

Landscape Guidelines: HOA Common Area Property "Tract A"

Tract "A" is identified on the plat maps of The Capes as that area which encompasses the streets and the unpaved adjacent area. (See Figure A) While the paved streets are 25 to 28 feet wide, the common land is 60 feet wide on Capes Drive and Fall Creek Drive, and 50 feet wide on Capes Loop, Capes Point, and Promontory Lane. Typically, this common area extends from the middle of the street approximately to the green utility boxes. Survey markers identifying the middle of the common area Tract A have been located on all streets and are marked.

To specifically identify the common area in front of any private property lot, measure from the nearest survey marker in the street into the lot itself, either 25 feet for 50-foot wide sections (Capes Loop, Capes Point, and Promontory), or 30 feet for 60-foot wide sections (Capes Drive and Fall Creek Drive).

The HOA Landscape Committee (LSC) manages this common area property under the direction of the HOA board. These guidelines have been adopted to provide the committee a basis for maintaining this area. Owners of lots adjacent to the common area are encouraged to maintain this area as a general extension of their landscaping, however, their landscaping needs to be appropriately maintained in keeping with these guidelines.

As a general rule, the landscaping will be maintained to be attractive, enhance the community value, and not restrict views. Large trees and plants next to the paved area are not acceptable as they create a "tunnel" effect, can present a safety hazard, maintenance cost is high, and views impacted. Native vegetation is preferred. Grass is acceptable, particularly adjacent to vacant lots. Existing bushes, if not removed, are to be trimmed to present an attractive appearance. Existing trees which impact views are to be removed. Others are to be evaluated on a case by case basis. Any new plants or bushes shall be low-growing and easy to maintain. Trees will not be planted, and saplings will be removed. Landscaping shall not obstruct the view of drivers and shall be maintained so as to not create a hazard.

The LSC will identify areas which do not conform to these guidelines and develop a plan to bring them into compliance.

If existing trees or bushes are to be removed or trimmed significantly, The Capes manager will provide courtesy notice to lot owners immediately adjacent to the common area Tract A where the work will be performed. Any owner's concerns/objections are to be resolved by the LSC or the board under the following procedures:

If an owner disagrees with removal or trimming, the first step is to meet with the LSC and attempt resolution. If there continues to be disagreement, the owner may ask the Board of Directors to review the decision. This review may take place during a regularly scheduled board meeting or as a separate hearing by a special review committee of at least three (3) directors on a date acceptable to all parties. Owner attendance is required at the review meeting (either in person or via telephone conference) to explain why they believe the landscaping in question should not be removed or trimmed. Should an owner wish to request a meeting with the LSC or a Board of Directors review, please notify the office in writing. Email is acceptable and should be sent to manager@thecapeshoa.org.

(Note: the criteria of "views" is not the same as noted in section 6.11 of the CC&R's. That is, a tree or bush may be removed or trimmed to enhance the appearance of the Capes, improve the view dimensions, or improve road visibility and safety even though it does not necessarily restrict the view of the ocean or bay.)

Figure A: An example of Tract A Common area. Tract A encompasses every road (and its immediate unpaved adjacent area) in The Capes. No privately owned lots extend all the way to the curb.

