



SDCEA HANDBOOK

ENVIRONMENTAL CONTROL COMMITTEE

COMMUNITY RELATIONS DEPARTMENT

RULES AND PROCEDURES

## TIPS FOR USING THIS HANDBOOK

The purpose for the Environmental Control Committee (ECC) /Community Relations Department (CRD) Rules and Procedures (SDCEA Handbook) is to make owners aware of information required by law and to clarify and expand certain sections in the San Diego Country Estates Home Owner's Association Articles of Incorporation, By-Laws & Declarations of Covenants, Conditions, Restrictions & Amendments (CC&Rs), which are the governing documents and have the legal authority for the Association to set standards and enforce rules.

The goal of the SDCEA Handbook is to enhance the beauty of our neighborhoods by maintaining and potentially increasing our property values.

The Table of Contents lists the general topics for various rule categories. Some rules apply only to new construction while others speak to improvements after the initial home construction.

An electronic version is available on our website at <https://www.sdcea.net/community-guidelines>

***"If this document contains any restriction based on race, color, religion, sex, gender, gender identity, gender expression, sexual orientation, familial status, marital status, disability, genetic information, national origin, source of income as defined in subdivision (p) of §12955, or ancestry, that restriction violates state and federal fair housing laws and is void, and may be removed pursuant to §12956.2 of the Government Code. Lawful restrictions under state and federal law on the age of occupants in senior housing or housing for older persons shall not be construed as restrictions based on familial status."***

This handbook last updated: 12/18/2024

## DEFINITIONS

The following definitions match those presented in the San Diego Country Estates Association Articles of Incorporation, By-Laws & Declaration of Covenants, Conditions & Restrictions & Amendments, which are also used in this handbook.

“Accessory Use” means a use naturally and normally incidental to, subordinate to and devoted exclusively to the main use of the premises.

“Articles” shall mean the Articles of Incorporation of San Diego Country Estates Association, which are, or shall be, filed in the Office of the County Clerk of San Diego County, as said Articles are amended from time to time.

“Association” shall mean San Diego Country Estates Association, a California non-profit corporation, its successors and assigns.

“Board” shall mean the Board of Directors of the Association.

“Building” means any structure having a roof supported by columns or walls for the housing or enclosure of persons, animals or chattels and located on the parcel and forming a part of the property.

“By-Laws” shall mean the By-Laws of the Association as such By-Laws may be amended from time to time.

“Common Area” means all the property owned by San Diego Country Estates Association, detailed information on these common areas can be found in Exhibit 3 of the SDCEA CC&Rs.

“County” means the County of San Diego, California.

“Declaration” means this instrument by which the property is established as a planned development, as this Declaration may from time to time be amended.

“Declarant” shall mean its successors and assigns, if such successors and assigns should acquire any portion of the Property from the Declarant for the purpose of development and are designated by The Bank of California and San Diego Estates Co. as the Declarant for the purpose hereof by a duly recorded written instrument.

“Dwelling” means any building or portion thereof which is used as a private residence or sleeping place of one or more human beings, but not including club houses or recreational buildings intended and designed primarily for recreational use.

“Improvements” shall mean buildings, garages, carports, roads, driveways, walkways, parking areas, fences, walls, covered patios, porches, elevated porches, sun decks, balconies, hedges, plantings, planted trees and shrubs, and all other structures or landscaping improvements of every kind, nature and description.

“Lien” includes both voluntary and involuntary liens.

“Lot” means a parcel of real property as shown with a separate and distinct number or letter on a final subdivision map, or parcel map, or condominium map or plan, or record of survey map, which has been duly recorded or filed in the Office of the County Recorder of San Diego County, or a condominium shown as one unit a recorded final subdivision map of a condominium development.

“Manager” means that person or entity employed from time to time by the Board to manage the affairs of the Association.

“Mortgagee” means the beneficiary of a recorded deed of trust or the holder of a recorded mortgage.

“Occupied” includes but is not limited to arranged, designed, built, altered, converted, rented or leased, or intended to be occupied.

“Owner” means the person or persons whose estates or interests, individually or collectively, aggregate fee simple ownership of a lot, including contract buyers, but excluding those having such interest merely as security for the performance of an obligation.

“Persons” includes but is not limited to natural persons, associations, firms, partnerships and corporations.

“Project” or “the Project” means all of the land described in Exhibit 1 attached hereto and such of the real property described in Exhibit 2 hereto as may, at any time, have been annexed as provided in Article IX hereof.

“Record” or “recording” or “recorded” means to file or record in the Office of the County Recorder of San Diego County, California.

“Shall” is mandatory and not merely directory.

“State” means the State of California.

“Street” means a thoroughfare which affords means of access to abutting property.

“Structure” means anything constructed or erected, which requires a location on the ground or attached to something having a location on the ground.

“Subdivision map” or “final map” or “map” includes any final record or survey map, tract map, parcel map, subdivision map or condominium map or plan which has been recorded but does not include any tentative tract map.

“Use” means the purpose for which land or a building is designed, arranged or intended, or for which either is or may be occupied or maintained.

#### Additional definitions

“Maintain” means to provide such maintenance, repair and, to the extent necessary and appropriate, replacement, as may be needed to keep the subject property in good condition and repair in accordance with the standards established by the governing documents.

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## BACKGROUND

The authors of the San Diego Country Estates Association – Articles of Incorporation, By-Laws & Declaration of Covenants, Conditions & Restrictions and Amendments (“CC&Rs”) recognized that the environment, the beautiful natural setting, and relaxed atmosphere of the San Diego Country Estates could only be maintained by the cooperation, efforts, and concern of all owners. This community maintains its exceptional character because San Diego Country Estates will always be subject to the CC&Rs for the protection and benefit of all owners. It is the conformance to and enforcement of these CC&Rs that will enable the owners to preserve the attractive appearance and property values.

The establishment of the Environmental Control Committee and Community Relations Handbook of Rules & Procedures (“SDCEA Handbook”) and the enforcement procedures of the CC&Rs, have been specifically delegated to the ECC whose composition, terms of office, duties, responsibilities, functions, operations, etc., are clearly delineated in Article IV of the CC&Rs. Section 5 of this Article is quoted below.

***“The Environmental Control Committee may, from time to time, and in its sole and absolute discretion, adopt, amend and repeal, by majority vote or written consent, rules and regulations, to be known as “Environmental Control Committee Rules”.”***

***Said rules shall interpret and implement this Declaration by setting forth the standards and procedures for Environmental Control Committee review and the guidelines for architectural design, including, but not limited to specifications for the height, size, and elevation of buildings and the materials required to be used in construction thereof; placement of buildings; color schemes; exterior finishes and materials, the height, kind and appearance of fences, walls and other structures; sizes, locations and materials to be used in construction of walks and drives; sizes and species of landscaping materials; and similar features which are recommended for the use within the properties. Such rules may provide that any plans submitted to the Environmental Control Committee for this approval must be accompanied by a filing fee in an amount not to exceed \$50.00”***

The purpose of this handbook is to offer owners clear guidelines of San Diego Country Estates Association (“SDCEA”) rules and procedures as related to the CC&Rs. It is also a reference guide for environmental changes and control. It has been written to cover the subjects found in the CC&Rs during the review of construction plans, as well as the enforcement of the CC&Rs.

Some of the restrictions, prohibitions and use limitations specified in the CC&Rs are included in this handbook for easy reference. The writing of this handbook and interpretation of the rules is not intended to change the meaning or intent of the original rule in the CC&Rs. The original rule stands on its own. These documents may be found and downloaded at <https://www.sdcea.net/community-guidelines>, and are available in the Shared Documents in the homeowner portal.

This handbook will offer clarity to owners, architects, and contractors as determined by the CC&Rs and other governing documents, during construction, and guidelines for owners to maintain quality curb appeal as an owner and/or resident of SDCEA.

Owners adversely affected by a CC&Rs violation may request compliance by contacting SDCEA. While the ECC is dedicated to assisting in enforcement, their efforts are focused on a standard of design that is consistent with the rules, original design concept, and improvement plans during the application phase with continued oversight through project completion.

## Statement of Purpose

The Community Relations Department (“CRD”) exists to serve the best interest of SDCEA owners. With the understanding that owners have a personal stake in their property and seek a quality of living through the protections built into the Association’s CC&Rs, the department will strive to engage with the membership to uphold the standards of the governing documents, by providing inspections and corrective measures for lots and improvements and by facilitating the operations of the Environmental Control Committee and Community Relations Committee.

## Frequently Asked Questions

### **Q. Why is trash can storage/concealment so important?**

Curb appeal is very important to owners, while visible trash cans take away from the aesthetic appeal. (See [Section 1.3](#) | Debris and Outside Storage)

### **Q. May I set a dumpster on my property? How long?**

The rule is designed to protect owners from deteriorating curb appeal and reduce safety hazards caused by a lack of visibility for pedestrians or other vehicles on the road. CRD may grant a short-term permit in special circumstances. ([See Section 1.3](#) | Debris and Outside Storage)

### **Q. Am I permitted to park my RV or trailer on my property?**

You are welcome to park your RV on your property for 48 hours before and 48 hours after use, for loading and unloading purposes. Please notify the CRD Office when you are doing this to avoid receiving a notification. CRD may grant a short-term permit for extended parking in special circumstances. (See [Section 1.15](#) | Parking and Vehicles)

### **Q. What can I do about my neighbor’s barking dog?**

This is a neighbor-to-neighbor matter that should be handled as such. An unresolved nuisance can be reported to San Diego County Animal Control and by also following the SDCEA violation enforcement process. ([See Section 1.0](#) | Animals – Nuisance and [Section 6.3](#) | Nuisance)

### **Q. Do I need permission from SDCEA to cut down my tree?**

Changes to landscape first require an application to the ECC for consideration and approval. (See [Section 1.11](#) | Landscaping and [Section 2.2](#) | Application Process and [Section 2.7](#) | Landscaping Alteration Guidelines)

### **Q. Who is responsible for maintaining horse trails and easements?**

The Association shall perform maintenance and management of the common areas, which includes horse trails, some of which are located on private property. All other property easements shall be maintained by the lot owner. Planting trees/shrubs, or adding improvements are prohibited on these easements. (See CC&Rs Article II, Section 6).

### **Q. May I park my vehicle in my yard?**

Vehicle parking on an owner’s lot must conform to the lot’s original design of driveway parking, unless modifications have been approved through a Landscape Application reviewed by the ECC. (See [Section 1.15](#) | Vehicles and Parking)

### **Q. Who can I talk to if I have questions about animals, parking, or dumpsters?**

The Community Relations Department is available by email at [CRDdept@sdcea.net](mailto:CRDdept@sdcea.net) and phone at 760-789-8747, to answer questions and provide contact information for additional resources.

## SECTION 1 | RULES AND PROCEDURES

SDCEA is responsible for providing full disclosure regarding CC&R conformance with properties that are changing ownership prior to the close of escrow. The current owner and potential buyer shall be made aware of any outstanding violations of the governing documents. If conformance is not met prior to the transfer of ownership, it shall become the responsibility of the new owner to correct the outstanding violations within 60 days of taking ownership.

### 1.0 Animals

Any animal that constitutes a nuisance to a neighbor is a violation of the CC&Rs. The most common examples of animal related nuisances are prolonged dog barking and squawking parrots. Please be considerate of your neighbors.

#### Livestock, Wild Animals and Household Pets

Farm livestock (i.e. goats/sheep) or wild animals (including fowl) are not to be kept or raised on lots. This includes pigs, pigeons, chickens, turkeys, cloven hoof animals, etc.

Household pets (i.e. dogs/cats) in reasonable numbers per County regulations are permitted on lots provided they are adequately controlled on the owner's lot, leashed if off the owner's lot, and do not constitute a nuisance to the neighbors.

When walking dog(s) on-leash, owners are responsible for the collection of pet waste. Leaving your dog's waste on properties, lots, sidewalks, and/or public and private right-of-way is not an acceptable form of disposal. Pet waste must be collected upon delivery.

#### Horse Corrals

*Note: All lots north of San Vicente Road are limited to four (4) horses. Horse corrals are not permitted south of San Vicente Road.*

Corrals shall be a minimum of 12' X 12' per horse, or 24' X 48' for 3-4 horses. Barns will not exceed 24' X 48' for a maximum of four horses. County permits may be required for covered corrals and barns. Horse corrals must be approved by the ECC prior to installation. The ECC will follow county setback requirements. (See [Section 2.5](#) | Horse Corral Alteration Guidelines)

#### Horse Care

Daily cleaning of horse stalls and corrals is recommended to control strong odors, and using pest control when necessary. Store manure and bedding in covered containers, or place on an impervious surface such as concrete, covered with a tarp. Be neighbor friendly and store manure closer to your residence than the neighbor's. Remove manure from the lot weekly to a waste disposal service to reduce smell and fly population. SDCEA provides a manure dump location at the International Equestrian Center (IEC).

Feed and hay must be stored inside or if outside, covered with a tarp or in a container.

Owners and/or guests are encouraged to use the International Equestrian Center (IEC) and Casey Tibbs Western Center (CTWC). Please obtain a vehicle window sticker for proof of residency from the IEC Office.

### 1.1 Chemicals

No hazardous chemicals, oils, batteries or any other poisonous or toxic material shall be disposed of or deposited within SDCEA. All hazardous materials are to be stored and disposed of according to state and county regulations.

### 1.2 Commercial and Professional Use

It is the responsibility of owners to ensure that persons or firms engaged or employed in carrying out operations or trade, strictly follow SDCEA/ECC rules as indicated in CC&R Article VI Section 17.

### 1.3 Debris and Outside Storage

All storage containers including dumpsters, PODS, machinery, and equipment are prohibited upon any lot, unless obscured from view of adjoining lots and streets by concealment on prior approval by the ECC.

Trash cans and other debris shall not be visible from any portion of the street or neighboring lots except on trash pick-up day. Curb staging may occur on the day prior after 4:00 pm and removed following pick-up by the end of the day.

Neatly stacked woodpiles are acceptable but shall not be viewable from the street or neighboring lots. An earth tone cover is recommended. Clothes lines are not permitted in front yards. Incinerators are prohibited on lots.

Homeowners with extenuating circumstances that prevent them from meeting the intent of this rule may send a written request for a waiver to the Board of Directors. Board consideration of such request is on a case-by-case basis to assist homeowners in hardship, health, safety, and wellbeing of the member. This request “only applies to the green yard waste cans”. The request, if approved, is not transferable to succeeding owners.

#### **1.4 Drones**

The use of drones must comply with current FAA, State, and County laws. Ones that have photo capabilities must not infringe on the privacy of others or create a nuisance in any other form as per Article 6, Section 5 of the CC&Rs.

#### **1.5 Fences**

Fences and walls are considered an improvement that require a Landscape Application for ECC review and approval prior to beginning construction.

Walls or decorative fences must not exceed the height of 42 inches in front of homes or 6 feet on the sides and rear. Posts must be made of steel, concrete, vinyl or treated wood. An appropriate finish on all sides must accompany construction.

Fence additions along San Vicente Road, Gunn Stage Road, Ramona Oaks Road, and Arena Way will be considered on a case-by-case basis. Solid fences are not permitted without an ECC approved landscape screening and irrigation plan.

When attaching a fence to a neighbor's fence, written permission must be granted by the owner of that fence and kept on file in SDCEA records.

Setback distances for fencing/walls relative to stated easements on the SDCEA map must be followed to avoid encroachment. Maps are available in the SDCEA administration office.

#### **1.6 Flags**

The Association, in compliance with Cal. Civil Code §4705 shall permit a resident and/or owner to display the United States flag, in any reasonable location. The placement of the flag must not interfere with public health or safety.

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

#### **1.7 Grading**

When a grading permit is required by San Diego County, an approved copy of the grading plan and permit shall be verified by the ECC prior to grading. Large or significantly sized boulders and rock outcroppings shall be left in their natural state where possible. Adhere to County design requirements for setbacks, maximum slope, erosion control and planting requirements. Established drainage patterns must not be altered without an acceptable modification approved by the county. For questions regarding this, call San Diego Planning and Development at 858-694-3900.

#### **1.8 Holiday Decorations**

Yearend holiday decorations may be placed on property no earlier than Thanksgiving Day and removed no later than January 15th. Other seasonal decorations may be placed on the property two weeks prior to the holiday and removed one week following the holiday.

#### **1.9 House Numbers**

San Diego County Fire Code Sec. 505.1 states the following: address identification shall be legible and placed in a position that is visible from the street or road fronting the property. Address identification characters shall contrast with their background. Each character shall not be less than 4" (102 mm) high with a minimum stroke width of ½" (12.7 mm). If the building cannot be viewed from public way, a monument, pole, or other sign or means shall be used to identify the structure. Address identification shall be maintained.

A project application for ECC review is required prior to making changes.

## 1.10 Mineral Extraction

Oil drilling, oil development operations, oil refining, quarrying, or mining operations of any kind are prohibited upon any lot. Oil wells, tanks, tunnels, or mineral excavations or shafts are not permitted upon the surface of any portion of the properties, or within five-hundred (500) feet below the surface. No derrick or other structure designed for use in boring for water, oil or natural gas shall be erected, maintained, or permitted upon any portion thereof.

## 1.11 Landscaping

Rules under this section are subject to change as California drought measures are implemented. Landscaping changes require ECC approval.

***Note: Browning a lawn and the removal of live or other material requires a transition plan to maintain aesthetic appeal. Please submit a landscape application to the ECC.***

***Example: The removal of live trees is considered a change in landscape and requires ECC approval. Please submit a landscape application.***

The use of drought tolerant plants such as flowering vines on fencing, walls, arbors, large pots, vases, raised planters, or flowering trees in informal groups to provide color, are suggestions for attractive focal points. The use of artificial turf is an acceptable option per Cal. Civil Code §4735.

Plants with their many uses such as screening, to define space, erosion control, remove glare, minimize noise, reduce dust, or climate control such as wind and temperature, or provide aesthetics are just a few ideas for plant use.

Slopes that have been disturbed or stripped of vegetation must be covered with the proper quantity of new plant material and mature within one year of planting for maximum effectiveness to control erosion. Each lot owner shall maintain all slopes located on a lot to prevent erosion and to make an attractive appearance. (See [Sections 4.1.4 and 4.1.6](#))

Additional information for landscaping can be found in [Section 4.1.6](#)

Tree branches shall be trimmed so as not to come in contact with building roofs.

Water meter boxes and other utility boxes shall not be covered by landscaping or debris, shall remain visible and accessible. Decorative covers may be considered as part of a landscape application.

## 1.12 Right of Entry

During reasonable hours, any member of the Environmental Control Committee, Board of Director's, or other SDCEA employee (*i.e.* CRD staff), shall have the right to enter upon and inspect any exterior portion of a property, and the improvements thereon to determine if conformance is met within the parameters of the associations governing documents. Such persons shall not be deemed to have committed a trespass by reasons of such entry.

## 1.13 Satellite Dishes

With ECC approval, satellite dishes may be installed per Cal. Civil Code §4725.

## 1.14 Short-Term Rental Rule

Formally Adopted by the SDCEA Board of Directors 4/16/24.

The Association is responsible for the management, maintenance, and operations of the common area. Part of the Association's responsibility extends to the oversight of not only the ingress and egress but also the use and enjoyment of the Association's Project. As such, the Association may govern the transient and short-term use of its Project. The following Rules do not apply to "The Good Life" project, which is the exclusive designated time-share association. These Rules are intended to inform Owners about the procedures for renting out residential units and a failure by individual Owners to comply and a failure to do so, may result in the Association taking enforcement action against the violating Owners:

- 1) Short-term rentals, including the lease or rental of a residence for transient or hotel purposes, are prohibited. No dwelling or lot shall be leased/rented for thirty (30) days or less, nor shall any member/owner advertise, in any forum, including social media, that his/her dwelling or lot may be leased/rented for thirty (30) days or less. (Civil Code §4741).
- 2) Residential Lots, Units, or Dwellings shall not be divided or conveyed on a time increment basis ("time-sharing").

3) Any Owner in violation of these rules shall be subject to fines in accordance with the Association's Fine Policy, after notice and hearing.

4) Any Owner who is found to violate the Association's governing documents may also receive a Notice to Cure and if the violations continue, may allow the Association to initiate an enforcement action and also seek an assignment of rent. A resulting assessment for the costs of compliance and assignment of rent may be levied in connection therewith. (CC&Rs, Article III, Section 9 and Article XI).

### **1.15 Signs**

Display of non-commercial signs are permitted in an owner's separate interest, except as required for the protection of public health or safety, and the posting or display does not violate a local, state, or federal law. Signage may be made of paper, cardboard, cloth, plastic, or fabric and cannot exceed nine square feet in size. See Cal. Civil Code § 4710.

Display of Real Estate signs are permitted on the owner's property but cannot exceed one square foot in size. The said sign(s) must not be placed in private or public right-of-way. Display of commercial signs are prohibited on an owner's lot, private, and public rights-of-way.

### **1.16 Vehicles and Parking**

Per CC&Rs Article VI, Section 8, no recreational vehicle, mobile home, trailer of any kind, truck, camper, or boat shall be kept, placed, maintained, constructed, reconstructed, or repaired, nor shall any motor vehicle be constructed or repaired upon any Lot or street in such a manner as will be visible from a neighboring property except under the following provision:

Parking RVs, motorhomes, boats, and trailers on lots up to 48 hours prior to and up to 48 hours' post use is permitted for loading, unloading, cleaning, etc. Please notify CRD if special circumstances necessitate the need for additional time. Otherwise, non-conformance to this rule warrants notification for the removal of the vehicle. Permanent storage on the lot will only be permitted with an approved concealment plan granted by the ECC. (See [Section 2.4](#) | Concealment for more information)

Stripped down, partially wrecked, junk motor vehicles, or sizeable part thereof, are not permitted to be parked on a street or lot in such a manner that is visible to the occupants of other lots.

Motorized vehicles are prohibited on easements, horse trails, and green space; except, vehicles may be used on easements, horse trails, and green space for fire, medical, law enforcement and equestrian (feed delivery, manure removal, farrier, and veterinarian) purposes. Parking on easements, trails, and green space is prohibited.

Motorized vehicles that require easement usage/passage for lot storage, maintenance, or use, must have prior approval by the Environmental Control Committee that approves the use of that specific Easement for motorized vehicle use. No Trailers or Recreational Vehicles being used for business purposes will be granted authorized easement usage.

Parked vehicles on lot must be within the footprint of the original driveway and parking design, unless modifications have been authorized. Parking on other portions of the lot is prohibited. Parking area expansions are treated as a modification to landscape.

Landscape modifications to expand parking must first receive approval through the standard application process. Acceptable materials for parking expansions are concrete, pavers and crushed rock. (See [Section 2.6](#) | Landscape Guidelines for more information). Parking expansions must connect to the existing driveway and shall not extend beyond the garage to cover the front of the house.

An allowance of one vintage/non-used vehicle is permitted to park on lots with an approved ECC concealment plan. (See [Section 2.4](#) | Concealment for more information)

All designated trails and easements are for horses, hikers, and bicycle riders including riders on eBikes using peddle assist mode only. There is a maximum speed limit of 10 mph. Users of the trail must follow the posted courtesy signs where bike riders yield to both horses and hikers and hikers yield to horses. Yield in this case means STOP STAND and SPEAK before passing. This is for the safety of all users. The fine for an unauthorized motorized vehicle on a trail, easement or green space for a first violation is \$500; that fine increases by \$500 for each successive violation.

Golf carts are allowed to use the 10ft easements on the sides of the road.

### **1.17 Water Softener**

Water softeners installed on a lot must be commercially serviced. Chemicals, salts, etc., from water softeners shall not be deposited or disposed of into a sewage system.

### **1.18 Wells**

The drilling of a water well requires a project application and copy of a county permit submitted to the ECC prior to construction. SDCEA does not accept responsibility for water rights. The plan must show the well head and tank location, all operating equipment, and include a concealment plan. (See [Section 2.4](#) | Concealment for more information regarding fences).

All setback requirements by San Diego County and SDCEA must be followed.

## SECTION 2 | IMPROVEMENTS AND ALTERATIONS

CC&Rs Article IV, Section 5 provides that the ECC may set standards or procedures and adopt architectural guidelines related to improvements, alterations, or construction on any property to assure uniformity and attractiveness. The ECC guidelines shall not conflict with any provision of the CC&Rs.

### 2.0 Procedures for Improvement and Alterations

Prior to plan submittal, residents are encouraged to meet with the ECC to review the plans for home improvements, landscape, and hardscape. Meetings are held on the 1<sup>st</sup> and 3<sup>rd</sup> Tuesday of each month. Contact the Community Relations office with questions, or for additional information.

#### 2.1 Application Prerequisite

Owner accounts must be in good standing when applying for improvements and alterations to the exterior of the home and lot, or risk delay in the approval process. Examples of these are: delinquency in association dues or assessments, delinquent fines, or unsettled court claims award, etc.

#### 2.2 Application Process

The owner will start by selecting, completing, and submitting the appropriate application. It shall be reviewed by the ECC to verify that the project meets the Association's Architectural Guidelines. Following review by the committee, the applicant will receive a written response within 30 days providing one of three responses;

1. Approval, 2. Request for More Information, or 3. Denial

The ECC will set up an inspection schedule and completion deadline based on the magnitude of the project within the allowable limit for project timelines. If additional time is required, the applicant must submit a request in writing to the Community Relations Department.

A menu of application's can be found by visiting the website: <https://www.sdcea.net/community-guidelines>

Accessory Dwelling Unit (ADU) Detached Application – Additional living space projects (attached or detached)

Concealment Project Application – Project to conceal trash cans, recreational vehicles, boats, trailers, pool equipment, propane tanks, etc.

Horse Corrals Project Application – Construct corrals or a barn on your property.

Landscaping Project Application – Change your landscaping, install fencing, retaining walls or driveways.

New Home Construction – Use this form for blank lot development.

Solar – Project Application Form –Install solar on your home or property.

Structure Project Application – Making exterior changes, painting, windows, building a garage, gazebo, awning, deck, pool, etc.

Variance Request – A request for an improvement that is in conflict with the SDCEA Handbook.

Well Project Application – Use this form when you are installing a well.

#### 2.3 Completion Timeline

Home and lot improvement applications shall be submitted with a proposed completion date of no more than 90 days to minimize the impact on the community. Larger projects that require more time shall be split into phases. Upon final inspection, the ECC will notify the owner by letter, to either certify that work has been finished to SDCEA standards, or with further instruction as to what is required.

#### 2.4 Concealment Alteration Guidelines

The primary objective of concealment is to retain the attractive nature of the SDCEA community. The method of concealing RV's, trailers, motorhomes, trash cans, propane tanks, etc., from the neighboring properties and streets shall be handled through the submittal of a concealment plan application to the ECC.

Note: Lots with an approved ECC concealment plan do not transfer to a new owner, renter or when replacing an RV. A concealment plan application must be re-submitted for ECC approval.

**FENCING AND/OR LANDSCAPING:** Using the street address as a reference point to establish the front of a home, RV's and trailers may be stored behind an approved fence of 6 foot in height. While natural landscaping of trees and shrubs is preferred as a method of concealment, other material will be considered.

**CONSTRUCTION OF A PERMANENT STRUCTURE:** The permanent structure may be either an enclosed addition to the existing home, or an unattached structure, that is constructed in the rear or side of the residence and may not extend beyond the front of the residence. The materials and design shall be compatible with the existing residence, and in harmony with the external design of the original architecture. All rear and side setback requirements of the County of San Diego and of SDCEA shall be applicable to the location selected for an unattached structure and/or any enclosed addition to the existing residence. Copies of any permits required by the County of San Diego must be submitted to the ECC prior to any construction activity.

## **2.5 Horse Corral Alteration Guidelines**

**ALL LOTS NORTH OF SAN VICENTE ROAD ARE LIMITED TO FOUR (4) HORSES. HORSE CORRALS ARE NOT PERMITTED SOUTH OF SAN VICENTE ROAD.**

Horse corrals must be approved by the ECC prior to installation. They will verify San Diego County setback requirements are met.

Corrals shall be a minimum of 12' X 12' per horse, or 24' X 48' for 3-4 horses. Barns will not exceed 24' X 48' for a maximum of four horses. County permits may be required for covered corrals and barns.

Locate the corrals away from waterways, flood prone areas, and steep hillsides. Address water quality concerns in the design using San Diego County Building Code. Corrals and Barns shall be 20' from any dwelling unit, 50' from centerline of street, 15' from the side lot lines and 10' from the rear lot lines.

The construction of barns or corrals are not permitted on vacant lots. A homeowner possessing an adjacent vacant lot, and wanting to construct a barn or coral, must legally join them via lot line adjustment, prior to the ECC application process.

## **2.6 Landscaping Alteration Guidelines**

A Landscape Application is required for ECC review and approval prior to beginning any work.

Refer to Sections 1.11, 4.1.6, and 4.1.7 for additional guidance. Contact San Diego Planning & Development services at 858-694-3900 for permit requirements. Adhere to County design requirements for setbacks, maximum slope, erosion prevention and planting requirements.

When a grading permit is required by San Diego County, an approved copy of the grading plan and permit must be verified by the ECC prior to grading. Established drainage patterns must not be altered without an acceptable grading modification approved and stamped by San Diego County.

## **2.7 Paint/Stucco Alteration Guidelines**

Building exterior color changes require ECC approval. Submit a Structure Application prior to making changes.

## **2.8 Solar Alteration Guidelines**

See [Section 3](#) of this Rule Book.

## **2.9 Structure Alteration Guidelines**

All improvements or modifications require a project application approval by the ECC prior to starting work. The following is a list of common improvements and modifications:

- Exterior alterations to the property.
- Additions to an existing home or other structures.
- Construction of new buildings, accessory dwelling units (ADUs) and areas, such as:
  - Outbuildings, storage buildings, workshops, etc.
  - Patios, Decks, swimming pools, spas, hot tubs, fences or gazebos.
- Roof replacement (submit brochure on roofing material, manufacturer, warranty, etc.).

## **2.10 Variance Request Guidelines**

A Variance is a request for an improvement that is in conflict with the SDCEA Handbook (ECC Rules). Variance requests may be submitted after a project application has been denied by the ECC, or as part of the initial application, in anticipation of a conflict with the Handbook.

A Variance Request shall include details on how the exemption would alleviate an unusual hardship.

Variance Requests apply to the improvement and the owner indicated on the application. Variance approvals do not automatically convey to a new owner; the new owner would need to submit a new Variance Request. Should the indicated improvement require replacement, or repair of more than 50%, a new Variance Request shall be submitted for consideration.

A new Variance Request shall accompany any project applications for additions or changes to an improvement with an existing Variance approval.

## **2.11 Well Improvement Guidelines**

Permits required by San Diego County shall be forwarded to the ECC for verification, prior to the construction of a well. The minimum horizontal separation distance between well and other potential sources are as follows: Sewer (sanitary, industrial or storm, main or lateral), 50 feet; watertight septic tank or subsurface sewage leaching field, 100 feet; cesspool or seepage pit, 150 feet; animal or fowl enclosure, 100 feet. The well head, and all associated equipment must be 10 feet from the property line.

## **SECTION 3 | SOLAR SYSTEM INSTALLATION**

### **3.0 Solar Rules**

The following rules and procedures shall apply when an owner is planning to install a solar energy system. The ECC shall review applications in accordance with Cal. Civil Code §714, and the guidelines of the SDCEA CC&Rs.

#### **3.1 Application Procedure**

Complete the Application for Solar Project and submit it with a plot plan indicating the system location, dimensions, and a copy of a permit issued by San Diego County to the Community Relations Department. A concealment plan for a ground mounted solar energy system must be included with the owner's application for review and approval.

#### **3.2 County Permit/ECC Approval**

Construction may begin after a "certificate of approval" has been issued by the ECC. Equipment for a ground rack solar energy system must not encroach upon easements. It is the owner's responsibility to confirm the property lines prior to installation. Upon its first scheduled inspection, the ECC will verify compliance to set back requirements.

#### **3.3 Requirements for Installation**

Roof mounted systems (RMS) shall conform to the natural roof line, be within 12" of the roof ridge, and conduit painted to match the roof and walls.

Ground mounted systems (GMS) shall be screened from the view of streets and neighboring properties. Site selection for a GMS shall meet the objective of all other sections in the CC&Rs meant to protect curb appeal. Any modifications to the GMS not approved under the original application must be submitted for ECC approval.

If an owner sells the property, the "certificate of approval" remains with the property under the new owner.

#### **3.4 Conditional Approval**

SDCEA does not accept responsibility for installation of the solar energy system, nor guarantee it is operational, safe or performs to the satisfaction of the owner.

## SECTION 4 | CONSTRUCTION APPROVAL PROCEDURES

Applicants with delinquent accounts shall be placed on hold until accounts are settled. It is the owner's responsibility to assure that all contractors comply with the California State Contractors License Board regarding licensing and insurance requirements.

### 4.0 Plan Submittal

Construction plans shall be prepared according to the professional standards of the various design professionals, including exterior elevations, site, landscape, floor, and roof plans. These design requirements must be met, and application fees paid prior to construction. The planned square footage of the structure will be compared with surrounding homes to assure it meets SDCEA objectives. The owner/contractor shall stake the building lot corners for ECC inspection. (See [Section 4.3](#) | Fees and Enforcement for more information.)

When required by San Diego County, a copy of a grading plan, and building permit must be submitted and verified by the ECC prior to breaking ground on the site. Copies will be retained in SDCEA records.

The owner/builder shall submit a complete set of stamped (S.D. County Approved) construction documents at least 72 hours prior to a regularly scheduled ECC meeting.

The project application shall include the following:

- Plot plan showing setbacks.
- Complete landscaping plan including the number, name, and sizes of plants together with an irrigation plan.
- Photos or brochures of siding, trim, and roof material with color samples.
- Plan-check fee of \$50.00.

The plans must show overall dimensions, square footage of residence, patio, porches, garage, walls, columns, openings and any conditions or features affecting design. Accurately dimension all items and parts of plan including balconies, decks, atriums, garages and storage buildings. Provide square footage of total dwelling area of residence, pools, recreation area, patio covers, garages, etc. Note exterior items not clearly shown on elevations.

#### 4.0.1 Meeting and Plan Review (Phase 1)

During its first meeting (phase 1), the ECC shall review the construction documents (house plans) to determine if exterior designs and elevations conform with SDCEA standards. If changes are required, the applicant will be advised with an opportunity to revise the plans for re-submittal and review at the next ECC meeting.

**NOTE:** In the event phase one plans are not approved, and further revisions cannot be agreed upon, an independent architect will be selected by the ECC for review and recommend changes that meet the requirements of the SDCEA Building Standards. Any costs incurred by such mediation will be paid by the applicant.

#### 4.0.2 Conditional Plan Approval and Notification (Phase 1)

If the application is conditionally approved, a sign will be placed in a prominent position on the lot notifying neighbors that construction is imminent, and to direct comments to the Community Relations Department. The construction plans will be available for community review in the CRD office for 30 days after approval. Plans may be viewed by any member of the community, but not copied or removed from the CRD office.

#### 4.0.3 Construction Approval and Notification (Phase 2)

After 30 days, the ECC shall at its next scheduled meeting (Phase 2):

- Review and recommend changes to the plans per neighbor concerns.
- Provide builder/owner with a marked-up plan noting all recommendations.
- Send a certificate of approval or request additional information from the owner/builder via letter.

#### **4.0.4 Site Plan Requirements**

Construction drawings shall include the following:

- Site plan drawn to scale with north arrow designation.
- All structures including setback distances, drainage, sidewalks, driveways, porches, patios, fences, pools, slopes, rights-of-way contiguous to a lot, easements, trails, etc. In each case, dimensions and types of material must be shown.
- Lot elevations with a drainage plan where applicable.
- Property lines delineated accurately including length, angles, and curves.

#### **4.0.5 Landscape Plan Requirements**

- Provide dimensions of all improvements.
- Existing and proposed trees, shrubbery, plants and groundcover (each to be identified by quantity, name and size).
- Decorative walls and lawn or landscape rock areas (all dimensioned).
- Floor plan drawn to scale.

#### **4.0.6 Exterior Elevations – North, South, East and West**

Attach a sheet of paper with all exterior color samples, pictures of siding type and color, and pictures of roof material and color. Samples from manufacturer's brochures are recommended

#### **4.0.7 Roof Plan Requirements**

- Show proposed roofs with slope and pitch noted, including proposed roofing materials.
- Indicate unusual conditions or construction resulting from this work, with roof accessories and appurtenances.

### **4.1 Design Requirements**

#### **4.1.1 Grading**

The addition or displacement of large quantities of dirt must follow San Diego County grading requirements. It's the owner's responsibility to ensure that grading does not cause water run-off related damage to neighboring properties.

A stamped grading plan, prepared by a licensed civil engineer, shall be submitted for review prior to changes in grading, adding, or removing fill. For smaller projects, an exemption may be requested for this requirement.

Consider the following suggestions to meet grading and design requirements:

- Adhere to San Diego County design requirements for setbacks, maximum slope, erosion control, and planting requirements.
- Large or significantly sized boulders and rock outcroppings shall be left in their natural state where possible.
- Established drainage patterns must not be altered without an acceptable revision approved by the county.
- Several lots lie in natural established drainage patterns of adjacent lots, and must receive clear, silt free runoff from these neighboring lots. Check and verify water flow prior to altering existing landform. Attention shall be given so that grading will not damage or cause excessive runoff to other properties.
- Views to the project site from adjacent lots.
- Proximity of adjacent structures; and driveway and pedestrian access.
- Septic and/or leach lines are not permitted in SDCE. All properties, when improved, shall tie into the R.M.W.D. sewer system.

#### **4.1.2 Site Planning and Design**

Note: Each lot in SDCE has a 10-foot easement inside the front, rear and side property lines for utilities, walking trails, horse trails, etc. Each lot owner shall be aware of these easements to avoid the expense of moving structures. Questions regarding this shall be directed to the ECC prior to construction.

The ECC shall review the site plan, design, and make recommendations based upon individual lot locations, terrain, soil conditions, drainage, cuts, fills or when other factual conditions may create a negative impact on the site.

#### 4.1.3 Site Locations and Setbacks

The ECC shall focus on setbacks relative to site locations, and the placement of structures on lots, so that view obstruction from adjoining or nearby lots is minimized. HOWEVER, THE ASSOCIATION DOES NOT GUARANTEE ANY OWNER'S VIEW. Setbacks from the street will be staggered a minimum of 10 feet, where possible. San Diego County establishes minimum setback criteria. If all other statutory requirements are met, and in cases of hardship where an owner has obtained a variance from the county, the Association may approve a setback variance.

The rules and regulations of the county are subject to change at any time. It is the responsibility of the owner to verify the rules and regulations that apply to their project.

##### ALL LOTS

Front yard - minimum 50 feet from centerline of road (60' preferred by the ECC). Side yard - minimum 10 feet from property line.

##### LOTS SOUTH OF SAN VICENTE ROAD

Rear yard - minimum 25 feet from rear property line.

##### LOTS NORTH OF SAN VICENTE ROAD

Rear yard - minimum 40 feet from rear property line.

##### CORNER LOTS

Side yard setback will be a minimum of 30 feet from the center of the side street and no less than 10 feet from the property line. NOTE: "Lot addresses" are issued by San Diego County for the benefit of emergency response.

NOTE: Changes to previously authorized setbacks must be approved in writing by the ECC before construction begins. Unilateral action by the contractor and/or owner may result in imposed fines up to \$5,000.00 and legal action may be taken to prevent the unauthorized establishment of setbacks.

#### 4.1.4 Structures

The CC&Rs define the minimum size homes that are to be built (See Article VI, Section 21 | SDCEA CC&Rs), however, the size of surrounding homes may determine the need for a larger home to maintain continuity. Also, the architectural design must focus on a "non-tract" home appearance. The ECC's focus will be on style, material, size, and design.

Height restrictions and structural appearance for proposed designs shall include, but not be limited to:

- Building maximum height shall be 30 feet for the single-family dwelling, or a maximum of 24' for an Accessory Dwelling Unit (ADU), as measured from the top of the slab or footing. An ADU is intended to be secondary in size to the single-family residence. An ADU attached to a primary dwelling unit may be up to 50% of the size of the single-family residence, up to a maximum of 1,200 square feet. An ADU detached from the single-family residence may be up to 1,200 square feet regardless of the size of the residence. An ADU attached to primary residence must comply with the required main building setbacks. The rear walls of structures on a downhill slope shall not be more than 2 stories in height without approved design features that provide relief from the blank wall effect.
- Only one detached ADU allowed per lot. All ADU's must meet the Section 4 guidelines for submittal and approval.
- ADU's must have matching color schemes to the main house, in both body and trim color.
- Travel trailers and RV's are not ADU's. Any pre-manufactured unit approved for ADU use must not be on wheels or have an exposed undercarriage.
- Each lot owner shall maintain all slopes located on lot to prevent erosion and to make an attractive appearance.
- Garages must have doors and be sized to park two standard automobiles. When difficult access or built-in features (i.e., laundry appliances, cabinets, hot water heaters, furnace, etc.) occupies a portion of the garage, a minimum of 400 sq. ft. of parking space is still required. Garage doors must be closed except when the garage is in use.
- Pool equipment shall be screened from view. Exterior utility meter panels or enclosures shall be integrated into the architecture and match the home color scheme.
- Exterior wall surfaces shall include a form of architectural embellishment.

- Pursuant to Cal. Civil Code §714 *et seq.*, the approval procedure required for installation or use of a solar energy system, shall be processed and approved by the ECC. Reasonable restrictions may apply on installations. (See [Section 3](#) | Solar System Installation)
- Propane, well pumps and pressure tanks must be attractively concealed from public view on all sides. Methods of concealment include solid wood fencing (stained or painted to match house), plastic lattice with a maximum 1 - 1/2" opening, stucco, brick or block; other materials may be considered. Fire regulations require propane tanks to be placed a minimum of 10 feet from any structure. Tanks shall be placed in the rear yard, if possible. If the tank must be in the front yard, concealment must conform to materials and colors of the home. Per Article VII, Section 7d of the CC&Rs, propane tanks must be set-back 10 feet from the property line. Exceptions to the 10-foot easement may be granted on a case-by case basis. The tank must be 10 feet from any exterior source of ignition (the basis for this is National Fire Protection Agency Regulation 58 (NFP58).
- Driveways shall be made of concrete or pavers.
- Exterior materials and color shall be approved by the ECC. Excessively bright colors that do not blend with the neighborhood will not be approved. Weather resistive woods such as cedar and redwood, or others may be left to age naturally, stained or painted. Changes from the originally approved plan must be accomplished through an additional application and ECC approval.
- Roofing materials must meet SDCEA Building Standards. Asphalt or composition shingles must have at least a 30-year warranty and carry an Underwriter Laboratories Class "A" fire and wind resistant rating. Wood shingles and shakes are not permitted.
- Roof accessories or appurtenances:
  - Roof vents or exhausts shall be painted to match adjacent surfaces.
  - Gutters and down spouts shall be color coordinated in harmony with the overall design of the house. Aluminum and galvanized, exposed gutters shall be painted.
  - Chimneys shall be in harmony with the design of the home. Exposed metal chimneys are not permitted.
  - Window openings that are visible from the street shall be treated in one of the following ways to achieve scale, order, proportion and/or depth:
    - Trim all sides, or recess windows into thickened wall.
    - Project windows forward of the wall plane.
    - Provide earth colored window frames, i.e., rust, bronze, black, white, etc.
  - Patio structures, sunshades and gazebos shall be designed to complement the architectural features of the home.
  - Avoid light steel, mobile home type structures.
- Open trellises and beam construction is permitted. Patio structures, sunshades and gazebos shall be designed to continue and/or compliment architectural features of the dwelling. Heights may be varied, subject to ECC approval. Avoid light steel, mobile home type structures.
- In addition to the above criteria, design consideration shall be given to:
  - Existing drainage channels.
  - Views to the project site from adjacent lots.
  - Natural rock outcroppings, existing trees and landscaping.
  - Proximity of adjacent structures, driveway and pedestrian access.
- Septic and/or leach lines are not permitted in SDCE. All properties, when improved, shall tie into the R.M.W.D. sewer system.

#### 4.1.5 Fences

Fencing or other non-removable objects shall not obstruct common area access to horse trails and other easements established for lots north of San Vicente Road. Maps identifying these easements are available in the SDCEA Administration office. Walls or decorative fences shall not be over 42 inches high in front of the house. The only exception would be for special site conditions and subject to ECC review and approval on a case-by-case basis.

- Fence types along San Vicente Road, Gunn Stage Road, Ramona Oaks Road, and Arena Way will be considered for approval on a case-by-case basis within the ECC application process.
- Fences on side and rear property lines shall not exceed 6 feet in height.
- Fences or walls shall appear the same on both sides (neighbor-friendly), or smooth side out from lot.
- Fences tying into a neighbor's existing fence must have written permission from the neighbor and submitted to the SDCEA Administration as a documented record.
- The construction of a fence or wall requires ECC approval by submitting a landscaping application with the description of a plan prior to construction. Posts must be steel, concrete, vinyl or treated wood posts.

#### 4.1.6 Landscape

The following landscape guidelines are influenced by San Diego County and Cal Fire guidelines for defensible space and may be updated as guidance evolves.

The committee's intent is to encourage well thought out, aesthetically pleasing landscapes, that celebrate the varied uses of plants and trees to complement the natural beauty of the valley and augment the architectural design of the home and community.

There are many types of landscape options, one of which is xeriscaping. Xeriscaping uses native and adaptive plants that can grow and sustain themselves in dry natural conditions. Xeriscapes tend to need little to no water other than what is naturally occurring and can tolerate heat and drought conditions. Xeriscapes are intentionally designed to integrate water saving strategies while maintaining the aesthetic qualities of the community.

The following criteria is applied to all lots in the association:

- a) For blank lot development, landscape must be completed within 14 months of the ECC's approval.
- b) Landscaping must be completed in the front yard (from curb to house), 10 feet from sides, and 30 feet from the back of the house, using a variety of plants and groundcover. Options for groundcover include decorative rock/gravel, mulch, plants, shrubs, and real or artificial turf. Bare dirt is not an option within this space.
- c) Plant density defines the minimum number of plants required in a set amount of square footage.
  - 1) Front yard shall include one (1) 5-gallon plant for every 100 square feet (driveway is not included in measurement). A minimum of two (2) trees for the first 1500 square feet, and one (1) tree for each additional 750 square feet.
  - 2) Sprawling or wide plants (such as shrubs, ivy, or ice plant) may be substituted as a 5-gallon plant equivalent. One 5-gallon plant equals 4 square feet. (Example, a hedge that is 2 ft x 2ft counts as one 5-gallon plant).
- d) Areas greater than 400 square feet may not be composed of a single material or color (i.e. continuous mulch or rock), unless interspersed with plants. Loose rock placed along the curb must not wash out onto the street. This may be prevented by ensuring the rock level is lower than the curb. There must be borders in the yard that create visually appealing spatial relationships (e.g. decorative bricks, plants, bender board, hedging).
- e) Trees: Trees shall be planted individually or in groupings, with mature canopy coverage not to exceed 40-ft x 40-ft. A space of 10-ft shall be maintained between the canopies of tree groups. Canopies shall be pruned to maintain a minimum 10-ft clearance from structures and chimney outlets. Tree branches shall be trimmed to maintain 6-ft clearance from the ground. Over driveways and roadways, trees shall be trimmed to maintain a 13-ft 6-inch clearance for emergency vehicles. Avoid planting trees under power lines.

- f) Shrubs/Plants: Each lot shall maintain an assortment of shrubs and/or plants, varied in height. Shrubs shall be trimmed to maintain space between the top of the shrub and the lowest branch of a tree. The minimum vertical clearance shall equal either three times the height of the shrub, or 6-ft, whichever is greater. The use of drought tolerant plants such as flowering vines on fencing, walls, arbors, large pots, vases, wall or raised planters, or flowering trees to provide color, are suggestions for attractive focal points. The use of artificial turf is an acceptable option per Cal. Civil Code §4735.
- g) Slopes must be covered with vegetation or ground cover, to control erosion.

Landscape design shall include a variety of plants and materials to provide contour and vertical relief, breaking up a sense of flatness.

#### **4.1.7 Irrigation**

Irrigation lines must be installed below finished grade, drip lines and tubing must be buried under groundcover. The system shall incorporate a timer to provide consistent irrigation necessary for all plant material, while ensuring the prevention of runoff.

The primary goal shall be the uniform application of water, the efficient use, long lasting equipment, and operational simplicity.

#### **4.2 Construction Rules**

Construction activity is permitted from 7:00 am through 7:00 pm Monday through Saturday. Sundays and national holidays are deemed “quiet zone days” to protect the environment from construction noise, unless special arrangements have been approved by SDCEA.

Motor homes, trucks, campers, boats, trailers, tents, shacks, garage, barns, or other outbuildings shall not be used on any lot at any time as a residence, either temporarily or permanently.

Prior to construction activity, the site must be provided with temporary sanitation facilities (porta-potty), and maintained for the duration through the completion of the project.

Additional structures beyond the primary home require an approved application. Please follow the standard procedure to obtain a “certificate of approval” from the ECC. Prohibited structures include canopies, tent coverings for vehicles, material storage, etc. Picnic canopies are permitted.

During construction, a storage shed, may be placed on the lot with ECC approval, and removed prior to a refund of the application fee. In such cases, the size and location of the shed shall be noted on the plot plan.

#### **4.3 Fees and Enforcement**

To compensate for the administrative costs to process plans, a filing fee of \$50 must accompany new or ADU house plans. A check or money order shall be made payable to SDCEA.

An application deposit of \$7,000 for new house plans must be submitted to SDCEA by the owner prior to any construction activity on the lot (i.e., prior to the commencement of Phase 2). An application deposit of \$1,000 for an ADU on any developed lot must be submitted to SDCEA by the owner prior to any construction activity on the lot. All deposits shall be held by SDCEA and used to ensure completion of the project. If the owner fails to complete the construction within eight (8) months and the landscape within six (6) months after the construction completion, for a total of fourteen (14) months from the date the house plans were approved, the deposit will be considered forfeit. The application deposit shall be refunded to the person paying the deposit as the project is completed as determined by the ECC.

The ECC will use the following criteria to determine whether the deposit, or a portion, will be refunded.

- San Diego County must have approved a final inspection for the house and a copy has been furnished to SDCEA for their files.
- All landscaping is completed per plans and the final inspection is accomplished to certify the work.
- The house has been constructed per the approved plans. Concealment of any propane tank, adequate drainage system and erosion control measures are complete.
- All construction litter has been removed from the lot.
- Removal of all signs, except for one (1) ID sign and one (1) "For Sale/Rent sign" (See [Section 1.14](#) | Signs).
- Removal of construction sheds if applicable.
- Verify there are no encroachment violations within the 10' easements on all four sides of the lot.

If construction has not begun within 6 months of plan approval, the plan must be re-submitted with another \$50.00 filing fee before construction can commence.

If extenuating circumstances prevent completion by the deadline, an extension may be granted. Otherwise, the application fee will be forfeited, and a letter sent to the owner indicating such action.

## **SECTION 5 | COMMUNITY RELATIONS**

### **5.1 Purpose**

The Board established the Community Relations Department (CRD) consistent with Article 6, and other applicable sections of the CC&Rs to protect against a deteriorating appearance of lots and ensure conformance with the San Diego Country Estates Association Governing Documents. CRD will achieve this through daily property inspections, and by notifying owners when non-conformance conditions exist. Consistent quality curb appeal is at the heart of the CRD initiative.

### **5.2 Unimproved Lots**

State, County, and municipal laws require owners to maintain vacant lots in a manner that does not pose a fire threat, or public safety hazard. Vacant lot owners must take a pro-active approach in weed abatement, and the clearing of grass or underbrush throughout the year. Certain plant types such as manzanita are protected and shall not be removed. Fire defensible zones must be maintained to 100 feet from structures per San Diego County fire code.

## SECTION 6 | VIOLATION ENFORCEMENT PROCESS

### 6.0 CC&Rs Enforcement (All Inclusive)

**Step 1** Upon verification of a violation under Article VI of the CC&Rs or any other governing document, the Association will mail a notification letter (courtesy notice) to inform the responsible party of their obligation to correct such matter(s).

**Step 2** A second inspection will be conducted per the violation flow timeline. If the violation has not been corrected, a notification letter will be mailed to the responsible party urging them to correct the violation, or be the subject of, and invited to a Community Relations hearing (CRC) as required by Cal. Civil Code §5855.

**Step 3** A third inspection may precipitate a mailed hearing notification. If conformance is not met, a hearing notification shall be mailed to the responsible party for receipt at least ten days prior to the scheduled CRC hearing advising them of the date, time, location, and potential fines of \$25 per day up to \$250 per month, as well as their right to attend and address the committee. Additionally, the letter will reference the CC&R rule violation and the date it was discovered.

**Step 4** When applicable, an inspection will be accomplished one (1) day prior to the committee hearing date. If a violation still exists, a current photo will be placed in the CRC hearing packet. The packet shall include photos, and all related documentation relevant to the matter.

**Step 5** After the hearing, a first-class and certified letter will be mailed to the owner advising them of the CRC's decision, and their right to appeal. An owner must submit an appeal to the Board in care of the General Manager within fifteen (15) days of receiving the CRC notification. The owner may choose a hearing with the Board in an open meeting or executive session.

**Step 6** When an owner chooses not to appeal within fifteen (15) days, the CRD Manager will record the amount of any applicable fines.

**Step 7** If the owner appeals to the Board, the General Manager will mail a notification letter to the owner, advising them of the hearing date, time, and location. The CRD Manager will also be advised of the appeal and will provide all pertinent background information to the Board approximately one week prior to the hearing. The owner will have the right to a hearing with the Board in an open or executive session. In the case where the ECC is a participant, the committee shall be represented at the hearing.

**Step 8** Within one (1) day after the Board hearing, the General Manager will be advised of the Board's decision. The General Manager will then mail a notification letter to the owner within fifteen (15) days of the hearing, advising the owner of the Board's decision.

**Step 9** If a fine has been levied and upheld by the Board, the General Manager will advise the CRD Manager to record the fine.

**Step 10** A fine balance that meets or exceeds \$1,500.00 will be handled through small claims court. If judgment is awarded, the owner must submit a plan to address the violation and pay the fine balance within 60 days after the judgment has been entered. If the owner fails to submit a plan within 60 days, the judgment shall be recorded with the county recorder.

**Step 11** If the violation continues, or subsequent violations occur, the General Manager will be advised by the CRD Manager. The General Manager will take these issues to the Board for action, which may include legal and/or any action allowed by law.

**Step 12** When the responsible party going through the violation enforcement process has corrected the violation, but then reverts within ninety days, the violation will be re-opened under its original status and flow.

## **6.1 Maintenance of Abandoned, Foreclosed or Neglected Properties**

This section corresponds to Article 6, Sections 2 and 3 of the CC&Rs. Some time frames have been modified to comply with California Corporations Codes enacted after the publication of the SDCEA CC&Rs. It is specific to properties that are neglected and causing blight on the neighborhood and the Association.

**Step 1** CRD will inspect the property on all side to determine if it is neglected and does not meet CC&R conformance. If necessary, due process will proceed to the next step.

**Step 2** The owner will receive a notification letter specifying the non-conformance under the CC&R rule reference. The owner will be given fourteen (14) days to comply.

**Step 3** If the owner fails to correct the violation within the stated time, a second letter will be mailed notifying them of a scheduled Community Relations Committee (CRC) hearing. The owner shall receive the notice at least ten (10) days before the hearing date and will include the date, time, and location of the hearing. The owner may choose not to attend the CRC hearing but instead, request a hearing with the Board within the ten (10) days of the date of notice. If the violation is corrected during this period, it will be closed. This step does not apply to an owner whose violation has already been determined by the CRC. Note: This procedure does not address nor forgive any unrelated delinquencies or fines that may be assessed to the property or owner.

**Step 4** If the owner requests a hearing before the Board within the allowable ten (10) day period, a hearing will be scheduled. The owner will be provided with a written notice to include the date, time, and location of the scheduled hearing, at least ten (10) days before the hearing. The Board will determine any action required by the owner, and will establish a reasonable time (routinely ten (10) days) to correct the violation.

**Step 5** If the owner fails to comply with the Board's decision and takes no specific action to remedy within the stated time, the Association will notify the owner to advise them that the Association or its agents, will enter the subject property to correct the violation. (See "CC&Rs, Article 6, Sections 2 and 3) The cost of the work will be assessed to the owner, constitute an emergency assessment, as provided for in Article III, and will include an additional 20% to account for SDCEA administrative costs. This will not require the consent of the owner and will be enforceable by suit or lien against the subject property and/or owner in the event of nonpayment, as provided for in Article III of the CC&Rs.

**Step 6** If the owner fails to bring the property into conformance, or request a Board hearing within the allotted time, SDCEA will mail a notice of non-conformance to them and proceed under the provisions of the CC&Rs to enter the subject property, and perform the necessary work to bring it into conformance. The cost of such work will be assessed to the owner, and will constitute an emergency assessment, as provided in Article III. A 20% SDCEA charge on the contractor's invoice will be included to cover administrative costs. This additional fee does not require the consent of the owner, as it is enforceable by suit or lien against them in the event of non-payment. CC&Rs Article III.

## 6.2 Residential Construction

**Step 1** When SDCEA receives a complaint about a CC&R violation regarding residential construction, the following action will be taken upon verification:

A courtesy notice will be mailed to the owner advising them of the violation. A follow-up inspection will occur approximately fourteen (14) days after the first. If the violation still exists, a letter will be mailed to the owner advising them that it must be rectified within ten (10) days.

Violations such as changes to landscape and/or re-landscape without ECC approval will result in a letter mailed to the owner, instructing them to submit the necessary paperwork for ECC approval within thirty (30) days of the notice. A landscape, or structural application may be found at <https://www.sdcea.net/community-guidelines>.

**Step 2** If the violation(s) have not been rectified or plans have not been submitted within the time noted in Step 1, a letter will be mailed to the owner, advising them of a potential fine of \$25 per day up to \$250 per month. The letter will also advise the owner of the date, time and location of the CRC hearing, and their right to attend. Additionally, the letter will reference the CC&R violation, and date that it was discovered. The notification shall be received by the owner at least ten (10) days prior to the hearing date, as required by Cal. Civil Code §5855.

**Step 3** Owners who submit plans to the ECC and have not been approved, will be notified, and given thirty (30) days to re-submit plan revisions for another review. If the revised plans are not approved, or if the owner does not submit revised plans, the fine phase will commence at a rate of \$25 per day up to \$250 per month. Legal action is always a last resort. If a fine is applied to the owner's account, they will be notified by mail.

**Step 4** Project plans submitted by the owner and approved by the ECC, whose project is not completed within the date stated in the application, may be subject to a fine. However, if the owner offers a reasonable explanation in writing, an extension may be granted. When an extension is granted, but the project has not been completed by the extension deadline, or if an extension is not granted, the owner may be subject to a fine. If imposed, the fine amount is \$25 per day up to \$250 per month, at which point a letter will be mailed to the owner. If necessary, the matter may be referred to legal counsel for resolution.

**Step 5** When applicable, an inspection will be accomplished one (1) day prior to the committee hearing date to verify the violation status. If it still exists, a photo of the violation will be taken and placed in the CRC's hearing agenda packet. Included in the packet are other relevant photos, and any other information that serves as documentation.

**Step 6** After the hearing, a first-class and certified letter will be mailed, advising the owner of the CRC's decision, and their right to appeal. The letter must be mailed to the owner within fifteen (15) days of the hearing. An appeal must be submitted by the owner in writing to the Board, in care of the General Manager within fifteen (15) days of receiving the CRC letter. The owner may choose a hearing with the Board in an open meeting or executive session.

**Step 7** When an owner allows the appeal period to expire without submitting an appeal, the CRD Manager will record the amount of any applicable fines.

**Step 8** If the owner appeals to the Board, the General Manager will mail a letter to the owner, advising them of the hearing date, time, and location. The CRD Manager will also be advised of the appeal, and will provide all relevant documentation to the Board approximately one (1) week prior to the hearing. The owner will have the right to a hearing with the Board in an open session or executive session.

**Step 9** If a fine has been levied and upheld by the Board, the General Manager will advise CRD Manager to record the fine.

**Step 10** Within one day of the hearing, the General Manager will be advised of the Board's decision. The General Manager will then mail a letter to the owner within fifteen (15) days of the hearing, advising the owner of the decision.

**Step 11** A fine balance that meets or exceeds \$1,500.00 will be handled through small claims court. If judgment is awarded, the owner must submit a plan to address the violation and pay the fine balance within 60 days after the judgment has been entered. If the owner fails to submit a plan within 60 days, the judgment shall be recorded with the county recorder.

**Step 12** If the violation continues, or subsequent violations occur, the General Manager will be advised by the CRD Manager. The General Manager will take these issues to the Board for action, which may include legal or any other action allowed by law.

**Step 13** When the responsible party going through the violation enforcement process has corrected the violation, but then reverts within ninety (90) days, the violation will be re-opened under its original status and flow.

## **6.3 Nuisance**

**Step 1** Upon a written complaint regarding a nuisance that is submitted by a resident, a letter will be mailed to the owner, advising of the violation.

**Step 2** Upon receiving a second complaint within twelve (12) months of the first one, a second letter will be mailed to the owner advising them of the continued violation, and that future complaints of the violation may be subject to a fine.

**Step 3** Upon a third written complaint within twelve (12) months of the prior complaint, a letter shall be mailed to the owner, to be received no less than ten (10) days prior of the hearing date, advising them of the date, time and location of the CRC hearing, potential fines of \$25 per day up to \$250 per month, and their right to attend and address the CRC. Additionally, the letter will delineate the CC&R rule reference and the dates of the violations. When applicable, an inspection will take place one day prior to the CRC hearing date. All documentation relevant to the matter will be included in the CRC agenda packet.

**Step 4** A first-class and certified letter shall be mailed to the owner advising them of the committee's decision, and their right to appeal. An appeal must be submitted by the owner in writing to the Board's in care of the General Manager within fifteen (15) days of having received the CRC letter. The owner may choose a hearing with the Board in an open meeting or executive session.

**Step 5** When an owner allows the appeal period to expire without submitting an appeal, the CRD Manager will record the amount of any applicable fines.

**Step 6** If the owner appeals to the Board's, the General Manager will mail a letter to inform them of the hearing date, time, and location. The CRD Manager will also be advised of the appeal and will provide all relevant documentation to the Board approximately one week prior to the hearing. The owner will have the right to a hearing with the Board in an open session or executive session.

**Step 7** Within one (1) day of the hearing, the General Manager will be advised of the Board's decision. The General Manager will then mail a letter to the owner within fifteen (15) days of the hearing, advising the owner of the Board's decision.

**Step 8** Fines, in any, that have accumulated, and upheld by the Board, the General Manager will instruct the CRD Manager to record the fine.

**Step 9** A fine balance that meets or exceeds \$1,500.00 will be handled through small claims court. If judgment is awarded, the owner must submit a plan to address the violation and pay the fine balance within 60 days after the judgment has been entered. If the owner fails to submit a plan within 60 days, the judgment shall be recorded with the county recorder.

**Step 10** If the violation continues, or subsequent violations occur, the General Manager will be advised by the CRD Manager. The General Manager will take these issues to the Board's for action, which may include legal or any other action allowed by law.

**Step 11** When the responsible party going through the violation enforcement process has corrected the violation, but then reverts within a ninety (90) day period, the violation will be re-opened under its original status and flow.

**Step 12** Note that nuisance complaints not subject to fine will be purged after a twelve (12) month period.

## **SECTION 7 | INTERNAL DISPUTE RESOLUTION PROCESS**

### **7.1 Hearings and Appeals**

PLEASE TAKE NOTICE that SDCEA has adopted the following internal dispute resolution (IDR) procedure in compliance with Cal. Civil Code §§5900-5920. This procedure applies to any dispute between the Association and an owner regarding their rights, duties or liabilities under the Davis-Sterling Common Interest Development Act, Nonprofit Mutual Benefit Corporations Code, or governing documents of the Association. This IDR process supplements the pre-litigation procedures (it does not replace such procedure).

Either party to a dispute involving the referenced rights, duties or liabilities may invoke the following procedure:

- A party may request the other party to meet and confer to resolve the dispute. The request shall be in writing.
- An owner of the Association may refuse a request to meet and confer. The Association may not refuse a request to meet and confer.
- The Association's Board of Directors shall designate two owners of the Board to meet and confer.
- The parties shall meet promptly at a mutually convenient time and place, explain their positions to each other and confer in good faith to resolve the dispute. At said meeting, the parties may be assisted by an attorney or another person, at their own cost.
- A resolution of the dispute agreed to by the parties shall be memorialized in writing and signed by the parties, including the Board designee on behalf of the Association.
- An agreement reached under this section binds the parties and is judicially enforceable if the following conditions are satisfied.
- An agreement shall not conflict with governing documents of the common interest development or Association.
- An agreement shall be consistent with the authority granted by the Board of Directors to its designee, or is ratified by the Board of Directors.
- An owner of the Association may not be charged a fee to participate in the process. The Association, as mandated by Cal. Civil Code §5965, has provided the preceding summary.

### **7.2 Internal Dispute Process - Procedure for Homeowners**

Internal Dispute Resolution Hearing Procedure:

- Statement of violation by acting chairperson.
- Violator's statement and presentation of oral or written evidence.
- Review of CC&R requirements, Bylaws, Environmental Control Committee, and Community Relations Department Rules & Procedures.
- Discussion and questioning of the violator by the Committee owners.
- Questions and final statement by alleged violator.
- Board ruling.
- Enforcement procedures as applicable.
- Adjournment.

## REQUEST FOR AN INTERNAL DISPUTE RESOLUTION HEARING

Name of Owner: \_\_\_\_\_ Phone: \_\_\_\_\_

Address: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Nature of Violation: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Board Ruling: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Additional Comments: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Requested by: \_\_\_\_\_ Date: \_\_\_\_\_

## **SECTION 8 | ALTERNATIVE DISPUTE RESOLUTION PROCESS**

### **8.0.1 Summary of Alternative Dispute Resolution Process**

PLEASE TAKE NOTICE that Cal. Civil Code §5930 requires Alternative Dispute Resolution (ADR) prior to litigation in certain Association and Owner disputes. This notice merely provides a summary of the statute. If there is a dispute that may require ADR, please review all the provisions of the statute or seek independent legal counsel.

In general, Cal. Civil Code §§5925-5965 encourages parties to handle disputes regarding the enforcement of an Association's governing documents, the Non-Profit Mutual Benefit Corporation Law, and/or the Davis-Sterling Common Interest Development Act by means of alternative dispute resolution (ADR). This is the first step in mediation/arbitration prior to filing a lawsuit with the intent to promote a speedy, cost-effective resolution, help preserve community cohesiveness, and channel disputes away from the court system. The dispute must be presented before a neutral party.

Under Cal. Civil Code §§5925 through 5965, the form of alternative dispute resolution may be binding or non-binding and the costs will be borne equally among the participating parties or as agreed to by the parties.

### **8.0.2 Parties Bound by the Statute**

The Parties required to comply with the statute are the Association (through the Board) and any owner of record within the Association.

### **8.0.3 Disputes Subject to the Statute (Qualifying Disputes)**

Sections 5930 provides that the Association and Owners shall endeavor to submit disputes related to the enforcement of the governing documents to ADR. Please check Cal. Civil Code Section §5930 for specific disputes excluded from the ADR process.

### **8.0.4 Compliance Procedures**

#### **Initiating Party**

The party pursuing the dispute, prior to filing any lawsuit, must serve on the other party a Request for Resolution including the following information and language:

- A brief description of the dispute between the parties.
- A request that the matter be submitted to ADR.
- A statement that the party receiving the request (Responding Party) is required to respond thereto within thirty (30) days of receipt or it will be Deemed Rejected.
- A copy of Cal. Civil Code Sections §§5925-5965 if the responding party is the owner of a separate interest.

Service of the request for resolution shall be personal delivery, first-class mail, express mail, facsimile transmission, or other means reasonably calculated to provide the party on whom the request is served actual notice of the request.

#### **Responding Party**

Upon receipt of a request for resolution, the responding party, whether the Association or Owner, has thirty (30) days in which to either accept or reject the request. If no such response is received, the request is deemed rejected.

### **ADR PROCESS**

Where the request is accepted, the parties must complete the ADR process within ninety (90) days of receipt of the acceptance. However, the parties can stipulate in writing to extend this period provided the stipulation is signed by both parties. If a lawsuit is eventually commenced, the party filing must also file a certificate concerning the completion of the ADR. Where a lawsuit is commenced and ADR has not occurred, the filing party shall file a certificate as to why ADR did not take place.

## **CONSEQUENCES FOR FAILURE TO COMPLY WITH THE LAW**

In the event the initiating party proceeds to the Court without complying with the provisions of this Section, the responding party can move the Court for an order of dismissal. Thus, it is important to seek independent counsel if you, as an owner have further questions. Where a trial does go forward because of the responding party's refusal to participate in dispute resolution, the Court may take such failure into consideration when ruling on payment of attorney's fees and costs.

FAILURE OF AN OWNER OF THE ASSOCIATION TO COMPLY WITH THE ALTERNATIVE DISPUTE RESOLUTION REQUIREMENTS OF SECTIONS 5930 ET SEQ. OF THE CAL. CIVIL CODE MAY RESULT IN THE LOSS OF YOUR RIGHT TO SUE THE ASSOCIATION OR ANOTHER OWNER OF THE ASSOCIATION REGARDING ENFORCEMENT OF THE GOVERNING DOCUMENTS OR THE APPLICABLE LAW.

## SECTION 9 | CALIFORNIA CODE OF CIVIL PROCEDURE

**CCP §5925** "Alternative dispute resolution" means mediation, arbitration, conciliation, or other non-judicial procedures that involve a neutral party in the decision-making process. The form of alternative dispute resolution chosen pursuant to this article may be binding or nonbinding, with the voluntary consent of the parties.

"Enforcement action" means a civil action or proceeding, other than a cross-complaint, for any of the following purposes:

- Enforcement of this act.
- Enforcement of the Nonprofit Mutual Benefit Corporation Law (Part 3 (commencing with Section 7110) of Division 2 of Title 1 of the Corporations Code).
- Enforcement of the governing documents.

**CCP §5930** An association or an owner may not file an enforcement action in the superior court unless the parties have endeavored to submit their dispute to alternative dispute resolution pursuant to this article.

This section applies only to an enforcement action that is solely for declaratory, injunctive, or writ relief, or for that relief in conjunction with a claim for monetary damages not in excess of the jurisdictional limits stated in Sections 116.220 and 116.221 of the Code of Civil Procedure.

This section does not apply to a small claims action. Except as otherwise provided by law, this section does not apply to an assessment dispute.

**CCP §5935** Any party to a dispute may initiate the process required by Section 5930 by serving on all other parties to the dispute a Request for Resolution. The Request for Resolution shall include the following:

A brief description of the dispute between the parties. A request for alternative dispute resolution.

A notice that the party receiving the Request for Resolution is required to respond within 30 days of receipt or the request will be deemed rejected.

If the party on whom the request is served is the owner, a copy of this article.

Service of the Request for Resolution shall be by personal delivery, first-class mail, express mail, facsimile transmission, or other means reasonably calculated to provide the party on whom the request is served actual notice of the request.

A party on whom a Request for Resolution is served has thirty (30) days following service to accept or reject the request. If a party does not accept the request within that period, the request is deemed rejected by the party.

**CCP §5940** If the party on whom a Request for Resolution is served accepts the request, the parties shall complete the alternative dispute resolution within 90 days after the party initiating the request receives the acceptance, unless this period is extended by written stipulation signed by both parties.

Chapter 2 (commencing with Section 1115) of Division 9 of the Evidence Code applies to any form of alternative dispute resolution initiated by a Request for Resolution under this article, other than arbitration.

The costs of the alternative dispute resolution shall be borne by the parties.

**CCP §5945** If a Request for Resolution is served before the end of the applicable time limitation for commencing an enforcement action, the time limitation is tolled during the following periods

The period provided in Section 5935 for response to a Request for Resolution.

If the Request for Resolution is accepted, the period provided by Section 5940 for completion of alternative dispute resolution, including any extension of time stipulated to by the parties pursuant to Section 5940.

**CCP §5950** At the time of commencement of an enforcement action, the party commencing the action shall file with the initial pleading a certificate stating that one or more of the following conditions are satisfied.

- Alternative dispute resolution has been completed in compliance with this article.
- One of the other parties to the dispute did not accept the terms offered for alternative dispute resolution.
- Preliminary or temporary injunctive relief is necessary.

Failure to file a certificate pursuant to subdivision (a) is grounds for a demurrer or a motion to strike unless the court finds that dismissal of the action for failure to comply with this article would result in substantial prejudice to one of the parties.

**CCP §5955** After an enforcement action is commenced, on written stipulation of the parties, the matter may be referred to alternative dispute resolution. The referred action is stayed. During the stay, the action is not subject to the rules implementing subdivision (c) of Section 68603 of the Government Code.

The costs of the alternative dispute resolution shall be borne by the parties.

**CCP §5960** In an enforcement action in which attorney's fees and costs may be awarded, the court, in determining the amount of the award, may consider whether a party's refusal to participate in alternative dispute resolution before commencement of the action was reasonable.

**CCP §5965** An association shall annually provide its owners a summary of the provisions of this article that specifically references this article. The summary shall include the following language.

*"Failure of an owner of the association to comply with the alternative dispute resolution requirements of Section §5930 of the Cal. Civil Code may result in the loss of the owner's right to sue the association or another owner of the association regarding enforcement of the governing documents or the applicable law."*

The summary shall be included in the annual policy statement prepared pursuant to Cal. Civil Code Section §5310.

## CC&Rs EXHIBIT 1

That certain real property in the County of San Diego, State of California, described as follows:

Lots 1 to 177, inclusive, Lots 179 to 284, inclusive, Lots 288 to 464, inclusive, Lots 479 to 484, inclusive, and Lots 495 to 516, inclusive, of San Diego Country Estates I as per the map thereof recorded October 11, 1972, as map number 7450 of Maps in the Office of the County Recorder of said County; and

That portion of Section 29, Township 13 South, Range 2 East, San Bernardino Meridian, according to the United States Government Survey approved January 15, 1892, and that portion of Rancho Canada de San Vicente y Mesa del Padre Barona, as shown on the Map of the Subdivision of said Rancho in accordance with the United States Government System of Land Survey made by Vitus Wackenreuder, being Map No. 858, filed in the Office of the County Recorder of said County, April 29, 1899, described as a whole as follows:

Beginning at Rancho Corner 13-12; thence along course 13 of said Rancho, South 31°37'25" West 1051.60 feet; thence South 39°53'21" West 200.93 feet; thence South 16°43'31" West 199.24 feet; thence South 31°01'00" West 571.93 feet; thence North 79°24'30" West 191.58 feet; thence North 64°48'33" West 216.89 feet; thence North 44°39'00" West 377.28 feet; thence North 19°50'23" West 353.15 feet; thence North 48°17'40" West 220.24 feet; thence South 39°45'30" West 220.00 feet to a point on a curve concave southwesterly and having a radius 415.00 feet, a radial line of said curve to said point bears North 39°45'30" East; thence Northwesterly along said curve through a central angle of 19°13'50" an arc distance of 139.29 feet, thence tangent to said curve, North 69° 28'20" West 40.73 feet to the beginning of a tangent curve concave easterly and having a radius of 20.00 feet; thence Northwesterly, Northerly and Northeasterly along said curve through a central angle of 92°14'26" an arch distance of 32.20 feet to a point on a compound curve concave southeasterly and having a radius of 1299.00 feet, a radial line of said curve to said point bears North 67°13'54" West; thence Northeasterly along said curve through a central angle of 28° 56'14" an arc distance of 656.06 feet; thence tangent to said curve North 51°42'20" East 1113.05 feet to the beginning of a tangent curve concave northwesterly and having a radius of 2051.00 feet; thence Northeasterly along said curve through a central angle of 6°45'00" an arc distance of 241.63 feet; thence tangent to said curve, North 44°57'20" East 236.28 feet; thence South 46°54'11" East 917.32 feet to the point of beginning, together with an easement for ingress and egress across a strip of land 102.00 feet in width lying 51.00 feet on each side of the following described centerline:

Beginning at the northerly terminus of that course shown as North 44°57'20 East 236.28 feet in the above described parcel; thence North 45°02'40" West 51.00 feet to the True Point of Beginning; thence South 44°57'20" West 236.28 feet to the beginning of a tangent curve concave northwesterly and having a radius of 2000.00 feet; thence southwesterly along said curve through a central angle of 6°45'00" an arc distance of 235.62 feet; thence tangent to said curve, South 51°42'20 East 1113.05 feet to the beginning of a tangent curve concave southeasterly and having a radius of 1350.00 feet; thence southwesterly along said curve through a central angle of 47°16'20" an arc distance of 113.83 feet; thence tangent to said curve, South 04° 26'00" West 432.00 feet to the beginning of a tangent curve concave westerly and having a radius of 3200.00 feet; thence southerly along said curve through a central angle of 36°09'00" an arc distance 2019.00 feet to the intersection with the northerly boundary of San Diego Country Estates I as per the map thereof recorded October 11, 1972, as map number 7450 of Maps in the Office of the County Recorder of said County.

## CC&Rs EXHIBIT 2

### PARCEL I (Hughes 665 acre):

That parcel of land in the County of San Diego, State of California, being that portion of Section 28, Township 13 South, Range 2 East, San Bernardino Meridian according to United States Government survey approved December 12, 1881 and that portion of Section 29, Township 13 South, Range 2 East San Bernardino Meridian according to United States Government survey approved January 15, 1892 and that portion of Rancho Canada de San Vicente y Mesa del Padre Barona, as shown on the map of the subdivision of said Rancho in accordance with the United States Government system of land survey made by Vitus Wackenreuder, being Map No. 858, filed in the Office of the County Recorder of said County, April 29, 1899, described as a whole as follows:

Beginning at the Northwest corner of the Southwest quarter of the Northeast quarter of said Section 29; thence Easterly along the Northerly line of said Southwest quarter of the Northeast quarter of Section 29, and along the Northerly line of the Southeast quarter of the Northeast quarter of Section 29, and the Southwest quarter of the Northwest quarter of Section 28 to the Northeasterly corner of said Southwest quarter of the Northwest quarter of Section 28; thence Southerly along the Easterly line of said Southwest quarter of the Northwest quarter and along the Easterly line of Lot 1 of said Section 28 to a point on the Northerly boundary of Rancho Canada De San Vicente y Mesa Del Padre Barona, according to survey approved January 15, 1892; thence along the boundary of said Rancho, Easterly and Southeasterly to an intersection with the easterly line of the Southwest quarter of said Section 28; thence Southerly along the Easterly line of said Southwest quarter of said Section 28, and along the Easterly line of the Northwest quarter of said Section 33 to the Southeasterly corner thereof; thence Westerly along the Southerly line of said Northwest quarter to the Southwesterly corner thereof; thence Northerly along the Westerly line of said Northwest quarter to a point distant North 00° 23'00" East 4191.95 feet from the Southeast corner of said Section 32, being the most Northerly corner of land conveyed by deed to the San Vicente Land Co. recorded November 7, 1956 Instrument No. 157551, Book 6331, Page 351 of Official Records, being the most Northerly corner of land shown on record of survey Map No. 3985, filed in the Office of the County Recorder of San Diego County; thence along the Northwesterly boundary of said land and said record of survey Map No. 3985 as follows: South 72°05' West 607.35 feet to the beginning of a tangent curve concave Northerly, having a radius of 160 feet; Westerly along said curve through a central angle of 16°48'00" a distance of 46.91 feet; thence South 88° 53'00" West 181.38 feet to the beginning of a tangent curve, concave Southerly having a radius of 217.66 feet; thence Westerly along the arc of said curve through a central angle of 10° 30'00" a distance of 39.89 feet; thence South 78° 23'00" West 290.00 feet to the beginning of a tangent curve, concave Southeasterly having a radius of 230.48 feet; thence Westerly and Southeasterly along the arc of said curve through a central angle of 36°03'00" a distance of 145.02 feet; thence South 42°20'00" West 112.23 feet to the beginning of a tangent curve, concave Easterly having a radius of 100.00 feet; thence Southwesterly and Southerly along the arc of said curve through a central angle of 60°02'00" a distance of 104.78 feet; thence South 170°42'00" East 63.75 feet to the beginning of a tangent curve, concave Westerly having a radius of 85.00 feet; thence Southerly along the arc of said curve through a central angle of 48°43'00" a distance of 72.27 feet; thence South 31°01'00" West 151.52 feet to the beginning of a tangent curve concave Northeasterly having a radius of 100.00 feet; thence along said curve Southerly to an intersection with the Northerly boundary of land conveyed in Parcel 1 of Deed to William M. Patch et ux, recorded December 22, 1948, Instrument No. 126316, Book 3058, Page 237 of Official Records; thence along said Northerly boundary, South 71°31'40" West to an angle point therein; thence South 43°35'30" West 235.15 feet; thence North 79°30'20" West 166.85 feet; thence South 61°34'50" West 619.25 feet; thence South 85°05'05" West 299.07 feet; thence South 61°19'45" West 175.86 feet to an angle point in said boundary; thence Northerly in a straight line to the point of beginning.

Excepting therefrom all that portion of the Northwest quarter of Section 33, township 13 South, Range 2 East, San Bernardino Meridian conveyed to Allan Sickler and wife by Deed dated October 6, 1952 and recorded in Book 4676, Page 222 of Official Records, lying within the boundaries of the Rancho Canada de San Vicente y Mesa del Padre Barona, as shown on the map of the subdivision of said Rancho in accordance with the United States System of Public Land Surveys made by Vitus Wackenreuder, December 1869, being Map no. 858, filed in the Office of the Recorder of said San Diego County April 29, 1899, described as follows:

Commencing at the Northeast corner of Section 8, Township 14 South, Range 2 East, San Bernardino Meridian, thence along the Easterly boundary lines of Section 5, Township 14 South, Range 2 East and Section 32, Township 13 South, Range 2 East, San Bernardino Meridian, North 0°03'00" West 9280.86 feet to a 2 inch iron pipe - re Tag 2244-; thence South 70°41'30" East 2306.18 feet to the true point of beginning; thence South 89°32'30" East 370.00 feet to the East line of said Northwest quarter of Section 33; thence North 0° 27'30" West along said line, 1450.00 feet; thence South 89° 32'30" West 370.00 feet; thence South 0°27'30" East 1250.00 feet to the true point of beginning.

**PARCEL II (Hughes 2,000 Acre):**

Lots 2, 5A 7 and 8 in section 29 and Lot 2 in section 30 of Township 13 South, Range 2 East, San Bernardino Meridian, in the County of San Diego, State of California, according to United States Government survey approved January 15, 1892.

Excepting therefrom any portion lying within Rancho Canada de San Vicente y Mesa Del Padre Barona, according to map thereof attached to the record of the patent in Book 2, Page 480 of patents and the map of the purported subdivision of said Rancho, according to survey by Vitus Wackenreuder made in December 1869, Map No. 858, filed in the Office of the County Recorder of San Diego County, April 29, 1899.

**PARCEL III (Hughes 2,000 Acre);**

Those portions of the Rancho Canada de San Vicente y Mesa del Padre Barona in the County of San Diego, State of California, as shown on the map of the subdivision of said Rancho in accordance with the United States Government system of land survey made by Vitus Wackenreuder, being Map No. 858, filed in the Office of the County Recorder of said County, April 29, 1899, described as follows:

The fractional Southeast quarter of Section 25; the fractional Northeast quarter; the East half of the Southeast quarter and the Southwest quarter of the Southeast quarter of Section 36; all in Township 13 South, Range 1 East, the fractional Southeast quarter of Section 19; the fractional South half of Section 20; the fractional Southwest quarter and the fractional Northwest quarter of Section 29; the fractional South half and fractional Northeast quarter of Section 30; the fractional North half of Section 31 and the fractional South half of Section 31 and the Northwest quarter and the North half of the Southwest quarter of Section 32, all in Township 13 South, Range 2 East, San Bernardino Meridian.

Excepting those portions lying within the exception Parcels "A", "B" and "C" described below.

**Exception Parcel "A":**

The following described real property located in the Southwest quarter of Section 30 of township 13 south, Range 2 East, as follows:

Commencing at the Northeast corner of the Southwest quarter of Section 30 of said Township 13 South, Range 2 East; thence Southerly 500 feet; thence West 437.1275 feet; thence North 500 feet; thence east 437.1275 feet to the point of the beginning.

**Exception Parcel "B"**

All that portion of Section 36, Township 13 South, Range 1 East, and of Section 31, Township 13 South, Range 2 East, of the Rancho Canada de San Vicente y Mesa del Padre Barona, as shown on the map of the subdivision of said Rancho in accordance with the United States System of Public Land Surveys made by Vitus Wackenreuder, December 1869, being Map No. 858, filed in the Office of the County Recorder of San Diego County, April 29, 1899, described as follows:

Beginning at the center of said Section 36, Township 13 South, Range 1 East, thence North 4°16' East 355.73 feet; thence South 86° 37' East 197.35 feet; thence North 73° 23' East 325.39 feet; thence North 56° 23' East 676.14 feet; thence North 79°43' East 342.45 feet; thence North 89°51'30" East 679.30 feet; thence North 52°54'30" East 389.10 feet; thence North 80° 12' East 203 feet; thence South 86° 18' East 291.67 feet; thence South 69°25' East 334.50 feet; thence South 62°15' East 319.35 feet; thence South 70°58,30" East 225.30 feet; thence South 55°9' East 157.35 feet; thence South 81°57' East 131.40 feet; thence South 21° 13' East 418 feet; thence South 70°01' East 113.20 feet; thence due South 276 feet to a point on the South line of the Northwest quarter of Section 31, Township 13 South, Range 2 East, thence North 89°49'30" West along said South line, 1552.72 feet to the West quarter corner of said Section 31; thence North 89°49'30" West along the South line of the Northeast quarter of Section 36, Township 13 South, Range 1 East, 2636.45 feet to the point of the beginning.

**Exception Parcel "C":**

Beginning at the Northeast corner of Section 8, Township 14 South, Range 2 East, San Bernardino Meridian; thence along the Easterly line of Section 5; Township 14 South, Range 2 East, San Bernardino Meridian, and the prolongation thereof North 00°03'00" West 9280.86 feet to a 2 inch iron pipe - re Tag 2244-, said point being the true point of beginning; thence South 60°03'15" West 983.23 feet to a 2 inch iron pipe -re Tag 2244-; thence South 71° 31'40" West 829.63 feet to a 2 inch iron pipe -re Tag 2244-; thence South 43°35'30" West 235.15 feet to a 2 inch iron pipe -re Tag 2244-; thence North 79°30'20" West 166.85 feet to a 2 inch iron pipe -re Tag 2244-; thence South 61°34,50" West 619.25 feet to a 2 inch iron pipe -re Tag 2244-; thence South 85°05'05" West 299.07 feet to a 2 inch iron pipe -re Tag 2244-; thence South 61°19'45" West 175.86 feet to a 2 inch iron pipe -re Tag 2244-; thence South 09°33'05" East 884.95 feet to a 2 inch iron pipe - re Tag 2244-; thence South 54°51'20" West 621.11 feet to a 2 inch iron pipe -reTag 2244-; thence North 45°52'40" West 656.18 feet to a 2 inch iron pipe -re Tag 2244-; thence South 77°10'00" West 1649.01 feet to a 2 inch iron pipe -re Tag 2244-; in the Northerly prolongation of the Westerly line of Section 5, Township 14 South, Range 2 East, San Bernardino Meridian, distant thereon North 00°03'00" West, 6923.18 feet from the Northwesterly corner of Section 8, Township 14 South, Range 2 East, San Bernardino Meridian; thence along said prolongation of the Westerly line of Section 5, South 00°03'00" East 242.88 feet to the Northwesterly corner of the South half of the South half of the fractional Section 32, Township 13 South, Range 2 East, San Bernardino Meridian within the boundary of said Rancho; thence along the North line of said south half of the South half of Section 32, East 2701.94 feet to the Northeast corner of the West half of the South half of the South half of said Section 32; thence along the quarter section line of said Section 32, North 00° 03'00" West 1320 feet to the center of the said Section 32; thence along the Northerly line of the Southeast quarter of said Section 32, 2701.94 feet to a point in said Northerly prolongation of the Easterly line of Section 5, Township 14 South, Range 2 East, San Bernardino Meridian; thence along said prolongation of the Easterly line of Section 5, North 00°03'00" West 1360.86 feet to the true point of beginning.

Also excepting those portions of Section 29 and the Northwest quarter of Section 32 as described in parcels 1 and 2 above lying Easterly of the following described line:

Beginning at the Northeast corner of Section 8, Township 14 South, Range 2 East, San Bernardino Meridian; thence along the Easterly line of Section 5, Township 14 South, Range 2 East, San Bernardino Meridian, and the prolongation thereof North 00°03'00" West 9280.86 feet to a 2 inch iron pipe -re Tag 2244- ; thence South 60°03'15" West 983.23 feet to a 2 inch iron pipe -re Tag 2244-; thence South 71°31'40" West 829.63feet to a 2 inch iron pipe - re Tag 2244-; thence South 43°35'30" West 235.15 feet to a 2 inch iron pipe -re Tag 2244-; thence North 79°30'20" West 166.85 feet to a 2 inch iron pipe -re Tag 2244-; thence South 61°34'50" West 619.25 feet to a 2 inch iron pipe -reTag 2244-; being the true point of beginning thence South 85°05'05" West 299.07 feet to a 2 inch iron pipe -re Tag 2244-; thence South 61°19'45" West 175.86feetto a 2 inch iron pipe-reTag 2244-; thence Northerly in a straight line to the Northwest corner of the Southwest quarter of the Northeast quarter of said Section 29.

**PARCEL IV (Union Oil):**

That portion of the Rancho Canada de San Vicente y Mesa del Padre Barona, lying within the Southeast quarter of Section 28, the Northeast quarter of Section 33 and lying within all of Section 34, all in Township 13 South, Range 2 East, San Bernardino Base and Meridian, in the County of San Diego, State of California, according to map thereof of said Rancho No. 858, filed in the Office of the County Recorder of San Diego County, April 29, 1899.

Also, Lots 1, 2 and 7 in Section 34, Township 13 South, Range 2 East, San Bernardino Base and Meridian, in the County of San Diego, State of California, according to United States Government survey, approved December 12, 1881.

Excepting an undivided 112 interest covering all coal, oil, oil shale, gas phosphate, sodium and other mineral deposits in said land, as reserved by C. Melvin McCuen Augusta Droge McCuen, husband and wife, by deed recorded May 23, 1955 in Book 5651, Page 525 of Official Records, San Diego County.

**PARCEL V (Barnett):**

Those portions of the Rancho Canada de San Vicente y Mesa del Padre Barona, in the County of San Diego, State of California, according to the extension the United States system of surveys over said Rancho as shown on map of the subdivision of said Rancho made by Vitus Wackenreuder, December 1869, being Map No. 858, filed in the Office of the County Recorder of San Diego County, April 29, 1899, described as follows:

The East one half of fractional Section 35, Township 13 South, Range 1 East, San Bernardino Base and Meridian. The Northwest quarter of the Southeast quarter; the fractional Northwest quarter, and the fractional Southwest quarter of Section 36, Township 13 South, Range 1 East, San Bernardino Base and Meridian. Excepting that portion of said Southwest quarter of Section 36 described as follows:

Beginning at the common corner of Sections 1 and 2 of Township 14 South, Range 1 East and Sections 35 and 36 of Township 13 South, Range 1 East; thence North on the West line of Section 36 a distance of 400.00 feet; thence East to the quarter section line running between the Southeast quarter and the Southwest quarter of Section 36; thence South to the township line; thence West to the point of the beginning.

ALSO EXCEPTING FROM THE FOREGOING PARCELS 1, 11, 11, IV and V that certain real property in said County and State described as: Lots 1 through 516, inclusive, of San Diego Country Estates 1, as per the map thereof recorded October 11, 1972, as map number 7450 of Maps in the Office of the County Recorder of said County.

**PARCEL VI (Scarbery):**

That land in the SW 1/4 of Section 30, T 13 S, R 2 E, SBBM, San Diego County, California, excepted in the grant deed from Dorace E. Scarbery and June Scarbery (grantors) to Bill Patch Land & Water Company, a corporation (grantee), dated April 7, 1961, recorded as File/Page 60418, Series 2, Book 1961 in Official Records in the Office of the County Recorder of said County.

**PARCEL VII:**

Lot 178, Lots 465 through 478, inclusive, Lots 485 through 494, inclusive, and Lots 285, 286 and 287 of San Diego Country Estates 1, as per the map thereof recorded October 11, 1972, as map number 7450 of Maps in the Office of the County Recorder of said County.

## CC&Rs EXHIBIT 3

That real property in the unincorporated area of the County of San Diego, State of California, described as:

### **Parcel 1 (Golf Course and Clubhouse)**

Lots 507 and 508 of San Diego Country Estates 1, as per the map thereof recorded October 11, 1972, as map number 7450 of Maps in the Office of the County Recorder of said County;

### **Parcel 2 (Open Space)**

Lots 506, 509, 510, 511, 512, 513, 514, 515 and 516 of San Diego Country Estates 1, as per the map thereof recorded October 11, 1972, as map number 7450 of Maps in the Office of the County Recorder of said County;

### **Parcel 3 (Streets)**

All of those certain parcels described as "Private Street" on the map of San Diego Country Estates I recorded October 11, 1972, as map number 7450 of Maps in the Office of the County Recorder of said County, and being more particularly described thereon as:

Oakley Place, Oakley Road, Spangler Peak Road, Glenn Ellen Way, Arena Drive, Hampson Place, Scarbery Road, Arena Place, Del Amo Road, Del Arno Court, Watt Way, Swartz Canyon Road, Waft Road, Wikiup Road, Vista Vicente Way, Vista Vicente Court, Barona Mesa Road, La Plata Court, Indian Head Court and Gunn Stage Place;

### **Parcel 4 (English Equestrian Center)**

That portion of Section 29, Township 13 South, Range 2 East, San Bernardino Meridian, according to United States Government Survey approved January 15, 1892, AND that portion of Rancho Canada de San Vicente y Mesa del Padre Barona, as shown on the map of the subdivision of said Rancho in accordance with the United States System of Land Survey made by Vitus Wackenreuder, being Map No. 858, filed in the Office of the County Recorder of said County, April 29, 1899, described as follows:

Beginning at Rancho Corner 13-12; thence along course 13 of said Rancho, South 31°37'25" West 1051.60 feet; thence South 39°53'21" West 200.93 feet; thence South 16°43'31" West 199.24 feet; thence South 31°01'00" West 571.93 feet; thence North 79°24'30" West 191.58 feet; thence North 64°48'33" West 216.89 feet; thence North 44°39'00" West 377.28 feet; thence North 19°50'23" West 353.15 feet; thence North 48°17'40" West 220.24 feet; thence South 39°45'30" West 220.00 feet to a point on a curve concave southwesterly and having a radius of 415.00 feet, a radial line of said curve to said point bears North 39°45'30" East; thence Northwesterly along said curve through a central angle of 19° 13'50" an arc distance of 139.29 feet; thence tangent to said curve, North 69° 28'20" West 40.73 feet to the beginning of a tangent curve concave easterly and having a radius of 20.00 feet; thence Northwesterly, Northerly and Northeasterly along said curve through a central angle of 92° 14'26" an arc distance of 32.20 feet to a point on a compound curve concave south-easterly and having a radius of 1299.00 feet, a radial line of said curve to said point bears North 67°13'54" West; thence Northeasterly along said curve through a central angle of 28° 56'14" an arc distance of 656.06 feet; thence tangent to said curve North 51°42'20" East 1113.05 feet to the beginning of a tangent curve concave northwesterly and having a radius of 2051.00 feet; thence Northeasterly along said curve through a central angle of 6°45'00" an arc distance of 241.63 feet; thence tangent to said curve, North 44°57'20" East 236.28 feet; thence South 46°54,111" East 917.32 feet to the point of beginning, together with an easement for ingress and egress across a strip of land 102.00 feet in width lying 51.00 feet on each side of the following described centerline:

Beginning at the northerly terminus of that course shown as North 44°57'20" East 236.28 feet in the above described Parcel 1; thence North 45°02'40" West 51.00feet to the True Point of Beginning; thence South 44°57'20" West 236.28 feet to the beginning of a tangent curve concave northwesterly and having a radius of 2000.00 feet; thence southwesterly along said curve through a central angle of 6°45'00" an arc distance of 235.62 feet; thence tangent to said curve, South 51°42'20" East 1113.05 feet to the beginning of a tangent curve concave southeasterly and having a radius of 1350.00 feet; thence southwesterly along said curve through a central angle of 47°16'20" an arc distance of 1113.83 feet; thence tangent to said curve, South 04°26'00" West 432.00feet to the beginning of a tangent curve concave westerly and having a radius of 3200.00 feet; thence southerly along said curve through a central angle of 36°09'00" an arc distance 2019.00 feet to the intersection with the northerly boundary of San Diego Country Estates I as per the map thereof recorded October 11, 1972, as map number 7450 of Maps in the Office of the County Recorder of said County.