

LA COSTA RIDGE
COMMUNITY ASSOCIATION



Community Guidelines

Approved
TREE TRIMMING POLICY

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Approved January 8th, 2019

This Tree Trimming Policy (“Policy”) is being adopted to enable more frequent trimming than the La Costa Ridge Community Association (“LCRCA”) would otherwise undertake for the maintenance of certain trees located on LCRCA property (the “Subject Trees”). This Policy is intended specifically to enable homeowners who wish to preserve or enhance their views to contribute to the maintenance of the Subject Trees in such a way that their view is maintained or improved without burdening the LCRCA and its other members with the costs associated with this additional maintenance.

This Policy pertains only to the conditions by which homeowners may request that LCRCA perform supplemental trimming of the Subject Trees in accordance with guidelines provided by LCRCA’s arborist, and at the expense of the homeowner.

The Association will continue to routinely inspect the Subject Trees and perform any trimming needed to the Subject Trees, along with all other trees located on Common Maintenance Area and Community Association Property, to preserve the health and appearance of the same. The maintenance performed by the Association will still be treated as a common expense paid for by the LCRCA in accordance with Sections 1.10 and 5.4.1 of the Covenants, Conditions and Restrictions (“CC&Rs”).

Nothing in this Policy is to be interpreted as amending or limiting any provision of the Covenants, Conditions and Restrictions (“CC&Rs”), including but not limited to Section 7:14, which states:

7.14 View Impairment. There is no representation that any view exists from any Lot. Each Owner, by accepting a deed to a Residential Lot, acknowledges that grading of, construction on or installation of improvements, including landscaping and the growth of landscaping, on other Lots within the Covered Property and on surrounding real property may impair whatever view may exist from the Owner's Residential Lot and each Owner consents to such impairment and waives any claim for view impairment. Each Owner and the Community Association, by accepting a deed to a Lot or any Community Association Property, respectively, acknowledges that any construction or installation by Declarant or a Merchant Builder or by other Owners following Architectural Committee approval as provided in Article 6 hereof may impair the view of such Owner, and each Owner and the Community Association on behalf of the Members hereby consent to such impairment.

There is no right to a view within the LCRCA community and this Policy is not intended to create one.

Notwithstanding the foregoing, The Board of LCRCA wishes to enable individual homeowners who are concerned about one or more Subject Trees to submit a request to the Board for additional tree trimming for which the homeowner would pay.

A – Scope of this Policy

Subject Trees do not include any trees located in the mow-strips along the streets, nor any trees not located within LCRCA property.

All homeowners in La Costa Ridge are eligible to make a request pertaining to Subject Trees that they would like trimmed more frequently than needed to preserve the health and appearance of the trees, so as to preserve or enhance the view from their property. This request must be made using the form then available for download from the LCRCA website.

No Subject Tree trimming shall take place without the prior written authorization of the LCRCA Board. All Subject Tree trimming shall be performed in strict accordance with all conditions and limitations imposed by this Policy and in the notice of authorization provided by the LCRCA.

No Subject Tree trimming will occur more than once in any twelve-month period, and such trimming will take place in that part of the year recommended by LCRCA's arborist for such trimming.

If a Subject Tree is a diseased olive tree (an "Olive Tree"), and LCRCA's arborist advises that (i) trimming would provide only a temporary cure, and (ii) removal at some point is inevitable, the homeowner can request permission to have the Olive Tree removed.

All homeowner requests for trimming of Subject Trees pursuant to this Policy must be submitted to LCRCA's management company between July 1st and September 15th of each year. The Board will consider such requests only during the November Board meeting, or if no such meeting takes place, during the first Board meeting thereafter. Any requests received between September 16th and June 30th will be automatically denied.

A written report from LCRCA's arborist specifying the extent to which a Subject Tree may be trimmed without incurring harm will be required before any trimming of a Subject Tree or removal of an Olive Tree is approved.

Management will contract for and supervise the performance of the work undertaken.

This Policy may be amended or repealed upon thirty days' written notice to homeowners in accordance with California Civil Code Section 4355.

This Policy does not constitute a guarantee that the Board will approve every homeowner's application to trim Subject Trees. Each application will be duly considered based on the location, type, size and health of the Subject Tree(s), as well as any other factors deemed pertinent to LCRCA's arborist and the Board.

B – Implementation of this Policy

1 - A homeowner interested in having a Subject Tree trimmed or an Olive Tree removed at that homeowner's expense must submit such a request to Management on an application downloaded from the LCRCA website, identifying the location, number and type of the Subject Tree(s), or the location of the Olive Tree. The application form attached hereto is subject to change by the Board. A sketch map of the location of the tree would be helpful. The application will be deemed incomplete if the homeowner fails to obtain the signatures on the application of any adjacent neighbor(s) to whom the Subject Tree is visible from that neighbors' property confirming that such neighbor(s) is aware of the proposed additional trimming or removal, as the case may be.

2 – The schedule laid out herein is designed to enable trimming to take place during the winter months. To that end, homeowners should understand that any request to have a Subject Tree trimmed or an Olive Tree removed must be submitted to Management by the deadline stated above.

3 – No less than 6 weeks prior to the Board meeting in November, Management will compile the requests, and contract with the LCRCA arborist to generate a written report with recommendations for (a) additional trimming, if any, to which the Subject Tree can be subjected without damage, and/or if appropriate, (b) removal of an Olive Tree. Management will use reasonable efforts to schedule the visit of the arborist to accommodate the schedules of each homeowner so that they can permit entry to the property by the arborist. The inspection date will be the date convenient for the arborist and the greatest number of applicant homeowners. If any homeowner is unavailable to grant the arborist access on the inspection date, that homeowner will have the option of: (a) making arrangements for a family member, friend or agent to provide the needed access to the arborist; or (b) arranging a separate inspection by the LCRCA arborist of his or her Subject Trees and reimbursing LCRCA for the cost of this additional inspection; or (c) withdrawing his or her request for supplementary trimming.

Notwithstanding the preceding, if there is only a single request, Management will contact the homeowner to confirm that they are willing to bear the entire cost of the arborists' visit and report. If the homeowner declines, Management will take no further action.

4 – Management will advise the Landscape Advisory Committee (“LAC”) chairperson of the schedule for the arborists' visit, and one or more members of the LAC will accompany the arborist during his visit, subject to their availability. LAC will review the arborist's report, the requests, and any objections by neighbors prior to preparing its recommendations to the Board for either approval or rejection of each request. If members of the LAC wish to re-examine a Subject Tree or an Olive Tree from the homeowner's property, the homeowner will be required to cooperate in scheduling such a re-examination or his/her application will be deemed withdrawn. The arborists report will be posted on the LCRCA website promptly after delivery to Management.

5 – Upon approval by the Board, Management will obtain quotations from at least three tree trimming companies (each a “Company”) to perform the trimming/removal as approved, which quotations will specify the costs to perform the trimming/removal specified in each approved request on a home-by-home basis.

6 – Management will present the quotations for Board approval at the next Board meeting.

7 – Each applicant homeowner will be provided with a copy of the accepted quote identifying the cost for trimming the Subject Tree(s) identified in his/her application and will be given no less than ten (10) calendar days from the date the accepted quote is provided to notify Management in writing if he/she wishes to withdraw his/her request. Unless Management receives written notice of a homeowner's request to withdraw his/her application within this timeframe, the homeowner will be deemed to have consented to reimbursing LCRCA the amount identified in the accepted quote.

8 - The selected Company will be required to follow the guidance of LCRCA's arborist in trimming the Subject Tree or if applicable, in removing an Olive Tree.

9 - The Board will not offer the selected Company any waiver that would permit the Company to trim a Subject Tree or remove an Olive Tree other than as recommended by LCRCA's arborist.

10 - The Company will be responsible for repair of any damage done to other plants, irrigation equipment, or any other items owned by LCRCA, which damage was caused by the Company in its performance of the contract.

11 – After the work is complete, Management will inspect and confirm that each of the Subject Trees was trimmed/removed in conformity with the arborist’s recommendations.

C – Fees:

1 – Administrative Fee: Each application will result in a non-refundable one-time charge of \$45 to cover the administrative costs incurred in implementing this Policy. No application will be accepted that is not accompanied by a check in the amount of \$45.00.

2 – Arborist Fee: The costs incurred by LCRCA to obtain the arborist’s written report will be shared equally by the homeowners then seeking approval for trimming of Subject Tree(s) and/or removal of Olive Trees. The applicable share of the arborist’s invoice will be billed to the homeowner in the month that Management pays the arborist.

Homeowners who submit an application will realize that their share of the arborist fee depends on the number of applicants. In order to assist homeowners in understanding what their respective share may be, based on 2018 rates, the share would be about \$115 per homeowner if there were ten applications, and between \$350 and \$400 if there were only one application.

The preceding paragraph is for informational purposes only, and the Board of LCRCA provides no assurance that these rates will apply in any future application.

3 – Trimming/Removal Fee: For each homeowner whose request for trimming/removal was approved, Management will bill them in the month following the completion of the trimming/removal an amount equal to the amount specified for that homeowner in the quotation from the Company selected by the Board.

4 - Inspection Fee: Management will charge LCRCA at its then current rate (in 2018, \$450) for time spent on-site in supervising and inspecting the work performed by the Company. These charges will be divided equally among the homeowners whose requests were approved and billed along with the Trimming/Removal Fee discussed in the previous paragraph.

D - Finality of Decision

All decisions of the Board shall be final. A homeowner whose request was rejected may re-submit his/her request in the following year.

**LA COSTA RIDGE COMMUNITY ASSOCIATION
TREE TRIMMING/REMOVAL FORM**
This application must be accompanied by a check in the amount of \$45.00

Homeowners Name: _____

Address: _____

Phone Number: _____

To: Board of Directors, La Costa Ridge Community Association

Subject: Request for Trimming of Subject Tree(s) or Removal of an Olive Tree on LCRCA Community Association Property or Common Maintenance Area.

In accordance with the Tree Trimming Policy, I hereby request supplemental trimming or removal of the following identified Subject Trees at my expense. I have read and understand the requirements of the Tree Trimming Policy, and agree to comply with all requirements thereof, including but not limited to paying fees as set forth in the policy.

Homeowners Signature _____

Date of Request: _____

Number and Type of Tree(s) _____

Location of Tree(s) _____ (A sketch map of the location of the tree(s) would be helpful.)

Description of Desired Tree Work _____

Confirmation of Neighbors Being Aware of Proposed Trimming/Removal:

Signature _____ Address _____ Phone number _____
Print _____

Signature _____ Address _____ Phone number _____
Print _____

Any neighbor who objects to the proposed trimming/removal should so advise Management in separate correspondence.

Please mail form to:

La Costa Ridge Community Association
c/o Avalon Management
3618 Ocean Ranch Blvd
Oceanside, CA 92056
Fax: 800.646.1887
Email: LaCosta@AvalonWeb.com

