

Bernardo Heights Unit 12 (BH 12) Association of Homeowners

"Architectural Guidelines"

Approved by the BH 12 Board of Directors

This document supersedes prior versions of the Architectural Guidelines, but does not in itself supersede any provisions of the Declaration of Covenants, Conditions and Restrictions (CC&Rs) or Bylaws governing the Las Brisas Community, or any San Diego ordinances or laws.

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1 INTRODUCTION

The Declaration of Covenants, Conditions, and Restrictions (CC&Rs) for the Community Association of Bernardo Heights (CABH), Article VIII, provides for community architectural control and standards governing the entire Bernardo Heights community. CABH CC&Rs and architectural control documentation should have been given to each homeowner at the time of his or her home purchase. Please contact the CABH property management company if you need copies of the most recent CABH governing documentation.

This document provides architectural guidelines that have been developed for use by the BH 12 members. These guidelines serve as a set of standards for use by the Architectural Committee when reviewing improvement proposals from individual condominium homeowners in Las Brisas and by the Violation's Committee when determining violations.

These guidelines are in addition to the CABH Architectural Rules and Guidelines. In some cases the BH 12 Architectural Guidelines are more restrictive and detailed to be consistent with the architectural style and aesthetics of the BH 12 neighborhood. When neighborhood guidelines are less restrictive than the CABH Guidelines, the CABH Guidelines will prevail.

All residents (homeowners and tenants) are responsible for familiarizing themselves with and following the rules and guidelines established for the CABH Association, Bernardo Heights II Recreation Association (BH II), and BH 12 Association. In short, it is a homeowner's responsibility to ensure that his or her tenants have copies of and/or follow all rules and regulations outlined in all three Homeowners' Associations governing documentation.

Homeowner improvements covered in these guidelines are limited to the Exclusive Use Area within the confines of the front and rear patio walls (where installed). If there is no front wall for your home's model, there is no Exclusive Use Area in the front of your Living Unit. In that instance, the Common Area goes up to your front door and the homeowner may not alter that area.

2 DEFINITIONS

For purposes of this document, the following definitions apply:

1. AOH - Association of Homeowners
2. BH 12 Board - Bernardo Heights Unit 12 (Las Brisas Condominiums) Board of Directors
3. BH 12 - Bernardo Heights Unit 12 (Las Brisas Condominiums)
4. BH II - Bernardo Heights II Recreation Association
5. CABH - Community Association of Bernardo Heights
6. Common Areas - All portions of the Condominium property not located within a Living Unit, as defined in Article I, Section 8 of the Declaration
 - a. Common Areas and private streets within the Bernardo Heights Community refer to the green belts and lawn areas in front of and alongside of all buildings, private parking lots and private streets, alleyways throughout the community, and the driveways in front of Living Units that lead from the parking lots or public streets to the garage doors.
7. CC&Rs - Declaration of Covenants, Conditions and Restrictions
8. Exclusive Use Area - Refers to the yard and entry for each Living Unit, as shown on the condominium plan for each Living Unit.
9. Living Unit - Refers to the dwelling as shown on the condominium plan for each Living Unit; at BH 12, the "Living Unit" also includes the garage, according to the condominium plan. The Living Unit does not include the driveway leading into each garage.
10. * Requires an Architectural Approval by Las Brisas and CABH before any installation.

3 DOCUMENT REFERENCES

1. Bernardo Heights Unit 12 (BH 12) (Las Brisas Condominiums) Association of Homeowners "Blue Book".
2. Bylaws of Bernardo Heights II Recreation Association.
3. Bylaws for Bernardo Heights 12 (Las Brisas Condominiums) Association of Homeowners.
4. Declaration of Covenants, Conditions and Restrictions for the Community of Bernardo Heights, recorded September 30, 1980.
5. Declaration of Restrictions for Bernardo Heights 12 Condominiums, recorded August 20, 1981.
6. First Amendment to Declaration of Covenants, Conditions and Restrictions for the Community of Bernardo Heights, recorded July 31, 1981.
7. Bernardo Heights Unit 12 AOH Window and Glass Door Replacement Policy, adopted 12/1/05
8. Architectural Guidelines, Revised and adopted July 2013.

4 ARCHITECTURAL AND LANDSCAPE REQUESTS

Article VIII, Paragraph 8.1 of the CABH Declaration explicitly states that all exterior alterations require the approval of the community's Architectural Committee. This paragraph explicitly states that the community's Architectural Committee must approve any change to the exterior appearance of one's property. 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. See the CABH Architectural Guidelines for additional information.

It is important to understand that Community Architectural Committee approval is not limited to major alterations, but is also required when an existing item is to be removed.

Each application is reviewed on an individual basis. There are no "automatic" approvals. A homeowner who wishes to construct a deck, for example, identical to one already approved by the Community Architectural Committee is still required to submit an application.

In every case, an "Application for Architectural Improvement" application, hereafter referred to as "Architectural Form", must be submitted, and Architectural Committee approval obtained in writing, prior to making these changes or improvements.

In addition, all exterior alterations need to be reviewed and approved by the BH 12 Architectural Committee except as otherwise set forth herein. This includes, but is not limited to, the building of any structures (e.g., arbors, decks, etc.) in Exclusive Use Areas, replacement of any exterior doors, or mounting of anything onto the stucco (flags, decorations, etc.). In addition, approval is required for any interior work that may affect the exterior integrity of the structure (e.g., removal of any interior walls, etc.).

Any stucco or paint damage to the exterior of a Living Unit caused by the homeowner or a contractor hired by the homeowner is the responsibility of the homeowner. Please see BH 12 CC&Rs, Article VIII, Section 13 and Article XV, Section 1 for additional information on damage to the Common Area.

Contact the property management company for a copy of the "Architectural Committee Request and Approval Form" or go online at *Bernardoheights.org*.

Please note that the maintenance and replacement of all homeowner (current or prior) installed or changed items (decks, patios, arbors, Exclusive Use Area landscaping, wall intrusions, etc.) are the responsibility of the current homeowner.

4.1 Steps to Obtain an Architectural and Landscape Request Form, Submittal Procedures, Approval

Per the CC&Rs, Architectural Committee decisions must be provided to the requesting homeowner within thirty (30) calendar days. An incomplete application will not constitute a submittal, and the timeframe specified for decisions on approval from the Architectural Committee will not begin until a complete application is received by the BH 12 property management company.

1. The Living Unit's legal homeowner must prepare and submit an Architectural Form application (obtain the form on line at *Bernardoheights.org*) or the current management company and their

website, one (1) copy is needed of the form, architectural plan, sketch, or drawing for each proposed improvement which shall be sent to the Architectural Chair or to the Las Brisas property management company.

2. The property management company or the architectural chair shall submit the application packet to the BH 12 Architectural Committee for review and action.

If the request is incomplete, the application will be returned to the homeowner for correction and the process will begin again when the corrected application is received by BH 12.

3. Upon approval, the BH 12 Architectural Committee will hand deliver one (1) stamped and signed copy of the packet to the CABH Architectural Committee for approval.
 - a. If the request is incomplete, the application will be returned to the homeowner for correction and the process will begin again when the corrected application is received by BH 12.
4. After all required approvals have been received; an approval letter will be sent or emailed to the homeowner.
5. Once the approved application has been received by the requesting homeowner in writing, work may proceed on planned improvements.
 - a. If city or county inspection is required, the improvement shall not be considered complete until approval from the appropriate governing bodies has been obtained.
6. Homeowners are required to notify BH 12 in writing upon completion of work by submitting a "Notice of Completion" form to the BH 12 property management company for inspection. Within 60 days of notice the Community Architectural Committee may 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.
7. In order to effectively portray the Architectural process, CABH created a detailed step-by-step instructions and flow chart to assist the residents in completing the ARC process. These can be found at: <http://bernardoheights.org>
8. A copy of the form necessary to complete an Architectural application is placed in Appendix A for your convenience.

4.1.1 Application Requirements for Large-Scale Exclusive Use Area Landscape Renovation/Modification

Large-scale Exclusive Use Area landscape renovations include, but are not limited to, installation of sprinkler systems, adding a spa/Jacuzzi, large area foliage plantings/ replanting, or any other changes that affect the look, drainage, and placement that may affect your neighbors next to your Exclusive Use Area.

4.1.1.1 Application Requirements for Large-Scale Exclusive Use Area Landscaping

Applications for large-scale Exclusive Use Area landscaping must include the following:

1. Listing of plant material(s) and mature size of plant(s).
2. Location of plants on overall site plan-showing Living Unit.

3. Planters dimensions, materials, colors, and finishes. No planter box may be attached to the fences, perimeter walls, and exterior stucco walls.
4. Detail of irrigation lines and drainage.

It is requested that any irrigation system installed in an Exclusive Use Area, follow the current guidelines for water-wise irrigation.

All soil, rocks, patio decking may not go under any of the surrounding fencing or privacy walls. All landscaping must not touch any wall of fence.

4.1.2 Application Requirements for Patio, Deck, Spa/Jacuzzi, Pond and Hardscape Approval

Applications for patio, deck, and hardscape approval must include the following:

1. Site plan-indicating location of; spa/ Jacuzzi, patio, deck, or pond, in relation to existing Living Unit.
2. Listing of materials colors and finishes.
3. Drainage provisions and flow or run-off.
4. Dimensions.
5. Elevation drawings.

4.1.3 City and County Permits

It is the homeowner's responsibility to determine if city or county permits and/or inspections are required. Approval by the CABH and BH 12 Architectural Committees for any improvement does not waive the necessity of obtaining required city and county permits. Obtaining city and county permits does not waive the need for Architectural Committee approvals, at either the Neighborhood or Community levels.

4.1.4 Post-Alteration Completion Inspection

Article 8.10 of the CABH CC&Rs outlines the inspection and correction of work. Homeowners are required to notify the CABH Architectural Committee in writing upon completion of work. The homeowner must first contact the BH 12 Architectural Committee for inspection in writing. In the event the improvement does not comply with the approved plans, the improvement will be deemed a violation.

4.1.5 Appealing a Denial

Should a homeowner wish to appeal an architectural request denial, he/she must submit his or her appeal

in writing to the BH 12 property management company within thirty (30) days of receiving the denial. This appeal must be submitted in writing with an explanation as to why the decision should be reconsidered, and any new or additional supporting information or documentation as to why the Architectural Committee's denial should be reconsidered. The Architectural Committee will then have another thirty (30) days to review and reconsider the application and respond.

5. ARCHITECTURAL RULES AND GUIDELINES

5.1 Conditioners, Compressor, Heat Pumps

Window installed air conditioners are prohibited. In addition, replacement air conditioners, compressors, and heat pumps must be located in the same area as builder installed, unless other arrangements have been agreed upon and approval has been received in writing from the Architectural Committee or BH 12 Board.

An "Architectural Form" application is not required provided the replacement unit is to be located in the same area as if builder installed.

*If requesting to install a replacement air conditioner, compressor, or heat pump in other then the builder installed area, an "Architectural Form" application must be submitted, and Architectural Committee approval obtained, prior to making these changes or improvements.

5.2 Antennas/TV Dish

All outside radio antennas and transmission facilities are prohibited. Please see BH 12 CC&Rs, Article VIII, Section 7 and the CABH Architectural Guidelines for additional information.

* An Architectural Form must be submitted and approved for the addition of a TV dish or Antennas.

5.3 Attachments to Stucco - Exterior

All attachments to the exterior of buildings require approval of the Architectural Committee. These include, but are not limited to, flag holders/wall sockets, decorations, etc. Silicone sealer shall be applied liberally around the penetration to prevent moisture from entering at attachment point.

* An "Architectural Form" application must be submitted, and Architectural Committee approval obtained, prior to making these changes or improvements.

5.4 BBQs and/or Fire Pits

BBQs, either permanent or portable, are to be located in rear Exclusive Use Areas giving consideration to adjacent neighbors' comfort (i.e., drifting smoke).

*If a BBQ is to be made permanent, an "Architectural Form" application must be submitted, and Architectural Committee approval obtained, prior to installing the BBQ. The application must show the elevations, dimensions, material, and color of the grill, in addition to the location within the rear Exclusive Use Area.

5.5 Bird Feeders

Bird feeders with any sort of seed or suet **are not** permitted; however, hummingbird feeders containing

nectar are permitted. Hummingbird feeders may not be hung from the Living Unit walls and can only be located within the rear Exclusive Use Area yards.

Bird seed is a treat for rodents and, as such, attracts rodents to the location of the bird feeders. In addition, rodents prefer bird seed over the bait that is put into traps. If the rodents are full on bird seed, they are less inclined to eat the bait that is being placed into the bait traps throughout the community.

5.6 Clotheslines

Clotheslines and drying racks will be permitted under the following conditions:

Clotheslines and clothes racks are only permitted in the exclusive use back patios and should be hidden from the sight of your neighbors.

Clotheslines shall **NOT** be attached in any manner to the walls, fences, or sides of the buildings.

They shall be attached to free standing poles designed for that purpose.

As a precaution, clotheslines shall be high enough so as not to harm or catch a young person.

All clothes shall be removed from the clothesline or clothes rack before dark each day.

5.7 Dog Houses and Dog Runs

Not allowed.

5.8 Doors: Front and Back

The responsibility to repair and maintain the doors enclosing each Living Unit is the responsibility of the homeowner. This includes front, single swing doors and the double French style doors (and slider doors where applicable) on each Living Unit.

Front doors may be stained and a clear varnish applied. If painted, it shall be maintained with a Dark Brown, Sahara Tan, or White if the window frames are white vinyl or painted white.

Adding a new Front door:

- a. Submit a request to the Architectural Committee for approval of the new door and color.
- b. Front doors may be solid raised panels- with or without windows.
- c. If a double front door is being replaced by a single hung door, a fixed window may be placed next to the door with the same height and general configuration.
- d. New replacement doors may be of wood, steel, fiberglass, or vinyl.
- e. A new white door may be added if the windows are also white in color.

Back glass doors can be stained or painted by the homeowner without Architectural Committee approval provided that the homeowner adheres to the Dark Brown, Sahara Tan, or White guidelines.

Adding a new Back Doors/Glass door (French/Patio and Single Swing)

- a. Submit a request to the Architectural Committee for approval of the new door or doors and color.
- b. Homeowners may choose to replace the entire door unit, with French doors/with or without grids, or sliders or a sliding door.

- c. Clear or transparent coatings are permitted. Reflective window covering and permanent stained glass windows are not permitted.

5.9 Exterior Electrical Outlets

All attached to each Living Unit are the responsibility of the homeowner. In addition, exterior electrical outlets must be Underwriter's Laboratories (UL) approved and must be installed in accordance with the City of San Diego building code.

5.10 Entrance Gates

Wrought iron gates providing entry to front Exclusive Use Areas are generally permitted as long as they extend no higher than the adjoining wall, cannot be locked from either side, and are black in color.

* An Architectural Form application must be submitted, and Architectural Committee approval obtained, prior to making these changes or improvements.

5.11 Flags and Flagpoles

Display of the United States flag is permitted; however, "display of the flag of the United States" means a flag of the United States made of fabric, cloth, or paper displayed from a staff or pole or in a window, and does not mean a depiction or emblem of the flag of the United States made of lights, paint, roofing, siding, paving materials, flora, or balloons, or any other similar building, landscaping, or decorative component.

Permanent flagpoles may be installed in the rear Exclusive Use Area. Wall sockets for displaying United States flags are permitted in the front of the Living Units. Silicone sealer shall be applied liberally around the penetration to prevent moisture from entering at attachment point.

* An "Architectural Form" application must be submitted, and Architectural Committee approval obtained, prior to making these changes or improvements.

5.12 Fountains

Stand-alone fountains are permitted in the front or rear Exclusive Use Areas; however, drainage (where applicable/necessary) must be connected directly to drainage or sewer lines. Any fountain equipment (e.g., pumps and filters) is to be enclosed or concealed such that it cannot be viewed from the Common Area. Adequate ventilation provision must be made for this type of equipment.

Fountains mounted onto the stucco walls are not permitted.

Standing water and fountains both encourage mammals and mosquitos to come into this area and are harmful to everyone.

* An Architectural Form application must be submitted, and Architectural Committee approval obtained, prior to making these changes or improvements.

5.13 Garages and Garage Doors

The City of San Diego policy states that a garage must be used to park your car.

New residents, have 4 weeks to unpack their boxes and begin to park their car in the garage.

All trash cans shall be housed in the garage interior.

The homeowner is responsible for replacement of the containers by contacting Waste Management (899-596-7444)

Garage parking policy information can be found in the Blue Book.

Garage Door replacement: **8X7 Clopay Model 4053-Long Panel, Window design-Sunset 603**

* An Architectural form must be submitted and approved before installation.

5.14 Gutters and Downspouts

BH 12 maintains jurisdiction over gutters and downspouts installed on buildings in the Las Brisas community. If a resident notes an apparent inadequate flow of water from the roof, gutters with debris in them, or if the water flow coming from them is excessive, please contact the property management company as soon as possible.

Homeowners are responsible for adding gutter downspouts so that all water flows away from the foundation of the home.

There are drainage holes built into the front privacy walls. These open drain areas may not be blocked in any way. Homeowners that add either plants or hardscaping that block these drainage areas will be held responsible for the damage to the common areas and outside stucco walls.

5.15 Holiday Decorations - Exterior

Holiday decorations are permitted; however, they are not permitted in the Common Area walkways. Holiday decorations cannot be affixed by staples, nails, or tacks onto the stucco or wood structures; however, they may be affixed with clips, clasps, or hooks that do not damage or penetrate the structure.

Holiday lights may only be displayed for the December holidays, and must be removed by the second week of January. Holiday lights may be draped over front bushes; however, any damage caused by the installation or removal of the decoration shall be the responsibility of the homeowner to replace or repair. Please see BH 12 CC&Rs, Article VIII, Section 13 and Article XV, Section 1 for additional information on damage to the Common Area.

5.16 Hose Bibs and Hoses

The maintenance and replacement of the exterior hose bibs (front and back) are the homeowner's responsibility. Hose bibs may be equipped with quick-disconnect attachments.

Hoses shall not be left on top of shrubbery, left in an unsafe manner (e.g., trip hazard), or wrapped around the hose bib (as the weight of the hose may cause strain on the piping or widening of the stucco hole surrounding the piping coming out of the wall). If damage to plants occurs, homeowners will be charged replacement costs.

Plastic hose holders may be installed on the ground. Preference is for hoses and hose holders to be hidden by shrubbery. Hoses and hose holders are not permitted if they create an unsightly appearance. Hose holders may not be attached to the Living Units.

5.17 Landscaping and Irrigation

All trees and shrubs added or replaced are strongly encouraged to be of the “Water-wise” variety.

Artificial turf is strongly encouraged to be used in the exclusive use areas and must be properly installed to drain properly into the common area pipes.

Should the State or City ask for greater turf restrictions or require the removal of this turf, you will be notified by the management company.

Trees and shrubs shall be selected, located, and maintained so as not to block any neighbor's view, now or in the future. Root systems and limbs shall be controlled to prevent structural damage to any building structure, to patio walls, and/or to drainage systems. Please see BH 12 CC&Rs, Article VIII, Section 13, and Article XV, Section 1 for additional information on damage to the Common Area.

Trees and shrubs in Exclusive Use Areas should be appropriately trimmed and maintained at least 6 inches away from all walls so that they cannot transfer moisture to the stucco. The branches/limbs may not touch the top of any wall.

No decorative planting pots may be placed on the top of any stucco wall. However, they may be placed on the decorative brick areas, but must have a saucer placed beneath them to prevent water from penetrating the cement.

Trees must be trimmed to prevent branches from touching walls and/or the roof, and shrubs should be trimmed so that they do not lean on or protrude over walls.

Vines planted within Exclusive Use Areas shall not be allowed to cling to stucco sidings, window screens, or patio walls.

Homeowners are responsible for maintaining proper drainage from their Living Unit.

- a. If the original grade level of a Living Unit is to be altered, detailed plans for a new drainage system must be submitted to the property management company as outlined in the application instructions.
- b. All soil or other materials must be removed from under the stucco walls so as to prevent the wicking of moisture from the ground to the interior of the stucco walls. A decorative brick or other materials may be added in front of the interior walls to prevent the soil from washing under the stucco walls once it is removed.
- c. * An "Architectural Form" application must be submitted, and approved, prior to making these changes or improvements.

5.17.1 Specifications for Landscape and Irrigation Approval

1. Plants are not to encroach on walkways or block walkway lighting.
2. Major irrigation lines are to be subterranean.
3. Appropriate drainage is to be supplied and directed to the street to prevent run-off onto adjacent or Common Area properties.
4. All irrigation systems must follow the City and State regulations for “Water-wise” usage. A drip system is consistent with the new guidelines to prevent water waste. Sprinklers should be adjusted so as not to spray adjacent properties, buildings, walls, paved parking areas, or sidewalks.
5. Homeowners may **NOT** connect (or cause to be connected) their exclusive use area yard irrigation systems to the common area irrigation systems.

5.18 Lighting and Lanterns – Exterior

Homeowners are responsible for the maintenance and replacement of the exterior lanterns attached to their Living Units.

There is no specific "approved" lantern replacement model; however, flood-light type lights are not permitted in the front of any Living Unit. Any other lantern style is acceptable as long as it is brass, black, white or brown in color, and is of similar size to the lantern being replaced. Silicone sealer shall be applied liberally around the penetration to prevent moisture from entering at attachment point.

All exterior light fixtures must be UL approved and shall be installed in accordance with the City of San Diego building code. In addition, all lights shall be positioned so the light coming from them does not disturb neighbors.

Low-voltage ornamental garden lighting fixtures may be installed in the Exclusive Use Areas by any competent non-professional familiar with simple wiring, provided a proper exterior electrical outlet is available. Low-voltage ornamental garden lighting fixtures may be no higher than 18 inches from the ground. See the CABH Architectural Guidelines for additional information.

Homeowners may install new exterior light fixtures and install low-voltage ornamental garden lighting fixtures without prior approval from the Architectural Committee, provided that these guidelines are followed.

Homeowners may install decorative timed solar or electrical “string” lights in their private use backyards. These lights should not be placed so that their light will disturb the sleep of your neighbors. Lights attached to patio covers or umbrellas with dawn to dusk capability, again should not create a situation where their brightness will disturb the privacy or sleep of your neighbor.

5.19 Mailboxes and Mailbox Cork Strips

The mailbox kiosk structures belong to BH 12 and the actual "mailboxes" are the property of the United States Postal Service (USPS). The lock and key of each assigned mailbox is the responsibility of the homeowner and, as such, the homeowner may replace or repair his or her lock without Architectural Committee or USPS approval.

Mailbox cork strips are for BH 12 Board and community specific postings. Only BH 12 Board approved postings are allowed. Contact the property management company to submit your flyer for approval. No advertising or classified postings are allowed.

5.20 Painting - Exterior - Colors

Maintenance of original stucco siding and original exterior painted surfaces on buildings in the Las Brisas community is the responsibility of BH 12. All Work Order requests should be submitted to the property management company as soon as possible.

Repairs to and maintenance of paint or stain on all approved homeowner improvements are the responsibility of the current homeowner.

No change of color on either the original surface or improvements is permitted without prior Architectural Committee approval. The color scheme of patio, deck materials, and shade cloth shall be harmonious with the existing building colors and surrounding grounds. In addition, all wood must be sealed, stained, or painted to match existing stucco, garage door, or exterior door or window trim. Contact the property management company for a listing of the current approved paint and stain colors. *Appendix "B" is the list of all approved colors.*

* An "Architectural Form" application must be submitted, and Architectural Committee approval obtained, prior to making these changes or improvements.

5.21 Patios and Decks

Homeowners are required to maintain at least a three- inch clearance from dirt and groundcover under their yard walls to prevent rotting of the wood and/or possible termite damage. A wire mesh screen, decorative edging bricks, or other like materials designed for this purpose can be placed on the interior side of the Exclusive Use Area over the opening.

Roof decks are not allowed.

See the CABH Architectural Guidelines for additional information on patios and decks.

* An "Architectural Form" application must be submitted, and Architectural Committee approval obtained, prior to making these changes or improvements.

5.21.1 Specifications for Patios and Decks

1. Patios may be located in the walled (front and/or) back Exclusive Use Area(s) of any Las Brisas Condominium. Texturing, patterned concrete, or installation of pavers is acceptable in front or back yard areas.
2. Ground decks may be located in the back Exclusive Use Area(s) of any Las Brisas condominium.
3. Decks must be constructed over a concrete pad or on top of concrete piers.

4. Patios may be free-standing or attached to the building. If the patio cover is attached to the back stucco wall of the building it must follow all City, County, State, or other laws, including those which define and deal with the prevention of fire intrusion. (stand free from all walls and fences) All City permits will be obtained before the work begins. Patios designed to be 300 sq. ft. or more, require a City of San Diego permit.
5. No patio cover will be attached to the top of the walls or parapet in any manner.
6. Architectural approval must be obtained for the installation, removal or replacement of any patio covers.
7. Building hardscape and landscape materials cannot be above the building foundation weep screed. The foundation weep screed is located at the base of stucco walls and allows excess moisture to escape from the back of the stucco membrane.
8. For decks, construction must allow circulation of air between the deck and the concrete or dirt pad below.
9. The floor of a free-standing deck in the patio of a perimeter Living Unit shall be no higher than twelve (12) inches above the Living Unit's foundation.
10. Decks may be made from wood, plastic, vinyl, metal, or composite materials and must be brown (paint, stain, etc.) or white in appearance.
11. Homeowners are required to maintain at least a three (3) inch space free of soil/stones from all of the perimeter walls and fences. A barrier shall be placed on the inside of all perimeter walls to prevent moisture from the soil coming in contact with the stucco or the wooden posts and disintegrating them.
12. All wooden decks or patio covers shall be professionally examined every two years or when the resident sees wood rot begin to form. This will prevent termites from destroying the patio and spreading to your neighbor's home and exterior structures.
13. Homeowners must maintain the drainage area located in each backyard to prevent water intrusion into all homes and yards connected to this line. Homeowners are directly responsible for any landscaping plantings and their roots, decorative or permeant materials that blocks or permanently damages this drain line that connects to those of their neighbors.

5.21.2 Patio Covers, Enclosures and Awnings

No solid metal, plastic, or fiberglass patio covers are allowed. These have the possibility of allowing water intrusion into the stucco and wooden structural beams within the walls.

Acceptable woven shade cloth may be applied to all, or a portion, of the top of a patio cover.

*An Architectural Form application must be submitted, and Architectural Committee approval obtained.

5.21.3 Specifications for Patio Covers

1. The height of any patio with a patio cover shall not exceed nine (9) feet above the Living Unit's foundation.
2. Covers and support posts shall not extend beyond a Living Unit's side walls or beyond any perimeter patio walls.
3. Patios covers may be free standing or attached to the back wall of the building. It is recommended that posts supporting a patio cover be attached to concrete decking by means of post holders. (See rules for decking and patio covers so that all City requirements are followed to prevent water, termite, and fire intrusion through these attachment penetrations.)
4. Covers shall meet the structural design requirements of the City of San Diego building code.
5. Patios and patio covers (pergolas) may be made from wood, plastic, vinyl, metal, or composite materials and must be brown (paint, stain, etc.) or white in appearance.
6. "Temporary" enclosed patios are allowed, with certain limitations.
 - a. They must not block the view of any neighbor
 - b. They will be maintained so as not to become unsightly
7. Awnings: may be added to the back wall of the privacy areas. The colors of the awning should blend into the color scheme of the Community Painted Colors.

5.22 Ponds

A water feature in your back yard must follow all the rules for a spa or Jacuzzi. The pumps and other equipment needed must not intrude on your neighbors' right to quiet. All drain lines must be connected properly since they also connect to a common area drain line.

*An architectural request is required that includes all of the necessary drawings and plans provided by a professional, to the committee.

5.23 Room Additions

Not allowed.

5.24 Satellite Equipment

Satellite equipment is permitted with approval of the CABH and BH 12 Architectural Committees. Both CABH and BH 12 Architectural Committees will adhere to all Federal and State regulations. Federal law only permits installation of dishes with a diameter of 39 inches or less, which are located on the separate interest (in this case, the Living Unit) or Exclusive Use Area. Each device should be installed so as to be invisible from the street whenever possible, and may not be mounted on the walls or roof of the Living Unit.

See the CABH Architectural Guidelines for additional information.

*An "Architectural Form" application must be submitted, and Architectural approval obtained.

5.25 Screen or Security Doors

Security and/or "invisible" screen doors are permitted. There is no specific "approved" screen/security door model; however, door frames must be anodized bronze, white, or black in color.

Homeowners may replace or install screen or security doors without prior approval from the Architectural Committee, provided that the guidelines are followed.

5.26 Signage

Non-commercial and commercial (contractor) signs are permitted to be displayed in the Living Unit window or in the Exclusive Use Areas.

A sign indicating that a Living Unit is for sale, lease, or rent may be posted only on the garage door. No other non-commercial or commercial signs are permitted in the Common Area. The real-estate sign shall not exceed dimensions of 9"x 12" and shall be removed immediately upon close of escrow, or rental or lease of the property.

A single security sign of customary and reasonable dimensions may be posted near the front entrance of a Living Unit. In addition, small window stickers may be displayed near the front and/or rear entrances of the Living Unit. Security signs shall not be affixed to the building.

All non-conforming signs, balloons, and flags placed in the Common Area are not permitted. Unauthorized signs may be removed without warning or notice and will be disposed of, if not claimed, within seven (7) days at the CABH clubhouse. This includes, but is not limited to, political, For Sale, For Rent, Open-House, security, and contractor signs.

Please see BH 12 CC&Rs, Article VIII, Section 6 for additional information about signage.

5.27 Skylights

The exterior maintenance and replacement of skylights (in case of breakage) are the responsibility of BH 12. Replacement requests (in case of breakage) should be submitted to the property management company as soon as possible.

Interior maintenance (e.g., general cleaning on the interior) of the skylights is the responsibility of the homeowner.

Homeowner replacement of skylights is not permitted.

5.28 Solar Collectors

Please see Appendix E for the Solar Installation Policy.

The Association is working diligently to find an equitable way of providing this modern technology to the members of our community.

* An Architectural request must be submitted along with the details required and an approval obtained,

5.29 Solar Openable Sky-Lights

They may be installed with the following guidelines:

1. They must be installed and warranted by a professional company. The company must have a guarantee against breakage and replacement of roof tiles during the installation. The company must provide a written guarantee of at least 10-20 years against roof leaks.
2. The homeowner, at their expense, must sign an M&I (Maintenance and Indemnity Agreement) so that any problems arising from the installation will become that of the homeowner current and future.
3. * An Architectural Form must be submitted and approved by the architectural committee.

5.30 Solatube: Daylighting Systems

They may be installed with the same guidelines as for solar collectors, and solar openable skylights

5.31 Spas, Hot-tubs, and Fish Ponds

The installation of portable or permanent spas, hot-tubs, and/or fish ponds and equipment supporting permanent spas, where previously approved, shall be enclosed within fences/wall in the rear Exclusive Use Area. Drainage for spas, hot-tubs, and ponds, where previously approved or seeking approval must be connected directly to sewer lines.

*An Architectural Form application must be submitted, and Architectural Committee approval obtained, prior to making any spa / hot-tub and ponds changes or improvements to those spas or hot-tubs that have already been approved.

5.32 Storage Sheds and Greenhouses

Not allowed.

5.33 Walls and Fences for Exclusive Use Yard Areas

Walls or fences, in addition to those installed by the builder, should not be required.

*However, if special circumstances apply, an "Architectural Form" application must be submitted, and Architectural Committee approval obtained, prior to making any wall or fence additions or changes.

Note: Because of the manner of their construction, patio walls are frequently referred to as "fences".

Homeowners are required to maintain at least a three-inch clearance from dirt and ground cover under the rear yard patio fences or walls to prevent rotting of the boards and/or possible termite damage. It is the responsibility of the homeowners to inspect their walls periodically, for proper clearance and to remove roots, ivy, and other debris obstructing air circulation.

Potted plants are not to be placed directly upon stucco shelves, walls or fences. If the top is surfaced with brick, pots shall be placed with a non-porous saucer of adequate size to prevent leaks underneath the pot.

Vines shall be supported by trellis and shall not climb directly onto nor attach to the walls.

No towels, clothing or rugs shall be hung over walls or anywhere that is unsightly or offensive to neighbors.

Please see the “Patios and Decks” section for additional information.

5.34 Windows, Window Coverings, Window Frame Painting, and Window Re-Screening

All exterior window frames and grids, if they have not been replaced, shall be painted white, by **January 1, 2020**.

1. Each homeowner is responsible for the maintenance and repair of all windows (frames as well as glass enclosing his/her Living Unit). This includes keeping metal frames painted. The policy is white, black or bronze.
2. Reflective foil-type window covering, awnings, shutters, or bars of any type are not permitted. In addition, stained-glass window inserts hung inside a Living Unit window are permitted, but stained-glass replacement windows are not permitted.
3. Replacement screen needs to be similar in color to the screen that is being replaced. "Solar screen" is permitted.
4. Interior window coverings (drapes, blinds, shutters) must be white or of a neutral color if they can be seen from the outside.
5. Window Replacement Policy
 - a. Installation methods must be of “new construction” or “retrofit” window replacement.
 - b. Type of windows can be single, double hung, or fixed. Sliding windows are only permitted when replacing an existing sliding window.
 - c. The exterior color must be white
 - d. Only clear or transparent coatings are permitted. Reflective window coverings and permanent stained glass windows are not permitted.
 - e. Grids are required for all front windows and those that face a main street to match the original window pattern and width. They should be white in color. Grids are optional for all other window replacements.
 - f. All windows do not need to be replaced at once. However, windows grouped closely together must all be replaced at once. In the front of the unit, all windows not replaced must have their frames and grids painted white to match the appearance of the replaced windows.
6. General Policies

- a. * An Architectural Request Form must be submitted and approved before any work is done. (See Appendix)
- b. The homeowner is responsible for following all applicable codes and permit requirements when replacing any window or doors in their unit.
- c. If a window or door is to be replaced in a manner other than the approved methods or specifications outlined in this policy, the owner must submit a written explanation requesting an exception to this policy prior to beginning any replacement activities.
- d. Homeowners may choose any window or glass manufacture or Installation Company, as long as they are licensed and insured contractor with proof of the same, to be submitted by the homeowner, with the request for the architectural change.
- e. When “new construction” is employed for window replacement, the window/moisture barrier installation must be inspected for compliance by the Association or their representative prior to the stucco and stucco paint replacement.

Appendix A
Application for Home Improvement

Appendix B
Paint Color Information

Appendix C
Policy for any interior and exterior damage caused to Private Property by
Common Area Failures

Appendix D
Solar Panel Installation Guidelines