

Dear Rosalena Homeowner,

Just a quick update to recap some of the recent Rosalena activities and discussions during our January 23rd Board Meeting, during which we covered several agenda items. Specifically, we discussed the Trail progress, and ENGEO (formerly Terra Costa) has been in discussion with City of Carlsbad Land Engineering, working their way thru the permit checklist for the grading plans associated with the Trail to be built behind Lots 2-24 of Rosalena.

Part and parcel to the trail project is section 2.7 of the Consent Order that Rosalena entered into with California Coastal Commission in November of 2018, calling for an amendment to our Rosalena CCRs with respect to fencing standards. Attached to this letter is a comparison of the current Rosalena CCRs' section 2.1.18 vs. the proposed amended 2.1.18 language that is acceptable to California Coastal Commission. We anticipate a ballot measure regarding amending 2.1.18 will be brought to the Rosalena Homeowners over the next months, but it is currently held up in the document review process at California Coastal Commission.

Another requirement of the Consent Order is that Rosalena must allow for 10 additional parking spaces in Rosalena, clearly marked, and maintained for (daytime) Trail Parking. Our plan is to push as many of those additional parking spaces as possible to upper Navigator, including the stretch of upper Navigator Circle before the gate of Santalina and or before the turn onto Compass Court into Vistamar. There is a recorded agreement in place between Rosalena and the former developer of Santalina and Vistamar allowing for access into those communities over upper Navigator. We met with the San Pacifico /Santalina Board earlier this month, and confirmed with them our plans to place as many of the 10 parking spaces required for trail parking on upper Navigator Circle as possible. The San Pacifico/Santalina Board understood our intention and shared in our concern regarding the additional traffic and parking on Navigator Circle. All parties acknowledged current trail usage parking has not been a big issue to date, noting most of the congestion and unauthorized street parking seems to be coming from specifically Rosalena Homeowners. Having additional parking (required) spaces makes the most sense on upper Navigator, near what would be considered the (new) Trailhead by the stairs between Rosalena and Santalina. Any additional required trail parking (beyond the upper Navigator new spaces envisioned) would be down near the existing trail parking lot at the intersection of Navigator Circle and Windrose Circle. The current parking congestion on upper Navigator was both acknowledged, and reasonable measures to mitigate the problems continue to be discussed.

Having finished our trail related discussions, we moved on to Parking and Security and the ongoing rogue street parking on the private streets of Rosalena. We have been reviewing various parking monitoring and enforcement technologies and services, and have strived to come up with a fair, equitable, and reasonable solution to address our unauthorized parking issues. The Board has reviewed several cloud-based parking permit technologies, that feed into monitoring and enforcement services. The Board approved moving forward with deploying such a technology, and related monitoring and enforcement services. We will be reaching out to Homeowners over the next 60-90 days and coordinate the issuance of the new cloud-based permits to Homeowners in good standing, after which time all of the currently issued Visitor hang tags will be voided. This will help facilitate both monitoring and ultimately enforcement (towing) if unauthorized vehicles are parked on the Rosalena streets. To be clear, if vehicles are not authorized Visitor vehicles, or authorized permitted vehicles, the remainder of any vehicles parked on the Rosalena streets would be deemed unauthorized. We ask all Homeowners to use best efforts to park your vehicles in your garages, or in your own driveways. We will have more information and a better idea of timing on this at our upcoming annual meeting on 4/24/23.

Lastly, as many of you may know, the Board has served as the ARCH Committee over the last few years, and we have always worked hard to quickly review and provide input on any and all improvement requests. While we acknowledge our ARCH Guidelines are dated, and ultimately need “refreshing” and amending, the Board will continue to work with Homeowners professionally and efficiently in processing their ARCH requests. Avalon Management will continue to walk thru the Rosalena neighborhood and make note of any noncompliance issues. This is and has been the current process, along with Homeowner complaints brought to Avalon’s attention. Avalon works closely with the Board on noncompliance issues and complaints, and the Rosalena Board continues to take appropriate steps to resolve such issues, including taking legal actions to try to resolve contentious issues.

The Board of Directors
The Rosalena Owners’ Association, Inc.

**Current CCRs'
Section 2.1.18**

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with applicable governmental zoning and building code ordinances and regulations and (ii) have been approved by the Architectural Committee, based upon reasonable architectural review standards.

2.1.17 The Owner of a Unit across which a portion of the Trail (defined in Paragraph 3.3 below) is located shall not interfere with the reasonable use and enjoyment of the Trail by persons having the right to such use and enjoyment of the Trail. An Owner shall be liable to the Association for all damage or destruction to the Trail caused by the act or omission of such Owner, its guests or any occupant of such Owner's Unit.

2.1.18 With respect to those certain Units consisting of Lots 25 through 35 and, following the annexation thereof, Lots 2 through 24 of recorded Map No. 11616, the Owner of each such Unit acknowledges that its Unit is subject to (i) a 45-foot setback from the property line of such Unit as shown and delineated on said Map No. 11616 and (ii) an easement for view purposes in favor of the City of Carlsbad over, upon and across the 45-foot setback for each such Unit. The Owner of each such Unit further acknowledges that no improvements of any kind are permitted by the City or this Declaration to be constructed, installed or erected within the 45-foot setback for such a Unit, excepting only Permitted Improvements (defined below) which may be constructed, installed or erected within the first 15 feet of the 45-foot setback as measured from the back wall(s) of the dwelling located on the concerned Unit. "Permitted Improvements" shall include any one or all of the following: (i) spas, not to exceed 50 square feet in total area, pools, spa and pool equipment, spa enclosures, planters or barbecues provided none of the foregoing is greater in height than 3 feet above, nor requires excavation of more than 3 feet below, the finished grade of the Unit on which the same is to be located; (ii) decks and landscape improvements provided none of the foregoing is greater in height than 1 foot above the finished grade of the Unit on which the same is to be located; (iii) fences, gates and wrought iron railing along the property lines of a Unit provided none of the foregoing is greater in height than 5 feet above the finished grade of the Unit upon which the same is to be located; (iv) trellises provided each trellis does not exceed 9-1/2 feet in height from the finished grade of the Unit on which the same is to be located, does not extend out more than 8 feet from any single family residential structure located on the Unit on which the same is to be located and does not exceed 8 feet in width from the outside edge of the posts supporting such trellis on either side; and (v) rear yard drainage improvements. Notwithstanding the foregoing, each of the Permitted Improvements will be subject to the approval of the Architectural Committee pursuant to the Article of this Declaration entitled "Architectural and Landscaping Control" and the approval of The City but only if such approval would normally be required under

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The City's standard ordinances and regulations. The landscaping existing within the 45-foot setback and easement area of each such Unit at the time of the first conveyance of such Unit by Developer to an Owner, shall be deemed to have been approved by The City.

2.2 Use Limitations and Restrictions on Project Common Area. As to the Project Common Area:

2.2.1 The Project Common Area, except buildings, shall be improved and used only for (i) vehicular and pedestrian movement within the Project, including access to the Units, (ii) vehicular parking in any areas designated by the Board of Directors, (iii) recreational use by the Owners and occupants of Units and their guests, subject to rules and regulations established by the Board of Directors, (iv) beautification of the Project and providing privacy to the residents thereof and (v) such other purposes as herein expressly permitted. A nonexclusive easement throughout the Project Common Area for ingress, egress and recreational purposes is and shall be appurtenant to each Unit, and a nonexclusive easement upon and across the Project Common Area for accepting and draining rainwater from the residential structure situated upon each Unit is and shall be appurtenant to each Unit; the Project Common Area is and shall be subject to such easements.

2.2.2 No activity shall be carried on in the Project Common Area which shall be contrary to any of the Project Rules adopted by the Board of Directors relating to use of and activity in the Project Common Area.

2.2.3 No drilling or mining operations of any kind shall be permitted upon or in the Project Common Area.

2.2.4 No portion of the Project Common Area shall be used for any purpose or in any manner which shall cause any structure in the Project to be uninsurable against loss by fire or the perils covered under the extended coverage policy(ies) of hazard insurance which the Board of Directors is required to keep in force pursuant to the Article hereof entitled "Destruction; Insurance," or cause any policy or policies representing such insurance to be cancelled or suspended or the company issuing the same to refuse renewal thereof.

2.2.5 No Owner shall make any alteration or improvement to the Project Common Area, or remove any planting, structure, furnishing or other object therefrom except with the written consent of the Board of Directors. An Owner shall be liable to the Association for all costs incurred by the Association for the replacement or repair of any personal property owned by the Association (including without limitation,

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Proposed Section 2.1.18

2.1.18 With respect to those certain Units consisting of Lots 25 through 35 and, following the annexation thereof, Lots 2 through 24 of recorded Map No. 11616, the Owner of each such Unit acknowledges that its Unit is subject to (1) a 45-foot setback from the property line of such Unit as shown and delineated on said Map No. 11616 and (2) an easement for view purposes in favor of the City of Carlsbad over, upon and across the 45-foot setback for each such Unit. The owner of each such Unit further acknowledges that no improvements of any kind are permitted by the City or this Declaration to be constructed, installed or erected within the 45-foot setback for such a Unit, excepting only "Permitted Improvements" (defined below) which may be constructed, installed or erected within the first 15 feet of the 45-foot setback as measured from the back wall(s) of the dwelling located on the concerned Unit. "Permitted Improvements" shall include any one or all of the following: (i) one landscaped wooden trellis per lot with a maximum height of 9'6" from finished grade and maximum width of eight feet from the outside edge of the posts supporting the trellis. Said trellis shall not extend out more than eight feet from the exterior of the rear wall of the principal structure; (ii) spas (not to exceed 50 square feet in total area), barbeques, planters, and spa equipment enclosures, not exceeding 36 inches above finished grade and not less than three feet (excluding spas which shall be a minimum of five feet) from the existing manufactured slope edge and the inner edge of the ten foot trail easement; (iii) decks, patios, and hardscape to within three feet of the existing manufactured slope edge and the inner edge of the ten foot trail easement, and provided they do not exceed a height of ten inches above finished grade; (iv) side yard fencing not exceeding 36 inches above finished grade constructed of visually permeable materials, such as wrought iron, cable, smooth wire, or solid clear materials designed to minimize bird strikes. For all fencing, clear glass or Plexiglas may be installed only if it contains UV-reflective glazing that is visible to birds or is used with appliqués (e.g., stickers or decals) designed to reduce bird-strikes, and to be installed consistent with manufacturer specifications. Lot owners shall be responsible for maintaining all side yard fence materials through the life of the development to ensure continued effectiveness at minimizing bird strikes. Chain link fencing is not permitted; and (v) rear yard drainage improvements. Notwithstanding the foregoing, each of the Permitted Improvements will be subject to the approval of the Architectural Committee pursuant to the Article of this Declaration entitled "Architectural and Landscaping Control" and the approval of The City but only if such approval would normally be required under The City of Carlsbad's standard ordinances and regulations.