



The Rosalena Owners' Association, Inc.

ARCHITECTURAL AND LANDSCAPING GUIDELINES

(Revised August 2001)

TABLE OF CONTENTS

I. INTRODUCTION	1
Scope of Review and Liability	2
Decisions of the AC	2
Amendments	2
II. CRITERIA	2
Relation to the Natural Environment	2
Conformance with Covenants	2
Design Compatibility	3
Location and Impact on Neighbors	3
Scope	3
Color	3
Workmanship	3
Governmental Permits	3
Special Restrictions	4
Plan Review Fees	4
Disruption of Property	4
III. SUBMITTAL PACKAGE	5
IV. REVIEW PROCEDURE	7
V. GENERAL	9
Appeals	9
Enforcement	9
Violations	9
Damage	9
No Waiver	9

VI. GUIDELINES	10
Air Conditioners	10
Antennas/Satellite Dishes/Mechanical & Solar Devices	10
Balconies, Patios and Decks	11
Barbecues – Permanent	11
Basketball Hoops	11
Clotheslines	12
Dog Houses and Dog Runs	12
Drainage	12
Exterior Fireplaces, Chimneys, Fire Pits, Flues and Roofs	12
Exterior Lighting and Walkways	13
Exterior Painting	13
Fencing, Pilasters and Walls	13
Flagpoles	14
Garage Conversions	14
Gutters and Downspouts	15
Landscape, Hardscaping and Irrigation	15
Landscaping Lighting	16
Patio Covers, Trellises, Accessory and Miscellaneous Structures	17
Screen Doors and Security Doors	18
Security and Realty Signs	18
Swimming Pools and Spas	18
Windows and Window Treatments	19

VII. ATTACHMENTS

Application for Approval of Architectural and/or Landscaping Improvements	Form 1
Neighbor Awareness Form	Form 2
Notice of Completion	Form 3

The Rosalena Owners' Association, Inc.

ARCHITECTURAL AND LANDSCAPING GUIDELINES

I. INTRODUCTION

Each Owner took title to his/her property subject to the provisions of the Rosalena Owners Association's Community Documents. As a result, each Owner is legally bound and required to comply with the Association's standards, including these Architectural and Landscaping Guidelines ("Guidelines"). The Architectural Committee ("AC") is a design review committee established to help preserve the physical harmony of the immediate neighborhood and the community as a whole. In order to maintain the architectural integrity of the community, the AC established these design guidelines.

The intent of design controls is not to inhibit individuality and creativity, but to preserve and improve the community's appearance, while enhancing the overall environment of the Rosalena community. In accordance with the Association's CC&R's, *no building, permanent or ornamental fence, wall, structure or improvement of any type (including landscaping) will be removed, constructed, erected, placed, altered, refurbished, painted or repainted until the building or alteration plans have been approved by the AC.*

The CC&R's require each Owner to obtain AC approval prior to undertaking most outdoor improvements, including, but not limited to the following:

- Construction or demolition of any exterior structures
- New landscaping or changes to existing landscaping.
- Construction and painting of exterior structures and fences
- Painting or changing material of any exterior structure.
- Changing of lot contour or other changes which significantly alter property appearance

These design guidelines support the Declaration of Covenants, Conditions and Restrictions for The Rosalena Owners' Association, Inc. ("CC&R's"), but they do not cover the entire document. For complete information, please refer to the applicable sections of the CC&R's, which are binding and enforceable. In the event of a conflict between these Guidelines and the CC&R's, the CC&R's shall control.

These guidelines explain the information to be included in the Application for Approval of Architectural and/or Landscaping Improvements (Form 1 attached herewith). These guidelines will also help Owners plan improvements, which will be acceptable to the AC.

There are no automatic approvals. Each Application for Approval of Architectural and/or Landscaping Improvements is reviewed on an individual basis taking into consideration each specific request and how the proposed improvement would impact its unique surroundings. For example, an Owner who wishes to construct a deck, identical to one that has already been approved by the AC for a neighbor, is still required to submit an application and obtain AC approval.

Scope of Review and Liability:

The AC is a design review committee and is not responsible for reviewing or approving plans or designs from the standpoint of structural safety or compliance with building codes, special use permits, site approvals, or other governmental requirements. The AC does not assume responsibility for the Owner's failure to obtain such permits. Obtaining county or other governmental permits does not waive the need for the AC's approval.

Decisions of the AC:

In rendering its decisions, the AC may consider aesthetics, function, drainage, the effect on Common Area, the interests of the Owner requesting the proposed improvements, as well as the interests of other Owners and other related matters, which the AC deems relevant. Plans and specifications of proposed improvements shall be accompanied by such additional information as the AC may reasonably request. For example, the AC shall have the right to require an Owner to submit an analysis of whether proposed improvements would impact other residences or lots. It is expressly recognized that these interests and considerations may at times be in conflict. And it shall be within the AC's jurisdiction to resolve such conflicts in the manner it deems appropriate. For example, in balancing conflicting interests and desires of Owners, the AC may approve proposed landscaping or other improvements, which affect or impact another Lot or residence.

Amendments:

These guidelines may be amended from time to time by the Board of Directors to reflect changes in policy, changed conditions or technology.

II. CRITERIA:

The AC evaluates all submissions on the individual merits of each application. In addition to evaluation of the particular design proposal, the AC considers, among other things, the characteristics of the housing type, the individual lot site and the effect the proposed improvement will have on the surrounding properties, since what may be an acceptable design in one instance may not be acceptable for another.

1. RELATION TO THE NATURAL ENVIRONMENT: Any changes or additions to Lots can have damaging effects on the feeling of open space. Other factors such as removal or addition of plant material, disruption of the natural topography and changes in rate or direction of water run-off also adversely affects the natural environment.
2. CONFORMANCE WITH COVENANTS: All applications are reviewed to ascertain that the proposed modification is in conformance with the Association's governing documents. The Owner is solely responsible for ensuring that all building codes are met and permits (or other governmental approval) are obtained where applicable. Approval by the AC for any improvements does not waive the necessity of obtaining City required permits or other governmental approval. Obtaining City or other permits or other governmental approval does not waive the need for prior approval from the AC. All approvals must be obtained prior to beginning construction.

3. **DESIGN COMPATIBILITY:** The proposed modification and/or improvements must be compatible with the established architectural characteristics and standards of the development. Design compatibility is defined as similarity in architectural style, quality of workmanship and materials, color and construction details. The basic idea must be sound and appropriate to its surroundings and the community in its entirety.
4. **LOCATION AND IMPACT ON NEIGHBORS:** The proposed modifications and/or improvements should relate favorably to the landscape, the existing structure and the architectural quality of the community. Concerns include visual harmony, access, sunlight, ventilation and drainage. Owners are required to obtain the requisite signatures of their facing and adjacent neighbors on both the Neighbor Awareness Form (Form 2 attached herewith) and the landscape and/or construction plans.
5. **SCOPE:** The scope of the proposed modification and/or improvement must relate harmoniously to adjacent structures and its surroundings.
6. **COLOR:** All proposed exterior modifications and/or improvements must use similar building materials and be painted the same color as the adjacent stucco and trim color.
7. **WORKMANSHIP:**
 - a. Workmanship must conform to existing construction codes and standards within the project.
 - b. All work performed by contractors or individual Owners are to adhere to applicable building codes and industry standards.
 - c. Prior to commencing any work, the Owner is responsible for contacting the AC when seeking approval for building and completing any construction project. (Note: Interior modifications not affecting the structural elements, exterior, slab or roof surfaces do not require Association approval). Owners should use properly licensed and insured contractors.
 - d. The Owner assumes all responsibility for contractors employed by the Owner during design and construction for quality of workmanship, safety and adherence to all Guidelines, Rules and Regulations and the governing documents of The Rosalena Owners' Association, Inc.
8. **GOVERNMENTAL PERMITS:** Approval by the AC of any modification or improvement does not waive the necessity of obtaining permits as may be required by the California Coastal Commission, the City, County or other governmental oversight entities. Likewise, obtaining the required governmental permits does not relieve the Owner from the obligation of submitting and obtaining AC approval prior to commencing any modification or construction covered by these Guidelines.

9. SPECIAL RESTRICTIONS: The Association's CC&Rs may contain special restrictions on Lots within the Association. It is the responsibility of all Owners to familiarize themselves with any special restrictions. To illustrate, it should be noted that Lots 2 thru 24 and 25 thru 35 within the Association have unique and specific rules and restrictions imposed on the Lots by the City of Carlsbad, the Coastal Commission and the Association's recorded CC&Rs. These rules and restrictions address, among Other things, a 45-foot setback requirement and an easement for a view in favor of the City of Carlsbad. These rules and restrictions are contained on page 9, section 2.1.18 of the Association's CC&Rs. For example, the restrictions in section 2.1.18 pertain to the type and height constraints for allowable improvements within a distance of 45 Feet from the rear property line of the subject lots. Owners of lots with special restrictions should familiarize themselves with these restrictions, as they will affect the type of improvements and/or modifications, which can be made on such Lots.
10. PLAN REVIEW FEES: The AC shall have the right to hire any engineer or consultant in connection with its review of the plans submitted by an Owner. The need for these services shall be at the sole discretion of the AC and the Owner shall be liable for payment of any such engineer's and/or consultant's fees. The Owner will be Contacted prior to the AC obtaining any such services and, if possible, informed of the estimated cost involved. As a result, it is in the Owner's best interest to provide as much information as possible when submitting his/her application to the AC for approval to avoid delays in processing or to minimize the need for the AC to obtain the services of an engineer or outside consultant.
11. DISRUPTION OF PROPERTY: Association common areas including, but not limited to, streets, sidewalks, curbing and adjacent properties damaged or disrupted due to the installation or construction of an Owner's improvement or modification shall be restored to their original state at the Owner's expense. A deposit or surety bond may be required in those cases where significant disruption of Association property or adjacent property is anticipated. Any submitted improvement or modification plan requiring the placement of electrical, sewer, water or gas lines over or under the Association's common area must fully define the location of such lines.

III. SUBMITTAL PACKAGE:

Landscape and home improvement plans are separate and will be handled per the following guidelines, which have been adopted in accordance with the Declaration.

1. LANDSCAPE AND/OR CONSTRUCTION PLAN(S) must be submitted to the AC for review. The landscape and/or construction plan(s) shall include the following information on them:

- a. Plan (top) view drawn to an appropriate scale of all improvements, including those required by the AC per these Guidelines. Show overall dimensions and be sure plans are drawn to scale and scale is included.
- b. Elevation (side) view drawn to an appropriate scale of each side of the improvements, such as patio covers and walls. Show overall dimensions.
- c. Location of improvement(s) as it relates to the home and all adjacent property lines including setback dimensions if any. Plans must also include locations of all easements, titles and other restrictions.
- d. Description of all plant materials (species and/or common name) and building materials and colors including brand name and specification name and number if any. Show this information on plans. Include colors and finishes of all hardscape items.
- e. If any improvements and/or construction are proposed (i.e., fencing, fountain, overhead trellis, built in barbecue, pool or spa), please indicate all dimensions including height and/or elevation. Provide any appropriate construction details.
- f. Clearly mark all plant types, sizes, locations and quantities on your plans.
- g. Drainage and grading must be clearly indicated. Indicate all proposed and existing drain inlets. The landscape plan must indicate direction of water flow and how surface water is to be collected. The existing drainage pattern at the time when overall grading was completed by the Builder is designed without consideration of proposed landscape improvements. Patios, walks, mow strips; planter walls, etc. will entrap surface water. All surface water must have a positive drainage system. Drain inlets must be located throughout landscape areas including, side yards. The AC and/or Association are not responsible for installation of improper drainage systems or improvements/modifications, which cause improper drainage. This is the sole responsibility of the Owner and/or his/her contractor.
- h. Phasing of improvements must be clearly identified on the plans.

2. Complete the Application for Approval of Architectural and/or Landscaping Improvements" (Form 1) and the Neighbor Awareness Form (Form 2). Obtaining neighbor(s) signatures does not automatically grant approval. Conversely, neighbor objections in and of themselves will not cause denial. However, the AC may contact neighbors to consider their objections, if necessary. **NO APPLICATION WILL BE CONSIDERED COMPLETE UNTIL THE "NEIGHBOR AWARENESS" CONDITIONS HAVE BEEN SATISFIED.**

3. The applicant must obtain written permission for the right of access during construction if the construction work requires access from:
 - a. The Association's common area,
 - b. Private property not owned by applicant.A copy of the letter granting permission (from the Association and/or Private Owner) must be submitted to the AC prior to the approval of the proposed plans.

4. Please include two (2) sets of landscape/construction plans in the submittal package along with the following:
 - a. Application for Approval of Architectural and/or Landscaping Improvements (Form1) and Neighbor Awareness Form (Form 2).
 - b. New Construction is required to submit a non-refundable check in the amount of \$200.00, as provided for in the Association CC&Rs.
 - c. Submittal of a check for the cost of any engineer or consultant's fees which the AC deems necessary in connection with its review or changes to plans submitted by an Owner.

Conforming your plans to these Guidelines should enable the AC to quickly review and approve your plans. Mail or deliver the submittal package to:

The Rosalena Owners' Association, Inc.

C/o The Prescott Companies

5950 La Place Court Ste. 200

Carlsbad, CA 92010

FAILURE TO INCLUDE APPROPRIATE FEES, IF ANY AND ALL OF THE INFORMATION REQUESTED WILL CONSTITUTE AN INCOMPLETE APPLICATION. INCOMPLETE APPLICATIONS ARE DEEMED DENIED AND WILL BE RETURNED TO THE OWNER FOR COMPLETION PRIOR TO ANY AC REVIEW.

IV. REVIEW PROCEDURE:

1. The AC will evaluate all complete applications within thirty (30) days after receipt by the AC of all required materials, information, fees and forms.
2. The Management Company will record the AC's decision in the Architectural Modification Request Log and notify the applicant of the decision as follows:
 - a. Approved: A copy of the executed request form and an approval report or a copy of the plans stamped and signed by the AC or its designated representative will be returned to the applicant. All restrictions contained in the Declaration shall be in full force and effect and shall control the construction activities of the Owner.
 - b. Approved with Conditions: A copy of the executed conditional approval report or a copy of the plans stamped and signed by the AC or its designated representative and recorded by the Association will be returned to the applicant. The plans will contain changes or stipulations that shall become a part of the plans and shall represent conditions of approval to be satisfied by the applicant prior to the commencement of any construction. All restrictions contained in the Declaration shall be in full force and effect and shall control the construction activities of the Owner.
 - c. Denied: If the application is denied, the applicant will be advised of the reasons for the AC's decision and will be provided with information or direction needed for re-submittal and to receive approval, where applicable.
3. All approved plans must be constructed in accordance with the plans and specifications as approved by the AC and must be completed within the time limits specified for their completion. An approved application cannot be modified without re-submittal and subsequent re-approval by the AC.
4. Upon landscaping and/or construction completion, the Owner shall notify the Management Company of the completed work, by submitting the Notice of Completion form (Form 3 attached herewith). Approved work must be completed and a "Notice of Completion" (Form 3) submitted no later than sixty (60) days from the date of the AC approval or within thirty (30) days of construction completion, whichever is sooner. The AC may extend the construction period beyond 60 days if the scope of the task warrants additional time. A request for this extended period should be submitted along with the initial application. Upon receipt of "Notice of Completion," the Management Company will advise the AC and a site inspection for plan conformance will be scheduled within thirty (30) days of receipt of said notice.
5. In accordance with the Association's CC&Rs, the AC or its duly authorized representatives shall have the right to access an Owner's property to review and check the improvements to confirm that they have been completed and are in conformance with all approvals and all conditions of approvals.

6. Upon completion of improvements indicated on any approved plans reflected as "future construction," the applicant shall re-submit (within thirty (30) days of completion) an additional "Notice of Completion" form to the Management Company.
7. If following site inspection and review, the Association deems the improvements have been installed as approved, no further action will be necessary. Upon written request by an Owner, a "Notice of Compliance" or "Estoppel Certificate" will be sent to the Owner. If following site observation and review, the Association deems the improvements have not satisfactorily complied with the approved plans, then the Association shall respond to the Owner in the following way:

Denial: The Association will send a "Notice of Noncompliance" to the Owner with a request to remedy the noncompliance. This notice will be sent within the 30 days after the site review and will specify the particulars of noncompliance. In all cases, the responsibility for and cost of correction is the sole responsibility of the Owner. Once the noncompliance is remedied by the applicant, another "Notice of Completion" form shall be submitted to the Management Company so that the AC or its duly authorized representative can review the work again and respond accordingly.

V. GENERAL:

1. Appeals: In the event plans and specifications submitted to the AC are disapproved, the party or parties making such submission may, within 30 days of the date of such disapproval, file an appeal, in writing, to The Rosalena Owners' Association Board of Directors. The Board of Directors shall review and consider the matter and render its decision within 60 days after receipt of the request for appeal.
2. Enforcement: Exterior changes made without approval from the AC will constitute a violation of the Association's Declaration and these Guidelines. In addition, any improvements, modification or additions installed in violation of the Association's governing documents (including the Declaration and these Guidelines) are subject to modification or removal of the improvements at the Owner's expense. All costs of such modification or removal plus any possible fines and monetary penalties, interest and legal fees are the responsibility of the Owner. Legal remedies will be pursued to the fullest extent permitted by the Association's governing documents and the Law.
3. Violations: All Owners have the right and responsibility to bring to the attention of the AC or the Board of Directors any violations of these Guidelines or the Association's other governing documents by submitting your complaint, in writing, to the management company.
4. Damage: Owners shall be responsible for any damage caused to the streets, landscape or open space areas and/or Association common area, as a result of construction activities related to an Owner's improvements. This includes the responsibility for the removal and proper disposal of construction debris or any other materials used in the accomplishment of the improvements. Written permission allowing construction activities to encroach upon common areas or any property not owned by the applicant shall be obtained from The Rosalena Owners' Association, Inc. and the applicable Owners property prior to any construction activity. If deemed necessary by the AC, a security deposit or bond may be required from the applicant. Unused deposits will be refunded within 30 days after completion of the work and final acceptance by the AC.
5. No Waiver: The approval by the AC of any proposal, plan, specification or drawing will not bind the AC to approve the same or similar proposal, plans, specification or drawing in the future. The AC specifically reserves the right to reject subsequent identical or similar proposals, plans, specifications or drawings, if in the AC's judgment; the modification does not benefit the particular property, neighboring properties or the neighborhood in general.

VI. GUIDELINES:

These guidelines were established to help owners plan improvements which will be acceptable to the AC. Please use these guidelines as a reference for submitting applications. The following items are not all inclusive. Please remember that all exterior and landscaping improvements (as stated in the Association's Declaration and these Guidelines) require AC approval.

AIR CONDITIONERS

Guidelines

Location of central air conditioning installed subsequent to home purchase shall be as specified in the original plan. Alternate locations must be approved by the AC and may require screening for the purpose of noise abatement. Air conditioning units which mount in windows are not acceptable if they will be visible from adjoining homes or from the common areas.

ANTENNAS / SATELLITE DISHES / MECHANICAL & SOLAR DEVICES

Guidelines

No television or radio poles, antennae, satellite dishes or technological evolutions shall be installed on the exterior of any building or placed on a Lot without AC approval except the installation or use of video or television antennas permitted within the Association as provided for by the FCC Rules and Regulations.

Prior to any installation, all mechanical equipment exposed to the exterior, including pumps, heaters and air conditioning compressors, and solar devices, including collectors, shall be subject to AC review and approval.

Solar panels shall be integrated into the roof design and be flush with the existing roof slope. Frames must be colored to complement the roof. Natural aluminum frames are prohibited. All mechanical equipment exposed to the exterior shall be located in a manner to minimize visual impact.

The AC shall have jurisdiction to disapprove any outside apparatus which it, in its sole discretion, determines will be unsightly from any other Unit, open space or public or private street.

•• Submittal Requirements - Solar Collectors:

- Location of the solar collectors
- Location of all plumbing to and from the solar collectors. All plumbing hardware shall be concealed
- Collectors must use construction materials that are nonreflective

BALCONIES. PATIOS & DECKS

Guidelines:

Materials and design shall be harmonious with applicant's house and neighborhood.

In designing the balconies, deck or patio, a minimum amount of intrusion upon neighbors' privacy should be given every possible consideration.

Adequate drainage must be installed to prevent standing water and run-off onto adjacent properties. Drainage must be directed to the street or into an established property drainage system.

Railings are acceptable, providing no patio cover is installed. See "Patio Covers and Trellises" for details on acceptable materials.

All patios and decks must be directly accessible only from the living area level.

•• Submittal Requirements:

- Site plan indicating location of patio or deck in relation to existing house.
- Listing of materials colors and finishes.
- Drainage provisions and flow or run-off.
- Dimensions,
- Elevation drawings.

BARBECUES - PERMANENT

Guidelines:

All permanent barbecues shall be submitted to AC for approval.

Permanent barbecues (gas or propane) are to be located in the side or rear yards Only. Placement shall adhere to the property line set back requirements, where required.

Wood burning barbecues are not permitted.

•• Submittal Requirements:

- Barbecue's Dimensions
- Materials and color to be utilized
- Elevation drawings
- Location of barbecue in relation to the house and property lines. (See special conditions for restricted Lots.)

BASKETBALL HOOPS

Guidelines:

No basketball standards (fixed or portable) or fixed or portable sports or play

Apparatus shall be installed or attached on any dwelling or garage or placed on any Lot.

CLOTHESLINES

Guidelines:

Exterior clotheslines are not permitted.

DOG HOUSES AND DOG RUNS

Guidelines:

Dog houses and dog runs are to be located in the rear yard only and must not be considered an eyesore to adjacent properties including the common areas. Screening from surrounding properties may be required. Exceptions may be granted with the approval of adjacent property Owners.

DRAINAGE

Guidelines:

No alteration of the grade, level or drainage characteristics of any lot is permitted without prior AC consent.

For new improvements, drainage should be directed away from the home and towards the street or into an established property drainage system. Do not drain towards a neighbor's lot.

No structure, planting, or other material is permitted on any slope or area which might damage or interfere with established slope ratios, create erosion or sliding problems, or interfere with established drainage systems or patterns.

EXTERIOR FIREPLACES. CHIMNEYS. FIRE PITS. FLUES & ROOFS

Guidelines:

All exterior fireplaces, chimneys and fire pits must be submitted for AC approval. The exterior appearance of an exterior fireplace, chimney or fire pit must match the existing or new structure.

Must be no more than eleven (11) feet in height.

Must burn natural gas only. It must not burn wood or propane. Must be constructed of non-combustible materials.

Must be located ten (10) feet (minimum) from any structure, including house and patio covers.

A completed Association Indemnity Agreement must be executed by the Owner(s) of the property and submitted to the property management company.

EXTERIOR LIGHTING AND WALKWAYS

Guidelines:

Exterior lighting must be of low voltage (12V). Higher voltage lighting may be approved by the AC if it does not create an annoyance to the neighbors.

Any change in the developer or original Owner installed exterior lighting requires approval from the AC. Proposed fixtures are to be compatible with Owner's house in style and scale.

Walkway and security lights are to be directed onto the Owner's property screened to prevent light onto adjacent property.

EXTERIOR PAINTING

Guidelines:

All exterior structures must be painted in the original color or in a color approved by the AC.

FENCING, PILASTERS AND WALLS

Fencing, pilasters and walls and fences shall not be constructed, added, or otherwise modified without specific written permission of the AC.

Guidelines:

Fence style, materials and finished color are to be compatible with neighborhood.

Placement of the fence and support structures may not interfere with adjacent Association sprinkler systems, nor shall fences be constructed over irrigation lines.

Structural framing or an unfinished side or a fence varying from existing fence standards shall not be exposed to any public street, sidewalk, walkway, common area, open area or neighboring lot.

Stepped fencing is permissible where the grade slopes.

Fences are required to surround pool and spa areas, and must meet minimum height requirements per City codes.

Where applicable, Association owned and maintained walls and fences shall not be altered or otherwise modified without specific written permission of the Association.

Fences, walls and hedges shall not exceed six (6) feet in height. No walls, fences or hedges exceeding the maximum height allowed by the City of Carlsbad, shall be constructed within the setback at the front of the Lot. Please confirm all front yard height requirement setbacks with the City of Carlsbad. Note, solid wood fencing of three (3) feet or higher is not permissible.

Fences, walls and hedges or other structures which will abut any existing wall or fence shall not exceed the height of the existing wall or fence if constructed within five (5) feet of the existing wall or fence.

All front yard walls, fences and hedges must be located out of the public right of way. Owner is responsible for confirming right of way locations with the City of Carlsbad.

Acceptable material for fencing and walls

- Wrought Iron
- Masonry or stucco, if materials conform to type, quality, color and character of masonry or stucco used elsewhere in the respective neighborhoods

Unacceptable fencing materials

- Aluminum or sheet metal.
- Chicken wire or wire mesh
- Wood
- Plastic webbing, redid or straw-like materials and bamboo
- Corrugated or flat plastic or fiberglass sheets or panels
- Rope or other fibrous strand elements. g. Miniature type fencing
- Plastic
- Chain Link fencing.

Under no circumstances shall any Owner remove or alter in any way walls and fences that have been erected by your builder or the Association without the prior written consent of the AC.

At no time shall Owner attach to, affix, or hang any item on or over any such fences or walls without AC approval.

Fence maintenance is the Owner's responsibility. Fences cannot be left to failing state or disrepair, or present a safety hazard.

•• Submittal Requirements

- Unless all fencing, pilasters or walls have been previously installed by Declarant, all fencing, pilasters, planter walls, retaining walls and wall plan elevations need to be submitted to the AC for approval.

FLAGPOLES

Guidelines:

House mounted flag brackets (not to exceed one in number) are acceptable. The installation of all other flagpoles shall require approval by the AC.

GARAGE CONVERSIONS

Guidelines:

Garage Conversions to living space, maid's quarters or for any purpose which Would reduce the total number of parking spaces which the garage was originally designed to accommodate are prohibited.

GUTTERS AND DOWNSPOUTS

Guidelines:

Both existing and additional gutters and downspouts must be painted to match the existing trim or stucco of the house.

Runoff from the gutters must not affect adjacent property and should be directed to the street in front of the house or to an established properly drainage system.

Downspouts which are not connected to underground drain lines and which directly discharge onto natural soil or landscape areas must be provided with concrete splash blocks or other suitable runoff dissipation devices.

LANDSCAPING, HARDSCAPING & IRRIGATION **Front, Rear and Side Yard**

Any new installations or "substantial" changes in previously installed Front Yard, Rear & Side Yard landscaping and hardscaping, (whether by Builder or resulting from a resale) need to be submitted to the AC for approval. Any damage to *front* yard landscape areas due to the installation of Owners' improvements must be repaired and the landscape areas returned to their original condition promptly and no later than the time period for project completion or as designated by the AC (whichever is sooner).

Owners are prohibited from planting or installing any items/improvements in the Association's common area. Any item planted or installed in the common area becomes the property of the Association. No liability for the planting, care or life of any items, plants, life of improvements will be assumed by the Association. All unauthorized landscaping and/or installing of any items/improvements in the Association's common area will be removed.

Architectural approval is required for backyard concrete decks, lawn or shrubs. For purposes of this section, "substantial" shall mean as follows:

- Any change in design, style or theme of landscaping, hardscape, and/or architectural improvements.
- Any replacement of shrubs, bushes, or trees which would otherwise require approval by the AC, in accordance with these Guidelines.

Guidelines:

The root system of ground-cover, shrubs, bushes and trees must not encroach at maturity on any neighbor's yard or disturb foundations, walls, or sidewalks.

Plants and shrubs should not interfere with the Association's maintenance of Association maintained walls, fences, etc. All landscaping and/or other items which interfere with the Association's maintenance of the Association maintained walls and fences will be removed without notice to the Owner. No liability for the removal of these items will be assumed by the Association. Owners can be charged with the costs associated with such removal.

Irrigation lines must be subterranean, except drip systems which must be substantially covered. Sprinklers must be placed so they do not spray upon your residence, adjacent properties and walls/fences. The irrigation system should be designed with the ability to control different water

Zones (sun, shade, shrubs and lawn area). All irrigation must meet UPC (Uniform Plumbing Codes) and have appropriate back flow devices installed.

The cost for repairing sidewalk damage caused by roots shall be the responsibility of the applicable property Owner.

At all times, it shall be the Owner's responsibility to review these Guidelines and the Association's governing documents to determine whether prior approval of the AC required prior to commencement of any work, addition, alteration, landscaping or construction.

At all times, regardless of prior AC approval or not, the AC retains the right to require any Owner to remove, trim, top, or prune any tree, shrub, hedges or other plant material which the AC finds materially or unreasonably encroaches onto adjacent properties or substantially impairs the View from any Lot.

There shall be no interference with the off-site drainage pattern that exists at the time the overall gradings completed by the Declarant or which is shown on any plan that may have been previously approved by the AC. Appropriate drainage must be installed and directed to the Street in order to prevent runoff over banks or onto adjacent neighboring properties or common area properties.

There should be a minimum slope/drainage of 2% away from the building and water should be collected in a landscape drainage system. All planting areas shall be a minimum of 4" below the existing stucco screed on the building. An export of existing soil may be necessary to provide proper drainage of your Lot.

No Owner may affix an object, device, plant or vine of any kind to a residence on an adjacent Lot.

Any landscaping which is installed shall consist primarily of grass, trees, shrubs and other plant material. The use of synthetic grass or other synthetic plant materials is prohibited. Unless incorporated into an overall landscaped theme, rock gardens or the use of decorative rock as a major landscape material are not permitted.

All raised planters must be less than 3 feet in height. No part of the existing building fences or walls can be part of a raised planter and proposed walls must be placed 6 inches away from buildings, fences and walls. All raised planters must have a proper drainage system installed.

LANDSCAPING LIGHTING

Guidelines:

All Landscaping lighting must be submitted for AC approval.

Landscaping lightings to be directed onto the applicant's property and screened to prevent light onto adjacent property.

Open or uncovered floodlights or other uncovered lights are not permitted.

Landscaping lights must be housed in fixtures.

When applicable, lighting fixtures shall be concealed within patio covers, arbors, Etc. to provide directed down-lighting with minimal adjacent spill lighting. Proposed fixtures are to be compatible with the applicant's house in style and scale.

PATIO COVERS, TRELLISES, ACCESSORY AND MISCELLANEOUS STRUCTURES

All patio covers or trellises shall be submitted for AC approval. The submittal must include elevations and appropriate details. Dimensions must be shown indicating the distance between the patio cover and the property line. If freestanding, the patio cover must show a dimension separating it from the residence. Maximum height of a patio cover shall be eleven (11) feet.

Guidelines:

Accessory structures, patio covers, arbors, trellises, children's play structures, or other structures must be approved by the AC. These items and any improvements which exceed the height of the adjacent rear and/or side yard fence shall be designed and constructed to be in conformance with the architectural character of the existing residence. All portions of accessory Structures that exceed the adjacent fence height shall be of wood construction only, with the exception of any vertical supports with a stucco or masonry finish. All exposed wood surfaces shall be painted or stained to match or compliment the color of wood or stucco finish on the existing residence. Architectural detailing, design, and wood member sizes shall conform with the established theme of each existing residence.

The primary concerns regarding landscaping and architectural improvements are visual harmony, access, sunlight, ventilation and drainage. Should a neighbor reasonably object to the proposed modification and/or improvements, the AC may (but shall not be required to) require removal of a tree, shrub, or other plant material or architectural structure based upon these concerns.

Patio Covers and/or trellises must comply with all applicable setback requirements required by the City of Carlsbad or as provided in the Association CC&Rs.

The following materials are not acceptable for patio covers and trellises and are not all inclusive:

- Plastic
- Fiberglass
- Plastic webbing, split bamboo, reed or straw-like materials
- Asphalt shingles or composition shingles
- Metal

•• Submittal Requirements

- Location of cover in relation to house.
- Materials and color Dimensions (including overall height)
- Elevation drawing(s).

SCREEN DOORS AND SECURITY DOORS

Guidelines:

Plans and specifications for screen doors and security doors must be submitted to the AC for approval.

All screen doors must be installed within the existing door jam or suitable trim provided it matches the existing dwelling unit trim.

Screen/security doors must be properly maintained at all times.

SECURITY AND REALTY SIGNS

Guidelines:

Security signs shall be no larger than 12"X 12" (one foot square) and positioned no higher than three feet above ground level. A maximum of two signs shall be permitted in the front yard. Additional signs may be approved upon written request. Signs shall be freestanding and not attached to the house or the garage.

No signs are allowed which can be seen outside any home with the exception of a security sign (as discussed above) or a single "FOR SALE" sign or "FOR RENT" sign of customary and reasonable dimensions, not to exceed 18"X 24': and of a professional quality on weather resistant material. "SOLD" signs may not be displayed for more than 30 days after the sale of a Lot.

SWIMMING POOLS & SPAS

Guidelines:

All pools and spas shall be submitted for AC approval.

Permanent above-ground pools are prohibited. Portable or above ground spas may be permitted but must be submitted to the AC for approval.

Pool or spa equipment must be placed so as to avoid unreasonably disturbing the occupants of the adjacent properties.

Plumbing lines to the pool or spa must be completely concealed or installed underground.

Pool or spa equipment must be enclosed with a fence in compliance with all applicable building codes and ordinances. The AC reserves the right to establish "Quiet Hours" when the Equipment may not be operated. Additional screening from view may be required. The operating noise must not disturb adjoining properties. Additional noise barriers may be required.

The AC shall have jurisdiction to disapprove any outside apparatus which it, in its sole discretion, determines will be unsightly from any other Separate Interest, open space or public or private street.

No structure may be erected, constructed or maintained whether permanent or temporary within any building restricted easement without proper approval from the County of San Diego Health Department and City of Carlsbad Building Department.

•• Submittal Requirements:

- Location of spa or pool in relation to the existing structure.
- Dimensions of spa or pool. Drainage detail.
- Material for decking, including associated colors
- Location of equipment and screen (noise and view) detail
- Detail on fencing to surround spa or pool.

WINDOWS AND WINDOW TREATMENT

Guidelines:

No reflective materials may be used to create a mirror effect from the outside. No materials such as sheets, paper, or foil will be permitted.

Window Coverings shall be installed within 90 days of close of escrow.

Exterior security bars or decorative wrought iron bars which are visible from neighboring properties or the common areas are prohibited on windows.

The Rosalena Owners' Association, Inc.

ARCHITECTURAL AND LANDSCAPING
GUIDELINES

REQUIRED FORMS

(Enclosed)

Application for Approval of Architectural and/or Landscaping Improvements	Form 1
Neighbor Awareness Form	Form 2
Notice of Completion	Form 3

Additional copies of these forms are available from the Management Company

The Prescott Companies
5950 La Place Court Suite 200
Carlsbad, CA 92008
Tel: (760) 634-4700

ROSALENA OWNERS'
ASSOCIATION
VIOLATION/FINING POLICY
January 1, 2004

All members of the Rosalena Owners' Association are subject to the DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS, as well as any RULES AND REGULATIONS adopted by the Board of Directors. If any Homeowner or family member, his guest(s), his tenant or his tenant's guest(s) violates the restrictions, the Board may impose a reasonable fine upon such Homeowner for each violation, as outlined below.

REPORT OF VIOLATION:

Any resident wishing to make a formal complaint against another resident must provide it in writing and send it to The Prescott Companies. A violation notice will only be sent after receipt of a formal written complaint.

VIOLATION NOTICE:

Each Violation Notice will include the type of violation, date of violation, consequence of the violation for continued non-compliance, as well as a notation of the appropriate section of the document, or rule. Each Violation Notice will be mailed to the Homeowner by way of first class mail. A copy of the Violation Notice will also be mailed to any registered tenant in violation of the documents, or Rules and Regulations of the community.

DUE PROCESS:

If the violation has not been corrected within the period specified in the violation letter, a Notice of Hearing will be issued to the responsible Homeowner. This will give the Homeowner the opportunity to be heard either in person or by written response during a formal hearing before the Board of Directors. The Homeowner will be sent the Notice of Hearing not less than 15 days before the hearing date. It is the Owner's responsibility to contact The Prescott Companies to confirm their attendance at the Hearing. The Board's decision will be mailed by way of certified mail to the Homeowner within 15 days after the Hearing.

FINES:

The Board of Directors can only assess fines to the Homeowner's account after the scheduled hearing date. The fining schedule is as follows:

FIRST NOTICE OF VIOLATION	WARNING LETTER
FIRST OFFENSE	UP TO \$100.00 FINE
SUBSEQUENT OFFENSES	UP TO \$250.00 FINE
CONTINUING OFFENSES	UP TO \$100.00 PER DAY
INTENTIONAL DAMAGE TO COMMON AREAS	\$100.00 PLUS COST TO REPAIR OR REPLACE DAMAGED AREA

IF THERE IS NO COMPLIANCE WITHIN 15 DAYS, FINES WILL AUTOMATICALLY BE ASSESSED. RECURRENCE OF THE VIOLATION WITHIN A SIX-MONTH PERIOD WILL RESULT IN AN IMMEDIATE NOTICE OF HEARING BEING ISSUED.