



Bonita Highlands Homeowners' Association
P.O. Box 458
Bonita, CA 91908-0458

January 19, 2015

Re: The Bonita Highlands Master Plan

Att. (1) Master Plan Requirements for Bonita Highlands Property (Master Plan)
Att. (2) Excerpt from San Diego County Code, Title 9, Construction Codes and Fire Code

Dear Homeowner(s),

This letter and attachments explain the original concept and subsequent actions taken by the original developer when completing the Master Plan for the Bonita Highlands, in which you live.

Some Bonita Highlands history. During the planning phases of this development, Bonita was a semirural community. Developer Corky McMillin wanted to build houses here, while the County of San Diego wanted open spaces. A compromise was reached, with McMillin building homes in an "open architectural environment." To achieve this, the homes were generously "set back" or placed away from the street to create the appearance of an open corridor as one drives through the subdivision. This is the main reason for the rigid definition and enforcement of rules for front yards, which require them to present an open appearance.

Master Plan Criteria. Specifically, the Bonita Highlands Master Plan limits front yard landscaping to that noted on County-approved drawings, or as approved by the Homeowners' Association Architectural Control Committee. This also restricts the height of hedges and other plant materials, free-standing walls, and fences... all of which are vision-prohibiting barriers. Attachment (1) provides a listing of these and other Master Plan requirements as a result of the above County-Developer agreement or permit.

There are also side and rear yard setbacks, which restrict the permanent, buildable areas of the side and rear yards. The purpose of the non-buildable setback areas is to create an open corridor between homes, generally 20 feet. In compliance with this restriction, only one permanent storage shed is allowed and must be located so as to meet the rear yard setbacks and Board-approved Rules and Regulations. House colors must also remain "earth tones" to blend in with the open environment look of the subdivision.

Deviations from the Master Plan requirements are generally disallowed and violation notices will be sent out when they are noted. However, there are exceptions. If homeowners can show that during their occupancy, or that of a previous owner, the Board approved a Structural Change Request contrary to the Master Plan, but not in violation of County Code or other County requirement, the Board may waive the deviation.

It should be noted that County Code, Section 91.1.114.2 requires that unapproved deviations or violations be corrected, even if they existed at the time a property was purchased (see attachment (2)).

For the Board

Michael R Seiler
President

McMillin's Bonita Highlands (MUP # 72-389W)

(restrictions) draft September 22, 2014

The purpose of this document is to restate the original LAND USE Provisions of the MAJOR USE PERMIT for McMillin's Bonita Highlands.

The provisions of the original MAJOR USE PERMIT requires the following and applies to all residential lots within the development as well as to the common space:

Lot Coverage and Buildable Area

- Individual lot coverage within the development shall not exceed 33%, of the total lot area. This includes any and all outlying or accessory structures.
- Any expansion of the residential habitable area will require a minor deviation permit.
- The buildable area in the rear of each lot is defined by the side and rear setbacks, that is: side; fifteen (15) feet and five (5) feet, and rear; thirty-five (35) feet. See Typical Development Standards below.

Accessory Buildings or Structures

- No habitable accessory buildings or structures are permitted.
- No accessory buildings or structures may be fitted with electricity or plumbing.

Typical Development Standards

- Front yard setbacks shall be a minimum of twenty (20) feet from the front property line, except for side entry drives i.e., drives which do not provide perpendicular access from the street, which can be fifteen (15) feet from the street.
- Side yard setbacks
Shall be a minimum of fifteen (15) feet from the lot line on one side and a minimum of five (5) feet from the lot line on the other side to maintain a minimum separation of twenty (20) feet between residences.

- No part of the residence or any authorized enlargement thereof may be within thirty-five (35) feet of the rear property line.

Horse Ownership

- Is limited to 264 specifically designated Horse Ownership Lots.
- Ownership of up to two (2) horses per designated lot is allowed.
- Boarding of horses is not permitted.
- Accessory horse structures may abut the rear property line, but shall be subject to side yard setback provisions.
- No part of any accessory horse structure may be located within fifty (50) feet of the residence.

Home Owner Association approval is required prior to any modification to the original look, structure, use, landscaping, or drainage provisions attained by the developer.

Conversions of Garages to Residential Use

- Are not permitted unless compensatory arrangements for parking are made on site.

Landscape Area

- The front yard is defined as in front of the front face of the residence and the front face of the garage.

- Fencing

No solid fencing is allowed within the front yard area. This includes walls, solid hedging, or other vision prohibiting barriers, such as dense screening.

- Allowed front yard items include

Split rail fencing not to exceed forty-two (42) inches in height.

Decorative street lighting (note lighting limitations).

Brick or block planter areas.

- Retaining walls shall be as per county code and Homeowners' Association requirements.
- Front yard plants and plant material not in accordance with the original Landscape plan shall be as approved by the Homeowners' Architectural Control Committee.
- No controls on landscaping within rear fencing area.

Fencing

- Only fences of approved design permitted. Maximum height – six (6) feet.
- Both solid and open fencing permitted from front face of house/garage rearward along property line to and across rear property line; to adjoining property line, thence forward to the front face of the garage/house, thus encompassing the entire rear yard.
- No solid fencing permitted in front of house. For clarification see cross hatched areas noted on John A. Fitzpatrick, Landscape Architect, Landscape & Plot plan 74C50. The cross-hatched area is delineated by a line perpendicular to the property line, terminating at the front corner of the house/garage.

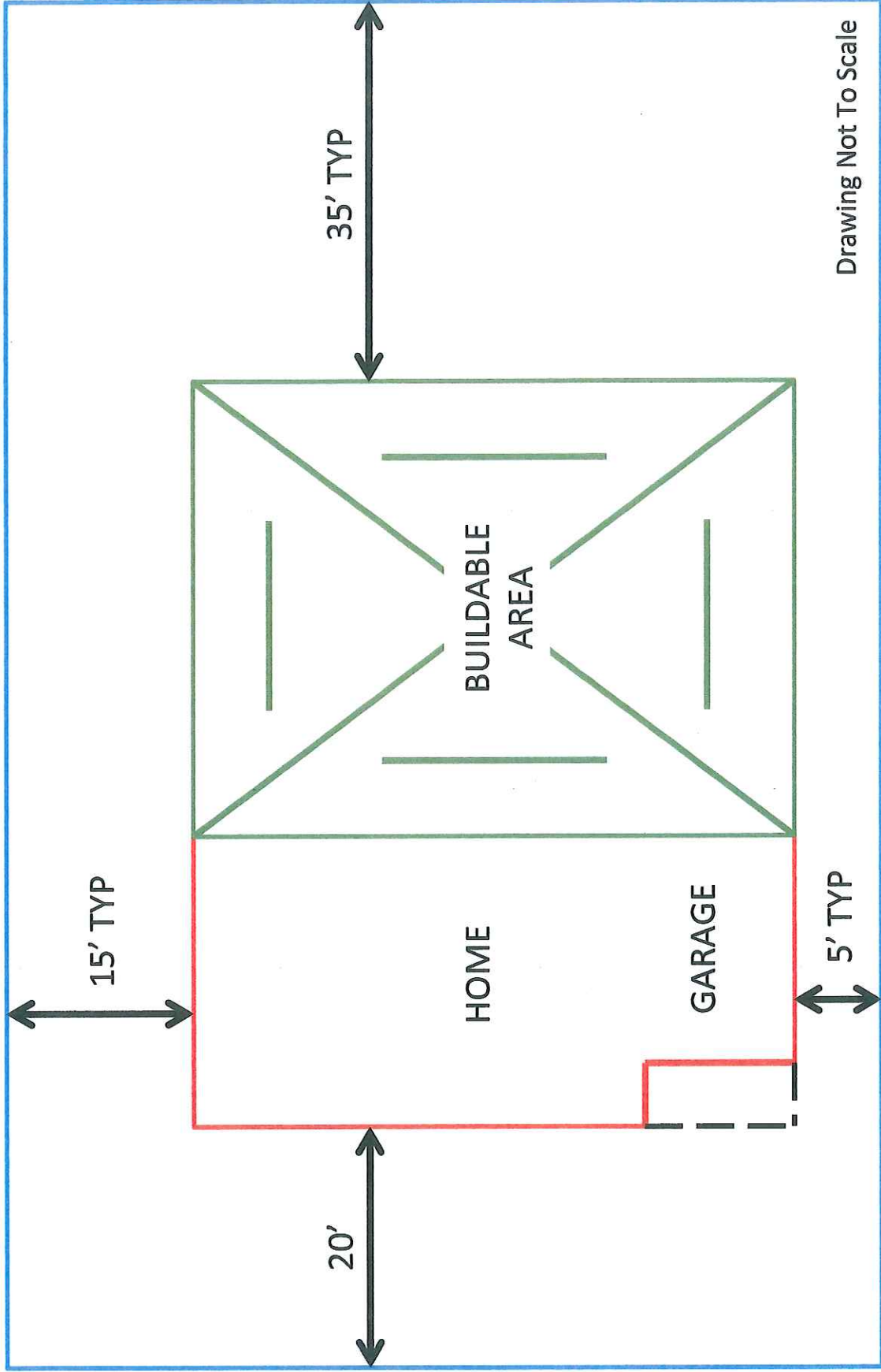
Light Sources

- All light sources shall be so designed and adjusted as not to be directly visible beyond the boundaries of the premises.

Common Space

- Ungraded portions of the common space will be left in their natural state except for specific areas where groves are proposed.
- The developer will plant and the Homeowners' Association will maintain within the common area groves of trees at locations such as rest areas, the equestrian center and major trail intersections. Ten (10) to twelve (12) trees, ground cover and shrubs will be planted at each location.
- All graded areas within the common space will be planted by the developer and maintained by the Homeowners' Association.
- Ungraded portions of the common space will be left in their natural state except for specific areas where groves are proposed.

Typical Lot Arrangement



Garage and/or Side Yard Setbacks May Be Reversed

**EXCERPT FROM SAN DIEGO COUNTY CODE, TITLE 9,
CONSTRUCTION CODES AND FIRE CODE**

SEC. 91.1.114.1. UNLAWFUL TO VIOLATE COUNTY BUILDING CODE, COUNTY ELECTRICAL CODE, COUNTY PLUMBING CODE AND COUNTY MECHANICAL CODE.

It shall be unlawful for any person to use any property or erect, construct, enlarge, alter, repair, move, remove, improve, convert, demolish, equip, use, occupy or maintain any building or structure, or cause the same to be done, contrary to or in violation of any of the provisions of this chapter, the County Building Code, County Electrical Code, County Plumbing Code or County Mechanical Code.

(Added by Ord. No. 10146 (N.S.), effective 5-13-11)

SEC. 91.1.114.2. DUTY TO CORRECT VIOLATION.

Paying a fine or serving a jail sentence shall not relieve any person from the responsibility for correcting any condition which constitutes a violation of section 91.1.114.1. A property owner shall be considered to have allowed any use or improvement of property occupied by, or under the dominion and control of the owner and the owner shall be responsible for the discontinuance and removal of any violation of section 91.1.114.1. The responsibility under this section shall include property leased to another person. A property owner shall also be responsible for the discontinuing and removing any violation of section 91.1.114.1 that existed on the property at the time the current owner purchased the property.

(Added by Ord. No. 10146 (N.S.), effective 5-13-11)