YARDS

THE CITY COUNCIL OF THE CITY OF BEVERLY HILLS HEREBY ORDAINS AS
FOLLOWS:

Section 1. On July 23, 2015, August 13, 2015, and August 19, 2015, the Planning Commission held a duly noticed public hearing after which it adopted Resolution No. 1754, recommending criteria to be included in any ordinance of the City of Beverly Hills that allows synthetic turf in residential front yards should the City Council amend portions of Title 10 (Planning and Zoning) of the Beverly Hills Municipal Code to allow synthetic turf in residential front yards (collectively, the “Amendments”). On September 1, 2015, the City Council held a duly noticed public hearing, received public testimony, and thereafter introduced this Ordinance.

Section 2. This Ordinance and the Amendments were assessed in accordance with the authority and criteria contained in the California Environmental Quality Act (CEQA), the State CEQA Guidelines, and the environmental regulations of the City. The City Council finds that adoption of the Amendments will not have a significant environmental impact and is exempt from CEQA pursuant to Section 15305 of Title 14 of the California Code of Regulations because the Amendments represent minor alterations in land use limitations and do not result in any changes in land use or density. Further, the residential areas of the City to which the Amendments apply have an average slope of not more than 20%.

Section 3. The Amendments are consistent with the objectives, principles, and standards of the General Plan. General Plan Policies “Conservation 2.5 – Water Efficient Landscaping” and “Conservation 3.9 – Water Efficient Landscaping” call for the encouragement of drought tolerant landscaping for private and public landscaping.

Section 4. The City Council hereby amends Section 10-3-100 of Article 1 of Chapter 3 of Title 10 of the Beverly Hills Municipal Code by adding two new definitions with all other definitions in the section remaining unchanged.

The term “Synthetic Turf” is added between the terms “Supportive Housing” and “Target Population” as they presently appear in Section 10-3-100, to read as follows:

“SYNTHETIC TURF: Synthetic man-made material that simulates the appearance of live sod, grass or lawn. Synthetic turf shall not mean painted natural grass or sod.”

The term “Dripline” is added between the terms “District” and “Drive-up, Drive-in or drive-through facilities” as they presently appear in Section 10-3-100, to read as follows:

“DRIPLINE: the area located directly under the circumference of a tree’s canopy.”

Section 5. The City Council hereby adds Section 10-3-2423.5 to Article 24 of Chapter 3 of Title 10 of the Beverly Hills Municipal Code to read as follows:

“10-3-2423.5: SYNTHETIC TURF IN FRONT YARDS

Synthetic turf shall be allowed as landscaping for the purposes of this article provided that the following provisions are satisfied for synthetic turf placed in front yards:

- A. Stage D required. Applications for the use of synthetic turf may only be approved, and permits for installation may only be issued when the City Council has declared and implemented Stage D water conservation measures. Synthetic turf that is legally installed during Stage D declared periods may be retained thereafter, even if the City Council withdraws the Stage D declaration, provided the synthetic turf is maintained in accordance with all applicable standards.
- B. Permit required. A building permit must be obtained prior to the installation of any synthetic turf in the front yard. Upon application for a building permit the following shall be submitted to the Community Development Department:
 - 1. A landscape plan that includes:
 - a) Dimensions and details of the landscaped area including the synthetic turf and other landscaping materials.
 - b) Drawings that include scaled cross sections of the proposed landscaping materials and details showing the methods of installation and attachment of the synthetic turf as well as drainage information.
 - 2. Material description including manufacturer's product data, specifications and installation instructions, installer information and qualifications, and warranty information.
 - 3. A sample of the proposed synthetic turf material that is at least twelve inches (12") by twelve inches (12").
 - 4. Maintenance information for the synthetic turf.

C. Coverage. Synthetic turf located in the front yard may be used for up to seventy percent (70%) of the landscaped area but no more than forty percent (40%) of the entire front yard area. Synthetic turf shall not be located:

1. Within the public right of way/parkway.
2. Within the dripline of any native or heritage tree as defined in 10-3-2900. Further, the installation of turf shall not disturb the area within the dripline of any native or heritage tree.
3. Within eighteen inches (18") of a front lot line. The eighteen inch (18") buffer between the front lot line and synthetic turf shall be landscaped with living plant material.
4. Within three feet (3') of a single family residence.
5. In any area that is used for the parking or driving of motor vehicles.

D. Material. Synthetic turf in a front yard must simulate the appearance of natural live grass and shall:

1. Be of a type known as cut-pile infill with parallel-long slit blades. The long slit blades shall be manufactured from polyethylene or polypropylene. The minimum pile length shall 1 ¼ inches and the maximum pile length shall be 2 ½ inches. The turf shall contain a beige or tan thatch layer. The synthetic turf blades (not including the thatch layer) shall be required to contain at least two colors. The synthetic turf shall comply with all federal and state standards related to lead and heavy metal content. Turf that is made from recycled materials is encouraged. The use of indoor or outdoor plastic or nylon carpeting is prohibited.

2. Be constructed to maximize dimensional stability, resist damage during normal use and to minimize UV degradation. Further, the synthetic turf shall be resistant to staining, weather, insects, rot, mildew and fungus growth, and shall be non-allergenic and non-toxic.
3. Contain an infill material of clean silica sand or zeolite material that is brushed into the synthetic turf to keep the blades upright and achieve a natural grass look. Any replacement infill shall be silica sand or zeolite material. Rubber infill is prohibited.
4. Be affixed to a permeable triple-layer primary backing with a tuft bind strength of at least eight (8) pounds. The backing shall allow water to percolate through the synthetic turf at a drain rate of at least thirty inches (30") per hour. The synthetic turf system shall allow for the free movement and drainage of water through the system to prevent run-off, pooling, and flooding.
5. Have a manufacturer's warranty lasting at least eight (8) years.
6. Have spacing between tufting rows (gauge) of no more than 3/8 inch as defined by the manufacturer.
7. Have a face weight of at least sixty (60). The face weight is defined as the weight in ounces of the synthetic turf fibers found in one (1) square yard of synthetic turf as defined by the manufacturer.
8. Have tear grab strength of at least two hundred (200) pounds.
9. Pass the pill burn test for flammability (ASTM D2859).

E. Installation. Synthetic turf shall be installed pursuant to manufacturer's requirements by licensed professionals who are experienced and trained by the manufacturer in the installation of the synthetic turf. In addition:

1. The synthetic turf shall be installed over at least three inches (3") of a compacted aggregate base that provides adequate drainage. The base material shall be installed over subgrade that is compacted to a firm condition to ensure stability and maintain adequate drainage.
2. Seams shall not be visible and shall be fastened in a manner that ensures they are firm, tight and permanent. Seams shall be sewn and fibers shall be brushed to provide full coverage of the fibers over the seams.
3. The synthetic turf shall be anchored over the entire coverage area and shall be installed with a nailer board or any such substitute recommended by the manufacturer intended to conceal edges and ensure proper anchoring of turf.
4. All existing irrigation infrastructure in the synthetic turf area including piping and sprinkler heads that are no longer used must be capped or removed and shall not be visible.
5. All reasonable efforts shall be made to protect existing trees and tree roots from damage during installation.

F. Maintenance. Synthetic turf shall be maintained in an attractive and clean condition pursuant Chapter 7 of Title 5 and shall not contain holes, tears, stains, discoloration, seam separations, uplifted surfaces, heat degradation, or excessive wear.

Section 6. The City Council hereby adds Section 10-3-2519.5 to Article 25 of Chapter 3 of Title 10 of the Beverly Hills Municipal Code to read as follows:

“10-3-2519.5: SYNTHETIC TURF IN FRONT YARDS

Synthetic turf shall be allowed as landscaping for the purposes of this article provided that the following provisions are satisfied for synthetic turf in front yards:

- A. Stage D required. Applications for the use of synthetic turf may only be approved, and permits for installation may only be issued when the City Council has declared and implemented Stage D water conservation measures. Synthetic turf that is legally installed during Stage D declared periods may be retained thereafter, even if the City Council withdraws the Stage D declaration, provided the synthetic turf is maintained in accordance with all applicable standards.
- B. Permit required. A building permit must be obtained prior to the installation of any synthetic turf in the front yard of a residentially zoned property. Upon application for a building permit the following shall be submitted to the Community Development Department:
 - 1. A landscape plan that includes:
 - a) Dimensions and details of the landscaped area including the synthetic turf and other landscaping materials.
 - b) Drawings that include scaled cross sections of the proposed landscaping materials and details showing the methods of installation and attachment of the synthetic turf as well as drainage information.

2. Material description including manufacturer's product data, specifications and installation instructions, installer information and qualifications, and warranty information.
 3. A sample of the proposed synthetic turf material that is at least twelve inches (12") by twelve inches (12").
 4. Maintenance information for the synthetic turf.
- C. Coverage. Synthetic turf located in the front yard may be used for up to seventy percent (70%) of the landscaped area but no more than forty percent (40%) of the entire front yard area. Synthetic turf shall not be located:
1. Within the public right of way/parkway.
 2. Within the dripline of any native or heritage tree as defined in 10-3-2900. Further, the installation of turf shall not disturb the area within the dripline of any native or heritage tree.
 3. Within eighteen inches (18") of a front lot line. The eighteen inch (18") buffer between the front lot line and synthetic turf shall be landscaped with living plant material.
 4. Within three feet (3') of a single family residence.
 5. In any area that is used for the parking or driving of motor vehicles.
- D. Material. Synthetic turf in a front yard must simulate the appearance of natural live grass and shall:
1. Be of a type known as cut-pile infill with parallel-long slit blades. The long slit blades shall be manufactured from polyethylene or polypropylene. The minimum pile length shall 1 ¾ inches and the

maximum pile length shall be 2 ½ inches. The turf shall contain a beige or tan thatch layer. The synthetic turf blades (not including the thatch layer) shall be required to contain at least two colors. The synthetic turf shall comply with all federal and state standards related to lead and heavy metal content. Turf that is made from recycled materials is encouraged. The use of indoor or outdoor plastic or nylon carpeting is prohibited.

2. Be constructed to maximize dimensional stability, resist damage during normal use and to minimize UV degradation. Further, the synthetic turf shall be resistant to staining, weather, insects, rot, mildew and fungus growth, and shall be non-allergenic and non-toxic.
3. Contain an infill material of clean silica sand or zeolite material that is brushed into the synthetic turf to keep the blades upright and achieve a natural grass look. Any replacement infill shall be silica sand or zeolite material. Rubber infill is prohibited.
4. Be affixed to a permeable triple-layer primary backing with a tuft bind strength of at least eight (8) pounds. The backing shall allow water to percolate through the synthetic turf at a drain rate of at least thirty inches (30") per hour. The synthetic turf system shall allow for the free movement and drainage of water through the system to prevent run-off, pooling, and flooding.
5. Have a manufacturer's warranty lasting at least eight (8) years.
6. Have spacing between tufting rows (gauge) of no more than 3/8 inch as defined by the manufacturer.

7. Have a face weight of at least sixty (60). The face weight is defined as the weight in ounces of the synthetic turf fibers found in one (1) square yard of synthetic turf as defined by the manufacturer.
 8. Have tear grab strength of at least two hundred (200) pounds.
 9. Pass the pill burn test for flammability (ASTM D2859).
- E. Installation. Synthetic turf shall be installed pursuant to manufacturer's requirements by licensed professionals who are experienced and trained by the manufacturer in the installation of the synthetic turf. In addition:
1. The synthetic turf shall be installed over at least three inches (3") of a compacted aggregate base that provides adequate drainage. The base material shall be installed over subgrade that is compacted to a firm condition to ensure stability and maintain adequate drainage.
 2. Seams shall not be visible and shall be fastened in a manner that ensures they are firm, tight and permanent. Seams shall be sewn and fibers shall be brushed to provide full coverage of the fibers over the seams.
 3. The synthetic turf shall be anchored over the entire coverage area and shall be installed with a nailer board or any such substitute recommended by the manufacturer intended to conceal edges and ensure proper anchoring of turf.
 4. All existing irrigation infrastructure in the synthetic turf area including piping and sprinkler heads that are no longer used must be capped or removed and shall not be visible.

5. All reasonable efforts shall be made to protect existing trees and tree roots from damage during installation.
- F. Maintenance. Synthetic turf shall be maintained in an attractive and clean condition pursuant Chapter 7 of Title 5 and shall not contain holes, tears, stains, discoloration, seam separations, uplifted surfaces, heat degradation, or excessive wear.

Section 7. The City Council hereby adds Section 10-3-2619.5 to Article 26 of Chapter 3 of Title 10 of the Beverly Hills Municipal Code to read as follows:

“10-3-2619.5: SYNTHETIC TURF IN FRONT YARDS

Synthetic turf shall be allowed as landscaping for the purposes of this article provided that the following provisions are satisfied for synthetic turf in front yards:

- A. Stage D required. Applications for the use of synthetic turf may only be approved, and permits for installation may only be issued when the City Council has declared and implemented Stage D water conservation measures. Synthetic turf that is legally installed during Stage D declared periods may be retained thereafter, even if the City Council withdraws the Stage D declaration, provided the synthetic turf is maintained in accordance with all applicable standards.
- B. Permit required. A building permit must be obtained prior to the installation of any synthetic turf in the front yard of a residentially zoned property. Upon application for a building permit the following shall be submitted to the Community Development Department:
 1. A landscape plan that includes:

- a) Dimensions and details of the landscaped area including the synthetic turf and other landscaping materials.
 - b) Drawings that include scaled cross sections of the proposed landscaping materials and details showing the methods of installation and attachment of the synthetic turf as well as drainage information.
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 3. A sample of the proposed synthetic turf material that is at least twelve inches (12") by twelve inches (12").
 4. Maintenance information for the synthetic turf.
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1. Within the public right of way/parkway.
 2. Within the dripline of any native or heritage tree as defined in 10-3-2900. Further, the installation of turf shall not disturb the area within the dripline of any native or heritage tree.
 3. Within eighteen inches (18") of a front lot line. The eighteen inch (18") buffer between the front lot line and synthetic turf shall be landscaped with living plant material.
 4. Within three feet (3') of a single family residence.
 5. In any area that is used for the parking or driving of motor vehicles.

D. Material. Synthetic turf in a front yard must simulate the appearance of natural live grass and shall:

1. Be of a type known as cut-pile infill with parallel-long slit blades. The long slit blades shall be manufactured from polyethylene or polypropylene. The minimum pile length shall 1 ¾ inches and the maximum pile length shall be 2 ½ inches. The turf shall contain a beige or tan thatch layer. The synthetic turf blades (not including the thatch layer) shall be required to contain at least two colors. The synthetic turf shall comply with all federal and state standards related to lead and heavy metal content. Turf that is made from recycled materials is encouraged. The use of indoor or outdoor plastic or nylon carpeting is prohibited.
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3. Contain an infill material of clean silica sand or zeolite material that is brushed into the synthetic turf to keep the blades upright and achieve a natural grass look. Any replacement infill shall be silica sand or zeolite material. Rubber infill is prohibited.
4. Be affixed to a permeable triple-layer primary backing with a tuft bind strength of at least eight (8) pounds. The backing shall allow water to percolate through the synthetic turf at a drain rate of at least thirty inches (30") per hour. The synthetic turf system shall allow for the free

movement and drainage of water through the system to prevent run-off, pooling, and flooding.

5. Have a manufacturer's warranty lasting at least eight (8) years.
 6. Have spacing between tufting rows (gauge) of no more than 3/8 inch as defined by the manufacturer.
 7. Have a face weight of at least sixty (60). The face weight is defined as the weight in ounces of the synthetic turf fibers found in one (1) square yard of synthetic turf as defined by the manufacturer.
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 2. Seams shall not be visible and shall be fastened in a manner that ensures they are firm, tight and permanent. Seams shall be sewn and fibers shall be brushed to provide full coverage of the fibers over the seams.
 3. The synthetic turf shall be anchored over the entire coverage area and shall be installed with a nailer board or any such substitute recommended by the

manufacturer intended to conceal edges and ensure proper anchoring of turf.

4. All existing irrigation infrastructure in the synthetic turf area including piping and sprinkler heads that are no longer used must be capped or removed and shall not be visible.

5. All reasonable efforts shall be made to protect existing trees and tree roots from damage during installation.

F. Maintenance. Synthetic turf shall be maintained in an attractive and clean condition pursuant Chapter 7 of Title 5 and shall not contain holes, tears, stains, discoloration, seam separations, uplifted surfaces, heat degradation, or excessive wear.

Section 8. The City Council hereby adds Section 10-3-2813.5 to Article 28 of Chapter 3 of Title 10 of the Beverly Hills Municipal Code to read as follows:

“10-3-2813.5: SYNTHETIC TURF IN FRONT YARDS

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3. Within eighteen inches (18") of a front lot line. The eighteen inch (18") buffer between the front lot line and synthetic turf shall be landscaped with living plant material.
 4. Within three feet (3') of a multiple family dwelling. In any area that is used for the parking or driving of motor vehicles.
- D. Material. Synthetic turf in a front yard must simulate the appearance of natural live grass and shall:
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- F. Maintenance. Synthetic turf shall be maintained in an attractive and clean condition pursuant Chapter 7 of Title 5 and shall not contain holes, tears, stains, discoloration, seam separations, uplifted surfaces, heat degradation, or excessive wear.

Section 9. Review. Within two years after the effective date of the ordinance the Department of Community Development shall review installations permitted pursuant to the amendments enacted by this ordinance and report to the Planning Commission regarding any revisions that may be warranted.

Section 10. Severability. If any section, subsection, subdivision, sentence, clause, phrase, or portion of this Ordinance or the application thereof to any person or place, is for any

reason held to be invalid or unconstitutional by the final decision of any court of competent jurisdiction, the remainder of this Ordinance shall be and remain in full force and effect.

Section 11. Publication. The City Clerk shall cause this Ordinance to be published at least once in a newspaper of general circulation published and circulated in the City within fifteen (15) days after its passage in accordance with Section 36933 of the Government Code, shall certify to the adoption of this Ordinance, and shall cause this Ordinance and his certification, together with proof of publication, to be entered in the Book of Ordinances of the Council of this City.

Section 12. Effective Date. This Ordinance shall go into effect and be in full force and effect at 12:01 a.m. on the thirty-first (31st) day after its passage.

Adopted:
Effective:

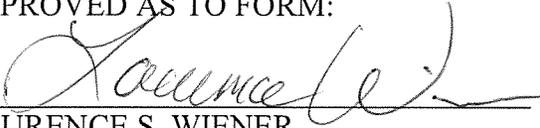
JULIAN A. GOLD, M.D.
Mayor of the City of
Beverly Hills, California

ATTEST:

_____ (SEAL)

BYRON POPE
City Clerk

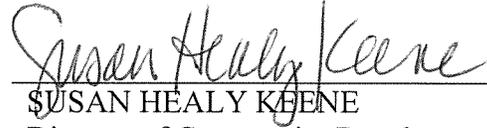
APPROVED AS TO FORM:



LAURENCE S. WIENER
City Attorney

APPROVED AS TO CONTENT:

MAHDI ALUZRI
Interim City Manager



SUSAN HEALY KEENE
Director of Community Development

Attachment 2

LEGISLATIVE DIGEST

AN ORDINANCE OF THE CITY OF BEVERLY HILLS
AMENDING THE BEVERLY HILLS MUNICIPAL CODE TO
ALLOW SYNTHETIC TURF IN RESIDENTIAL FRONT
YARDS ~~AND SET STANDARDS FOR SYNTHETIC TURF
LOCATED IN STREET SIDE YARDS THAT ARE VISIBLE
FROM THE PUBLIC RIGHT OF WAY AND ALL FRONT
YARDS~~

THE CITY COUNCIL OF THE CITY OF BEVERLY HILLS HEREBY ORDAINS AS
FOLLOWS:

Section 1. On July 23, 2015, August 13, 2015, and August 19, 2015, the Planning Commission held a duly noticed public hearing after which it adopted Resolution No. 1754, recommending criteria to be included in any ordinance of the City of Beverly Hills that allows synthetic turf in residential front yards should the City Council amend portions of Title 10 (Planning and Zoning) of the Beverly Hills Municipal Code to allow synthetic turf in residential front yards (collectively, the “Amendments”). On September 1, 2015, the City Council held a duly noticed public hearing, received public testimony, and thereafter introduced this Ordinance.

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Section 3. The Amendments are consistent with the objectives, principles, and standards of the General Plan. General Plan Policies “Conservation 2.5 – Water Efficient Landscaping” and “Conservation 3.9 – Water Efficient Landscaping” call for the encouragement of drought tolerant landscaping for private and public landscaping.

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The term “Dripline” is added between the terms “District” and “Drive-up, Drive-in or drive-through facilities” as they presently appear in Section 10-3-100, to read as follows:

“DRIPLINE: the area located directly under the circumference of a tree’s canopy.”

Section 5. The City Council hereby adds Section 10-3-2423.5 to Article 24 of Chapter 3 of Title 10 of the Beverly Hills Municipal Code to read as follows:

“10-3-2423.5: SYNTHETIC TURF IN FRONT YARDS, ~~AND STREET SIDE YARDS~~
~~VISIBLE FROM THE PUBLIC RIGHT OF WAY~~”

Synthetic turf shall be allowed as landscaping ~~in front yards, and street side yards visible from the public right of way~~ for the purposes of this article provided that the following provisions are satisfied for synthetic turf placed in front yards:

- A. Stage D required. Applications for the use of synthetic turf may only be approved, and permits for installation may only be issued when the City Council has declared and implemented Stage D water conservation measures. Synthetic turf that is legally installed during Stage D declared periods may be retained thereafter, even if the City Council withdraws the Stage D declaration, provided the synthetic turf is maintained in accordance with all applicable standards.
- B. Permit required. A building permit must be obtained prior to the installation of any synthetic turf in the front yard. ~~or a street side yard visible from the public right of way of a residentially zoned property.~~ Upon application for a building permit the following shall be submitted to the Community Development Department:
 - 1. A landscape plan that includes:
 - a) Dimensions and details of the landscaped area including the synthetic turf and other landscaping materials.
 - b) Drawings that include scaled cross sections of the proposed landscaping materials and details showing the methods of installation and attachment of the synthetic turf as well as drainage information.
 - 2. Material description including manufacturer's product data, specifications and installation instructions, installer information and qualifications, and warranty information.

3. A sample of the proposed synthetic turf material that is at least twelve inches (12") by twelve inches (12").
4. Maintenance information for the synthetic turf.

C. Coverage. Synthetic turf located in the front yard may be used for up to ~~sixty~~ seventy percent (~~67~~70%) of the landscaped area but no more than forty percent (40%) of the entire front yard area. ~~Synthetic turf may be located in a street side yard, but any such turf that is visible from the public right of way requires a permit and must comply with the standards set forth in this Section.~~ Synthetic turf shall not be located:

1. Within the public right of way/parkway.
2. Within the dripline of any native or heritage tree as defined in 10-3-2900. Further, the installation of turf shall not disturb the area within the dripline of any native or heritage tree.
3. Within eighteen inches (18") of a front lot line. The eighteen inch (18") buffer between the front lot line and synthetic turf shall be landscaped with living plant material.
- ~~4. Within eighteen inches (18") of a street side lot line in the portion of a side yard that is visible from the public right of way. The eighteen inch (18") buffer between the street side lot line and the synthetic turf shall be landscaped with living plant material.~~
- ~~5.4. Within three feet (3') of a single family residence. The three foot (3') buffer between the single family residence and the synthetic turf shall be landscaped with living plant material.~~

6.5. In any area that is used for the parking or driving of motor vehicles.

D. Material. Synthetic turf in a front yard ~~or a street side yard visible from the public right of way~~ must simulate the appearance of natural live grass and shall:

1. Be of a type known as cut-pile infill with parallel-long slit blades. The long slit blades shall be manufactured from polyethylene or polypropylene. The minimum pile length shall 1 ³/₄ inches and the maximum pile length shall be 2 ¹/₂ inches. The turf shall contain a beige or tan thatch layer. The synthetic turf blades (not including the thatch layer) shall be required to contain at least two colors. The synthetic turf shall comply with all federal and state standards related to lead and heavy metal content. Turf that is made from recycled materials is encouraged. The use of indoor or outdoor plastic or nylon carpeting is prohibited.
2. Be constructed to maximize dimensional stability, resist damage during normal use and to minimize UV degradation. Further, the synthetic turf shall be resistant to staining, weather, insects, rot, mildew and fungus growth, and shall be non-allergenic and non-toxic.
3. Contain an infill material of clean silica sand or zeolite material that is brushed into the synthetic turf to keep the blades upright and achieve a natural grass look. Any replacement infill shall be silica sand or zeolite material. Rubber infill is prohibited.
4. Be affixed to a permeable triple-layer primary backing with a tuft bind strength of at least ~~ten-eight~~ (108) pounds. The backing shall allow water to percolate through the synthetic turf at a drain rate of at least thirty

inches (30”) per hour. The synthetic turf system shall allow for the free movement and drainage of water through the system to prevent run-off, pooling, and flooding.

5. Have a manufacturer’s warranty lasting at least ~~fifteen-eight~~ (158) years.
6. Have spacing between tufting rows (gauge) of no more than 3/8 inch as defined by the manufacturer.
7. Have a face weight of at least sixty (60). The face weight is defined as the weight in ounces of the synthetic turf fibers found in one (1) square yard of synthetic turf as defined by the manufacturer.
8. Have tear grab strength of at least two hundred (200) pounds.
9. Pass the pill burn test for flammability (ASTM D2859).

E. Installation. Synthetic turf shall be installed pursuant to manufacturer’s requirements by licensed professionals who are experienced and trained by the manufacturer in the installation of the synthetic turf. In addition:

1. The synthetic turf shall be installed over at least three inches (3”) of a compacted aggregate base that provides adequate drainage. The base material shall be installed over subgrade that is compacted to a firm condition to ensure stability and maintain adequate drainage.
- ~~2. Synthetic turf shall not be installed on slopes greater than five percent (5%).~~
- ~~3.2.~~ Seams shall not be visible and shall be fastened in a manner that ensures they are firm, tight and permanent. Seams shall be sewn and fibers shall be brushed to provide full coverage of the fibers over the seams.

4.3. The synthetic turf shall be anchored over the entire coverage area and shall be installed with a nailer board or any such substitute recommended by the manufacturer intended to conceal edges and ensure proper anchoring of turf.

5.4. All existing irrigation infrastructure in the synthetic turf area including piping and sprinkler heads that are no longer used must be capped or removed and shall not be visible.

6.5. All reasonable efforts shall be made to protect existing trees and tree roots from damage during installation.

F. Maintenance. Synthetic turf shall be maintained in an attractive and clean condition pursuant Chapter 7 of Title 5 and shall not contain holes, tears, stains, discoloration, seam separations, uplifted surfaces, heat degradation, or excessive wear.

Section 6. The City Council hereby adds Section 10-3-2519.5 to Article 25 of Chapter 3 of Title 10 of the Beverly Hills Municipal Code to read as follows:

~~“10-3-2519.5: SYNTHETIC TURF IN FRONT YARDS, AND STREET SIDE YARDS VISIBLE FROM THE PUBLIC RIGHT OF WAY~~

Synthetic turf shall be allowed as landscaping ~~in front yards, and street side yards visible from the public right of way~~ for the purposes of this article ~~on slopes of five percent (5%) or less~~ provided that the following provisions are satisfied for synthetic turf in front yards:

- A. Stage D required. Applications for the use of synthetic turf may only be approved, and permits for installation may only be issued when the City Council has declared and implemented Stage D water conservation measures. Synthetic turf that is legally installed during Stage D declared periods may be retained thereafter, even if the City Council withdraws the Stage D declaration, provided the synthetic turf is maintained in accordance with all applicable standards.
- B. Permit required. A building permit must be obtained prior to the installation of any synthetic turf in the front yard ~~or a street side yard visible from the public right of way~~ of a residentially zoned property. Upon application for a building permit the following shall be submitted to the Community Development Department:
1. A landscape plan that includes:
 - a) Dimensions and details of the landscaped area including the synthetic turf and other landscaping materials.
 - b) Drawings that include scaled cross sections of the proposed landscaping materials and details showing the methods of installation and attachment of the synthetic turf as well as drainage information.
 2. Material description including manufacturer's product data, specifications and installation instructions, installer information and qualifications, and warranty information.
 3. A sample of the proposed synthetic turf material that is at least twelve inches (12") by twelve inches (12").
 4. Maintenance information for the synthetic turf.

C. Coverage. Synthetic turf located in the front yard may be used for up to ~~sixty~~ seventy percent (~~67~~70%) of the landscaped area but no more than forty percent (40%) of the entire front yard area. ~~Synthetic turf may be located in a street side yard, but any such turf that is visible from the public right of way requires a permit and must comply with the standards set forth in this Section.~~ Synthetic turf shall not be located:

1. Within the public right of way/parkway.
2. Within the dripline of any native or heritage tree as defined in 10-3-2900. Further, the installation of turf shall not disturb the area within the dripline of any native or heritage tree.
3. Within eighteen inches (18") of a front lot line. The eighteen inch (18") buffer between the front lot line and synthetic turf shall be landscaped with living plant material.
- ~~4. Within eighteen inches (18") of a street side lot line in the portion of a side yard that is visible from the public right of way. The eighteen inch (18") buffer between the street side lot line and the synthetic turf shall be landscaped with living plant material.~~
- ~~5.4. Within three feet (3') of a single family residence. The three foot (3') buffer between the single family residence and the synthetic turf shall be landscaped with living plant material.~~
- ~~6.5. In any area that is used for the parking or driving of motor vehicles.~~

D. Material. Synthetic turf in a front yard ~~or a street side yard visible from the public right of way~~ must simulate the appearance of natural live grass and shall:

1. Be of a type known as cut-pile infill with parallel-long slit blades. The long slit blades shall be manufactured from polyethylene or polypropylene. The minimum pile length shall be 1 ¾ inches and the maximum pile length shall be 2 ½ inches. The turf shall contain a beige or tan thatch layer. The synthetic turf blades (not including the thatch layer) shall be required to contain at least two colors. The synthetic turf shall comply with all federal and state standards related to lead and heavy metal content. Turf that is made from recycled materials is encouraged. The use of indoor or outdoor plastic or nylon carpeting is prohibited.
2. Be constructed to maximize dimensional stability, resist damage during normal use and to minimize UV degradation. Further, the synthetic turf shall be resistant to staining, weather, insects, rot, mildew and fungus growth, and shall be non-allergenic and non-toxic.
3. Contain an infill material of clean silica sand or zeolite material that is brushed into the synthetic turf to keep the blades upright and achieve a natural grass look. Any replacement infill shall be silica sand or zeolite material. Rubber infill is prohibited.
4. Be affixed to a permeable triple-layer primary backing with a tuft bind strength of at least ~~ten-eight~~ (108) pounds. The backing shall allow water to percolate through the synthetic turf at a drain rate of at least thirty inches (30”) per hour. The synthetic turf system shall allow for the free movement and drainage of water through the system to prevent run-off, pooling, and flooding.

5. Have a manufacturer's warranty lasting at least ~~fifteen-eight (158)~~ years.
 6. Have spacing between tufting rows (gauge) of no more than 3/8 inch as defined by the manufacturer.
 7. Have a face weight of at least sixty (60). The face weight is defined as the weight in ounces of the synthetic turf fibers found in one (1) square yard of synthetic turf as defined by the manufacturer.
 8. Have tear grab strength of at least two hundred (200) pounds.
 9. Pass the pill burn test for flammability (ASTM D2859).
- E. Installation. Synthetic turf shall be installed pursuant to manufacturer's requirements by licensed professionals who are experienced and trained by the manufacturer in the installation of the synthetic turf. In addition:
1. The synthetic turf shall be installed over at least three inches (3") of a compacted aggregate base that provides adequate drainage. The base material shall be installed over subgrade that is compacted to a firm condition to ensure stability and maintain adequate drainage.
 - ~~2. Synthetic turf shall not be installed on slopes greater than five percent (5%).~~
 - ~~3.2.~~ Seams shall not be visible and shall be fastened in a manner that ensures they are firm, tight and permanent. Seams shall be sewn and fibers shall be brushed to provide full coverage of the fibers over the seams.
 - ~~4.3.~~ The synthetic turf shall be anchored over the entire coverage area and shall be installed with a nailer board or any such substitute recommended by the

manufacturer intended to conceal edges and ensure proper anchoring of turf.

5.4. All existing irrigation infrastructure in the synthetic turf area including piping and sprinkler heads that are no longer used must be capped or removed and shall not be visible.

6.5. All reasonable efforts shall be made to protect existing trees and tree roots from damage during installation.

- F. Maintenance. Synthetic turf shall be maintained in an attractive and clean condition pursuant Chapter 7 of Title 5 and shall not contain holes, tears, stains, discoloration, seam separations, uplifted surfaces, heat degradation, or excessive wear.

Section 7. The City Council hereby adds Section 10-3-2619.5 to Article 26 of Chapter 3 of Title 10 of the Beverly Hills Municipal Code to read as follows:

“10-3-2619.5: SYNTHETIC TURF IN FRONT YARDS, ~~AND STREET SIDE YARDS~~
~~VISIBLE FROM THE PUBLIC RIGHT OF WAY~~

Synthetic turf shall be allowed as landscaping ~~in front yards, and street side yards visible from the public right of way~~ for the purposes of this article ~~on slopes of five percent (5%) or less~~ provided that the following provisions are satisfied for synthetic turf in front yards:

- A. Stage D required. Applications for the use of synthetic turf may only be approved, and permits for installation may only be issued when the City Council has declared and implemented Stage D water conservation measures. Synthetic turf

that is legally installed during Stage D declared periods may be retained thereafter, even if the City Council withdraws the Stage D declaration, provided the synthetic turf is maintained in accordance with all applicable standards.

B. Permit required. A building permit must be obtained prior to the installation of any synthetic turf in the front ~~yard or street side yard visible from the public right of way~~ of a residentially zoned property. Upon application for a building permit the following shall be submitted to the Community Development Department:

1. A landscape plan that includes:
 - a) Dimensions and details of the landscaped area including the synthetic turf and other landscaping materials.
 - b) Drawings that include scaled cross sections of the proposed landscaping materials and details showing the methods of installation and attachment of the synthetic turf as well as drainage information.
2. Material description including manufacturer's product data, specifications and installation instructions, installer information and qualifications, and warranty information.
3. A sample of the proposed synthetic turf material that is at least twelve inches (12") by twelve inches (12").
4. Maintenance information for the synthetic turf.

C. Coverage. Synthetic turf located in the front yard may be used for up to ~~sixty~~ seventy percent (~~67~~70%) of the landscaped area but no more than forty percent (40%) of the entire front yard area. ~~Synthetic turf may be located in a street side yard, but any such turf that is visible from the public right of way requires a~~

~~permit and must comply with the standards set forth in this Section.~~ Synthetic turf shall not be located:

1. Within the public right of way/parkway.
2. Within the dripline of any native or heritage tree as defined in 10-3-2900. Further, the installation of turf shall not disturb the area within the dripline of any native or heritage tree.
3. Within eighteen inches (18") of a front lot line. The eighteen inch (18") buffer between the front lot line and synthetic turf shall be landscaped with living plant material.

~~4. Within eighteen inches (18") of a street side lot line in the portion of a side yard that is visible from the public right of way. The eighteen inch (18") buffer between the street side lot line and the synthetic turf shall be landscaped with living plant material.~~

~~5.4. Within three feet (3') of a single family residence. The three foot (3') buffer between the single family residence and the synthetic turf shall be landscaped with living plant material.~~

~~6.5. In any area that is used for the parking or driving of motor vehicles.~~

D. Material. Synthetic turf in a front yard ~~or a street side yard visible from the public right of way~~ must simulate the appearance of natural live grass and shall:

1. Be of a type known as cut-pile infill with parallel-long slit blades. The long slit blades shall be manufactured from polyethylene or polypropylene. The minimum pile length shall 1 ¾ inches and the maximum pile length shall be 2 ½ inches. The turf shall contain a beige or

tan thatch layer. The synthetic turf blades (not including the thatch layer) shall be required to contain at least two colors. The synthetic turf shall comply with all federal and state standards related to lead and heavy metal content. Turf that is made from recycled materials is encouraged. The use of indoor or outdoor plastic or nylon carpeting is prohibited.

2. Be constructed to maximize dimensional stability, resist damage during normal use and to minimize UV degradation. Further, the synthetic turf shall be resistant to staining, weather, insects, rot, mildew and fungus growth, and shall be non-allergenic and non-toxic.
3. Contain an infill material of clean silica sand or zeolite material that is brushed into the synthetic turf to keep the blades upright and achieve a natural grass look. Any replacement infill shall be silica sand or zeolite material. Rubber infill is prohibited.
4. Be affixed to a permeable triple-layer primary backing with a tuft bind strength of at least ~~ten-eight~~ (108) pounds. The backing shall allow water to percolate through the synthetic turf at a drain rate of at least thirty inches (30") per hour. The synthetic turf system shall allow for the free movement and drainage of water through the system to prevent run-off, pooling, and flooding.
5. Have a manufacturer's warranty lasting at least ~~fifteen-eight~~ (158) years.
6. Have spacing between tufting rows (gauge) of no more than 3/8 inch as defined by the manufacturer.

7. Have a face weight of at least sixty (60). The face weight is defined as the weight in ounces of the synthetic turf fibers found in one (1) square yard of synthetic turf as defined by the manufacturer.
 8. Have tear grab strength of at least two hundred (200) pounds.
 9. Pass the pill burn test for flammability (ASTM D2859).
- E. Installation. Synthetic turf shall be installed pursuant to manufacturer's requirements by licensed professionals who are experienced and trained by the manufacturer in the installation of the synthetic turf. In addition:
1. The synthetic turf shall be installed over at least three inches (3") of a compacted aggregate base that provides adequate drainage. The base material shall be installed over subgrade that is compacted to a firm condition to ensure stability and maintain adequate drainage.
 - ~~2. Synthetic turf shall not be installed on slopes greater than five percent (5%).~~
 - ~~3.2.~~ Seams shall not be visible and shall be fastened in a manner that ensures they are firm, tight and permanent. Seams shall be sewn and fibers shall be brushed to provide full coverage of the fibers over the seams.
 - ~~4.3.~~ The synthetic turf shall be anchored over the entire coverage area and shall be installed with a nailer board or any such substitute recommended by the manufacturer intended to conceal edges and ensure proper anchoring of turf.

~~5.4.~~ All existing irrigation infrastructure in the synthetic turf area including piping and sprinkler heads that are no longer used must be capped or removed and shall not be visible.

~~6.5.~~ All reasonable efforts shall be made to protect existing trees and tree roots from damage during installation.

- F. Maintenance. Synthetic turf shall be maintained in an attractive and clean condition pursuant Chapter 7 of Title 5 and shall not contain holes, tears, stains, discoloration, seam separations, uplifted surfaces, heat degradation, or excessive wear.

Section 8. The City Council hereby adds Section 10-3-2813.5 to Article 28 of Chapter 3 of Title 10 of the Beverly Hills Municipal Code to read as follows:

~~“10-3-2813.5: SYNTHETIC TURF IN FRONT YARDS, AND STREET SIDE YARDS
VISIBLE FROM THE PUBLIC RIGHT OF WAY~~

Synthetic turf shall be allowed as landscaping ~~on slopes of five percent (5%) or less in front yards, and street side yards visible from the public right of way~~ for the purposes of this article provided that the following provisions are satisfied for synthetic turf placed in front yards:

- A. Stage D required. Applications for the use of synthetic turf may only be approved, and permits for installation may only be issued when the City Council has declared and implemented Stage D water conservation measures. Synthetic turf that is legally installed during Stage D declared periods may be retained

thereafter, even if the City Council withdraws the Stage D declaration, provided the synthetic turf is maintained in accordance with all applicable standards.

B. Permit required. A building permit must be obtained prior to the installation of any synthetic turf in the front yard ~~or a street side yard~~ visible from the public right of way of a residentially zoned property. Upon application for a building permit the following shall be submitted to the Community Development Department:

1. A landscape plan that includes:
 - a) Dimensions and details of the landscaped area including the synthetic turf and other landscaping materials.
 - b) Drawings that include scaled cross sections of the proposed landscaping materials and details showing the methods of installation and attachment of the synthetic turf as well as drainage information.
2. Material description including manufacturer's product data, specifications and installation instructions, installer information and qualifications, and warranty information.
3. A sample of the proposed synthetic turf material that is at least twelve inches (12") by twelve inches (12").
4. Maintenance information for the synthetic turf.

C. Coverage. Synthetic turf located in the front yard may be used for up to ~~sixty~~ seventy percent (~~67~~70%) of the landscaped area but no more than forty percent (40%) of the entire front yard area. ~~Synthetic turf may be located in a street side yard, but any such turf that is visible from the public right of way requires a~~

~~permit and must comply with the standards set forth in this Section.~~ Synthetic turf shall not be located:

1. Within the public right of way/parkway.
2. Within the dripline of any native or heritage tree as defined in 10-3-2900. Further, the installation of turf shall not disturb the area within the dripline of any native or heritage tree.
3. Within eighteen inches (18") of a front lot line. The eighteen inch (18") buffer between the front lot line and synthetic turf shall be landscaped with living plant material.

~~4. Within eighteen inches (18") of a street side lot line in the portion of a side yard that is visible from the public right of way. The eighteen inch (18") buffer between the street side lot line and the synthetic turf shall be landscaped with living plant material.~~

~~5. Within three feet (3') of a multiple family dwelling. The three foot (3') buffer between the multiple family dwelling and the synthetic turf shall be landscaped with living plant material.~~

~~6.4.~~ In any area that is used for the parking or driving of motor vehicles.

D. Material. Synthetic turf in a front yard ~~or a street side yard visible from the public right of way~~ must simulate the appearance of natural live grass and shall:

1. Be of a type known as cut-pile infill with parallel-long slit blades. The long slit blades shall be manufactured from polyethylene or polypropylene. The minimum pile length shall 1 ¾ inches and the maximum pile length shall be 2 ½ inches. The turf shall contain a beige or

tan thatch layer. The synthetic turf blades (not including the thatch layer) shall be required to contain at least two colors. The synthetic turf shall comply with all federal and state standards related to lead and heavy metal content. Turf that is made from recycled materials is encouraged. The use of indoor or outdoor plastic or nylon carpeting is prohibited.

2. Be constructed to maximize dimensional stability, resist damage during normal use and to minimize UV degradation. Further, the synthetic turf shall be resistant to staining, weather, insects, rot, mildew and fungus growth, and shall be non-allergenic and non-toxic.
3. Contain an infill material of clean silica sand or zeolite material that is brushed into the synthetic turf to keep the blades upright and achieve a natural grass look. Any replacement infill shall be silica sand or zeolite material. Rubber infill is prohibited.
4. Be affixed to a permeable triple-layer primary backing with a tuft bind strength of at least ~~ten-eight~~ (108) pounds. The backing shall allow water to percolate through the synthetic turf at a drain rate of at least thirty inches (30") per hour. The synthetic turf system shall allow for the free movement and drainage of water through the system to prevent run-off, pooling, and flooding.
5. Have a manufacturer's warranty lasting at least ~~fifteen-eight~~ (158) years.
6. Have spacing between tufting rows (gauge) of no more than 3/8 inch as defined by the manufacturer.

7. Have a face weight of at least sixty (60). The face weight is defined as the weight in ounces of the synthetic turf fibers found in one (1) square yard of synthetic turf as defined by the manufacturer.
 8. Have tear grab strength of at least two hundred (200) pounds.
 9. Pass the pill burn test for flammability (ASTM D2859).
- E. Installation. Synthetic turf shall be installed pursuant to manufacturer's requirements by licensed professionals who are experienced and trained by the manufacturer in the installation of the synthetic turf. In addition:
1. The synthetic turf shall be installed over at least three inches (3") of a compacted aggregate base that provides adequate drainage. The base material shall be installed over subgrade that is compacted to a firm condition to ensure stability and maintain adequate drainage.
 - ~~2. Synthetic turf shall not be installed on slopes greater than five percent (5%).~~
 - ~~3.2.~~ Seams shall not be visible and shall be fastened in a manner that ensures they are firm, tight and permanent. Seams shall be sewn and fibers shall be brushed to provide full coverage of the fibers over the seams.
 - ~~4.3.~~ The synthetic turf shall be anchored over the entire coverage area and shall be installed with a nailer board or any such substitute recommended by the manufacturer intended to conceal edges and ensure proper anchoring of turf.

5.4. All existing irrigation infrastructure in the synthetic turf area including piping and sprinkler heads that are no longer used must be capped or removed and shall not be visible.

6.5. All reasonable efforts shall be made to protect existing trees and tree roots from damage during installation.

- F. Maintenance. Synthetic turf shall be maintained in an attractive and clean condition pursuant Chapter 7 of Title 5 and shall not contain holes, tears, stains, discoloration, seam separations, uplifted surfaces, heat degradation, or excessive wear.

Section 9. Review. Within two years after the effective date of the ordinance the Department of Community Development shall review installations permitted pursuant to the amendments enacted by this ordinance and report to the Planning Commission regarding any revisions that may be warranted.

Section 10. Severability. If any section, subsection, subdivision, sentence, clause, phrase, or portion of this Ordinance or the application thereof to any person or place, is for any reason held to be invalid or unconstitutional by the final decision of any court of competent jurisdiction, the remainder of this Ordinance shall be and remain in full force and effect.

Section 11. Publication. The City Clerk shall cause this Ordinance to be published at least once in a newspaper of general circulation published and circulated in the City within fifteen (15) days after its passage in accordance with Section 36933 of the Government Code, shall certify to the adoption of this Ordinance, and shall cause this Ordinance and his

certification, together with proof of publication, to be entered in the Book of Ordinances of the Council of this City.

Section 12. Effective Date. This Ordinance shall go into effect and be in full force and effect at 12:01 a.m. on the thirty-first (31st) day after its passage.