

AUTUMN WOOD At Hunter's Field Homeowners Association

Third Quarter, 2015

July, August, September

Driveway Landscape Easement

Many Autumn Wood homeowners are not aware of the Driveway Landscape Easement (DLE) provision of the Association's primary governing document, the Codes, Covenants & Restrictions (CC&Rs).

Originally written in 1984 by the home builders, this literary passage was, (and is still) very closely coupled with the concept of Standard Zero-Lot Line Lots and specific adjacent Conventional Lots.

The details and intentions of the DLE were buried within the descriptions of lot placement in the earlier version of the CC&Rs. During the 2014 rewrite of the governing documents, the authors moved this covenant within Article IX *Easements*, in a paragraph of its own to provide visibility since it best fits that category, and rewrote it for clarity.

The most readily discernible impact on homeowners is the maintenance issue this brings into play.

9.4 Driveway Landscape Easements. The Developer reserved and established, and there are hereby reserved and established, exclusive easements appurtenant to certain Lots in the Development (hereinafter referred to as the "Dominant Lot") on, over, and across those portions of their respective adjoining Lot (hereinafter referred to as the "Servient Lot"), being a strip of land approximately two feet (2') in width and located between the side property line and the driveway on the adjoining Lot and between the front of the garage and the curb (hereinafter referred to as the "Driveway Landscape Easement Area"). The location of the Driveway Landscape Easement Areas is shown on Exhibit "A" attached hereto and the relationship of the Lots in the Development as Dominant or Servient Lots is set forth on Exhibit "C" attached hereto. The Driveway Landscape Easements created herein are not limited to Zero Lot Line Lots, but may also extend to Conventional Lots as shown on Exhibit "A."

(a) The Owner of the Dominant Lot shall use the Driveway Landscape Easement Area exclusively for landscape purposes and shall irrigate same and keep same in a neat, clean, safe,

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Redesigned Lawns For Waterless Days

Autumn Wood homeowners have been looking into alternatives when it comes to front yards. Many owners have proposed to install artificial turf, desert sand landscapes, moon rocks, or cement slabs, often coupled with myriad drought-resistant vegetation.

Before actually spending any funds, homeowners should review current restrictions, starting with the Association's governing documents. The CC&Rs only require that projects be approved by the Association via a Residential Improvement Application.

What Does The Simi Valley Municipal Code Say?

Since 2005, the City has required that at least 50% of the front yard be landscaped. This is called the required minimum landscape area. The front yard area includes driveways, walkways to the front door, landscaped space and the parkway strip between the public sidewalk and the street. It does not include the public sidewalk. The required minimum landscape area must include natural plants, and may include artificial turf and decorative items like fountains and boulders. A Zoning Clearance is required to use artificial turf in the front yard (SVMC 9-33.030).

Front Yard Landscape Area Standards

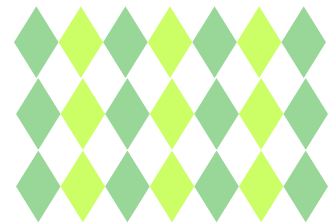
The required minimum landscape area should contain natural plants, such as

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*Contact the HOA at:
Board@autumnwood.org
to receive timely
messages from the
Board.*

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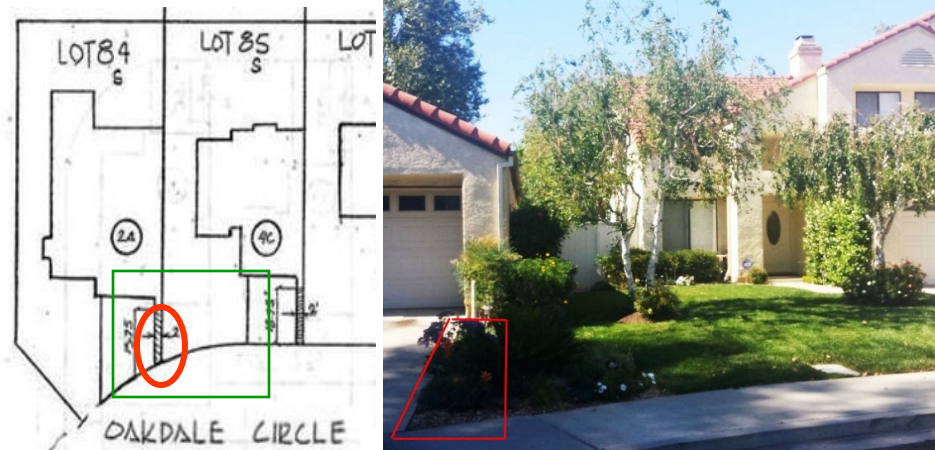
2015-2016 Board of Directors

Position	Director
President	Sean Wolpin
Vice-President	Frank Boardman
Treasurer	Rashmi Shah
Secretary	Monsef Sidrak
Member At Large	Joe Gibbons
Member At Large	Lee Mainval
Member At Large	Chris Hernandez

and in an attractive condition at all times in compliance with these CC&Rs and other Governing Documents.

(b) The Owner of the Servient Lot shall not interfere with the rights of the Owner of the Dominant Lot, but shall have the right to enter into negotiations with the Owner of the Dominant Lot with regard to landscape content.

In the examples shown - in the Exhibit A diagram, and on location - you can see what is being referenced. The element in red is the DLE.



Brown Lawns Must Be Maintained

The Simi Valley City Council is again reviewing stricter rules for irrigation.

During this difficult period, your Board will apply the guidelines of Civil Code §4735, whereby fines will not be assessed against homeowners “for reducing or eliminating the watering of vegetation or lawns during any period for which the Governor or local government has declared a drought emergency.”

However, the Code authorizes the Association to enforce those CC&R Articles which require homeowners maintain their Lot. This means your lawn can be brown but it must be maintained: neat, trim, and weed-free.

The red ellipse in Exhibit A’s diagram above depicts Lot 85’s responsibility to take care of the DLE next to Lot 84. The photo above shows Lot 85’s successful implementation of that responsibility.

In many cases, the “Dominant Lot Owner” understands the upkeep responsibilities intended by the builders and is already maintaining the little patch of land appropriately. That’s the reason the sprinklers were installed as they are. However, new residents and vendors may not be aware of the concept of Zero-Lot Lines, or Dominant/Servient relationships, or understand who takes care of that part of the property. Specifically, yard maintenance personnel most often fail to trim hedges or bushes on the Servient Owners’ side because they do not realize the extent of their responsibilities. Or just as often, Servient Owners will take care of ‘only their side’ and leave the rest. The photo right, is an illustration of this case.

The CC&Rs require Lots be “properly maintained” and homeowners are generally meeting that standard. Yet, in some cases, this misunderstanding of who-takes-care-of-what often results in a notification from the Association.

Another important note for the DLE is that hardscape installations may not be placed in this easement area. The easement paragraph is very clear about this.



The DLE is *exclusively for landscape purposes*. The hardscape exclusion is implied further with the continuation of that paragraph with, *and shall irrigate same*. City planners realize that although this Easement is technically part of one property, it can not be ‘delineated’ or ‘separated’ because of the authority assigned to the CC&Rs which were created by the Builder and endorsed by the City under the original building agreement.

The photo at left is an example of a well applied hardscape addition that does not infringe on the DLE.

Take a look at your configuration, and if need be discuss the DLE with your neighbors. Yes, both homeowners, because the Dominant/Servient relationship depends upon the driveway.

That’s the nutshell version of the Driveway Landscape Easement. The Easement created for painting your house (Article IX, paragraph 9.2) is a different story.



Focus On Residential Upkeep

For 2015, the Association is using a “seasonal approach” to help homeowners focus on common maintenance issues throughout the year.

Shown below are the most common findings for this quarter that will be examined by the walk-thru team.

Note however, blatant violations of any kind cannot go unaddressed regardless of the timeframe.

Summer	
* Satellite cables and/or electrical cable improperly installed down the side of the residence.	June
* Utility doors delaminated or in need of paint or repair.	August
Fall	
* Rain run-off stains on stucco of houses.	September
	October
* Storage of disabled or out-of-date registered vehicles in drive ways.	
* Trash cans not removed to proper storage after pick up.	
* Lawn maintenance; trimming, mowing, weeding.	
* Architectural changes not sanctioned by ARC.	

This community review - the walk-thru - is intended to preserve the visual aspect of the Association, the “curb appeal” as it is referred by real estate sales professionals. This is anyone’s first impression of the neighborhood that adds immediate value to the homes within.

The Board is evaluating this approach for implementation next year.

Homeowners should use this guide to schedule maintenance efforts and stay one step ahead of the walk-thru team.

Dead Tree Replacement Delayed

First, the White Birch trees in the Common Area became a problem when they were infected with beetles. The Association abated the plague with chemical injections and some removals.

Now, seven plum trees on the parkway along Oakdale Circle have trunks that are splitting because of drought conditions and are dying. The once splendid trees along the street in front of the HOA pool are failing because of last year’s heat, lack of adequate deep-root watering, and possibly, boring beetles. They must be removed.

The Board opened a hearing during the June Annual Association Meeting hoping to hear from homeowners regarding the issue of the removal of those trees: with or without replacement.

Replacement tree types suggested during Board discussions were Crape Myrtle, Ficus Nitida, Magnola, Pear, Camphor, or Tristana; all trees that use less water.

Without any input from homeowners, the Board voted to remove the dead/dying plum trees to avoid any blight or aesthetic issues, but also as a part of that motion, agreed to replant trees with two of the aforementioned types to maintain the bucolic appeal of the Common Area. The Board determined that any other tree additions will be considered when drought conditions improve, making replacement efforts sensible.

In addition, two more trees will be planted to fill in places left bare when diseased White Birch trees were removed, all at a cost of under \$7000.



Redesigned Lawns shrubs, trees, flowers, groundcover, and turf grass, although 75% of this landscape area may be covered by artificial turf. If artificial turf is used, the balance of the landscape area should use natural plants (artificial plants, trees, or shrubs other than artificial turf are prohibited).

Decorative features such as fountains, boulders, ponds, rock riverbeds, & pedestrian bridges may cover half of the required minimum landscape area, with natural plants covering the remaining area. The landscaping in the parkway strip must have natural plants; decorative pavers may also be used in the parkway. Artificial turf and solid concrete paving are prohibited in the parkway landscape area (SVMC 9-33.030, 9-34.090.B).

More Information

Save your time and money before starting your front yard landscape project! The City of Simi Valley Planning Division will help you to understand the code and help determine the required minimum landscape area for your front yard.

Call 805-583-6769 from 7:30 AM to 5:30 PM Monday through Friday, excluding holidays.

As of June 30th cut-off date, homeowners will incur a late fee of \$10 if the HOA assessment is posted by Union Bank **after** the 15th of the month. The Board of Directors will no longer waive this fee.



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The HOA Website:
<http://autumnwood.org>

Scheduled Directors' Meetings

When:	Jul 21	Aug 18	Sep 15
Where:	Poolside	Poolside	Poolside

HOA Pool area, 2248 Oakdale Circle, Simi Valley, CA

Union Bank Has A Way To Pay Your Assessment

Union Bank provides an on-line portal for Autumn Wood HOA homeowners to pay their assessments immediately.

To access this portal, set your browser to the address, "<https://secure.directbiller.com/pbills/payer/welcomeDirect.do?>" (or use the "On-Line Banking" link from the Autumn Wood HOA website).

For the block requesting, **Company ID - Association ID - Unit ID:**

Use: 0246 - 000605 - Your account number (eight digits with leading zeros as shown on your Statement of Account). Enter, 93063 as the Zip Code.

Using this On-line Payment method will assure immediate delivery as long as you realize that payments made **after** 2 pm Pacific Standard Time will be processed the next business day.

This method is quick and easy, using popular credit cards. However, a service fee will be added to your credit card.

Board Elections 2015-2016 Administrative Year

Just as in past years, this year's elections did not take place in June because a quorum could not be established. Less than thirty percent (30%) of the homeowners cast their ballots for the candidates; fifty-one percent (51%) of homeowner ballots [74 returns] are needed for a successful election.

However, the HOA governing document allows for a 50% reduction in that number of returns required for a quorum in the following month, thus eliminating the significant cost of another round of the entire election process within the same year.

Three seats on the 2015-2016 Board of Directors are up for grabs. Three incumbent Directors are running for re-election; Frank Boardman, Rashmi Shah, and Lee Mainwal are the names that appeared on the ballot. No new homeowners volunteered to run nor were any nominated.

Each candidate expressed their desire to run for a seat:

- ✓ Frank, as the current board president, promised continued success by the Board, despite the mediocre transition to a new management company.
- ✓ Rashmi, who was appointed to an interim position on the Board, believes she can effectively function in the Treasurer's position.
- ✓ Lee wishes to continue in his capacity as Member At Large, with continued contributions to pool security and the neighborhood in general.

The election results as well as organizational changes within the Board, will be posted on the bulletin board in the pool area and reported in next quarter's edition of the newsletter.

New Pool Furniture

Likely to arrive in early July, the Autumn Wood pool area will be getting new pool furniture..

Earlier this year, the Pool Committee staffer, Maria Chavez, researched, selected, and proposed a number of pool furniture items to the Board for consideration. The current furniture has been in place since 2009 and the Association deserves new pool items to complete the renovated look. The Board placed the proposal on the agenda for May but was unable to convene to act upon it for that month.

In June, again the Board was unable to act upon the proposal when the Association failed to meet quorum requirements for the Annual Association Meeting. But a motion was passed at the June Board (Business) Meeting to fund and procure the items. The old furniture will be donated to Habitat For Humanity.

New recliners, new tables with chairs, and (as an addition this year) small side tables for the recliners will be distributed throughout the pool area completing the 'resort look' started last year. The Board believes homeowners will appreciate Maria's efforts and enjoy the new furniture.

