

## **MUTUAL OPERATIONS**

### **PHYSICAL PROPERTY**

#### **Garden Areas, Trees, Shrubs**

#### **PURPOSE**

This policy is to ensure that the landscaping presents a display of what most shareholders would consider an appealing appearance and is a shared responsibility of Mutual Nine and its shareholders. The Board of Directors is entrusted with the management of landscaping, including the responsibilities of inspections and enforcement of the policy. For safety reasons, policies are in place to help protect the well-being of shareholders. The Board also wishes to uphold the shareholders' ability to individualize their garden area.

The Board of Directors may, on a case-by-case basis, disapprove of an item, decoration, plant, bush, tree, etc., and request the removal by the shareholder at their expense. In the event of resale, shareholders' property appearance is important and so is the appearance of neighboring units. In a cooperative living style, how each looks affects all units. In following this policy, shareholders will benefit with a pleasant surrounding and enhancement of property values.

#### **GARDEN AREA**

1. Shareholders are allowed a garden area in the front of their units, defined by Mutual policy as up to 60" wide measured from the face of the building. Additionally, shareholders of Units A, F, G and L, also may have a garden area of up to 60" wide measured from the building on both sides depending on the area available and by not planting so as to encumber entry to the attic by ladder, access to the meter panel, irrigation panel, or main sewer clean-out. At time of resale, the common garden line will be determined and, if necessary, the garden area will be brought back to the common garden line at seller's cost. Further, nothing is permitted on top of pad mount transformers, to be hung from or placed on pad mount enclosures (per Policy 7492), nor on telephone, cable, or Edison vaults.
2. If existing sprinklers need to be moved or adjusted, this work will be done by Mutual Nine landscaping contractors, at the expense of the shareholders.
3. The Board may allow a garden area at the side of a laundry room that connects to the shareholders unit, with written permission from the Board of Directors. Shareholders may plant in the well at the base of a tree if it is in the front or side lawn of THEIR UNIT. When shareholder has written permission from the Board of Directors to use one or both of these areas, the shareholder must follow rules as to what plants are permitted and care for the plantings so as to keep them attractive. Plants in the ground or pots on the ground will be permitted in tree wells as long as they are properly maintained. Hanging

## **MUTUAL OPERATIONS**

### **PHYSICAL PROPERTY**

#### **Garden Areas, Trees, Shrubs**

pots, plants, bird feeders, etc., (bird seed feeders are illegal in Seal Beach) may not be placed in or around the tree wells. Approval for use of these special garden areas may be revoked at any time without reimbursement to shareholder for items removed.

4. Shareholders may plant greenery except for disapproved plants from the list of Mutual Nine plants (see Gardening List). Small trees in pots are permitted. Plants with invasive root growth that have the potential of damaging the Mutual structures and walkways are also prohibited. Vines are not permitted to climb on any structure or light poles. Small potted trees, or if a trellis is used, it must be free-standing within the garden area, parallel to the building, not encroaching on any walkway, and be kept 12" below the eaves and 12 inches from the face of the building or block wall. All live planting must be trimmed back 6" from the building or carport wall. Removal of any offending growth will be done by the Mutual at the shareholder's expense if the shareholder does not maintain these standards. Any potted tree bush or vine within the garden area must be placed on bricks, cement pavers, or blocks, so that the roots are contained in the pot and the plant does not take root in the garden area.
5. Shareholders are responsible for any damage to unit's wood as a result of watering plants. Brackets may not be attached to the wood or the building for the purpose of building shelves or other scaffolding.
6. Fertilization and plant pest control within the garden area are the responsibility of the shareholder and will be done at their cost. Mutual Nine landscaping contractor will give shareholder an estimate of cost if the shareholder desires the gardener to perform this work. Watering this area is the shareholder's responsibility, and the shareholder must follow all City of Seal Beach, Leisure World, or Mutual Nine\_watering rules and restrictions.
7. Gardens are cultivated by the Mutual gardening service UNLESS the shareholder\_desires to perform this task. The shareholder should request red flags from a Director to place in the garden area if the shareholder wants to care for the garden him/herself. Gardeners are instructed to remove weeds, including baby tears, wild mint and plants of the spiderwort family, all of which can spread into the lawn or neighboring garden.
8. If a shareholder's garden area is cared for by Mutual Nine, and is determined by the Board of Directors and/or Landscaping Contractor to exceed the normal time or expense of a standard unit garden, then the shareholder may be asked to care for the garden themselves. Or if the shareholder prefers, the Landscaping Contractor will estimate the cost of continuing to care for the garden at the shareholder's expense.
9. Roses are trimmed in December/January by gardeners except for red-flagged gardens. Plants must be cut back so as not to extend over garden line in all cases.
10. For safety and maintenance reasons, containers, statues, tables, chairs, and artifacts are not permitted on the entrance walk nor can they inhibit the 36" entry requirement, or in

## **MUTUAL OPERATIONS**

### **PHYSICAL PROPERTY**

#### **Garden Areas, Trees, Shrubs**

any way interfere with mowing, edging, or emergency personnel.

11. Carport walls at the ends of the carport shall be maintained by the Mutual.
12. Sprinklers within shareholder garden areas or wall gardens, if desired and feasible, must be approved by the Board of Directors and installed by the Mutual landscaping contractor or other approved landscaping services at the shareholder's expense. In case of a problem, sprinklers must have a shutoff valve accessible on the outside of their unit. Maintenance of sprinklers will be at the shareholder's expense.
13. Temporary holiday decoration may be hung from lampposts if done with blue painters tape, and taken down in a reasonable time frame.
14. Shareholders are prohibited to leave unused gardening material, empty pots, fertilizer, pavers, etc., and recyclables, trash, garbage, or food of any kind in open or closed containers in the garden areas. Dog and cat food must not be kept in the garden area. Newspapers must not be stacked in these areas.
15. Any shareholder that does not adhere to the garden policy requirement will be advised, in writing, of the problem(s) to be corrected. If the shareholder does not correct the problem(s) within time allocated by Mutual Nine, the Mutual will do so at the shareholder's expense.

### **TURF AREAS**

1. Turf areas are all the grounds located outside of each unit, with the exception of approved garden areas. These areas are owned by Mutual Nine and the maintenance of same is the exclusive responsibility of the Mutual. Shareholders are not permitted to install, remove or relocate plants or any other landscaping in turf areas. Projects requested by shareholders which would result in changes in turf area must be approved, in writing, by the Board of Directors. The Mutual "common areas" can be used for temporary reasons, i.e. construction activity, moving, etc. with Director approval.
2. "Common areas" are the parks, courtyards, carport areas, and cement exterior and interior walls. These areas will be planted and maintained by Mutual Nine and not to be planted by shareholders. Mutual Nine "common area" can be used for temporary reasons; i.e., construction activity, moving, etc., with two Directors' approval.
3. After consulting with an arborist, the Board of Directors has the authority to remove any problem plant or tree (if it causes damage to sidewalks or the foundation). A tree may or may not be replaced. Shareholders may request a tree to be planted with approval from the Board of Directors who will decide the type of tree, where it will be planted, and whether shareholder or Board pays for the purchase.

**MUTUAL OPERATIONS**

**PHYSICAL PROPERTY**

**Garden Areas, Trees, Shrubs**

4. Flower bed decorative edging materials can be cement edging, laid cement rock, or brick.

**GARDENING LIST**

Where the lawn/turf area is less than 20 feet between the sidewalk and the flower bed, the only trees that may be planted are the crape myrtle, firewheel tree, gold medallion tree, chitalpa, eastern redbud, and Hong Kong orchid tree.

Perennial flowers do well in our climate and soil. Young plants need protection from rabbits.

The following plants are **NOT PERMITTED UNLESS POTTED:**

Asparagus Fern  
Baby Tears  
Bird of Paradise

Ivy  
Members of the Spiderwort Family  
Wild Mint

**MUTUAL ADOPTION**

NINE 10-12-98

**AMENDMENT DATES**

10-09-00, 11-27-02, 09-08-03, 06-12-06, 03-08-10,  
10-09-14, 09-14-15, 03-13-17