

SUMMARY OF MAY, 2008 REVISIONS TO ARCHITECTURAL GUIDELINES

Section II, Para. C	ATTIC VENTILATION	Solar fans are permitted.
Section II, Para. I	FENCES	Vinyl fencing is permitted. Powdered aluminum changed to “powder coated aluminum”.
Section II, Para. K	GARAGES, VEHICLES AND PARKING	Combined “GARAGES, VEHICLES AND PARKING”. Added example “if you own 3 cars and have a two-car garage you must park 2 cars in the garage”.
Section II, Para. M	LANDSCAPING AND IRRIGATION	“Artificial turf” is permitted.
Section II, Para. P	PATIO COVERS & GAZEBOS	Title changed to “PATIO COVERS, GAZEBOS, SUNROOMS, AND CABANAS”. Roll up shades are permitted between the supportive posts of patio covers. Under building material permitted, vinyl and composite wood products have been added. Portable gazebos are permitted in rear yards only. Attached Sunrooms are permitted in rear yards only. Retractable patio covers are permitted in rear yards only.
Section II, Para. R	RECREATION AND PLAY EQUIPMENT	“Basketball apparatus” was moved to this section. Portable basketball hoops, (where allowed by Neighborhood Association Guidelines), must be removed from view when not in use.
Section II, Para. V	SHADES AND AWNINGS	Retractable and permanent shades and awnings are permitted in rear yards only.
Section II, Para. X	SOLAR COLLECTOR	Title changed to “SOLAR ENERGY SYSTEMS” Photovoltaic, solar fans, and solar energy producing systems are permitted.
Section II, Para. AA	WINDOWS AND WINDOW TREATMENT	Replacement vinyl windows and patio doors are permitted.

The remainder of the revisions to the Architectural Guidelines primarily concerns structure, organization and editing to make the document easier to use for homeowners wishing to make home improvements, and to provide more concise guideline definitions for the CABH Architecture Committee.

**COMMUNITY ASSOCIATION
OF BERNARDO HEIGHTS**

ARCHITECTURAL GUIDELINES

ADOPTED JULY 24, 2008

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CABH ARCHITECTURAL GUIDELINES**

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SECTION I. ARCHITECTURAL GUIDELINES OVERVIEW

A. OBJECTIVES

This document is a guide for members of the Community Association of Bernardo Heights (CABH) Community Architectural Committee, the Neighborhood Association Architectural Committees, and Bernardo Heights property owners. The purpose of these guidelines is to increase the awareness of the ways in which the integrity of the Bernardo Heights Master Plan is preserved and of the responsibilities that homeowners must assume in this process. These guidelines are broad based and address exterior improvements for which homeowners most commonly submit applications. They are not intended to be all-inclusive.

The specific objectives of these guidelines are:

- To describe architectural improvements that are both acceptable and not acceptable in accordance with the Codes, Covenants, and Restrictions (CC&Rs) of Bernardo Heights. This description is intended to assist residents in developing exterior improvements that are in harmony with their immediate neighborhood and the community as a whole.
- To provide uniform guidelines to be used by the Architectural Committees in reviewing applications based on the standards set forth in the CC&Rs of Bernardo Heights.
- To increase residents' awareness and understanding of the CC&Rs and assist residents in preparing an accurate and complete application, and "Notice of Completion" (NOC) Form to be submitted to the Community Architectural Committee.

All residents benefit from the planning and design continuity that is an important part of the character of Bernardo Heights. The intent of controls placed on architectural modifications is to assure residents that the standards of design quality will be maintained. These standards, in turn, protect property values and enhance the overall environment of Bernardo Heights.

These guidelines address only exterior modifications made by homeowners to their property. The Community Architectural Committee also reviews plans for all new construction by builders, developers, and for major renovations proposed for condominium and apartment complexes, subject to the CC&Rs.

These guidelines may be amended from time to time. It is anticipated that changes will be primarily additive and will not involve substantive modification to the existing guidelines. These guidelines may also be amended to reflect changed conditions or technology. The Community Architectural Committee will conduct a yearly evaluation of these guidelines to determine if amendments are required. Homeowners may also submit requests for additions or changes to these guidelines to CABH.

B. DECLARATION OF CODES, COVENANTS, AND RESTRICTIONS (CC&Rs)

Basic control for maintaining the quality and continuity of design in the Bernardo Heights community is based on the Declaration of CC&Rs, which are included in every Bernardo Heights property ownership deed.

The CC&Rs establish the Bernardo Heights Community Homeowners Association and the Community Architectural Committee. The Community Architectural Committee ensures that exterior modifications comply with the standards set forth in the CC&Rs. This process involves the regular review of all applications for exterior modifications submitted by homeowners.

Every Bernardo Heights homeowner should have received a copy of the CC&Rs at close of escrow. However, all too frequently this information is not provided, particularly in the case of a resale, or when provided, the CC&Rs are not reviewed by the new homeowner. Since these covenants "run with the land," they are binding for all homeowners and should be fully understood.

C. CABH ARCHITECTURAL COMMITTEE REVIEW CRITERIA

The CABH Architectural Committee evaluates all applications on the individual merits of the application. In addition to evaluation of the particular design proposal, the review includes consideration of the characteristics of the housing type and the individual site. What may be an acceptable design for an exterior in one instance may not be for another. For example, exterior changes to condominiums and townhomes, due to their close physical proximity to each other, usually are more noticeable and can have more of an impact on adjoining properties than exterior changes to detached homes. Fences, in particular, can have damaging effects on visual quality. Other factors such as the removal of trees, disruption of natural topography, and changes in the rate or direction of storm water runoff, also have the potential to adversely affect Bernardo Heights slope areas.

Judgments of an application and acceptable design are based on the following criteria, which represent in more specific terms the general standards of the CC&Rs.

1. Applications are reviewed to confirm that the proposal conforms to Article VIII (Community Architectural Control) of the CC&Rs.
2. The proposed modifications and/or improvements must be compatible with the architectural characteristics of the applicant's home, adjoining homes, and the neighborhood setting. Compatibility is defined as similarity in architectural style, quality of workmanship, similar use of materials, color, and construction details.
 - The proposed alteration should relate favorably to the landscape, the existing structure, and the neighborhood.
 - The primary concerns are access, view, sunlight, ventilation, drainage, height, visibility, sight, sound, and color.
3. The proposal should be compatible with the overall concept of the open space plan of the Bernardo Heights Community. The overall Master Plan has linked neighborhoods with

landscaped "green belts". Removal of trees and additions of non-compatible improvements may have a damaging effect on visual quality.

4. Each neighborhood within Bernardo Heights has individual characteristics and the proposed alteration should be complementary to existing structures and improvements. To that end, the Neighborhood Association Architectural Committees are also required to submit an application to the CABH Architectural Committee for architectural improvements such as the change of neighborhood color palates and modifications to entry/exit monuments.

D. CABH ARCHITECTURAL COMMITTEE APPROVAL

Article VIII, Paragraph 8.1 (Community Architectural Control) of the CC&Rs explicitly states that all proposed changes or alterations to the exterior of one's property require the approval of the CABH Architectural Committee. Further, once a plan is approved, it must be abided by, or a modification must be approved in accordance with Article VIII, Paragraph 8.9 (Proceeding with Work) of the CC&Rs.

It is important to recognize that the requirement for CABH Architectural Committee approval encompasses major home alterations such as adding a room or a deck, and such items as changes in color, landscaping, and materials. Approval is also required when an existing item or feature is planned to be removed.

The architectural process requires the homeowner to submit three (3) copies of an "Application for Home Improvements" in its entirety including the application itself, plans, drawings, and supporting documentation including pictures and vendor brochures if applicable. The application form must include neighbor's notification signatures, and the approval of the Neighborhood Association Architectural Committee (stamp and signature). Please refer to Appendix B for a copy of the "CABH Application for Home Improvements" form.

As noted in Article VIII, Paragraph 8.9 (Proceeding with Work) of the CC&Rs, "the owner shall complete the construction, reconstruction, refinishing, or alteration of any such improvement within one (1) year" after receipt of the notice of approval. The "Notice of Completion" (NOC) form, which is mailed to the homeowner with the notice of approval, is to be signed and submitted to the CABH Architectural Committee when the approved work has been completed. A copy of this form is included in Appendix B, and copies can also be obtained at the web site (www.bernardoheights.org) or from the CABH community center.

Each application is reviewed on an individual basis. There are no "automatic" approvals. A homeowner who plans to construct a deck, for example, identical to one currently in place which was previously approved by the Community Architectural Committee, is still required to submit an application. In every case, an application must be submitted and reviewed so that specific implications of location and impact on surroundings are considered.

E. NEIGHBORHOOD ASSOCIATION ARCHITECTURAL COMMITTEES

Neighborhood associations may have developed their own guidelines for exterior alterations. These guidelines may be more restrictive than those contained in these CABH guidelines. When neighborhood association guidelines are more restrictive than the CABH guidelines, the neighborhood guidelines take precedence.

The use of Neighborhood Association guidelines can be quite useful, particularly in establishing design continuity. The homeowner must first submit an application to the Neighborhood Association Architectural Committee for approval before it is submitted to the CABH Architecture Committee.

Individual Neighborhood Association Architectural Committee time frames for application review may vary. Verification of individual time frames can be made by reviewing the Neighborhood Association's architectural procedures or by contacting the Neighborhood Association's architectural committee or management company. Following approval by the Neighborhood Association Architectural Committee, the application is forwarded to the CABH Architectural Committee for review. In compliance with the CC&Rs, the CABH Architectural Committee meets twice monthly, reviews and renders a decision (either an approval or denial) on all applications within 30 days of receipt.

F. VARIANCE PROCEDURE

The architectural guidelines are designed to preserve property values and create aesthetic harmony throughout the community. As each lot and unit is unique, certain improvements may be desired by a homeowner that may be in conflict with these guidelines. A variance may be requested when an owner wishes to make those improvements that are prohibited in these guidelines.

The applicant shall include a completed "Application for Architectural Variance" form (a copy is included in Appendix B) which includes:

1. A detailed diagram of the improvement in relation to the plot plan, indicating where the improvement exceeds or does not comply with the guidelines.
2. A statement of the special circumstances applying to the lot or unit and how this lot or unit is uniquely affected as opposed to other lots or units in the neighborhood.
3. An explanation (including supporting illustrative information) of how the improvement variance will be harmonious with the existing character and structures in the neighborhood.
4. The signature of all homeowners who will be affected by the proposed architectural change(s) as requested via the variance process. The required signatures include those of neighbors on both sides, across the street, or in a development above or below the applicant's home.

The Community Association will not approve plans of any kind for a homeowner who has been reported, in writing, by their Neighborhood Association to be in violation of their rules and guidelines. A written notice of violation resolution shall be required before the affected homeowner can receive further CABH plan approvals.

G. CITY AND COUNTY PERMITS

Approval by the CABH Architectural Committee for any improvement does not waive the necessity of obtaining required San Diego city and county permits. Similarly, obtaining city and county permits does not waive the need for Architectural Committee approvals, at either the Neighborhood or Community level, prior to construction. Rulings and information on city permit requirements may be obtained from the City of San Diego Building Inspection Department.

H. MAINTENANCE

Property ownership includes the responsibility to properly maintain all structures and grounds, including future improvements that are a part of the property. This responsibility includes, but is not limited to, items such as mowing grass, removal of trash, and structural maintenance. Maintenance affects the visual character, economic values, and safety of the property and the neighborhood. These issues often are best dealt with at the neighborhood level; therefore, when in doubt, contact your Neighborhood Association Architectural Committee.

I. DISRUPTION OF COMMUNITY COMMON AREA

Community Common Area that is damaged or disrupted due to the installation or construction of an individual owner's improvement shall be restored to its original state at the owner's expense. Any improvement plan requiring placement of electrical lines, sewer lines, or gas lines over or under the Community Common Area is to fully detail the exact location of such lines in relation to the owner's lot or unit.

J. ARCHITECTURAL VIOLATIONS

An architectural violation can occur when a homeowner fails to comply with the CC&Rs, the CABH Architectural Guidelines or their community association's guidelines, which may be more restrictive than the CABH Architectural Guidelines.

When a homeowner is in violation, they may be notified by their community association or by CABH and asked to remedy the violation.

If the violation is for an issue that does not require an application for architectural improvement, the homeowner simply needs to remedy the violation.

If the violation is for an improvement that requires an application, the homeowner is required to follow the process for obtaining an architectural approval.

Upon receipt of the CABH architectural approval the homeowner may commence with the property improvement(s).

In accordance with Article VIII, Paragraph 8.10 (Inspection and Correction of Work) of the CC&Rs the homeowner is required to notify the Community Architectural Committee, in writing, upon completion of work.

The homeowner has one year from the date of approval of the application to complete the work. A "Notice of Completion" (NOC) form is mailed to the homeowner along with the notice of approval for the improvement application.

The NOC FORM is to be signed and submitted to the CABH Architectural Committee when the approved work has been completed.

Within 60 days of receiving the NOC, the CABH Architectural Committee will verify or inspect the improvements to determine compliance with the approved plans. In the event the improvement does not comply with the approved plans, the improvement will be deemed a violation.

K. REPORTING OF VIOLATIONS

The Community Association does not actively seek out violations. Instead, it relies upon homeowners to comply with and support the rules and restrictions contained in the CC&Rs, the CABH Architectural Guidelines or their community association's guidelines, which may be more restrictive than the CABH Architectural Guidelines. When residents become aware of a potential violation, they should first report it to their Neighborhood Association. In some cases, the Association or Committee responsible for enforcement may require a written notice of the alleged violation from the affected resident(s). An investigation will be conducted to verify the violation and accomplish enforcement procedures if required.

L. SAN DIEGO ORDINANCES AND MUNICIPAL CODES

A number of San Diego City Ordinances have been issued which, like the Community Association CC&Rs, are designed to improve and preserve the appearance of San Diego as a place to live and work. These City Ordinances are in full force and effect within the Community, and can be enforced by the San Diego Police Department. If violations of these ordinances are of concern to some residents, they may be reported to the Community Services Officer of the Police Department. A listing of some of the San Diego City Ordinances and Municipal Codes, which may affect activities within the Community, is attached as Appendix A.

A copy of the San Diego City Municipal Code is available in the Rancho Bernardo Branch Library. Copies of City Ordinances may be obtained from the City Clerk's Office, City Administration Building, 202 "C" Street, San Diego, 92101.

SECTION II. ARCHITECTURAL RULES AND GUIDELINES

A. AIR CONDITIONERS

1. Units extending from windows are prohibited.
2. Compressors and equipment are to be screened from view by fencing or landscaping.
3. If air conditioning was offered as an option and was not installed by the builder at the time of purchase, equipment must be located in the same area in which the optional unit would have been installed.

B. ANTENNAS

1. All outside radio antennas and transmission facilities are prohibited.
2. Also see Section II.T (SATELLITE EQUIPMENT).

C. ATTIC VENTILATION

1. Ventilators or other mechanical apparatus requiring roof installation are to be as small as is functionally possible and are to be painted to match the roof color. Units are to be located in the least visible area of the roof and may not extend above the ridgeline.
2. Solar fans are permitted.

D. BARBECUES, PERMANENT

1. The application for permanent barbecues is to provide the following information:
 - a. A dimensioned site plan and elevation drawing(s) showing the location of the barbecue in relation to the house and the lot lines.
 - b. A description of the barbecue, the material to be used, and the color.
2. Permanent barbecues are to be located in the rear yards only.
3. Location should take into consideration the relation of the barbecue to neighboring property.
4. Consideration is to be given to the smoke drift so as not to disturb adjacent homeowners.

E. CLOTHESLINES

Clotheslines are prohibited.

F. DECKS, BALCONY AREAS, AND EXTERIOR PATIOS

1. Should be furnished to provide a neat appearance.
2. Should not be used for storage of any kind including, but not limited to, bicycles, boxes, sporting gear, and the like.
3. Should not be used for laundering of clothes or outside drying of any kind.

G. DOG HOUSES

1. Doghouses are permitted but must be located in the rear yard only and at least 15 feet from the side yard lot line.
2. Must adhere to the criteria set forth in Section I.C, (CABH ARCHITECTURAL COMMITTEE REVIEW CRITERIA).

H. ENTRANCE GATES

1. Refer to the Neighborhood Association Architectural Guidelines.
2. Rear yard gates - refer to Section II.I (FENCES).

I. FENCES

1. The homeowner or Neighborhood Association must maintain the builder supplied rear yard fencing. Additional fencing matching the existing fence may be added, but none shall be removed. Fence style, materials, and finished color are to be compatible with the Neighborhood Association Architectural Guidelines and the applicant's home.
2. Fencing in front yards is prohibited. Any desired screening of the front yard is to be accomplished through landscaping. Hedges used in this manner are not to exceed 35 inches in height.
3. Placement of the fence and support structures may not interfere with adjacent Community Association sprinkler systems nor may they be constructed over irrigation lines.
4. Fence construction requirements:
 - a. All supportive posts are to be set in concrete.
 - b. The tops of all fences are to be horizontal with vertical members remaining plumb.
 - c. Stepped fencing is permissible where the grade slopes.
 - d. Fencing which is finished on one side must have the finished side facing away from the applicant's property.
5. Fence styles and materials: Only the styles specified below are permitted for side and rear yard fences. Material for side yard fencing will be given special consideration depending on its exposure to the neighborhood. Masonry and wrought iron styles may be combined; however, the total heights cannot exceed 6 (six) feet. Two fences may not be placed in front of one another.
 - a. Wrought iron fence or wrought iron style must have a painted finish or a powder coated finish.
 - b. Powder coated aluminum is permitted.
 - c. Solid wood fence - privacy fence:
 - i. Maximum height is 6 feet.
 - ii. Must be painted to match the color or trim of the applicant's home.
 - iii. Consideration should be given to shadowing or view obstruction of adjacent property when utilizing a solid fence.
 - d. Masonry walls; cinder block; brick walls:
 - i. Block walls must be stucco "color coded" to match the Neighborhood Association Guidelines.
 - ii. Solid block wall, including the cap trim if used, shall not exceed six (6) feet in height (measured from the wall foundation).
 - e. Vinyl fencing manufactured by the "mono-extruded" process (or equivalent) is permitted. The style and color should be compatible with the applicant's home and the Neighborhood Association guidelines.
6. Pool or spa areas are to be protected in accordance with San Diego municipal codes. Where fencing is used, it must be wrought iron style only or a combination 30" high solid fence with wrought iron style top.
7. Gates:
 - a. Gates are to be of the same or compatible fencing material.
 - b. Gates are not to extend above the fence/wall line and may be rounded.
 - c. No openings or gates may be cut into the neighborhood common fences of Bernardo Heights.

J. FIREPLACES, CHIMNEYS, AND FLUES

1. The exterior appearance of a fireplace must be harmonious with the existing or new structure.
2. Where metal flues are used for pre-fabricated fireplaces, the roof vent must conform to the standards listed in Section II.C (ATTIC VENTILATION).

K. GARAGES, VEHICLES AND PARKING

1. Storage in garages, which does not permit maximum vehicular parking, is prohibited. All residents shall use their garages and/or parking spaces for the parking of passenger vehicles. Example: If you own three cars and have a two-car garage you must park two cars in the garage. If you own three or more cars and have a three-car garage you must park three cars in the garage. No garage shall be converted to any use that prevents the storage of the number of automobiles for which it was built. No garage shall be converted or used for living or business purposes. Vehicles should be parked inside garages whenever possible, rather than on driveways or private streets within the community. Garage doors shall be kept closed at all times, except for normal ingress and egress.
2. Replacement garage doors are subject to Neighborhood Association Guidelines and approval.
3. Residents and guest are required to use caution when operating motor vehicles on private streets within the Bernardo Heights Community. No person shall operate a motorized vehicle within the private streets without proper licensing.
4. The following restrictions apply to vehicles and parking:
 - a. Vehicles shall be maintained in proper operating condition so as not to be a hazard or nuisance by noise, exhaust emissions or appearance.
 - b. No vehicle shall be parked in such a manner as to impede or prevent ready access to another owner's assigned parking space, driveway, or garage. See San Diego Ordinance and Municipal Code, section 101.0803.
 - c. Parking areas shall not be used for any purpose other than to park passenger vehicles, excluding all other motor vehicles, i.e., no inoperative or junk vehicles, commercial vehicles, recreational vehicles, trucks larger or longer than a regular pickup or equivalent, tractors, buses, trailers, campers, motor homes, mobile homes, off-road motorcycles, boats, fresh-water or sea-going vessels, or equipment of any kind; except that such other motor vehicles may be parked by occasional visitors and in connection with deliveries and/or service performed at the property.

L. GUTTERS AND DOWNSPOUTS

1. Must be painted to match existing trim or stucco.
2. Run-off from gutters must not affect adjacent property and is to be directed to the street or through drainpipes to the city drain system.

M. LANDSCAPING AND IRRIGATION

1. Applications for landscape are to include:
 - a. A site plan showing the location of the house on the lot and the location of plants and other details.
 - b. A listing of the plant material and the mature size of the plants.

- c. Details regarding the dimensions, materials, color, and finish of planters and retaining walls.
- d. Details regarding irrigation lines and drainage.
- 2. Plants are not to encroach on walkways or block walkway lighting.
- 3. Irrigation lines are to be subterranean and drip systems are encouraged.
- 4. Sprinklers are to be adjusted so as not to spray adjacent properties or public sidewalks.
- 5. Appropriate drainage is to be supplied and directed to the street to prevent run-off onto adjacent or common area properties.
- 6. Artificial turf is allowed for both front and backyard landscaping in accordance with Neighborhood Association Architectural Guidelines.
- 7. The homeowner is required to perform regular maintenance, repair, and replacement of landscaping materials.
- 8. Garden hoses are to be hidden from view.

N. ARTIFICIAL TURF GUIDELINES

In an effort to recognize the need for water conservation, artificial turf will be considered on a case-by-case basis subject to the following requirements. These guidelines represent the minimum requirements for installation and maintenance of Artificial Turf on homeowner's property that is visible from the adjacent public or common area. Ref: Civil Code §4735(a). Previously approved applications for artificial turf are grandfathered in.

Minimum requirements are as follows:

- 1. Homeowner submittal must include a plot plan detailing area(s) to be covered, photo(s) of area(s) where artificial turf is to be installed, identify all materials proposed for use, and provide a sample of the artificial turf material proposed for installation. The area may consist of artificial turf with a mix of ground cover, bushes, hardscape, or trees.
- 2. Indoor or outdoor plastic or nylon carpet shall be prohibited.
- 3. Once installed, artificial turf must be maintained like any other landscaped area and is to remain free of weeds, debris, and animal waste.
- 4. It is recommended that installation be performed by a licensed contractor who holds an active C27 (Landscaping Contractor License) and/or Synthetic product installation license. A minimum of three to five inches (3"-5") appropriate compactable aggregate base with subsequent or additional imported base materials and fabric layers, is required. Surfaces must appear seamless and uniform in direction. Edges must appear natural and well groomed.

O. LIGHTING - EXTERIOR WALKWAY AND SECURITY LIGHTING

1. Application to indicate the location of the lights and the area they will illuminate. Lights are not to be directed outside the applicant's property.
2. Proposed fixtures are to be compatible with the applicant's home in style and scale. Include a sketch or picture of the fixture(s) and indicate the wattage of the lights
3. Solar lights are encouraged.

P. PAINTING - EXTERIOR

1. Any applications for exterior painting need only be submitted to the Neighborhood Association Architectural Committee for approval.
2. Paint colors are established by the Neighborhood Association Architectural Guidelines in concert with the overall color palate of the CABH.
3. Any changes to the current neighborhood color palate must be reviewed and approved by the CABH Architectural Committee.

Q. PATIO COVERS, GAZEBOS, SUNROOMS, AND CABANAS

1. Patios and decks shall be located in rear yards only.
2. Application for patio covers is to include:
 - a. A dimensioned site plan and elevation drawing(s) showing the location of the existing features and the proposed improvement in relation to the house and the lot lines.
 - b. Description of the proposed improvement configuration, material to be utilized, and color.
3. Patio configuration requirements:
 - a. Patio covers may be freestanding or attached to the existing structure. Also, see the Neighborhood Association Architectural Guidelines for details.
 - b. Supportive posts shall not exceed 6" x 6" cross section.
 - c. No fixed siding, fencing, or screening of any type is permitted between the supportive posts of patio covers. Handrails are acceptable.
 - d. The Community Architectural Committee must approve the style, color, and material of roll up shades placed between the support posts of patio covers.
 - e. Solid patio covers:
 - i. Solid covers may not exceed 400 square feet.
 - ii. Skylights in solid patio covers are permissible.
 - iii. Provisions for drainage from patio roof covers must be made. Run-off is not to affect adjacent properties.
 - f. There is no maximum size of open or lattice patio covers.
4. Building materials may include wood, aluminum type with wood grain simulation, vinyl, and composite wood products. It is strongly suggested that fire resistant materials be used for patio covers.
5. Gazebos:
 - a. Gazebos (permanent, built-in place) are considered in all respects to have the same requirements as patio covers except that side rails or walls are permitted to a height of three (3) feet from the floor if such walls do not restrict a neighbor's view. Gazebos must be in proportion and compatible to the home, lot size, and must match the style and color of the roof of the applicant's home.

- b. Portable Gazebos and/or Cabanas are permitted in rear yards only. The colors must comply with the Neighborhood Association guidelines and be harmonious with the applicant's home. Placement that obstructs a neighbor's view shall be avoided.
- 6. Attached Sunrooms are permitted in rear yards only. The colors must comply with the Neighborhood Association guidelines and must be harmonious with the applicant's home. Roofing material must be similar to the style and color of the applicant's home. See Section II. S. (ROOM ADDITIONS).
- 7. Garden windows are permitted.
- 8. Retractable patio covers are to be located in rear yards only. Front and side yard placements are not permitted. Color must be harmonious with the applicant's house and in accordance with the Neighborhood Association guidelines.

R. PATIOS AND GROUND DECKS

- 1. Patios and decks are to be located in rear yards only.
- 2. Application for patio or deck is to include the following:
 - a. A dimensioned site plan-indicating location of patio or deck in relation to the existing house, features, and lot lines.
 - b. Elevation drawings.
 - c. Listing of materials colors and finishes, texturing or installation of pavers is acceptable.
 - d. Drainage provisions for flow or run-off.
- 3. Materials and final color are to be harmonious with applicant's house.
- 4. Adequate drainage is to be installed to prevent standing water and run-off onto adjacent properties.
- 5. Wooden decks are to be stained to be compatible with the applicant's house.
- 6. Railings are acceptable providing no patio cover is installed. See Section II, P (PATIO COVERS, GAZEBOS, SUNROOMS, AND CABANAS) for details.

S. RECREATION AND PLAY EQUIPMENT

- 1. Permanent playground apparatus shall be confined to the back yard of the home.
- 2. Portable basketball hoops (where allowed by Neighborhood Association Guidelines) must be removed from view when not in use, and must adhere to criteria set forth in Appendix A (SAN DIEGO ORDINANCES AND MUNICIPAL CODES), Ordinance 11196, Code 59.5.0101 (Noise Abatement and Control).

T. ROOM ADDITIONS

- 1. The requesting homeowner must obtain a City of San Diego building permit approving the addition structure and specifications for penetration and support.
- 2. Applications for room additions must include:
 - a. A dimensioned site plan and elevation drawing(s) showing the location of the proposed addition in relation to the existing house, other features, and the lot lines.
 - b. Changes in grade which will affect drainage are to be indicated in application. Provisions must be made to prevent run-off to adjacent properties.
- 3. General Room Addition guidelines:

- a. Room additions or alterations are permitted in the rear yard only and shall be limited to 20% of the livable square feet of the house or 400 square feet, whichever is smaller.
 - b. Detached room additions are prohibited.
 - c. Room additions are to be compatible in scale, materials, and color with the applicant's house.
 - d. Major features of the house such as the vertical and horizontal lines, projections and trim details are to be reflected in the design of the addition.
 - e. New windows and doors are to relate well with those existing exterior openings.
 - f. Consideration must be given to impairment of view, sunlight, and natural ventilation to adjacent properties.
4. Materials for construction are to be stored in the least conspicuous area. Excess debris and material is to be removed from the site daily or stored in a suitable dumpster.

U. SATELLITE EQUIPMENT

Both the Neighborhood Architectural Committee and the Community Architectural Committee adhere to all Federal and state regulations. Installation of satellite dishes is assured by decision of the Federal Communication Commission. An application must be submitted to the Neighborhood Architectural Committee. Each device should be installed so as to be hidden from view from the street whenever possible.

V. SCREEN DOORS

Refer to your Neighborhood Architectural Guidelines for details.

W. SHADES AND AWNINGS

1. Shades and awnings, either retractable or permanently fixed, over patios, windows, and doors are permitted in rear yards only. Front and side yard placements are not permitted.
2. Materials are to be constructed of fabric only (except the frames), all other materials are prohibited.
3. Materials are to be sun and mildew resistant - for example "Sunbrella outdoor fabric" or equivalent.
4. Colors and or patterns must be harmonious with the applicant's house and in accordance with Neighborhood Architectural Guidelines. No advertising of any kind is permitted.
5. The homeowner is required to perform regular maintenance, repair and replacement of awning materials and component parts.

X. SIGN POLICY

1. Only 9 x 12 directional signs for open house and garage sales procured from the CABH community center are permitted. Please contact the CABH community center for details.
2. Advertising signs are not permitted on medians throughout Bernardo Height's property. No person shall use a directional sign on CABH owned or maintained property unless such sign and usage complies with these rules.
3. All non-conforming signs, balloons, and flags, shall be removed by CABH personnel, these will be discarded if not claimed within 48 hours. After the first offense, CABH will impose a \$20 fine per individual for posting non-conforming signs.

- THIS POLICY APPLIES TO CABH COMMON AREAS ONLY; RESIDENTS SHOULD ALSO CHECK THEIR INDIVIDUAL NEIGHBORHOOD ASSOCIATION’S SIGN POLICY.

Y. SOLAR ENERGY SYSTEMS

1. In compliance with current California Code 714, photovoltaic, solar fans, and solar energy producing systems are permitted.
2. The application for a solar system must include the following:
 - a. A detailed and dimensioned placement and location plan of the solar energy system or other solar application on the property including relationship to the house and lot lines.
 - b. The requesting party must obtain a building permit from the City of San Diego approving the structure and specifications for penetration and support (if applicable).
 - c. The plans submitted must be approved by a registered professional mechanical engineer or licensed mechanical contractor.
 - d. The application must reflect the disclosure of any easement or neighborhood maintenance agreement (for example: with a utility company or master or Neighborhood Association). In event of such an agreement, a release of indemnity and or liability may be required.
3. General installation requirements:
 - a. The system selected shall be approved by the Neighborhood Architectural Committee prior to submittal to the CABH Architectural Committee.
 - b. Systems are to be concealed, camouflaged and unobtrusive without significantly compromising the effectiveness and or significantly increasing the cost of the system (CA. Civil Code 714).
 - c. The location of trees on Community Association slopes should be considered prior to installation of collectors. Community Association trees will not be removed due to obstruction of sunlight to collectors.
 - d. The installation of solar energy systems may be restricted in common areas to those systems approved by the association.
 - e. The homeowner of a separate interest may be required to obtain approval of association for installation of solar energy system in a separate interest owned by another.
 - f. A homeowner must execute a License and Indemnity Agreement (condominium situation) in favor of the Association, the cost of which is borne by the requesting party.
 - g. The homeowner is required to provide for maintenance, repair, and or replacement of component parts of solar energy systems.

Z. STORAGE SHEDS AND GREENHOUSES

1. Application for storage sheds and greenhouses are to show:
 - a. A dimensioned site plan and elevation drawing(s) showing the location of the proposed shed/greenhouse in relation to existing structures, features and lot lines.
 - b. A description of the shed/greenhouse, the materials to be used, and the color.
2. General shed and greenhouse guidelines.
 - a. All storage sheds and greenhouses are to be located in rear or side yards.
 - b. Materials, color and style of sheds are to match existing structure.
 - c. Pre-fabricated metal sheds are prohibited.

- d. All sheds are to have four sides.
3. All pool or spa equipment is to be enclosed. Adequate provision for ventilation and sound proofing must be made for this type of equipment.

AA. SWIMMING POOLS AND SPAS

1. The San Diego municipal code requires protection of pools and spas by a five-foot (5') fence or other means. When a fence is used, it must be wrought iron style or a combination 30" solid base fence with wrought iron top. Spa covers must also conform to San Diego Municipal Code.
2. Application for a spa or pool is to include the following:
 - a. A dimensioned site plan drawing showing the location of spa or pool and equipment enclosure in relation to existing structure(s) and property lines.
 - b. Drainage provisions and detail.
 - c. A description of the material for decking and equipment shed details.
 - d. Detail on fencing to surround pool or spa or other security methods such as spa cover and lock.
3. Permanent above ground pools are prohibited. Portable or above ground spas are permissible.
4. Spa or pool equipment is to be enclosed and to be placed so as not to disturb neighbors. See section II.Y. (STORAGE SHEDS AND GREENHOUSES).
5. Plumbing lines to spa or pool must be subterranean or concealed.

BB. WINDOWS AND WINDOW TREATMENTS

1. Wrought iron bars of any type are prohibited on windows.
2. Interior windows treatments are to be maintained. Wear and tear, missing parts are not to be visible from the street or from neighbor homes.
3. Replacement vinyl windows and patio doors are permitted.

APPENDIX A

**SAN DIEGO
ORDINANCES AND MUNICIPAL CODES**

Ordinance Number	Code Section Number & Subject
1. 10614	86.09 PARKING ON PRIVATE PROPERTY - PROHIBITED No person shall park a vehicle in a private driveway without consent of the owner of the property. 86.09.06 PARKING IN EXCESS OF 72 HOURS - PROHIBITED No person shall park or cause to be parked any vehicle on any street or highway in excess of 72 hours.
2. 9417	86.27 PARKING OF HEAVY DUTY COMMERCIAL OR OTHER VEHICLES IN RESIDENTIAL DISTRICTS No person shall park a vehicle of this type that is 20 feet or more in length or 6 feet 8 inches in width for more than 3 hours except when loading or unloading.
3. 9894	81.10 REMOVAL AND DISPOSAL OF ABANDONED, ETC. VEHICLES NOT ON HIGHWAYS Any vehicle located on property other than a highway may be removed and disposed of as a public nuisance pursuant to Section 22660 of the California Vehicle Code for abandoned, wrecked, dismantled or inoperative vehicles.
4. 10467	84.03 VEHICLES ON PRIVATE PROPERTY (APPLIES TO MOTORBIKES AND OFF-ROAD VEHICLES) It shall be unlawful for any person to operate a vehicle on any private property without the written permission of the owner. (All Bernardo Heights Community Association property shall be closed to motorbikes, off-road vehicles and the like).
5. 11256	44.0300 ANIMAL REGULATIONS This ordinance accepts San Diego County Ordinances and the County as control. (Refer to County Animal Control Department, phone 746-7307.) Dogs must be on a leash at all times, confined on their owner's property or the property of another with the owner's consent. They must not be allowed to defecate or urinate on public property or private property not belonging to their owner.
6. 10795	101.07 SIGN CONTROL One sign shall be permitted on each lot to advertise the leasing, sale, or rental of such lot or property. The sign shall be unlighted; will not exceed 9" x 12" in size; and no part shall extend more than 4 feet above the ground on which it is erected.

7. 11074 66.0105 REFUSE COLLECTION

Containers shall not be placed on sidewalks or curbs before 6:00 p.m. the day prior to the regular day for collection and should not be left on the sidewalk or curb after 6:00 p.m. of the regular collection day.

8. 11196 59.5.0101 NOISE ABATEMENT AND CONTROL

There are numerous items in this category and many require different jurisdictional attention and control. For any loud, unnecessary or unusual noise which causes discomfort or annoyance to a reasonable person of normal sensitivity such as continual dog barking, a very loud and disturbing neighbor party or the like, call the police for information on code enforcement (489-0101). For other noise problems, contact the Noise Abatement Department of the City, phone 236-4717 (or Toll Free 489-0101).

9. 16239 86.23 USE OF STREETS FOR STORAGE, SERVICE OR SALE OF VEHICLES OR FOR HABITATION PROHIBITED

No person shall park any vehicle upon any street for any of the following purposes:

(a) Displaying such vehicle for sale or while selling merchandise therefrom. A vehicle shall not be considered to be displayed for sale when it is parked on a public street if the vehicle contains a for sale sign not greater than eight and one-half inches (8 1/2") by eleven inches (11") and the sign is placed on a side window and presents no impediment to the view of the driver when the vehicle is in operation.

(b) Servicing or repairing such vehicle, except in an emergency.

(c) Using such a vehicle as either temporary or permanent living quarters, abode or place of habitation either overnight or day by day.

(d) Storing any vehicle. A vehicle shall be considered stored when it has been left standing on a street without having been moved more than one-tenth (1/10th) of a mile within a seventy-two (72) consecutive hour period.

(e) Parking any inoperable vehicle on any street for more than four (4) consecutive hours.

10. 17343 101.0803 USE OF REQUIRED PARKING SPACES

Required off-street parking spaces and parking areas shall be used only for the parking of usable vehicles of residents, employers, employees, customers and visitors, as appropriate to the permitted uses of each zone or district. Required off-street parking spaces for residential development may not be leased by the property owner to anyone other than a resident of the premises.

11. 16923 101.0817 YARD - PARKING WITHIN

No vehicle may be parked within a required front or street side yards, or within a required street yard, except an operable vehicle may be parked on a legal driveway. Unless restricted or prohibited by specific zone or other regulations, operable vehicles may be parked on parking spaces within interior side and rear yards, subject to all applicable screening, surfacing, landscaping, and other requirements of this Code.

12. 17473 86.27 PARKING OF HEAVY-DUTY COMMERCIAL VEHICLES IN RESIDENTIAL DISTRICTS

No person shall park any heavy-duty commercial vehicle on a street in any residential district except (a) while loading or unloading property, or (b) when such vehicle is parked in connection with, and in aid of, the performance of a service to or on a property in the block in which such vehicle is parked. Heavy-duty commercial vehicle shall mean a commercial vehicle having a manufacturer's gross vehicle weight rating of 10,000 pounds or more.

APPENDIX B

<p>QUICK REFERENCE STEPS FOR SUBMITTING NEIGHBORHOOD PLANS TO THE COMMUNITY ASSOCIATION ARCHITECTURAL COMMITTEE</p>

1) Three sets of plans must be submitted to your Neighborhood Architectural Committee for review.

2) Once the plans have been approved by your Neighborhood Architectural Committee, all three sets of plans bearing the Neighborhood Approval Stamp and approval signatures (the signatures of an Architectural Committee member and Neighborhood President or other Neighborhood Board member are required) should be submitted to the Community Association for review by the Community Association Architectural Committee.

IMPORTANT--PLEASE NOTE: The Architectural Committee meets twice a month to review all submitted plans received by the meeting date. Plans received after a meeting date will be reviewed at the next scheduled meeting. For meeting dates and times, refer to your newsletter or contact the Community Association office.

When submitting the plans to the Community Association, they must have the following information clearly showing in order for them to be processed for review:

- A. Association Name.
- B. Full name of Homeowner(s).
- C. Complete Address.
- D. Lot Number (home) or Unit Number (condo).
- E. Neighborhood approval stamp and signature on all plans.

PLEASE NOTE: Any plans received by the Community Association with incomplete information (i.e., neighbor's approval, plans not stamped or signed by Neighborhood Architectural Chairman), will be returned to the Neighborhood Architectural Committee for additional information. This could cause a delay of two weeks or more in processing the plans.

3) After the Community Association's Architectural Committee reviews the homeowner's plans, they are distributed as follows:
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- A. One (1) copy is retained on permanent file at the Bernardo Heights Community Association office.
- B. The remaining two (2) copies are returned to the property management firm or the designated person for that neighborhood who should retain one (1) copy for neighborhood files and forward the other copy to the homeowner.

If you have any questions, please contact your Neighborhood Architectural Chairman or the Community Association office at 451-3580.

THE COMMUNITY ASSOCIATION OF BERNARDO HEIGHTS
APPLICATION FOR ARCHITECTURAL VARIANCE

SUBMIT THIS FORM ALONG WITH THE ORIGINAL ARCHITECTURAL APPLICATION TO THE COMMUNITY ASSOCIATION OFFICE

Date _____ Homeowner's name _____

Address _____ Lot # _____ Phone _____

Neighborhood Association: _____

SPECIAL NOTE:

The architectural guidelines are designed to preserve the property values and create aesthetic harmony throughout the community. As each lot and unit is unique, certain improvements may be desired by the homeowner but may be in conflict with these guidelines. A variance may be requested when an owner wishes to make an improvement, which is prohibited in these guidelines. The Community Association will not approve plans of any kind for an owner reported, in writing, by their Neighborhood Association to be in violation of their rules and guidelines. A written notice of violation resolution shall be required before the affected homeowner can receive further CABH plan approvals.

1. DESCRIPTION OF PROPOSED IMPROVEMENTS:

Include a detailed diagram of the improvement in relation to the plot and indicate where the improvement does not comply with the architectural guidelines.

2. STATEMENT:

Include a statement describing the special circumstances applying to the lot or unit and how this lot or unit is uniquely affected as opposed to other lots or units in the neighborhood.

3. ILLUSTRATE:

Attach an illustration or photo(s) that shows how the improvement will be harmonious with the existing structures in the neighborhood.

4. NEIGHBOR NOTIFICATION:

On any requested variance the Community Association will require the signature of all owners who will be affected by the structure. This includes neighbors on either side, across the street, behind the house, or in a development below the applicant’s house.

I will assume the responsibility for any work under the above proposed improvements that I or my contractors accomplish which may in the future adversely affect the common area. I assume responsibility for all future maintenance of this addition or improvement. I am not in violation of my neighborhood and/or CABH rules, regulations, and guidelines.

Homeowner Signature _____ Date _____

APPENDIX C
ENFORCEMENT OF COMMUNITY AND NEIGHBORHOOD CC&Rs AND MONETARY
PENALTY SCHEDULE

Pursuant to Association’s CC&Rs the Community Board may take any action against a violator that it feels is appropriate, after appropriate notice and hearing, including, but not limited to, the following:

1. Imposing an appropriate monetary penalty.
2. Filing a lien for damages.
3. Filing an action in court.
4. Suspension of the Owner’s right to use the Community Common facilities in accordance with the CC&Rs.
5. Notification to Escrow upon potential sale of property.
6. Agreeing to arbitration or mediation between the parties involved.

PENALTY SCHEDULE

<p>1. Failure to provide plans for landscaping/ARC improvements or changes as provided in the CC&Rs, ARC Guidelines, Rules & Regulations.</p>	<p style="text-align: center;">\$500 per violation</p>
<p>2. Failure to complete approved landscaping/ARC plans within one year from the date of approval by the Community ARC Committee.</p>	<p style="text-align: center;">\$500 per violation</p>
<p>3. Failure to comply with any other requirements set forth in the Neighborhood and/or Community CC&Rs, ARC Guidelines and Rules and Regulations.</p>	<p style="text-align: center;">\$500 per violation</p>
<p>4. Variances requested in advance of work are to be considered by the Board. If a variance is granted prior to work then no fee will be imposed.</p> <p>However, if a variance is requested after the fact the fee Will be as follows:</p>	<p style="text-align: center;">No fee for variance granted when requested prior to work being commenced.</p> <p style="text-align: center;">Minimum \$500 penalty for variance requests submitted after completion of work.</p>
<p>5. A reasonable time will be allowed for correction of violations. Any non-compliance with the Board’s findings will result in the Board providing written notice to the owner, that continued refusal to bring violation into compliance will result in a fine as follows:</p>	<p style="text-align: center;">\$25 for each day beginning 5 days after time allowed, with a maximum of \$1000.00 per violation.</p>

PAYMENT OF MONETARY PENALTY DOES NOT PRECLUDE THE NECCESSITY OF COMPLIANCE