

MUTUAL OPERATIONS

PHYSICAL PROPERTY

Garden/Porch Areas, Trees, Shrubs – Mutual Eleven

A. Purpose

The purpose of this policy is to establish landscaping standards for Mutual Eleven for the following common areas: garden areas, porch areas, trees, and shrubs. Compliance with this policy will permit shareholders to temporarily utilize certain common area property, subject to the limitations herein. Common area property, being temporarily utilized by a shareholder, shall remain common area property. Temporary use permission of the common area property area may be revoked by the Board of Directors (BOD) at any time.

B. Definition of Term

1. A garden is a planting area, of soil, pavers, or pots/plants only, outside the building and uncovered except for the roofline.
2. A porch is the surface covered by the building roofline and may not extend beyond the roofline. A porch is allowed for exclusive use by the terms of the Occupancy Agreement for each unit.

C. Garden Area Sizes

All shareholders have the privilege of a garden area (or flower bed area) in front of their unit defined by this policy as being up to 7 ½ feet deep, including concrete, stone or brick mowing edge, along the outside frontage length of the unit measured from the face of the building toward the sidewalk. End of building garden units may be the same maximum 7 ½ feet. All garden areas must maintain a distance of at least 3 feet from any common sidewalk.

All garden areas are site-specific and must be BOD approved.

Shareholders expanding garden areas beyond the “set limits” (4 feet front, 5 feet side/end) are responsible for maintenance of the entire garden area. Failure to adequately maintain said garden area will result in the Mutual doing so at the shareholder’s expense.

D. Garden Policy

1. Contact your Mutual Director for gardening requests or sprinkler service. Refrain from giving instruction to gardeners.
2. The Mutual contracted gardeners will trim bushes, rake, and cultivate routinely. Rose bushes are pruned annually, usually in January. Spraying and tending flowers are not standard services provided by the gardeners.
3. The limited planting area in front of shareholders’ units does not allow the planting of trees.

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4. Vines that climb or cling to deco blocks or buildings are not allowed, unless confined to a staked trellis that clears the building and roofline by 6 inches.
5. Routine trimming of trees and shrubbery, cultivating, and weeding are included in the gardening contract. All other requests constitute a shareholder charge.
6. All growth must be kept trimmed away from buildings and must not interfere with mowing machines. If you do not want the gardeners working in your garden, please obtain a green flag from your Director.
7. Items allowed on porches include: patio furniture, decorative pots (no nursery containers), and gas only barbeque (covered). The Mutual reserves the right to determine if a shareholder's porch has become cluttered and unsightly. If so determined, a notice to correct will be issued and must be corrected accordingly.
8. Upon the effective date of this policy, unit owners whose gardens are deemed non-compliant with said policy shall be notified in writing of the non-compliant condition and steps to be taken to achieve compliance, or BOD approval.
9. Containers on porch ledges may be small and must not be so large that they present a danger of falling off the ledge. A maximum of ten (10) items, including containers, figurines, and artifacts, may be placed on a ledge.
10. The following flowers or plants may not be planted in garden areas. Additional prohibited plants or flowers may, in the future, be added to this list by the Board of Directors.

Asparagus Fern	Cactus (large)	Ivy	Wild Mint
Baby Tears	Citrus of any kind	Spiderwort	Plastic Plants
Bamboo	Fruit of any kind	Trees of any kind	Vegetables
Bird of Paradise	Ficus	Most Palms	Elephant Ears

11. The approved plant palette includes:

Agapanthus	Escallonia	Holly family	Pink Lady's Slipper
Ajuga	Flax	Hydrangea	Rose
Azalea	Fuchsia	India Hawthorn	Santa Barbara Sage
Camellia	Gardenia	Heather	Juniper shrubs
Chrysanthemum	Heavenly Bamboo	Lily of the Nile	Star Jasmine
Dahlia	Hibiscus	Lily of the Valley	St. John's Wort
Daylilies	Hidcote Lavandula	Mandevilla Splendens	
Duranta Repens	Verbena	Mirror Plant	

MUTUAL OPERATIONS**PHYSICAL PROPERTY****Garden/Porch Areas, Trees, Shrubs – Mutual Eleven**Annual and Perennial Flowering Plants

Geraniums	Marigold	Wax Begonia	Impatiens
Vinca	(others may be approved in the future)		

E. Mowing and Edging

1. In general, the scalloped edge stones or concrete paving, bricks or stone edging will provide an edge for the mowing and edging equipment and must be maintained at the shareholder's expense.
 - a. Concrete or concrete pavers, bricks or stone are the only materials approved for paved edging and must be 4-6 inches wide and 4 inches deep in the soil. All approved edging must be pre-approved for installation by the BOD and installed by an authorized contractor.

F. Garden Use

1. Hedges are permitted up to 30 inches high by 18 inches wide.
2. A maximum of eight (8) hanging containers or baskets are permitted (including wind chimes and other artifacts, provided noise does not bother your neighbors). Plants must be kept trimmed, healthy, and be on non-rusting hangers. Seed-type bird feeders are not permitted as they attract mice and other rodents. Hummingbird feeders are permitted.
3. Containers on the ground in the garden area must be decorative. Decorative pots must be at least six inches, but not more than 22 inches, in diameter. A maximum of fifteen (15) containers in the specified sizes combined are permitted. Nursery containers are not permitted. Any type of scaffolding, and/or shelving is prohibited. Containers that have no drainage holes and standing water are not permitted; they are a breeding ground for mosquitoes.
4. For safety and maintenance reasons, containers, statues, tables, chairs, and artifacts are not permitted on the entrance walk from the sidewalk to the building. Nothing may inhibit the 36-inch to 48-inch entry requirement or in any way interfere with mowing, edging, or emergency personnel.
5. Bicycles and tricycles shall not be placed in front of buildings, in entryways, or on sidewalks.
6. Items shall not be placed on or hung from the Edison padmount transformers (per Policy 7492 – Padmount Transformers), or placed on telephone or cable vaults, or junction boxes.
7. Plants and other items of any kind may not be hung from trees or lampposts.

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8. Freestanding inanimate objects are permitted in garden area, but shall be limited to six (6). Objects are not to be higher than 30 inches tall unless authorized by the BOD.

G. Turf Areas

Planting in turf areas and around common area trees requires Board permission. No pots of any kind in turf areas or around common area tree wells.

H. Maintenance

1. Shareholders are prohibited from leaving trash, garbage, or food of any kind in open or closed containers in the garden or porch areas. Dog and cat food must not be kept on the porch as this is an invitation to rats and other vermin infestations. Newspapers must not be stacked in these areas, or in any other area. Stacked newspapers are food and nesting materials for rats and mice and are a fire hazard.
2. Any change(s) to this policy must first be submitted in writing to the Mutual Board for consideration and approval. Upon approval, the written agreement between the Board and the shareholder owner must be adhered to and the expenses are the sole responsibility of the shareholder.
3. If a shareholder wishes to have sprinklers installed within the garden area, and it is feasible to do so, the shareholder must submit the request in writing to the Board of Directors for approval. If approved, the Mutual landscaper shall install the sprinklers and any expense related to the installation shall be borne by the shareholder.
4. Shareholders are responsible for any damage to wood and stucco surfaces as a result of watering hanging plants. Brackets may not be attached to wood or the building for the purpose of building shelves or other scaffolding, except the type of bracket normally used for the American flag, mail box, water hose, and unit number plates.
5. The Mutual landscape contractor has the responsibility to prune flowers around common area trees when they are in need of trimming.

MUTUAL OPERATIONS**PHYSICAL PROPERTY****Garden/Porch Areas, Trees, Shrubs – Mutual Eleven****I. Enforcement**

1. Any shareholder/resident that does not adhere to the garden policy requirements will, in writing, be advised of the problem(s) to be corrected. If the shareholder/resident does not correct the problem(s), the Mutual will cause the correction to be made at the shareholder's expense.

Furthermore, at the time of sale or transfer of the share of a unit, any vegetation not in compliance with this policy, including fruit trees, in said garden area, shall be removed and remediated at the seller's expense. Final inspection and signing of escrow shall not take place until the above changes have been completed.

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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 Landscape Committee, that the plantings or other items within your garden area or adjacent to your garden area are not in compliance with Mutual Policy 7425.11 – Garden/Porch Areas, Trees, Shrubs (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

MUTUAL ADOPTION
ELEVEN: 08-16-01

AMENDMENTS
11-17-05, 03-18-10, 09-16-10, 11-18-10, 01-21-16,
06-16-16, 11-13-17