

MUTUAL OPERATIONS

PHYSICAL PROPERTY

Landscape, Garden, and Common Area – Mutual Fourteen

1. PURPOSE

- A. This policy is adopted so that the Mutual's Garden & Common Area will present an environment that enhances the ambiance of its surroundings and thus add to the enjoyment of the cooperative living style. It will outline the responsibilities of the shareholder and of the Mutual in accomplishing this goal.
- B. If a shareholder does not adhere to the requirements of Policy 7425.14, the Mutual will advise the shareholder, in writing, of the problem(s) to correct. If not corrected, within 10 business days, the Mutual will make the correction(s) at the expense of the shareholder. (*Refer to Appendix A – Shareholder Garden – Notice to Comply Letter.*)

2. GRANDFATHERING POLICY EXEMPTION:

- A. All plants and trees that are currently in shareholders' garden areas as of January 1, 2014, may remain, with the exception of trees and plants that have invasive root growth which will cause damage to Mutual structures, plumbing, and walkways.
- B. **Property Resale/Transfer Garden Extensions**
 - 1. When notice of intent to withdraw, sell or transfer has been completed, the garden area must be brought back to compliance with the Mutual's garden policy prior to listing the unit for sale at the seller's expense.
- C. Plants and trees that have grown into Mutual walkways and common area must be trimmed to comply with this garden policy.

3. SHAREHOLDER RESPONSIBILITY:

- A. Shareholders are responsible for the care of their garden area, including watering, plant pest control, and fertilizing. Sprinklers may be added within the garden area. Sprinkler installation and maintenance expenses are the responsibility of the shareholder. (*Installation must be attached to the shareholder's water system and faced away from all building structures.*) Garden areas are to be kept tidy and free of blight.

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Note: Any tree or plant in the garden area will be removed, at the expense of

the shareholder, if deemed by the Physical Property Inspectors and/or Landscape/Grounds Committee to have roots that will cause damage to the building infrastructure, plumbing, walkways, lawn area, or retaining walls after the shareholder receives a 10-day written notice to comply. The shareholder has the right to appeal to the full Board, in writing, by contacting the President of the Mutual within that same 10-day period. *(Refer to Appendix A – Shareholder Garden – Notice to Comply Letter.)*

4. MUTUAL 14 RESPONSIBILITY:

- A. Routine trimming of shrubbery, along with cultivating and weeding are included in the landscape contract. Rose bushes are pruned annually, usually in January. All other requests to the Landscape/Grounds Committee constitute a cost to the shareholder. *(Refer to Section 5,R,1 Service Requests)*

5. GARDEN AREA REGULATIONS:

- A. Private Upkeep:
 - 1. Shareholders may take care of their own garden area if they so desire. Shareholders may obtain a red flag from their Director, which will alert contracted gardeners not to work in that area. If area growth does not comply with this policy, the shareholder will be notified and given an opportunity to comply within 10 business days; otherwise gardeners will be instructed to trim to compliance.
- B. Plants in the Ground:
 - 1. Shareholders may plant greenery of their choice, with the exception of plants that are prohibited. Plants which have invasive root growth and the potential to damage the mutual structures, plumbing, and walkways are prohibited. *(Refer to Plant, Vine, and Tree Restrictions Section - 5.1)*
- C. Plants in Pots:
 - 1. Permitted plants in decorative pots are allowed *(above ground)* in the garden areas. Plants must be kept trimmed and in a healthy state. *(Use of cement pavers, blocks, or other root barriers underneath is required.) (Refer to Plant, Vine, and Tree Restrictions Section – 5.1)*

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D. Hanging Plants:

1. Due to Physical Property regulations, nothing can hang from fascia or eaves. Artwork currently on the outside walls will be grandfathered in as recommended by the Architectural Committee. Future artwork will be approved on a case by case basis. Hanging plants are allowed over the garden area if on plant stands/shepherd hooks and are to be kept trimmed and in a healthy state.

E. Vines in the Ground:

1. Vines that climb or cling to structures are prohibited.

F. Vines in Pots:

1. Climbing or espalier plants in pots are allowed (*above ground*) but must be confined to a free-standing trellis that is clear of the building. Vines are not permitted to climb or cling to any fixed mutual structure. (*Use of cement pavers, blocks, or other root barriers underneath is required.*) (*Refer to Plant, Vine, and Tree Restrictions Section – 5.1*)

G. Trees in the Ground:

1. The limited planting area around shareholders' units does not allow for the planting of trees in the ground. Dwarf citrus trees are an exception and may be planted in the ground but must and will be trimmed at least one foot from the buildings and below the roofline and may not overhang onto the lawns or sidewalks.

H. Trees in Pots:

1. Trees in pots are allowed (*above ground*) but cannot have roots extend through the pot into the soil of the garden area, and cannot come into contact with the unit walls or exterior décor. (*Use of cement pavers, blocks, or other root barriers underneath is required.*)

Note: Shareholders with potted fruit trees are required to keep the fruit that has fallen to the ground picked up and ripe fruit picked so as not to attract rodents. For any non-compliance, resident will be notified and given an opportunity to comply within 10 business days; otherwise the potted fruit tree will be removed by the Mutual at owner's expense. (*Refer to Plant, Vine, and Tree Restrictions Section – 5.1*)

I. Plant, Vine, and Tree Restrictions:

1. All plants, vines, and trees must be trimmed back so as not to touch or deface the structure and remain at least 12 inches below the eaves to allow access for inspection for maintenance (*i.e. painting*). These requirements aim to deter termites and rodents.

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2. Plants, vines, and trees on end units may not be in excess of 8 feet in height and must be at least 12 inches below the eaves.
3. Removal of any offending growth will be completed by the Mutual at the resident's expense if the resident does not maintain the standards. In addition, any plant in garden areas, if deemed by the Physical Property Inspector and/or Landscape/Grounds Committee, whose roots are damaging the building infrastructure, plumbing, walkways, lawn area, or retaining wall, must be removed at the expense of the resident and the damages repaired at the expense of the shareholder after notification period.

Note: Plants grow with time, and it's important to keep them trimmed. Plants must never rub against the building structure, stucco, or deco blocks. All non-conforming plantings will be cut back by the Mutual at shareholder's expense after the shareholder receives a 10-day written notice to comply. *(Refer to Appendix A – Shareholder Garden – Notice to Comply Letter.)*

J. Inanimate Objects:

1. Free-standing, inanimate objects are permitted within the garden area.

K. Fencing:

1. Garden fencing must be within the garden area. The complete responsibility for maintaining a fenced garden lies with the shareholder. *(All fencing over 18' inches must be approved by the Board.)*

L. Walkways:

1. As required by law, potted plants may not inhibit the 36" entry requirement.
2. Because there is a need for mowing machines to have continuous access between units, potted plants may not be lined up along the walkways beyond the garden area leading down to the sidewalks.

M. Transformer/Vault/Meter Panel Areas:

1. Edison pad mount transformers, cable vaults, and telephone vaults must be kept accessible and any objects on them must be easily removable. Meter panels may not be obstructed.

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N. Growth Encroachment:

1. All growth must be kept trimmed away from buildings and must not interfere with mowing machines. Any plant that hangs over the mow strip into the common area, and interferes with mowing machines, must be trimmed to be enclosed entirely in the shareholder's garden area.

O. Removal:

1. Removal of large shrubs, bushes, trees, or landscaping items in shareholders' garden areas will be at shareholders' expense. *(Shareholders have the option of doing their own trimming, hiring their own gardener, or contracting with the Mutual's landscape/garden company.)*

P. Cost of Garden Area Items:

1. All cost of plants, pots, trellises or any other items in the garden area is the responsibility of the shareholder, including replacements due to damage incurred during required maintenance to the structure. Efforts will be made to eliminate damage to the shareholder's personal property if possible.

Q. Trees, Plants, Flowers, and Bushes That May NOT Be Planted In the Ground:

1. The following may not be planted in the ground in garden areas. All trees plus the following plants: Asparagus Fern; Baby Tears; Bamboo; Bird of Paradise; Boston Fern; Bougainvillea; Cactus (large); Cedar-type Bushes; Hibiscus; Ivy; Palm Tree (large); Poinsettia; Spiderwort; and Wild Mint. *(They may however be planted in pots.)* Other plants may be added to this list in the future by the Board of Directors if necessary. If the shareholder has any doubt as to what may be planted, contact your Director to confirm if a plant is acceptable. *(Refer to General Garden Area Regulations --Section 5)*

R. Service Requests:

1. Contact your Mutual Director for gardening requests or sprinkler service. Please refrain from requesting work directly from the gardeners. Gardeners are not employees of the Mutual or of GRF. They receive their work orders from the supervisor of the landscape service which the Mutual hires.

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S. Shareholder Notification Process for Non-Compliance:

1. If shareholder does not adhere to the requirements of this landscape policy, the Mutual will advise the shareholder, in writing, of the problem(s) to correct. If not corrected, within 10 business days, the Mutual will make the correction(s) at the expense of the shareholder. The shareholder has the right to appeal, in writing, all such decisions to the full board, within that same 10-day period. *(Refer to Appendix A – Shareholder Garden – Notice to Comply Letter.)*

6. GARDEN AREA SIZES

A. Garden Size:

1. Requests for garden alignments changes will be considered by the Board of Directors on a site-specific basis. All same side unit shareholders must agree to the changes.
2. The Board of Directors will give special space consideration to end units with utility structures, attached laundry facilities, or odd garden configurations.
3. If a garden area is to be converted into a patio by any means (concrete, tiles, stones, etc), before work begins, it must be approved by the Board and a permit obtained.

B. Property Resale/Transfer - Garden Extensions:

1. When notice of intent to sell or transfer has been completed, the garden area must be brought back into compliance with the Mutual's garden policy at the seller's cost.

7. MOWING AND EDGING

A. In general:

1. Block, brick, or concrete must border each garden area.

8. MUTUAL COMMON AREA

A. Common Area Maintenance & Use:

1. The maintenance of all Mutual common areas (including carport garden areas) is the responsibility of the Mutual Board of Directors and/or Landscape/Grounds Committee. Shareholders are not permitted to place, install, hang, remove, or relocate plants or any other landscaping materials in the common area and around common area trees without Board approval. *(This includes lawn furniture.)*

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2. Common area trees will be removed due to age or disease and replaced with approval from the Board of Directors. When making a recommendation for tree removal, pertinent facts shall be supplied to the Board, by the Landscape/Grounds Committee Chair. Some of the facts include whether the tree is diseased, whether the tree can be treated without excessive expense, whether the tree's roots are threatening to invade the sewers or concrete, and whether the tree is growing in such a way that it is unsightly and, therefore, displeasing to the surrounding neighbors.
 3. Each year, some of the Mutual's trees will require trimming. The Landscape/Grounds Committee, working with an arborist, shall prepare a list of those trees to be trimmed, to be presented to the Board for approval.
- B. Shareholder Notification Process – Courtesy Notification:
1. Removal and replacement of trees, plants, and flowers in the common area are the responsibility of the Mutual. When possible, and as a courtesy, residents in the immediate area will be notified when changes will occur. *(Immediate area is defined as those units that face the location of the item or have view of the item from their unit.) (Refer to appendix B - Shareholder Courtesy Notification Letter.)*
 2. Shareholders may appeal to the full Board any decision to remove plants, flowers, and decorative items from common areas.

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APPENDIX A – Shareholder Garden – Notice to Comply Letter

**Seal Beach Leisure World
Shareholder Garden – Notice To Comply**

Date: _____

Dear Shareholder, Unit #:_____

It has come to the attention of your Board of Directors, by way of your Grounds/Landscaping Committee, that the plantings or other items within your garden area or adjacent to your garden area are not in compliance with Mutual Policy 7425.14 – Landscape, Garden & Common Area (*attached*)

Specifically:

If you do not have this situation corrected within the next 10 business days from the date of this notice, or file an appeal with the Board, the Mutual will, either by trimming or removal, correct the situation and you will be billed for this work.

Thank you for your cooperation in this matter.

Mutual Board of Directors

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APPENDIX B – Shareholder Courtesy Notification Letter

**Seal Beach Leisure World
Shareholder Courtesy Notification**

Per Policy 7425.14, the removal & replacement of trees, plants, and flowers in the common area are the responsibility of the Mutual; however, as a courtesy, shareholders in the immediate area are being notified when the common area near their unit will be affected. *(Immediate area is defined as those units that face the location of the item or have view of the item from their unit.)*

Description of Project: _____

Project Start Date: _____

Reason for Project: (Check all that apply)

- _____ **Does not conform to policy regulations**
- _____ **Diseased plant or tree**
- _____ **Root invasion**
- _____ **Plant or tree has outgrown allowable height or space**
- _____ **Unauthorized planting**
- _____ **Area beautification**
- _____ **Other (specify _____)**

**Contact your Mutual Director with any questions. Thank you.
Mutual Fourteen, Board of Directors**

MUTUAL FOURTEEN
FOURTEEN: 04-10-02

AMENDMENT(S)
09-28-04, 01-11-11, 05-20-14, 08-24-15, 08-15-17