

COMMON AREA TREE REMOVAL POLICY

The Board of Directors has the power under Article V, Section 2(m), of the Association's CC&Rs to adopt reasonable Rules and Regulations concerning the maintenance, improvement, use and/or occupancy of any portion of the Project. To further clarify the requirements for Common Area tree removal as stated in Article VIII, Section 29, of the Association's CC&Rs, as amended, and comply with City of San Clemente Resolution No. 16-70, the Board of Directors has adopted the following Common Area Tree Removal Policy:

1. No Owner shall remove or alter any tree in the Common Area. Any Owner requests for the Association to remove/replace trees in the Common Area shall be submitted to the Board for consideration as follows:
 - (a) Owner requests an application for Common Area tree removal/replacement from the Board. Owner must then submit a completed application to the Board for review.
 - (b) If the Board decides an application for Common Area tree removal/replacement has merit, the Board will request an evaluation from the Association's landscape maintenance contractor and engage the services of a third party arborist to inspect the tree(s), make a formal assessment of each tree's health and potential danger with the standards recognized and practiced by the International Society of Arboriculture, and provide a recommendation to the Board regarding removal/replacement.
 - (c) The Board will decide whether to approve or reject the application for Common Area tree removal/replacement. The removal and replacement of a tree will be authorized only when it meets at least one of the following criteria:

The tree is

- Dead/dying,
- Diseased,
- Dangerous,
- Destructive,
- Inappropriately centered in the intended view corridor area for a home (as identified in the plan view graphic in the City approved concept landscape plan), or
- A topped tree that cannot be crown restored.

If the application is approved, unless the tree(s) also require City approval pursuant to Subsection (d) below, the Board will then engage the services of the Association's landscape maintenance contractor or other third party contractor to remove/replace the designated tree(s). Replacement trees shall be planted within 60 days of application approval by the Board or by the City in the case of "skyline trees" subject to Subsection (d) below, whichever is later.

- (d) If an application is for removal/replacement of "skyline trees" (shown on the City approved concept landscape plan) along the top of a slope between Residences or trees along Avenida Vista Hermosa, Camino Vera Cruz, and Costero Risco, then such request will require a formal assessment of each tree's health-and potential danger from a third

party arborist and approval from both the Board and the City before any such tree can be removed/replaced by the Association. If the tree removal/replacement application is approved by the Board, the Board will then submit a request to the City for review/approval along with the following information:

- Map identifying the tree location
 - Description and condition of the tree, including photographs
 - Reasons for removing the tree, including arborist's recommendations
 - Proposal for replacement tree including location, type, and size recommended by arborist. If a replacement tree is not proposed, then the justification shall be provided.
2. Such requests shall be in compliance with the City approved landscape concept plan for the Project and the City's Hillside Development Ordinance (Municipal Code sections 15.40.010 - 15.40.080).

No revisions, changes, or termination of the provisions of this Policy by the Board of Directors shall be effective without the prior written approval of the City Attorney and the City Council of the City of San Clemente. The Association shall forward, or cause to be forwarded, to the Community Development Director, or designee, of the City of San Clemente, a written notice, delivered by certified or registered mail with return receipt requested, of any such revision, change, or termination requesting approval thereof.

Any revisions or changes of the provisions of this Policy by the Board of Directors shall comply with City approved landscape concept plan for the Project and the City's Hillside Development Ordinance (Municipal Code sections 15.40.010-15.40.080) unless otherwise approved by the City Attorney and the City Council of the City of San Clemente.

Adopted by the Board of Directors on 1/17/2019, ~~2018~~