

**HILLER HIGHLANDS FOUR ASSOCIATION**  
**30 Schooner Hill**  
**Oakland, CA 94618-2335**  
**Rules and Regulations – Landscape**

**GENERAL**

- The Declaration of Covenants, Conditions and Restrictions (“CC&Rs”) require Hiller Highlands Four Association (“Association”) to enforce the provisions of the CC&Rs; various provisions of the CC&Rs give the Association the power to adopt reasonable rules for landscaping.
- It is the desire of the Board of Directors to ensure a common, high standard for landscaping to maintain and enhance property values
- The Landscape Control Committee (“LCC”) is appointed by the Board of Directors to deal with, and make decisions on landscape related issues, as provided by various provisions of the CC&Rs,
- Therefore, the Board of Directors of the Association does hereby establish the following Rules and Regulations:

**CONDITIONS**

The landscaping plan for the common areas of Hiller Highlands Four Association provides a common theme for the neighborhood, and is based upon a plant selection scheme that is appropriate for our dry, rocky and windy location and poor soil conditions.

Plant selection criteria include esthetics, ease of maintenance, deer tolerance and drought resistance. The LCC and landscape contractor work with a standard set of plants to ensure consistency of appearance throughout the neighborhood.

The Board of Directors annually executes a contract for landscape maintenance with a landscaping firm. The LCC makes recommendations to the Board regarding selection of the firm.

**RULES AND REGULATIONS**

1. All applicable provisions in the CC&Rs which apply to landscaping and use of common area property are considered to be part of the landscape rules.

The planting, irrigation, maintenance and repair of the common area and streetscape are the responsibility of the Association. All landscape work will be done at the direction of the LCC and in accordance with the approved landscape plan.

Owners shall provide their tenants and guests with notice of these landscape rules and regulations and shall be responsible for payment of fines and penalties assessed for violations by their tenants or guests.

Planted containers in and near entrances, and on decks and patios of individual units must be maintained by the home owner in a manner consistent with the surroundings:

- Dead plants must be removed promptly.
- Nursery containers need to be covered by terracotta or glazed pottery.

If any damage occurring to the common area landscape and streetscapes is the result of work or other activities done to or at an individual unit (such as painting, roofing, other construction), all costs related to the repair of the plantings will be the responsibility of the homeowner. Payments are due and payable within 48 hours after mailing of the notification by the Association.

Removal of plants, or pruning of existing plants in streetscapes or common area landscape by individual home owners or tenants is not allowed. Owners/residents should contact the LCC for desired alterations.

Walking across planted areas and hillsides is forbidden.

Dogs must be leashed and walked on paved surfaces only. Owners are responsible for picking up after their pets.

2. Homeowners may request modifications of plantings in the immediate vicinity of their homes. In which cases the following apply:
  - A detailed written request for change (including sketch) is submitted to the LCC
  - The LCC will review the request for change and advise the homeowner of its decision.
  - Costs of homeowner-initiated changes, including related irrigation, are the responsibility of the homeowner. The homeowner will be provided with a written cost estimate by the LCC which must be accepted in writing before work starts. Bills are payable and due to the Association when submitted by the LCC.
  - Purchase and installation of special request planting materials will be arranged by the LCC and the Association's Landscape Contractor will execute the work.
  - Approval will not be given for invasive plants or other plants which are generally incompatible with the master landscape plan.

#### **PENALTIES**

Any member who violates or permits a violation of these Rules shall be fined and pay the Association a penalty of forty dollars (\$40.00) upon written notification to said member for each violation and owner shall be liable for actual cost of any landscape replacement and any needed irrigation system repairs.

Original adopted and approved by the Board of Directors on 10/14/98, reaffirmed by the Board with minor revisions on 9/19/12.