



Bonita Highlands Homeowners' Association
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RULES and REGULATIONS and ARCHITECTURAL CONTROL GUIDELINES

To all Bonita Highlands Homeowners and Tenants:

This is a summary of the guidelines regarding the external appearance of Bonita Highlands' residences, lots, and the common open space areas. It is designed to inform and remind homeowners of the Covenants, Conditions, Restrictions, and Easements (CCR&E) and of home and property improvements that require prior approval by the Bonita Highlands Board of Directors (BOD). This summary is not complete, and homeowners should refer to the CCR&Es or consult the BOD if they have any questions. These Rules and Regulations (Rules and Regs) and Architectural Control Guidelines (ACG) apply equally to homeowners and to tenants.

This June 2024 revision supersedes all previous Rules and Reg and ACGs.

1. INTRODUCTION

Property improvements such as structure additions, roofs, patio covers, repainting, pools/spas, driveways, fencing, retaining walls, horse barns, tack rooms, Accessory Dwelling Unit (ADU), etc., require written approval by the BHHA BOD prior to the commencement of work (CCR&E, Article 10.4). The BOD has a process to address these property improvements, which starts with the BHHA Structural Change Request (SCR) Form used to submit homeowner's requests in writing. Homeowners shall use this form to address any property improvements, changes, or upgrades they desire to complete for their residence. A copy of the SCR Form can be downloaded from the BHHA website or requested from the BHHA Recording Secretary. Homeowners shall submit their SCR to the BHHA prior to any improvements being made to the homeowner's property. BOD review and approval of submitted SCRs is intended to ensure BHHA property and residences conform with Highlands community standards in accordance with the CCR&E. Once an SCR is approved, the BHHA BOD will provide the homeowner a SCR Approval form for their records.

Should an SCR not be submitted and/or approved prior to the work commencing and even being completed, the homeowner assumes the risk of having to modify, remove, or undo the improvement at their own expense. The BHHA BOD approval does not constitute technical approval of engineering and/or construction drawings or plans, nor does it substitute for any permits that may be required by the County of San Diego. Obtaining any required engineering

drawings, plans, etc., and any required San Diego County Permits is the sole and separate responsibility of the homeowner.

2. STRUCTURAL ALTERATIONS/IMPROVEMENTS

The following paragraphs address specific Structural Alterations/Improvements most commonly undertaken by BHHA homeowners and provides basic guidelines for completing same. All structural alterations or improvements must be approved by the BHHA BOD using the SCR process prior to the start of the alterations or improvements.

2.1 Exterior improvements to existing dwellings or the construction of new structures shall use materials similar to and compatible with those originally used by the Builder.

2.2. Fiberglass or metal patio covers made of corrugated or sheet stock are not permitted. Covers made of metal or structural plastics resembling wood may be considered, provided their colors blend harmoniously with the colors of house and/or trim. As of this writing, a San Diego County permit is required for a solid patio cover of 300 square feet or larger.

2.3. Replacement roofs and new structure roofs, e.g., house expansions, must be California Building Code (CBC) Class A fire rated materials other than wood shake/shingles or 3-tab asphalt shingles. These materials include slate, clay tiles, concrete/concrete composite tiles, and some Architectural and Luxury grade asphalt fiberglass composite shingles. Homeowners replacing roofs, making expansions to their home which includes a new roof, and/or building separate buildings/sheds, shall submit an SCR to be reviewed and approved by the BHHA BOD to ensure it conforms with these BHHA architectural standards.

2.4. All pools and spas (in ground or above ground) will adhere to the normal setbacks for back yards. If the installation of the pool or spa requires access to the open space, the homeowner is required to provide a bond or the contractor's Certificate of Insurance to the BHHA Treasurer prior to construction.

2.5. One sheet metal, wood, or vinyl storage shed not greater than one hundred forty-four square feet in base area (12'x12'=144 ft²) and not greater than eight (8) feet in height shall be permitted on each lot. The shed must be color painted to match the stucco or trim color of the house. Sheds should be located as unobtrusively as possible from the street and/or neighbors, and are to be kept in good repair. All permanent storage sheds require BOD approval prior to installation and must adhere to buildable space side and rear yard setbacks in accordance with the San Diego County. Depending on the size of the permanent storage shed, San Diego County permits may be required. Storage sheds shall not be fitted with electricity or plumbing.

3. MAJOR REPAIR OR REPLACEMENT

In the event that all, or a major part of the residence or outlying buildings must be repaired or replaced (due to accident, fire, or other calamity), repairs or replacements shall be made in substantially the same form and size as before the loss occurred. All plans to rebuild or replace the residence or outlying buildings shall be reviewed and approved of the BHHA BOD using the

SCR process to insure it conforms to current BHHA architectural standards. It is understood that major repair or replacement projects may require a contractor to be onsite for several weeks to months and as such, the contractor routinely has a porta potty delivered for their use. When the homeowner knows that a porta potty is going to be delivered, the homeowner shall submit an SCR with the date and duration for the porta-potty to be reviewed and approved by the BHHA BOD, so the ACC-C Staff Member is aware of the porta-potty.

4. EXTERIOR APPEARANCE

The following paragraphs address specific Exterior Appearance situations most commonly undertaken by BHHA homeowners and provides basic guidelines for completing same. All exterior appearance alterations or improvements must be approved by the BHHA BOD using the SCR process prior to the start of the alterations or improvements.

4.1. Color changes of the stucco, wood, security bars, ornamental wrought iron, or other exterior materials require prior SCR approval by the BOD. Homeowners must submit color samples with any SCRs submitted for exterior painting and/or stucco work. Color and appearance are to be consistent and harmonious with the nature tone type colors originally instituted by the Builder. Rain gutters will be painted brown or compatible with the color of the house trim color. Painting or coating of driveways in colors other than a natural gray concrete color requires prior SCR approval of the BOD. Other driveway material changes require SCR approval by the BOD prior to installation, i.e., pavers, colored concrete, etc.

4.2. Installation of security bars and ornamental wrought iron require prior SCR approval by the BOD. Color must be black or painted to match the trim.

4.3. Freestanding basketball backboards are not permitted in the front yard areas. Subject to prior SCR approval by the BOD as to size, color, and location, basketball backboards may be attached to the garage or dwelling. Backboards shall be maintained in a proper manner, including periodic painting and replacement of torn nets. Damaged boards must either be repaired immediately, or the entire backboards and brace complexes removed. All portable sporting equipment (including portable basketball backboards), used in the front yard must be removed when not in actual use.

4.4. Awnings and exterior, rolling, security shutters are not permitted on windows which are visible from the street. However, rolling-type security shutters may be mounted on the interior of a residence's windows that are visible from the street. Awnings and exterior, rolling shutters are allowed on windows which are not visible from the street (e.g., rear or side windows). However, they must be maintained so as to present a well-kept, nearly new appearance. Permitted awnings may be made of cloth, wood or metal and must be painted or colored to match the color of the trim or main-wall color of the house. Installation of any exterior awnings or rolling, security shutters does require prior SCR approval by the BOD. Installation SCRs must state that they (awnings or rolling shutters) will only be mounted on windows which are not visible from the street. Sun screening on windows shall be a commercially manufactured product specifically designed to limit or reduce sunlight entering the house.

- 4.5. Wind turbine ventilators shall be painted a color that best blends with the roof.
- 4.6. External antennas as described in the CCR&E, Article 9.1.7(ii), is now invalid, having been made so by the Federal Communications Commission (FCC) regulations and supporting court rulings regarding television antennas. The current BHHA policy is as follows:
- a. Antennas, towers or masts for citizens band, amateur radio, or other communication radios are prohibited in locations visible from the street or other residence lots.
 - b. Satellite TV dishes or Multichannel, Multipoint Distribution Services (MMDS), commonly known as wireless cable antennas larger than one meter (39.4 inches) in diameter or diagonal measurement are prohibited.
 - c. Small satellite TV or MMDS antennas less than one meter in size, or standard television broadcast antennas, are authorized by FCC regulations. If a mast is required in order to receive an acceptable signal, it is limited to twelve (12) feet in height above the roof – or to a lower height, if necessary, to ensure that the antenna would fall within the owner’s lot in the event that it toppled.
 - d. Homeowners wishing to install an authorized TV antenna should plan the installation to be as inconspicuous as possible (consistent with receiving an acceptable signal), preferably near the rear of the house. If the antenna is visible from the street, it must be painted to match the color of the house trim or to blend into the background, as appropriate. Owners must submit an SCR to notify the BOD of the planned installation, with a sketch showing where the planned antenna will be located on the house and its height above the roof. The BOD will monitor the installation to ensure conformance with the guidelines of these Rules and Regs.
- 4.7. Flags and signs may be displayed by homeowners in accordance with the guidelines described in the following paragraphs.
- a. The Flag of the United States (National Ensign) may be displayed on a single pole or staff. Additionally, one individual military service or POW flag may be flown on the same pole or staff, provided it is flown below the National Ensign, or be flown separately and at a lower height.
 - b. One holiday/seasonal flag may be displayed as a yard decoration at any time. It shall be appropriate to the holiday/season, and at no time shall it be displayed at a height above the National Ensign.
 - c. A “Garage Sale” sign may be displayed only during the actual day of the event. A maximum of three (3) garage sales per home per year is permitted. More than three per year are considered to be a commercial operation, which is prohibited by the CCR&Es.
 - d. Only one standard sized For Sale, For Rent, or Open House sign is permitted. Flags, pennants, or other visible displays designed to attract attention are not permitted. All signs must be removed within 48 hours of the actual sale or renting.
 - e. Only one (1) security system sign is allowed to be visible from the street.
 - f. The display of one (1) political sign during a political campaign is permitted on a residential lot. The sign may be placed on a stake or sign stand in either the front yard or in a window of the residence or garage. In either location, the sign itself cannot be larger than sixteen inches by twenty-four inches (16” x 24”) in size. No political signs are

allowed in the Open Space. Political signs may be placed 90 days prior to an election date and must be removed not later than 10 days after the election date.

4.8. Exterior lighting and other displays for Christmas, Hanukkah, and other holidays may be displayed for four (4) weeks prior to the holiday and must be removed from view from outside the residence lot two (2) weeks after the holiday.

4.9. The installation of Solar panels requires prior SCR approval by the BOD.

4.10. Tents for any residential purpose are not allowed to be placed on lots. No tents or canopies shall be permitted on premises where they may be readily viewed from the street. Temporary "event tents" or canopies, such as for wedding receptions, church events, graduation parties, etc., may be placed on lots for the duration of the event, and shall be limited to a period of 96 hours, unless otherwise approved by the BOD via the SCR process.

5. FENCING

The following paragraphs address specific Fencing situations most commonly undertaken by BHHA homeowners and provides basic guidelines for completing same. All fencing must be approved by the BHHA BOD using the SCR process prior to the start of the alterations or improvements.

5.1. Solid fencing, including walls, is not permitted in front yards (forward of the front face of the house on the house side and the front face of the garage on the garage side). Corner property owners should contact the BOD for fencing guidelines as they vary depending on the orientation of the house. Front yard side-fencing (from the house toward the street) shall be permitted if it is a minimum of 80% open fencing and does not exceed thirty-six (36) inches in height. Chain link fencing is not permitted where it can be seen from the street. Chain link fencing that can only be seen from the riding and hiking trails is permitted.

5.2. Freestanding walls in front yards are not permitted.

5.3. The maximum height of all fencing, unless otherwise restricted, is six (6) feet.

5.4. Every effort will be made by the BOD to keep all fencing as harmonious as possible with the architectural character of the Bonita Highlands. Wood fencing shall be left natural, stained a natural wood color, or painted to match the color of the house. Vinyl fencing is also allowed given that it is white, or an earth toned color.

6. RETAINING WALLS

The following paragraphs address specific Retaining Wall situations most commonly undertaken by BHHA homeowners and provides basic guidelines for completing same. All retaining walls must be approved by the BHHA BOD using the SCR process prior to the start of the alterations or improvements.

6.1. Retaining walls more than two (2) feet high requires prior SCR approval by the BOD. All retaining walls shall be limited in height to no more than eight inches (8") higher than the level of the ground they retain. The San Diego County's construction code for retaining walls include a few structural considerations, i.e., wall height (measured from the footing), type of materials used (e.g., wood, blocks, concrete, etc.), footings, slope of soil or material retained by the wall, drainage, etc., that must be considered by the homeowner. San Diego County provides some standard retaining wall guidance on its website which is very informative.

6.2. San Diego County requires permits for any retaining wall that is used to hold back the surcharges/material regardless of the wall height. The homeowner is totally and wholly responsible conducting the research of any County requirements for the retaining walls the homeowner intends to build. And the homeowner is totally and wholly responsible for securing all the necessary permits for their intended retaining wall. The homeowner shall provide proof of all required permits as part of their SCR submission to the BOD for approval. The homeowner is solely responsible for any subsidence or other damage caused by their retaining wall, including any damage to their neighbor's property and structures.

6.3. Retaining walls are approved by the BOD based solely on their compliance with these guidelines, the BHHA CCR&Es, and validation of the homeowner's receipt of all required permits. Neither the BHHA BOD nor its Staff Members have the expertise to judge the technical merits of a retaining wall. It is recommended by both San Diego County and BHHA that a homeowner who is unsure of the San Diego County's retaining code requirements consult a licensed contractor or retaining wall design professional. Failure to obtain a required permit(s) may result in the homeowner having to redo their retaining wall to meeting San Diego County requirements.

7. LANDSCAPING

The following paragraphs address specific Landscaping situations most commonly undertaken by BHHA homeowners and provides basic guidelines for completing same. Major landscaping must be approved by the BHHA BOD using the SCR process prior to the start of the alterations or improvements.

7.1. Minor landscape work generally does not require approval, however major landscape work or changes require prior SCR approval by the BOD.

7.2. Size and Grading/Regrading. Landscaping deemed to be major is any of the following: a modification to more than 25% (or 1,500 square feet, whichever is less) of the front yard area, more than 40% (or 2,500 square feet, whichever is less) of the side yard and/or back yard, side yard parking areas (beside driveways), and any grading change that would modify the original grade and drainage provided by the builder. All landscape and grading work which affects the original lot drainage installed by the builder shall be evaluated by a design professional. The signed grading/drainage report shall be submitted as part of the SCR to the BOD prior to beginning work.

7.3. The total front yard shall not be less than 30% live material (e.g., lawns, shrubs, trees,

etc.), not counting concrete, bricks, pavers, bark mulches and other manufactured or compounded materials. The use of bark mulches should not exceed 20% of the total front or side parkway areas. Bark mulches and decorative gravels/stones used should have a weed barrier placed underneath to minimize grass and weeds from growing through the mulch/gravel.

7.4. An exception to the mixed use of living and manufactured landscaping materials is the professional installation of quality, artificial turf (grass), which presents the appearance of natural green grass when viewed from three feet. Once installed, this artificial turf must be maintained by the homeowner to continue to present the appearance of a natural, healthy green lawn. Any artificial turf (grass) installation requires prior SCR approval by the BOD. Previously used artificial turf from school grounds, athletic fields, etc., which contain lines, logos and other markings are prohibited.

7.5. All landscaping must be maintained. Landscape maintenance includes: application of adequate water to support existing grass and plantings, routine cutting/trimming of lawns, weed control, thinning/trimming of ground cover, and control of excessive growth by pruning and trimming of hedges and large bush type plants, groups of plants. Pruning and trimming of hedges and large bushes should limit the height to three (3) feet in front yards and six (6) feet in back yards. Heavy growth of trees and shrubs should not allow damage to the roof or siding of the residence. Homeowner landscape maintenance also includes:

- a. Control of weeds that tend to grow in driveway and sidewalk cracks, as well as the seam between the asphalt and the concrete curb apron in front of the residence.
- b. Trimming and/or cutting back any shrubs, trees, and other plants growing onto the open space or into a neighbor's lot.
- c. Trimming of trees, shrubs, and plants that overhang sidewalks, common areas, or roadways to not obstruct passage of pedestrians or vehicles, as applicable.
- d. Dead trees, bushes, or other formerly live landscape materials shall be removed by the homeowner.

7.6. Proper drainage of lots is usually toward the street, and landscaping shall not prevent this flow. Where a brow ditch is on a residence lot, it is the responsibility of the homeowner to maintain the brow ditch and keep it clear of any obstructions that impede the proper flow of water and facilitate proper drainage. Failure to comply with this requirement may result in the homeowner being held liable for any damages the improper drainage causes the neighbors and/or the open space areas.

8. STRUCTURAL REPAIRS AND MAINTENANCE

The following paragraphs address specific Structural Repairs and Maintenance situations commonly undertaken by BHHA homeowners and provide basic guidelines for completing same. Most Structural Repairs and Maintenance must be approved by the BHHA BOD using the SCR process prior to the start of the alterations or improvements.

8.1. All residence, fence, storage shed, and animal sheltering structures must be maintained in sound condition, regardless of whether visible from the street or open space. Fence repair or

replacement (equivalent to repair) does not require BOD approval, provided color, material, and structural appearance is not changed. Homeowners must maintain all fencing butting up against trail entrances and/or open space areas from their lots in good repair.

8.2. Graffiti on residence lots must be removed, and any damage caused by vandalism must be repaired immediately following any insurance or law enforcement investigation.

8.3. Driveway maintenance includes removal of oil and/or rust stains and the filling of any surface cracks, voids, or holes.

8.4. As of this writing, a San Diego County permit is required for a solid patio cover of 300 square feet or larger. Homeowners who want to change the material for their 300 ft² or larger patio will require a new permit. If the cover is 300 ft² or larger and is being replaced with the same material, the original permit can be submitted with the SCR requesting replacement.

9. PARKING

The following paragraphs address specific Parking situations most commonly addressed by the BHHA and provides basic guidelines for completing same. Most parking situations are easily addressed by the homeowner.

9.1. Parking of vehicles is only permitted in driveways or parking areas beside driveways consisting of solid concrete, pavers, bricks or other similar materials, as approved by the BOD. Parking of vehicles on gravel, gravel-like materials, grass, other lawn-type vegetation or dirt in the front of a residence is not permitted.

9.2 All vehicles, including automobiles, motorbikes, etc., which are parked and unmoved for more than two weeks and are not behind fencing and within view from the street, are defined by the BHHA to be “stored.” As such they are subject to CCR&E Articles 9.1.7 (viii), 9.1.8, and 14.1.

9.3. Motorhomes (RVs), campers, trailers, boats, dune buggies, jet skis, “quads”, and other recreational vehicles must be stored in a place screened from the street view of the home, i.e., behind a homeowner’s fencing. Motorhomes include Class A (bus based), Class C (truck based) and some of the larger Class B (van base) vehicles. It is understood that Homeowners need to prep and unprep their motorhomes, campers, trailers and other recreational vehicles for use. There is a 72-hour limit on parking these items in the driveway for the prep and unprep activities. If homeowners feel they may need additional time to prep/unprep their RV, campers, trailers, etc., they shall submit an SCR indicating the requested additional time and rationale to be reviewed and approved by the BHHA BOD. Homeowners with a smaller Class B motorhome that wish to park their motorhome/RV in their driveway shall submit an SCR to be reviewed and approved by the BHHA BOD to ensure their Class B motorhome conforms with the current BHHA standards. It is understood that taller campers, motor homes, trailers, etc., may not be completely screened from view due to the normal 6-foot fence height.

9.4. Covering a vehicle, camper, motor home, trailer, boat, etc. with a vehicle cover does not constitute screening. These vehicles must be stored behind the homeowner's fence.

9.5. Exceptions to the storage time limit may be approved by BOD on a case by case basis. Homeowners who are going on extended vacations or will be away from their homes for greater than two weeks, should notify the BHHA of same. This will allow the BOD to understand why vehicles may be temporarily "stored" in their driveways.

9.6. Parking of commercial vehicles with dual rear wheels or larger in size than a pickup truck or van is prohibited unless garaged or screened from view, as in paragraph 8.2 above. Similarly, the parking of any vehicle displaying large, commercial advertising is prohibited. Large commercial service vehicles are allowed to be parked only during the period that they are actively engaged in providing a commercial service to a residence. The parking of ancillary commercial vehicles, such as trailers, is also prohibited.

10. STORAGE

The following paragraphs address specific Storage situations most commonly addressed by the BHHA and provides basic guidelines for completing same. Most storage situations are easily addressed by collaboration between the BHHA and homeowners.

10.1 Garbage cans, recycling bins, and green refuse bins, shall be stored in a place screened from the street view of the home, i.e., behind a homeowner's fencing, when not placed at the curb for collection. Trash and recycling containers, debris from gardening, trimmings, and other trash may not be placed at the curb prior to 5:00 p.m. the day before pick-up and must be removed from the street by 9:00 a.m. on the day after trash pickup.

10.2 Equipment, woodpiles, storage piles, rubbish, trash, garbage, etc., shall be kept screened from the view of street and/or neighboring residence lots (CCR&E Article 9.1.6). These types of items that are not routinely removed by the homeowner can create habitats for mice, rats, and other rodents that may pose a health hazard to the homeowner and neighbors. Due to this potential safety hazard, homeowner shall not allow these types of items to accumulate on their property.

10.3 Large box type storage containers, i.e., Big Box, PODS, etc., can be used by homeowners for short-term, temporary storage during home remodeling projects. These large box containers will be treated a vehicle and must be placed on the homeowner's driveway or solid parking area. Homeowners who plan to use a large box storage container shall submit an SCR to be reviewed and approved by the BHHA BOD to ensure it size, location, and time requirement conforms with the current BHHA standards.

11. COMMON AREA

The following paragraphs address specific Common Area (aka, Open Space) situations most commonly addressed by the BHHA and provides basic guidelines for completing same. Most

common area/open space situations are easily addressed by collaboration between the BHHA and homeowners.

11.1. In general, the common area is to be used only by homeowner pedestrians, equestrians, and non-motorized vehicles. With prior BOD approval, homeowners may enter the common area with motorized vehicles for access to the rear of their residence lot (a surety bond may be required). Other motorized vehicles allowed on the common area are those of contractors doing business for the BHHA. Motorized vehicles may enter “Horse Ring Road” from Corral Canyon Road or the Mirar Court trail entrance only for the purpose of loading or unloading of horses and/or equestrian equipment in the ring area. Horses are not allowed on the three lawn areas of the common area. The cultivated and irrigated slopes (Corral Canyon Road, Sprinter Lane, Horse Ring Road, Corral Canyon Park area) and the cultivated and irrigated cul-de-sacs (Jockey Way, Yearling Court, Snaffle Bit Place) shall not be used in any way that may cause injury to the plants or damage to the irrigation systems.

11.2. Dumping of any material onto the common area is prohibited. “Material” includes, but is not limited to, trash, rubbish, garbage, tree trimmings, shrub trimmings, rocks, concrete, soil, building materials, and animal waste.

11.3. A homeowner shall not cause or allow water or any other liquid to enter the common area from the homeowner’s residence lot.

11.4. Homeowners shall not landscape, cultivate, and/or irrigate any part of the common area, except when formally authorized by the BOD. The cutting down or trimming of trees or shrubs in the common area by homeowners is prohibited. Homeowners may trim grassy areas (weed-whack) next to their lot a distance not to exceed six (6) feet into the common area. Homeowners who have any questions on these guidelines should contact the BHHA via mail or e-mail at bhighlanderhoa@gmail.com.

12. RESIDENCE, ADU/JADU, IN-HOME BUSINESSES

The following paragraphs address specific Residence, ADU/JADU, and In-Home Business situations most commonly addressed by the BHHA and provides basic guidelines for each. Residences refers to the initial house structure on the lot, ADU and JADU refers to additional living units allowed under state law, and in-home businesses refers to operating a business from the residence. Most residence, ADU/JADU, and in-home business situations are easily addressed by collaboration between the BHHA and homeowners.

12.1. Residence

The residence shall be maintained by the homeowner in accordance with BHHA CCR&Es and these Rules and Regs. The purpose of these BHHA documents is to ensure Bonita Highlands property, residences, and community conform with Highlands community standards. Several routine maintenance activities are mentioned in the Structural Alterations and Improvements section. The following is a listing of the types of routine maintenance activities expected from all homeowners.

- a. Exterior painting to include trim shall be maintained to minimize visible fading and/or chipping. Stucco shall be maintained to minimize visible discoloration, chipping, holes, etc.
- b. The roof material shall be maintained, to include all rain gutters on the street facing portion of the roof.
- c. Landscaping shall be maintained, i.e., lawn and bushes/shrubs/plantings trimmed and well maintained.
- d. Front doors shall be maintained to minimize chipped paint.
- e. Window screens and front screen doors shall be maintained to minimize torn or damaged screens
- f. Driveways shall be maintained to minimize stains, e.g., oil, rust, etc., and remove all weeds that may grow along seams and/or the edges of the driveway.
- g. Fencing shall be maintained to ensure it is structurally safe, i.e., not falling over, is maintained to minimize paint chipping, broken / missing boards, etc.
- h. Garage doors shall be maintained to minimize chipped and discolored paint.
- i. Access to the resident lot from the open space or trail access areas is not authorized without BOD approval.
- j. There is no parking on front yards, or side yards that are not covered with concrete or approved pavers.
- k. Drainage of water or refuse from a resident to the open space, trail access areas, or neighbor lots/residences is prohibited.
- l. Residences that are rented by the homeowner must be rented for periods greater than 30 days. The property homeowner will provide the BHHA with the name and phone number of renters, including copies of the lease agreement, renter's phone numbers and email addresses. Failure to provide this information within ten (10) days of rental occupancy will result in a fine of \$500 monthly.
- m. Additionally, an annual affirmation of owner occupancy shall be provided in conjunction with the state-mandated Annual Notice for Address, Representative, and Rental Status reports, which the BHHA is required to send to homeowners annually.

12.2. ADU/JADU

Residences in the Bonita Highlands are allowed one ADU or one JADU per property provided the construction and use of an ADU or JADU meet the requirements of Government Code Sections 65952.2 and 65852.22 respectively. No construction for an ADU or JADU shall commence until the homeowner receives a BHHA BOD SCR Approval Form authorizing the construction of the ADU/JADU. In accordance with the previously discussed SCR process, the homeowner shall submit an SCR along with all the drawings for the construction, color samples, proof of all the San Diego County permits for the construction, and any other information requested by the BHHA to fully understand the project. The BOD will use the BHHA's reasonable architectural guidelines and the San Diego County code concerning the location and aesthetic nature of the proposed ADU/JADU. ADU/JADUs fall under the same BHHA guidelines for maintenance and upkeep as the associated residence. The following is a listing of some of the items that will be considered by the BOD when reviewing an SCR for an ADU/JADU, and the types of routine maintenance activities expected from all ADU/JADU residents.

- a. The appearance of ADU/JADU should conform and/or look similar in architecture and structure of the residence it's associated with on the lot, to include roofing and paint colors.
- b. The lot's original drainage will not be disturbed without supporting engineering study to document there is not risk of structural damage to the residence and/or any neighbor residences.
- c. All water, sewage, electrical, and gas service supplies are clearly addressed in the ADU/JADU drawings.
- d. The BOD will utilize the San Diego County rules and regulations as it relates to property set-backs from the side yard and back yard property lines. This may include reference to any San Diego County easements next to the residence lot.
- e. The homeowner of the residence associated with the ADU/JADU has ultimate responsibility for the ADU/JADU.
- f. The ADU/JADU that is rented by the homeowner, must be rented for periods greater than 30 days. The ADU/JADU property homeowner will provide the BHHA with the name and phone number of renters, including copies of the lease agreement, renter's phone numbers and email addresses. Failure to provide this information within ten (10) days of rental occupancy will result in a fine of \$500 monthly.
- g. The BHHA charges an administrative fee of \$500 per unit to offset administrative costs incurred when dealing with ADU/JADU, which is above the administrative costs for the associated residence.

In addition to the above residence specific items, there are additional guidelines the BHHA requires the homeowner to comply with for obvious reasons.

- h. Pets. The residence is allowed to have two (2) pets, normally considered to be (a) two domestic dogs, cats, or other commonly accepted household pets, (b) caged birds, and (c) fish in a household aquarium; provided these animals are kept for non-commercial purposes, and (d) shall not in the BOD's evaluation create an unreasonable annoyance or nuisance to other homeowners. Homeowners are reminded that dogs shall be on a leash whenever they are outside of their residence's lot, i.e., when being walked down the street or in the open space areas. Domestic pets in this case do not include farm animals like chickens/roosters, pigs, cows, etc. Homeowners wishing to host or house horses should submit an SCR to the BOD for review and consideration. Note: Not all lots are zoned by San Diego County to host horses.
- i. Feeding Wild Animals. Homeowners shall not feed any wild animals in either their resident lot or the open space. Feeding of these animals increases the rodent population, which in turn increases the threats from coyotes to homeowner domestic pets. The excessive rodent population also interferes with the open space soil, i.e., large rodent holes that can injury hikers, pets, and horses, and adds to the excessive and hazardous erosion of hillsides. As such, feeding wild animals creates a hazardous situation for homeowners and their pets and can be addressed by the BOD with the BHHA Rules and Regs violation process.
- j. Nuisance. Obnoxious or offensive activities are prohibited at any residence lot or in the Common Area, nor shall anything be done therein which may be or become an annoyance or nuisance to other homeowners. The BHHA has interpreted this issue to be

things like loud parties, loud music, excessive barking dogs, unleashed dogs, offensive language/music, all night parties, etc. Homeowners are reminded to be considerate of their neighbors.

- k. Interference. No residence lot shall be used in such manner as to obstruct or interfere with the enjoyment of other homeowners or occupants of other residence lots or annoy them by unreasonable noise or otherwise, nor shall any nuisance or illegal activity be permitted to occur in any residence lot. The BHHA has interpreted this issue to be things that are related to homeowners that operate an in-house business that may interfere with the neighbors. Homeowners are reminded to be considerate of their neighbors.
- l. Parking. All residences are configured with 2 or 3 car garages. This allows for a maximum of 3 vehicles in the garage and 3 vehicles in the driveway, for a total of 6 vehicles. The BHHA BOD understands most residents use some if not all of their garage for storage, that still leaves 2-3 parking areas in the driveway. Plus, most homes have room in front of their residence to park at least one additional vehicle. Homeowners are reminded to be considerate of their neighbors and not use “all the parking on the street” for their vehicles. Homeowners are reminded they cannot store vehicles in driveways or on the street.

12.3 Businesses

Conducting business in the home may be approved, provided the business is benign in nature, is safe, and does not constitute a hazard or a nuisance to the homeowner or its neighbors. The business may be regarded as being in compliance with our CC&Rs with the express provision that each of the following conditions are met:

- a. The establishment and conduct of an in-home business shall not change the principal character or use of the residence.
- b. There shall be no exterior evidence of the conduct of an in-home business, which includes any signage or advertising of the business.
- c. The in-home business shall be conducted entirely within the residence and/or its attached garage.
- d. None of the electrical or mechanical equipment used in the in-home business shall not be visible or audible outside of the residence, and shall not interfere with any activities of neighbors, i.e., interrupt neighbor’s Wi-Fi, Direct TV reception, excessive noise of any kind, etc.
- e. The in-home business will not include several non-resident employees.
- f. There shall be no on-premises sale of goods that causes buyers to frequent the residence.
- g. Occasional transport of goods from the premises for off-site sale may occur.
- h. A home occupation shall not create vehicle or pedestrian traffic in excess of that which is normal for the residence in which it is located.
- i. Storage of hazardous material, i.e., flammable, toxic, corrosive, caustic fluids or materials, etc., greater than five gallons or 50 pounds is prohibited.
- j. Limited indoor storage of non-hazardous goods or supplies may take place within no more than one room of the dwelling and/or in the attached garage.

13. DAYCARE FACILITY

Daycare facilities are permitted in accordance with California Health and Safety Codes 1597.40, 1597.44, 1597.465, and 1597.531. These California Health and Safety codes define the state requirements for licensing, rental property notification to landlord or property owner, and liability insurance. Homeowners who are interested in this topic are encouraged to read these codes for a more comprehensive understanding of all the legal requirements.

14. BHHA BOD APPROVAL PROCESS

The BHHA BOD has a formal approval process for any improvements, changes, and/or upgrades homeowners desire to do to their residence or property. This process is outlined in the following paragraphs.

14.1. The homeowner who desires to conduct a project to improve, change, or upgrade their residence or property shall submit a completed SCR to the BOD for approval. The SCR shall be submitted prior to any work being done on the project. Depending on the SCR, additional information may be required to support the SCR, e.g., plans, drawings, color samples, material samples, copies of permits, bonds, etc. Ideally, two sets of plans/drawings and other support material shall be submitted to the BOD no less than thirty (30) days before starting the project. The plans/drawings should be comprehensive, including dimensions, color samples/numbers, building materials, and location of the improvement on the property.

14.2. The BOD will review the SCR and support material and attempt to respond to the requesting homeowner promptly with any questions. Once all the questions are answered to the BOD's satisfaction, it will be voted on by the BOD for approval. It is anticipated this review process will take no longer than 30 days if there are limited to no questions from the BOD to the homeowner to address.

14.3. The BOD will provide the homeowner with an SCR Approval Form once the SCR is approved. The SCR Approval Form will include one set of plans/drawings and any additional information initially provided by the homeowner. The duplicate set of plans/drawings and support material will be retained in the BHHA files.

14.4. Any alterations, improvements, modifications or changes made by a homeowner without prior SCR approval by the BOD will be subject to a BHHA citation and such remedial or enforcement action as the BOD may deem appropriate. This includes possibly removing and/or revising any alternations, improvements, modifications in order to obtain BHHA approval.

15. BHHA RULES & REGULATIONS COMPLIANCE PROCEDURES

The BHHA BOD has established two processes to ensure BHHA property and residences conform with Bonita Highlands community standards in accordance with the BHHA CCR&E and Rules and Regs. The first process is the SCR process previously described in these Rules and Regs. The second process is the monitoring of homes throughout the Bonita Highlands for compliance with the BHHA Rules and Regulations. This process has three components:

identification of non-compliance situations, homeowner notifications, and possible financial fines to homeowners for non-compliance with the BHHA Rules and Regs. The monitoring process and procedures are outlined in the following paragraphs.

15.1. Homeowners may report violations to the BOD by submitting a written notice describing the violation mail or email to the Recording Secretary at bhighlanderhoa@gmail.com. The Recording Secretary will share these reports with the BOD or committee appointed by the BOD for review and any required action. The BOD has designated an Architecture Control Compliance Committee (ACC-C) which is responsible for conducting periodic drive-throughs around the Highlands to identify any potential Rules and Regs violations.

15.2. Any time a compliance violation has been identified and/or noted to the BOD, the following actions will be taken:

- a. A First Notice to correct the violation will be sent by the BHHA ACC-C to the homeowner. This notice will contain a description of the violation and instructions regarding response to the notice and the desired correction action for the violation. If the homeowner corrects the violation within the specified time noted in the notice, the violation is considered closed. If the homeowner questions the First Notice, they have the option to respond to the Notice via mail or email to the BHHA ACC-C. The homeowner also has the option to appear in person at the next monthly BHHA BOD meeting with their questions. The monthly meetings are normally held on the second Tuesday of each month.
- b. If the homeowner does not respond to the First Notice, or the violation continues, or if the response is otherwise unsatisfactory after the First Notice, the homeowner will receive a Notice of a Monetary Penalty. The homeowner always has the opportunity to resolve the violation through corrective actions and communications with the BHHA's ACC-C. If desired, the homeowner can always appear before the BHHA BOD during one of the monthly BHHA BOD meetings. It is highly recommended that homeowners work with the ACC-C representative to correct the violation and/or appear before the BOD prior to the designated date for the monetary penalty. The notice shall be delivered to the homeowner personally, by first class mail, or by certified mail to the last address of the homeowner shown on the BHHA's records at least thirty (30) days prior to the scheduled monetary penalty date. The BHHA BOD and/or ACC-C representative shall give fair consideration to the homeowner's oral or written testimony in determining whether to impose a monetary penalty.
- c. If the violation continues or is repeated, or if the homeowner fails to correct the issue that caused the violation and associated fine, even after the imposition of a monetary penalty, the BOD may impose additional fines until such time as the matter is satisfactorily resolved. If the violation continues and/or no corrective action is taken by the homeowner, or if fines are not paid, the BOD may elect to take any or all of the following additional actions in accordance with the provisions of the California Civil Code:
 - 1) Refer the matter to the BHHA's legal counsel
 - 2) Pursue the matter through mediation or arbitration
 - 3) Proceed to Small Claims Court. (Note: if a lawsuit is filed, the homeowner may be liable for the BHHA's legal costs and fees.)

4) Proceed to levy a lien against the homeowner's property.

15.3. Homeowners who wish to have a property manager or other agent notified in the case of any violation against their property may arrange to do so by written notification to the BHHA Recording Secretary at Bhighlanderhoa@gmail.com or mail at the BHHA address. The written notification shall include the homeowner's name and address, the address of the Highlands property, and the property management company and its point of contact's name, address, phone number, and email address. The administrative fee to incorporate this additional third-party Point of Contact (POC) for the designated property in the BHHA documentation is \$100.00, which shall be paid at the time of the written request to include a third-party notification. The inclusion of a third-party POC will in no way relieve the homeowner of their responsibilities as set forth in the BHHA CCR&Es and these Rules & Regs.

15.4. Since it is time-consuming and costly for the BHHA to locate a homeowner who has moved, it is the homeowner's responsibility to advise the BHHA promptly of any change of their mailing address. Failure to do so may result in the assessment of a \$100 fine by the BHHA.

15.5. Governing BHHA Rules and Regs require prior approval for certain major modifications to homes or residential lots. A homeowner's failure to acquire such prior approval before starting such a modification may result in assessment of a \$300 fine. It may also result in the homeowner having to undo the alteration or improvement in order to obtain approval for the required SCR.

16. BHHA COMPLIANCE FINE SCHEDULE

The BHHA BOD has established a Rules and Regulations Compliance Fine Schedule to be administered as part of the overall Rules and Regs compliance process previously described. This fine schedule represents a listing of the most common Rules and Regs compliance violations. As noted in the compliance process and procedures, the BHHA BOD will work with homeowners to rectify any Rules and Regs/CCR compliance issues with the goal of corrective actions without the need for fines.

16.1 Fine Schedule Minimum Values.

a. Basic Violations of the CCR&Es, Rules and Regs, etc.	\$100
b. Unauthorized Structural Changes to Property	\$100
c. Unauthorized Landscape Changes to Property	\$100
d. Stored Vehicles/Trailers	\$100
e. Open Space Issues (trees, bushes, etc.)	\$100
f. Garbage Cans Left on Street	\$100
g. Hazardous Conditions/Activities (Risk of harm to persons or property)	\$250

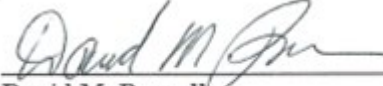
16.2. Failure to correct violations on a continuing basis, or repetition of the same violation, may result in the BOD levying additional fines.

16.3 Correspondence with the BOD can be mailed to the BHHA Recording Secretary at the address and/or email below.

Bonita Highlands Homeowners' Association
P.O. Box 458
Bonita, CA 91908-0458
E-Mail: bhighlanderhoa@gmail.com

16.4 Homeowners and/or tenants may also communicate directly to the BOD at any of its regularly scheduled monthly BHHA BOD meetings.

FOR THE BONITA HIGHLANDS HOMEOWNERS' ASSOCIATION


David M. Parnell
BHHA President