

SOLANA POINT HOMEOWNERS  
ASSOCIATION  
ARCHITECTURAL GUIDELINES

(March 12, 2024)

## **INTRODUCTION**

These Architectural Guidelines are designed to preserve the value, desirability, attractiveness, and architectural integrity of Solana Point (the Project). The original project was designed by Batter Kay Associates, Inc. Architect in an international minimal modern style. The HOA and Architectural Review Committee is tasked with maintaining the “harmony of exterior design” and maintaining aesthetic consistency (while acknowledging changes in civil code requirements that may impact and supersede the CCRs.)

Throughout these Guidelines defined terms identifiable by their capital letters are used. Except as the context otherwise requires, these defined terms have the same meaning as set forth in the Declaration and the Rules and Regulations.

If any of the provisions of these Guidelines are held to be invalid, the remainder of the provisions shall remain in full force and effect.

## **DEFINITIONS**

- a. “Architectural Guidelines” means the design criteria adopted by the Board pursuant to Section 8.8 of the CC&Rs.
- b. “Architectural Review Committee” or “Committee” means the committee which may be appointed by the Board pursuant to Article VIII of the CC&Rs.
- c. “Common Area” means the entire Project and excepting therefrom the Living Units as shown on the Condominium Plan. The Common Area includes, without limitation: land; parking and driveway areas; common and exterior stairs; storage areas; bearing walls, columns, girders, subfloors, unfinished floors, roofs and foundations; conduits, pipes, plumbing, wires and other utility installations (except the outlets thereof when located within a Living Unit), required to provide power, light, telephone, gas, water, sewerage, drainage and heat; sprinklers, sprinkler pipes, and sprinkler heads which protrude into the airspace of a Living Unit.
- d. “Exclusive Use Area” shall mean and refer to those portions of the Common Areas, if any, set aside for the exclusive use of an Owner, consisting of patios (some patios have private storage areas for use of appurtenant Unit

Owner) and balconies, as depicted and described on the Condominium Plan. These areas shall constitute Exclusive Use Areas within the meaning of the Civil Code Section 4145.

- e. "Improvement" includes, without limitation, the construction, installation, alteration, or remodeling of any buildings, walls, decks, fences, swimming pools, landscaping, landscape structures, skylights, solar heating equipment, spas, antennas (except as provided in Section 7.10.5 of the CC&Rs), utility lines, or any structure of any kind. In no event shall the term "Improvement" be interpreted to include projects which are restricted to the Living Unit interior, and which do not involve the roof or any load bearing wall of the Living Unit.
- f. "Living Unit" or "Unit" means the elements of a Condominium that are not owned in common with the Owners of Condominiums in the Project, such Living Units and their respective boundaries being shown and more particularly described in the Condominium Plan, deeds conveying condominiums, and this Declaration. A Living Unit consists of the space bounded by and contained within the interior unfinished surfaces of the perimeter walls, floors, ceilings, windows, and doors of each Living Unit. Each Living Unit includes both the portions of the building so described and airspace so encompassed. A Living Unit does not include those areas and those things which are defined herein as Common Area.
- g. "WINDOWS AND SLIDING DOOR ASSEMBLIES" Including but not limited to glazing, fixed windows, operable windows, sliding or hinged with or without screens and sliding glass door assemblies (and excluding glass block walls original to Common Area and skylights).

## **THE ARCHITECTURAL REVIEW COMMITTEE**

The Architectural Review Committee shall consist of three owners who are appointed by the Board of Directors. The Committee shall meet at its discretion as needed. The Committee shall assist the Board in researching and developing guidelines and rules and with the enforcement of existing guidelines with the goal

of maintaining the aesthetic beauty of the Project. The Committee shall review Architectural Approval Requests and make a recommendation to the Board of Directors as to whether the request should be approved, denied, or returned for greater detail.

## **ARCHITECTURAL APPROVAL**

No change may be made to any portion of the Common Area, nor anything attached thereto, including the roofs, patios, and Common Area surface of any unit, without submission of an Architectural Approval Request Form and written consent of the Board of Directors.

Prior to making any Improvements to an owner's Residential Unit or any Exclusive Use Area appurtenant to the owner's Unit an owner must submit a complete Architectural Approval Request Form to the Architectural Review Committee. Unless specifically exempted under these Architectural Guidelines an owner should submit an application for approval of all Improvements in accordance with the procedures set forth below.

Certain architectural elements within the Project generally do not require architectural review if located in the homeowner's Exclusive Use Area (e.g., patio or balcony). These elements include:

- a. potted plants;
- b. patio furniture;
- c. a plant or sculpture, on either side of the front door.

However, if the Committee and/or the Board determines that the scope of the improvements exceeds what is considered an exemption, architectural approval may be required.

**The exterior and interior of all our units contain Common Area. Concrete slab floors and foundations, post and beam structure, interior load bearing walls, floor assemblies, roof assemblies and drainage are all association common areas. Alterations to the Association Property such as cutting through a slab, digging new foundations or penetrating the roof assembly need to be identified. Such work on Association property requires signed structural engineering plans and details be provided to the Solana Beach building department, the Architectural Review Committee and the Board. Any new roof equipment or roof penetrations including new exhaust**

**and condensate lines must be identified and approved. To maintain roof, roof drainage and stucco warranties, new roof work should only be by the approved HOA contractor and paid by Owner. [Note: Conduits (electrical & otherwise) and plumbing and roof drainage to other units run through all individual units, floor slabs, walls and ceilings. Conduits have been found to NOT be buried to code depth. The homeowner is responsible for notifying their contractor, protecting all conduits and for their immediate repair if damaged.]**

Architectural elements and/or Improvements which include, but are not limited to, the list below require the written consent of the Architectural Review Committee and Board of Directors. Some Improvements require building permits issued by the City of Solana Beach, while others do not. When required, it is the responsibility of the homeowner and/or their contractor to obtain building permits, which must be included as part of an Architectural Request.

#### Building Permit Not Required (but Architectural Request Required)

- a. the hanging of any item that attaches to or penetrates any portion of the stucco or anything growing on or climbing on the stucco;
- b. installation of a security system that affects the Common Area of the unit;
- c. any changes or additions to any Exclusive Use Balcony or Exclusive Use Patio including, but not limited to patio covers, re-surfacing concrete, screens, sunshades, and awnings;
- d. wireless or keyless front door or garage door opener affixed, temporarily or permanently, to any Common Area surface;
- e. any changes to or replacement of Garage Door, front door or related hardware;
- f. window tinting and shading;

#### Building Permit Required

- g. any changes or modifications which may affect the structural integrity of the walls, ceilings, columns, floors, roofs or balconies of the buildings or Residential Unit;

- h. replacement or repair of window frames, tracks, and sliders and sliding glass door frames, tracks, and sliders (excluding routine maintenance);
- i. any permanent fixture that affects the Common Area of the unit;
- j. installation or changes to electrical, HVAC, heating, plumbing, breaker boxes, or hose bibs if such new installation or change will affect the Common Area of the unit (excluding maintenance of existing);
- k. antennas or solar equipment, including solar tubes;
- l. any changes or additions to any Exclusive Use Balcony or Exclusive Use Patio including, but not limited to windows, walls, doors, railings, and gates;
- m. any changes or additions to skylights;

Failure to obtain approval by the Board may require modification or removal of unauthorized work at the Owner's expense. It is the responsibility of the Owner to ensure that the proposed improvement does not diminish or otherwise negatively affect the Common Area.

If any architectural change is made without the approval of the Board or any violation of the Architectural Guidelines occurs, the Board may deliver written notice by certified mail of violation to the Owner. The violation notice shall specify a time period for removal of the non-conforming Improvement. The Unit Owner shall, upon receipt of the violation notice remove the non-conforming Improvement within the time period specified in the violation notice or make an appeal to the Board in writing. If an Owner fails to file an appeal within fifteen (15) days of the receipt of the notice of violation, the Owner shall have waived any right to appeal.

Upon receipt of a written appeal, the Board shall stay the enforcement of the notice of violation until an appeal hearing has been concluded. Within thirty (30) days of the request for a hearing, the Board shall schedule a hearing for the appeal at a time and date to be determined by the Board. The appeal hearing shall be conducted in an informal manner and the Unit Owner shall have the opportunity to present any information or evidence to have the violation excused or mitigated. The decision of the Board shall be final.

## **ARCHITECTURAL STANDARDS AND GUIDELINES**

The following standards govern the replacement and/or improvement of the Residential Units, the Exclusive Use and the Common Areas. These standards

should be read in conjunction with and are in addition to the Declaration, the Rules and Regulations, all applicable codes, safety ordinances, and city and state laws and regulations.

Each Owner shall have the exclusive right to paint, tile, carpet, paper, or otherwise refinish and decorate the surfaces of their Living Unit walls, ceilings, floors, windows, and doors bounding his or her Living Unit. Each Owner shall, at his or her own cost and expense, maintain and repair the Living Unit in good condition and repair, as determined by the Board in its discretion, and as provided for in the Maintenance Responsibility Matrix attached to these Guidelines. Any Exclusive Use Areas that have been enclosed or enclosed in the future shall be maintained by the Owner of the Living Unit to which such area is appurtenant.

California law grants Owners certain protected uses of the Property. Descriptions provided in these Guidelines do not extend Owners' rights beyond those provided for in California law.

#### **Antenna and Satellite Dish:**

Other than as set forth below no Owner shall place or maintain any outside television, radio, or other antenna within the Project except upon written authorization of the Board, following the Architectural Review process.

An antenna is any device used for the transmission and receipt of video, audio or communication services, including direct broadcast satellite (DBS), television broadcast, and internet services. A "Covered Antenna" is an antenna covered by the FCC's Over-the-Air Reception Devices (OTARD) Rule. A mast, cabling, supports, guy wires, conduits, wiring, fasteners, or other accessories necessary for the proper installation, maintenance, and use of a reception antenna shall be considered part of the antenna.

Covered Antennas shall be located in a place shielded from view from other Residential Units, from streets, or from outside the Project to the maximum extent possible. If Covered Antennas can receive acceptable-quality signals from more than one location, then Covered Antennas must be located in the least visible location. Covered Antennas shall not encroach upon, or overhang into any other Resident's Exclusive Use Area.

Covered Antennas shall be neither larger nor installed higher than is absolutely necessary for reception of an acceptable-quality signal. Covered Antennas installed within the Exclusive Use Area must be installed on a stand or tripod only and such stand or tripod may not puncture the surface or the walls of the the Exclusive Use Area.

All installations shall be completed so that they do not materially damage any Association Property or Common Area or void any warranties of the Association or other Owners, or in any way impair the integrity of any building in the Project. Owners are liable for any personal injury or damage occurring to Association Property, Common Area or other Owners' Exclusive Use Common Areas arising from installation, maintenance, or use of a Covered Antenna.

Covered Antennas shall be neutral in color or painted to match the color of the structure (wall or roof) near where they are installed. The installation of Covered Antennas on the ground in the Common Area or in the Exclusive Use Area is not allowed. No Common Area wires on the sides of buildings are permitted. Wires that transverse the roof of the homeowner's unit which are not visible from the ground are permitted.

If installation is on an Exclusive Use Balcony the following devices should be used: 1) devices that permit the transmission of telecommunications signals through a glass pane without cutting or drilling a hole through the glass pane or other Common Area; 2) devices such as ribbon cable that permit the transmission of telecommunications signals into a residence through a window or door without penetrating the wall; or 3) existing wiring for transmitting telecommunications signals and cable services signals.

Because the Association has a legitimate safety interest in preventing personal injury or property damage occurring due to improper or unsafe Covered Antenna installation, the following safety guidelines must be observed: (1) Covered Antennas shall be installed and secured in a manner that complies with all applicable codes, safety ordinances, city and state laws and regulations, and manufacturer's instructions; (2) Covered Antennas shall be permanently and effectively grounded; (3) Covered Antennas shall be installed to withstand wind speeds of 70 mph.

Homeowners are responsible for removal of antennas once they are no longer in use. Covered Antenna removal requires restoration of the installation location and other affected locations, if any, to their original condition. Owners shall be responsible for all costs relating to restoration of these areas.

## **Balconies and Patios**

No flooring, tile, wood, or other surface may be installed on the front balcony.

The installation of any flooring, tile, wood, or other surface on the rear patio or rear balcony shall be done only after written approval of the Board, following the Architectural Review process outlined in these Guidelines.

Personal plantings on front and rear balconies are to be trimmed at the top railing height. To preserve the unique scenic view of each individual Residential Unit, the following guidelines apply: Personal plantings and other items placed on Exclusive Use areas, such as rear patios, should not be placed in such a way to block or impair the scenic view of a neighboring unit. As examples:

- Personal plantings and other items should not exceed the height of the common wall as it stair steps down (if they affect a neighbor's view).
- Should the patio extend beyond the edge of the common wall, plantings and other items placed beyond the edge of the wall should not exceed the height of the lowest step of the wall (if they affect a neighbor's view).

Awnings, umbrellas, wind chimes, birdfeeders, and other equipment are not permitted on front balconies. Umbrellas are permitted on rear patios. When not in use umbrellas should be placed in as unobtrusive a position as possible. Limited and tasteful holiday decorations are permitted on front balconies but must not in any way damage the railings or surfaces and must be removed immediately after the holiday.

No Owner shall use any balcony or patio for storage purposes, including without limitation, the storage of firewood, bicycles, surfboards, or other sports

equipment. Firewood may only be stored, wrapped in plastic and tied securely, in garages.

### **Common Area**

Landscaping containers or patio furniture are not to be placed on the lawn area. Common Areas are not to be used for storage of any items, including but not limited to, sports and recreational equipment, firewood or hoses (excluding hoses in the pool area). No personal plantings or items are to be placed in the Common Area landscaping except that in the small area on one side of the front door one potted plant or sculpture is allowed. Hanging planters are prohibited. No Common Area clothesline shall be erected or maintained or hung within the Project, and there shall be no Common Area drying or laundering of clothes or any other items on the patios, balconies, or in the Common Area.

### **Garage doors**

Garage doors must be maintained in good condition. Replacement of a garage door must be with the door which is listed on the “Approved List of Replacement Elements And/Or Parts,” which can be found on the Association website or obtained from the Board of Directors.

### **Condensate Drains**

All drainage for all owner appliances and equipment, including Architectural Review Committee approved rooftop air conditioning or heat pump compressors installed on Common Area Roofs, should be internal to the respective owner’s living unit and in accordance with Solana Beach Building Department Code requirements.

Specifically, Owners’ condensate lines may not be combined with Common Area roof drainage or plumbing vents.

Approved penetrations through the Common Area Roofs to the Owner’s living unit, must be pre-authorized by the Architectural Review Committee and Board and in accordance with HOA roofing warranty requirements. A Solana Beach Building Department permit and final sign off by a Solana Beach Building

Department inspectors are required to close out a condensate drain new installation or repair project.

While Solana Beach Building Department codes may allow the use of dry wells for some drainage needs, the ARC does not approve the use of Exclusive Use Areas, including planters or Common Areas for owner appliance and equipment drainage. As an example, this means condensate lines may not penetrate exterior walls nor spill out on horizontal exterior surfaces such as paving, planters or gravel.

### **Modification to accommodate a disability**

Disabled owners are permitted to make reasonable modifications of the existing premises and adjacent Common Area to afford them full enjoyment of the premises. Owners are required to obtain the written approval of the Board, following the Architectural Review process outlined in these Guidelines. Modifications will be made at the Owner's expense and the Owner is responsible for restoring the premises and Common Area to their previous condition at such time as the Owner is no longer residing in the Unit.

### **Restrictions on signs, posters, flags, banners**

No commercial advertising signs or billboard shall be displayed on any Living Unit or posted within or on any portion of the Common Area, except that Owners may post on their Living Units any signs required by legal proceedings and a single "For Rent," "For Lease," or "For Sale" sign of reasonable dimensions as allowed by the Civil Code. These signs may also be displayed adjacent to the north wall outside the entrance gate. "Sold" signs must be removed within 30 days after the sale of the Unit.

Owners may place noncommercial signs or posters which do not exceed nine (9) square feet, or flags or banners which do not exceed fifteen (15) square feet, in their patios or on their balconies, on their windows, or on their door. These items may be made of paper, cardboard, cloth, plastic, or fabric and may not be made of lights, building or paving materials, plants, or balloons. The color and style of signs must be harmonious with the Common Area surface of the building. Signs

shall not be attached to the walls or fences of any Exclusive Use Balcony Area or Exclusive Use Patio Area.

Security signs shall be no larger than 12” x 12” (one foot square). A maximum of one sign shall be permitted in the entryway area of a living unit. Signs shall be freestanding and not attached to the Common Area of the building or any Common Area surface.

Owners may not paint messages on architectural surfaces. Notwithstanding the foregoing, the Board may prohibit and order the immediate removal of any sign (at the owner’s expense) which poses a threat to health or safety, or which is in violation of applicable law.

### **Solar equipment**

The installation of solar equipment, including solar tubes, is permitted only upon written approval of the Board, following the Architectural Review process outlined in these Guidelines. The installation and use of solar equipment is subject to reasonable restrictions regarding the maintenance, repair, or replacement of roofs or other building components damaged or compromised as a result of use of installation of a solar energy system. The Board may also impose a requirement that installers of the system indemnify or reimburse the Association for loss or damage caused by installation or maintenance of the system.

### **Windows, sliders, frames and coverings, treatments**

The original and the existing low profile exterior door and window assembly layouts consists of a variety of door and window and glazing types, frames, sizes, shapes, and functionalities; The assemblies are primarily installed and flashed in the stucco exterior or in some instance to a structural steel window wall frame. Different Living Unit types have different locations, layouts, elevations and assembly types.

Proposed replacement assemblies must be consistent with existing locations, layouts, elevations, assembly types, product quality finish frame color and glazing.

It is understood that this is a complex situation and will involve the homeowner's architect and/or contractor working with the HOA and ARC to the ultimate satisfaction of the homeowner, HOA and ARC. In some cases, the homeowner will be required to utilize an HOA approved contractor and will be required to maintain existing stucco, roofing and deck warranties. In all cases the homeowner will be required to obtain a Solana Beach Building Department Construction Permit and follow the rules of the HOA. The Board may order the removal of unauthorized and/or non-conforming installations at the Owner's expense.

Interior window coverings which are visible from the outside of a Unit must meet the standards in these Guidelines. Window coverings facing the driveways are to be white on the street side and those facing the lagoon shall be either light or dark neutral colors. Other items such as stained-glass windows require the written approval of the Board, following the Architectural Review process outlined in these Guidelines. Aluminum foils or other reflective materials, bed sheets, paper, and the like may not be applied to windows at any time. Common Area wrought iron or metal bars are prohibited.

No Common Area screens are permitted unless installed in connection with the original construction of the Project or screens which are replacement of existing screens or screens which an Owner places on sliding glass doors.

## **ARCHITECTURAL REVIEW PROCESS**

All applications for any Improvements require approval by the Board and must be submitted in writing on the Architectural Approval Request Form attached to these Guidelines together with the items described below (as applicable). A copy of the Architectural Approval Request Form can also be obtained from the HOA website, the Architectural Review Committee and Property Management Company.

All applications and supporting documents (the "Submittal Package") must be submitted to the Architectural Review Committee with a copy to the Board and property management company at:

Solana Point Homeowners Association  
c/o Property Management Consultants, Inc.  
11717 Bernardo Plaza Court  
San Diego, CA 92128.  
(858) 485-9811  
susanm@pmchoa.com

Submission is preferred in pdf format and delivered electronically, although hard copy will be accepted.

The Submittal Package must be delivered in a manner where receipt for delivery can be obtained. This may include personal delivery, overnight courier, or any method where the Property Management Company acknowledges receipt of the Submittal Package.

In order to expedite the approval process the Submittal Package for any Improvements must include two (2) sets of the following:

- a. Architectural Approval Request Form;
- b. If required by the Solana Beach Building Department (see Appendix C), a copy of the Solana Beach Plan Check Application and documents submittal (plans and specifications and other information as required) along with any correction sheet and subsequent documentation prior to the commencement of the work. This may include, but not be limited to plans and specifications showing the location, nature, kind, shape, height, clearly indicating all proposed modifications, description of any equipment, materials and colors, and material samples impacting the Common Area
- c. a proposed construction schedule, including the start and completion dates;
- d. certificates of insurance, including contractors' exclusions and proof of valid workers' compensation insurance.
- e. Waste disposal and portable toilet plan (if water will be shut off or no bathrooms available)

No review will occur unless and until all required documents are included in the Submittal Package. The ARC shall, upon receipt of a Submittal Package, review the Package to ensure that it contains all the information required. The Architectural Review Committee shall inform the Owner of any deficiencies in the Package with ten (10) business days. Architectural Review Committee

If the Architectural Review Committee or the Board determines that review by an Outside Consultant or Architect is necessary in order to properly evaluate the Submittal Package, the Board may require an Owner to pay any reasonable fees, costs, or expenses associated with the review by an Outside Consultant or Architect. The Committee and/or Board shall notify the Owner of the necessity and estimated cost for such a review before proceeding with review of the Owner's application.

Upon receipt of the Submittal Package the Architectural Review Committee shall review the Package and make its recommendation to the Board within (20) business days. The Board will then review the Submittal Package and the Architectural Review Committee's recommendation and will provide the Owner with written notice of approval or disapproval within thirty (30) business days.

If an Owner's Package is not approved or is returned as incomplete, a revised Submittal Package may be submitted. Provided that the re-submittal is prompt and does not constitute a substantially revised proposal, the Architectural Review Committee and the Board will attempt to review the re-submitted application within the initial fifty (50) business day period. If the re-submittal is not prompt or includes substantially revised plans an additional thirty (30) business days may be required to complete the review.

If the Architectural Review Committee disapproves a Request or approves the Request with conditions, this recommendation is not binding on the Board.

If the Board disapproves a Request the Board must inform the Owner in writing. An Owner may appeal the Board's decision by informing the Board within fifteen (15) business days following the date of the Board's disapproval. Within thirty (30) business days of the request for a hearing, the Board shall schedule a hearing for the appeal at a time and date to be determined by the Board.

The appeal hearing shall be conducted in an informal manner and the Unit Owner shall have the opportunity to present any information or evidence to have the Board reverse its disapproval. The decision of the Board shall be made in writing and shall be binding and final.

If approved by the Board, a copy of the Request signed and dated by the Board will be returned to the Owner. The Board may approve the Request with conditions or stipulations that shall become a part of the plans and shall represent the terms and conditions of approval to be satisfied by the Owner.

Upon final approval of the Submittal Package, the Owner shall promptly commence construction and diligently pursue completion of the Improvement in conformance with the completion dates.

## **APPENDIX A**

## **RULES GOVERNING INSTALLATION OF IMPROVEMENTS**

Approval of the Board does not constitute a waiver of any requirements of any governmental agencies. Architectural approval of plans does not constitute acceptance of any technical or engineering specifications and Solana Point Homeowners Association assumes no responsibility for such. All technical and engineering matters are the responsibility of the Owner. In addition to the restrictions set forth in the Declaration, the Rules and Regulations, and in these Architectural Guidelines, each Owner shall also comply with the following restrictions and guidelines.

**Damage to Common Area and/or Association Property:** An Owner shall be financially responsible for any damage to the Common Area and/or Association Property. Any damage caused by contractors or subcontractors to any Common Areas, Association Property or Residential Units is the Owner's responsibility. Any damage must be reported immediately to the Property Management Company. The Owner will be held liable for the actions of his/her contractors, sub-contractors, and/or workers and the Owner will be responsible for any costs of repairs incurred by the Association. The Association will be responsible for making the repairs. All applicable charges for restoration will be charged back to the Owner by the Association and are due and payable within thirty (30) business days from notification to the Owner.

**Effect of Approval:** Approval of application is not authorization to proceed with Improvements on any property other than the Residential Unit owned by the applicant.

**Maintaining Structural Integrity:** It shall be the responsibility of the Owner to ensure that proposed modifications shall be consistent with applicable building code requirements. No Improvements will be permitted that could impair the structural integrity or mechanical systems of the Common Area or lessen the support of any portion of the Common Area. Homeowners may be responsible for costs associated with moving an alteration or improvement if such is necessary for general maintenance of the Common Area.

**Insurance and Contractors License:** Each Owner shall ensure that all contractors, subcontractors, or any other person or entity who/which performs work on or within the Project, including the interior of any Residential Unit, shall provide proof of insurance, proof of valid workers compensation insurance, a California State Contractors License (if applicable) and a Business License (if applicable) to the Board. The Association shall be named as an additional insured on the Certificates of Insurance for the period of time the work is in progress.

**Electrical and Plumbing:** All electrical and plumbing work must be performed by a contractor licensed in the State of California in accordance with authorized Plans and Specifications. All plumbing must be properly insulated for sound and must be isolated from walls, studs, joists, ceilings and flooring. Using a licensed contractor does not preclude the owner's responsibility for obtaining permits.

**Notice to residents of work planned:** Owners should notify adjacent Owners and Residents of the scope and timetable of work and/or improvements planned. Notification by electronic mail is acceptable.

**Utility Shutdowns:** Any plan to temporarily disconnect for any reason the utilities of another's Residential Unit must occur on a date coordinated with that resident at least one week prior to the proposed date for interruption of utility service.

**Working Hours:** Working hours for any Improvements are limited to Monday through Friday, 8:00 a.m. to 5:00 p.m. No work should be performed on Saturday or Sunday unless it is work that does not require machinery that would create a noise disturbance for the neighboring units. The Board reserves the right to allow work to be done on a weekend at their discretion. No work is allowed on the following holidays: New Year's Day, Martin Luther King Day, Memorial Day, 4th of July, Labor Day, Thanksgiving, and Christmas Day. Workers may access the Project thirty minutes before the applicable "Working Hours," but may not make any disruptive noise until "Working Hours" begin. Painting that does not disrupt others and work that does not create disturbing noise, vibrations or odors is not subject to the "Working Hours" limitation.

**Parking of Vehicles:** Contractors who are not directly providing a service from their vehicle must park vehicles in accordance with the Rules and Regulations and

any other requirements established by the Association, except for loading and unloading.

**Disposal Plan:** Plan for disposition and disposal of debris and any hazardous material. Debris and construction waste should not rely upon garbage bins or weekly waste pick-up services.

**Conduct by Workers:** Workers are not allowed to bring their pets within the Project and will be denied entry if they have a pet with them. Workers are prohibited from creating nuisance noise unrelated to the construction work. All workers must wear shoes, pants or shorts and shirts at all times.

**Selection of Contractors:** The Owner may select any general contractor he/she chooses or act as the general contractor and hire sub-contractors.

**Stopping Work:** The Association has the right to stop any work that is in violation of these regulations, creates a fire or safety hazard, or interferes with activities in Common Areas or Association Property.

**Fire Safety Devices:** At all times during construction, the legally required smoke detectors and CO2 detectors must be operational. No one shall remove any permanent smoke detectors or fire safety devices anywhere in or about a Residential Unit, the Common Area or the Association Property. If spray paint, sanding, or any other work that could potentially set off the smoke detectors will be performed, it is permissible to cover smoke detectors with plastic (and no other material), but the plastic must be removed at the end of each day. If a device needs to be removed as part of construction, then a temporary portable device detector shall be functioning at the construction site.

**Equipment:** Contractors must use their own equipment. Equipment must be placed in accordance with fire and safety requirements and regulations. The use of Association Property electricity facilities, and Association tools and equipment is prohibited. Workers are also prohibited from using their equipment in the Association Property, including the Private Streets. The Association is not responsible for the disappearance of any tools, equipment or materials left in the Association Property.

**Owner Responsibility:** Each Owner is responsible for any violations by such Owner's contractor or subcontractors of the Architectural Guidelines, the Rules and Regulations and the Declaration.

**Right of Inspection During Course of Construction:** The Board or its duly authorized representative may enter into any Residential Unit during the course of construction or installation of any Improvements for the purpose of inspecting such construction and/or installation to determine whether it was performed in substantial compliance with the approved Plans and Specifications, the contractor's guidelines and applicable governmental rules and regulations. If the Board determines that such construction and/or installation is not being done in substantial compliance with the approved Plans and Specifications, it shall notify the Owner of such noncompliance. If the Board determines that such construction and/or installation is not being done in substantial compliance with the contractor's guidelines or applicable governmental rules and regulations, work may be stopped ("red-tagged") by the Board, the City of Solana Beach, AQMD or CalOSHA until the work complies with the applicable standards. Copies of inspection sign-off(s) by the City shall be provided to the Property Management Company and/or the Board before work can re-commence.

The Board may not enter into a Residential Unit without obtaining the prior permission of the Owner or occupant of such Residential Unit; provided, however, that such permission shall not be unreasonably withheld and shall be given for entry by the Board during the daylight hours within forty-eight (48) hours of the request for entry. **Notice of Completion:** Upon the completion of any construction or reconstruction or the alteration or refinishing of any Improvements, or upon the completion of any other work for which approved Plans and Specifications are required, the Owner shall give written or electronic notice of completion thereof to the Board.

**Inspection:** Within thirty (30) days thereafter the Board, or its duly authorized representative, shall have the right to enter into the Residential Unit to inspect such Improvement to determine whether it was constructed, reconstructed, altered or refinished in substantial compliance with the approved Plans and Specifications. If the Board finds that such construction, reconstruction, alteration or refinishing was not done in substantial compliance with the approved Plans and Specifications, it

shall notify the Owner in writing of such non-compliance within such thirty (30) day period, specifying particulars of non-compliance, and shall require the Owner to remedy such non-compliance.

**Non-Compliance:** If, upon the expiration of thirty (30) days from the date of such notification, the Owner shall have failed to remedy such non-compliance, the Board after affording such Owner notice and hearing, shall determine whether there is a non-compliance, and if so, the nature thereof and the estimated cost of correcting or removing the same. If non-compliance exists, the Board shall require the Owner to remedy or remove the same within a period of not more than thirty (30) days from the date of the Board ruling. If the Owner does not comply with the Board ruling within such period or within any extension of such period as the Board, in its discretion, may grant, the Board, at its option, may either remove the non-complying Improvement or remedy the non-compliance and the Owner shall reimburse the Association for all costs and expenses incurred in connection therewith upon demand and release the Association from any claims arising from such work. If such expenses are not promptly repaid by the Owner to the Association, the Board shall levy an enforcement assessment against such Owner for reimbursement.

**Review Oversight:** Any Architectural Review Committee approval involving an oversight of the Declaration, the Rules and Regulations, or Architectural Guidelines does not constitute a waiver of that rule and therefore, must be corrected upon notice by the Board.

## **APPENDIX B**

There are two versions of the request form – one for requests that require a building permit and one that does not require a permit. Please select and submit the appropriate form. See page 4 for guidance.

**SOLANA POINT HOMEOWNERS' ASSOCIATION ARCHITECTURAL  
APPROVAL REQUEST (NO PERMIT REQUIRED)**

Homeowner: \_\_\_\_\_ Date \_\_\_\_\_

Address \_\_\_\_\_

Mobile Phone # \_\_\_\_\_ alternate # \_\_\_\_\_

Email address(es) \_\_\_\_\_

Original application \_\_\_\_\_ Modification to original application \_\_\_\_\_

Please attach:

1. Summary of proposed improvements
2. Proposed project start date \_\_\_\_\_ Proposed project completion date \_\_\_\_\_

Notice to neighboring units:

Names & unit # \_\_\_\_\_

Method of notification & date \_\_\_\_\_

XX

Architectural Review Committee action: Approve \_\_\_\_\_ Disapprove \_\_\_\_\_

ARC signature \_\_\_\_\_ Date \_\_\_\_\_

Board of Directors action: Approve \_\_\_\_\_ Disapprove \_\_\_\_\_

Approve with conditions \_\_\_\_\_ (Conditions attached)

Board of Directors signature and position \_\_\_\_\_

Date \_\_\_\_\_



**SOLANA POINT HOMEOWNERS' ASSOCIATION ARCHITECTURAL  
APPROVAL REQUEST (PERMIT REQUIRED)**

Homeowner: \_\_\_\_\_ Date \_\_\_\_\_

Address \_\_\_\_\_

Mobile Phone # \_\_\_\_\_ alternate # \_\_\_\_\_

Email address(es) \_\_\_\_\_

Original application \_\_\_\_\_ Modification to original application \_\_\_\_\_

Please list, date and attach:

3. Summary of proposed improvements
4. Copy of Solana Beach Building Department Information:
5.
  - a. Preliminary Permit Application & date
  - b. Building Permit number/ & issue date
  - d. Final Permit Sign-off & date
6. Copy of Drawings & Specifications of proposed & final Work including
  - a. Information supplied to the Solana Beach Building Department
  - b. Field changes including corrections or additional items required by the Solana Beach Building Department and or Inspector.
7. Contractor(s) Information
  - a. Name
  - b. License number
  - c. Email address(es)
  - d. Cell phone numbers
8. Proposed project start date \_\_\_\_\_ Proposed project completion date \_\_\_\_\_

Provide Contractor Insurance Certificate with HOA named additional insured to  
Project Management Consultants, Inc.:

Solana Point Homeowners Association  
11717 Bernardo Plaza Court, Suite 220  
San Diego, CA 92128

Notice to neighboring units:

Names & unit # \_\_\_\_\_

Method of notification & date \_\_\_\_\_

XX

Architectural Review Committee action: Approve \_\_\_\_\_ Disapprove \_\_\_\_\_

ARC signature \_\_\_\_\_ Date \_\_\_\_\_

Board of Directors action: Approve \_\_\_\_\_ Disapprove \_\_\_\_\_

Approve with conditions \_\_\_\_\_ (Conditions attached)

Board of Directors signature and position \_\_\_\_\_

Date \_\_\_\_\_

XX

Final Inspection

Actual date of completion \_\_\_\_\_

Final inspection by: Board of Director signature \_\_\_\_\_

Date \_\_\_\_\_

# APPENDIX C

## **Solana Beach Municipal Code (selected items)**

### Do You Need a Permit?

Any owner or owner's authorized agent who intends to repair, add to, alter, relocate, demolish, or change the occupancy of a building or to repair, install, add, alter, remove, convert, or replace any electrical, gas, mechanical, or plumbing system, the installation of which is regulated by the Solana Beach Municipal Code, or to cause any such work to be performed, shall first make application to the code official and obtain the required permit.

### When is a Permit NOT Required?

Painting, papering, tiling, carpeting, cabinets, counter tops and similar finish work.

Window awnings in Group R-3 and U occupancies, supported by an exterior wall that do not project more than 54 inches (1372 mm) from the exterior wall and do not require additional support.

Electrical repairs and maintenance: Minor repair work, including the replacement of lamps or the connection of approved portable electrical equipment to approved permanently installed receptacles.

Gas replacement of any minor part that does not alter approval of equipment or make such equipment unsafe.

The stopping of leaks in drains, water, soil, waste or vent pipe, provided, however, that if any concealed trap, drain pipe, water, soil, waste or vent pipe becomes defective and it becomes necessary to remove and replace the same with new material, such work shall be considered as new work and a permit shall be obtained and inspection made as provided in this code.

The clearing of stoppages or the repairing of leaks in pipes, valves or fixtures and the removal and reinstallation of water closets, provided such repairs do not involve or require the replacement or rearrangement of valves, pipes or fixtures.