



# ARCHITECTURAL STANDARDS

## SUMMERFIELD HOMEOWNERS ASSOCIATION, INC.

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## ARCHITECTURAL CONTROL IN SUMMERFIELD

### *General*

The Summerfield Architectural Committee is mandated by our governing documents to review and approve all proposed architectural and color changes prior to commencement. Specifically, Article V of the Declaration of Covenants, Conditions and Restrictions (CC&Rs) established for the community of “Summerfield Estates” gives the Board of Directors and the Architectural Committee the authority to determine and enforce our policies. It states: *“No building, fence, wall or other structure shall be erected or maintained upon the Properties, nor shall any exterior addition to or change in paint color or alteration therein be made until the plans and specifications showing the kind, shape height, materials, color and location of the same shall have been submitted to and approved in writing as to harmony of external design and location in relation to surrounding structures and topography by the Board of Directors of the Association or by an Architectural Committee...”*

In addition, the Summerfield Homeowners Association’s Board of Directors has adopted Architectural Standards to supplement the CC&Rs. While these documents cannot address every possibility, the Architectural Committee and, ultimately, the Board of Directors have the authority to make the determination that a proposed improvement does or does not maintain or improve harmony with the architectural scheme of the community. The intent of the CC&Rs and the Architectural Standards is to protect the value and desirability of our community for the present and also for the future.

Note, it is the obligation of the homeowner to comply with all applicable civil building codes. The homeowner must obtain the proper building permits required by the City of Poway. Failure to do so is the sole responsibility of the homeowner and/or of the building contractor. The Summerfield Homeowners Association accepts no liability.

## PROCESS FOR ARCHITECTURAL IMPROVEMENTS

### ARCHITECTURAL COMMITTEE PROCEDURES

The Architectural Committee is comprised of a chairperson, who is a member of the Board of Directors, and a minimum of three or more homeowners. The Architectural Committee typically meets on the first Tuesday of every month. At that time, the committee reviews Applications for Architectural Improvement and any violations of the CC&Rs or Architectural Standards.

To submit a request, you must complete in duplicate an *Application for Architectural Improvement—Exterior Modifications* or an *Application for Architectural Improvement—Exterior Paint*. Forms are available from the Architectural Committee Chairman, or can be downloaded in .pdf format from the Association website: <http://summerfieldpoway.com>. **In addition to the forms, requests must contain the following:**

- 1) Prints, drawings, sketches and specification sufficient to enable the committee to understand what is involved.
- 2) See the Policies section of this document for policies regarding your request for improvement (roofs, fences, windows, etc.)

- 3) Painting requests or requests which also include painting **must** specify the color(s) desired and must include color swatches. See the paint policy in the “Policies of the Architectural Standards” section in this document.

**All requests should be mailed to:**

*Architectural Committee, Summerfield HOA, P.O. Box 28143, San Diego, CA 92198.*

Applications for Architectural Improvements should be submitted to the committee prior to the meeting for consideration. As an exception, the chairperson has the discretion to call a special meeting to consider a request or will poll the committee for their vote.

Requests and attachments thereto will be retained permanently in the lot files.

Homeowners may attend meetings of the Architectural Committee when their requests are on the agenda, if they desire. They should make this desire known to the Committee Chairperson.

**APPROVAL CRITERIA**

Proposed architectural changes which in the judgment of the committee would not be in harmony of design and/or color in relation to surrounding or nearby structures and/or which otherwise violate the CC&Rs will not be approved on the grounds that ultimately these changes will degrade the Community.

**EXAMPLES OF ARCHITECTURAL IMPROVEMENTS REQUIRING APPROVAL**

Any exterior construction, architectural improvement, or installation visible from the street or from a neighbor’s property requires prior approval.

The following are examples of some of the proposed additions, deletions or changes that **MUST** be submitted to the Architectural Control Committee for approval **PRIOR** to commencement.

Athletic Equipment, <i>including swings, slides, exercise bars, etc.</i>	Fences	Satellite TV Dishes and Antennas
Attic Fans and Turbines	Flag Poles	Sheds or Other Structures
Awnings	Front Doors	Skylights/Solar Tubes
Basketball Backboards	Front Entry Covers	Solar Energy Systems Panels
Chimneys	Garage Doors	Swimming Pools
Concrete Work (sidewalks, driveways)	Gates	Tree Houses
Exterior Painting, <i>even if the color is unchanged (except touch-ups of the same color)</i>	Mailboxes	Walls, <i>including low decorative or planter walls</i>
	New Rooms	Windows, <i>other than simple replacement of glass</i>
	Patio Covers	Yard, <i>if replacing 25% or more of plant material in the front, side or back yards that are visible from the street</i>
	Patios	
	Roof Coverings	
	Roofing Materials	
	Room Extensions	

Installation of gutters/downspouts have been approved in advance if the color is to match the existing trim. No approval requests need be submitted.

### NOTIFICATION PROCESS

- 1) Notice of approval or disapproval is given to the Homeowner in writing within 7 business days of the first meeting of the committee held after the submission of the request.
- 2) Notice of disapproval will also give the reasons for the decision. In such case, the Homeowner may resubmit for reconsideration by providing additional justification in writing or in person before the committee.

### APPEAL PROCESS

- 1) The homeowner has the right to appeal the committee's decision to the Board of Directors of the Summerfield Homeowners Association. The homeowner should inform the Architectural Chairman of his/her desire to appeal the decision to the Board of Directors. The Chairman will inform the President of the Association and the homeowner's appeal will be added to the agenda of the next open Board Meeting. The Association Board of Directors will allow up to 15 minutes for presentation and discussion of the Appeal.
- 2) At the open Board of Directors meeting, the homeowner will present his/her position on the request and answer questions from the Board members. After sufficient information has been ascertained, the Board will debate the issue and reach a decision to uphold the Architectural Committee's decision or to overturn the Architectural Committee's decision. The homeowner will be notified in writing within 7 business days with the final decision.

### ALTERNATIVE DISPUTE RESOLUTION

In the event that the Summerfield Homeowners Association and a homeowner reach an impasse on a decision regarding a CC&R or Architectural Standard, and one of the parties wants to pursue legal action, California Law requires the parties to first pursue Alternative Dispute Resolution in certain situations. See California Civil Code sections 5925-5965 for additional information and procedures for Alternative Dispute Resolution.

NOTE: California Civil Code section 5975 addresses Enforcement of Governing Documents; Attorney Fees and Costs.

CALIFORNIA LAW (CA. CIV CODE 5969) REQUIRES THIS NOTICE TO YOU REGARDING ALTERNATIVE DISPUTE RESOLUTION (ADR):

Before filing certain actions in Superior Court for monetary damages related to the enforcement of the governing documents of the Homeowners Association, the party initiating the action shall submit a Request for Alternative Dispute Resolution ("ADR") (i.e., mediation or arbitration) stating: nature of the dispute, a request for resolution, and notice to the party being served the "Request for Resolution" is required to respond within 30 days or the request is deemed rejected.

Before filing suit, you must file a certificate that the "Request for Resolution" was served or your suit may be dismissed.

The cost of ADR is split by the parties.

If you do not agree to ADR, and file suit instead, the court may not award you attorney's fees even if you win.

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

A complete copy of Sections 5925-5965 of the Civil Code is available online at <https://www.davis-stirling.com/HOME/Statutes/DAVIS-STIRLING-ACT> or from the secretary of the Board.

Note that the approval of proposed architectural changes does not relieve the Homeowner of the legal obligation to obtain the required building permits and variances, nor from otherwise complying with civil building codes. On the other hand, obtaining these permits and variances does not free the Homeowner from the obligation under the CC&Rs to get the approval of the Architectural Committee for the types of projects being discussed in these pages.

## **POLICIES OF THE ARCHITECTURAL STANDARDS**

### **MAINTENANCE OF PROPERTY**

All homeowners are required to maintain all exterior areas of their property visible from the street and/or a neighbor's property according to the following standards:

- 1) Yards must be maintained, watered, planted and replanted to prevent erosion and present a healthy and trimmed appearance (no more than 20% of lawn area can be dry or dying, except during a declared drought as per Civil Code section 4735). Weeds must be kept under control in all areas of lawns and landscaping. Weeds in the sidewalks or driveways must be removed or eradicated.
- 2) Property visible from the street with 20% or more area in need of maintenance, weeding or replanting shall be deemed to be in violation of the governing documents.
- 3) Bushes and trees must be kept pruned and maintained in a healthy and attractive appearance. Pruning is especially required so as not to block the sidewalks or streets, street signs, or street lights, even partially. Palm trees of all types are to be regularly trimmed to remove dead or dying fronds. This palm tree maintenance shall be performed at least once per calendar year if so requested by the Architectural Committee.
- 4) Garbage, trash and overgrown/unmaintained trees or shrubs that might present a health or fire hazard must be removed.
- 5) Fallen leaves and/or fruit from trees or bushes must be removed regularly and frequently.
- 6) Tree stumps must be removed.
- 7) Woodpiles, equipment, refuse containers, furniture, clotheslines, junk of any kind should not be left out in view of the street, or piled up so as to be visible over a fence.

- 8) Garage doors may not be left open unnecessarily for more than a half hour.
- 9) Oil stains on driveways must be cleaned up.
- 10) Houses, garage doors and mailboxes must be repaired/painted as necessary.
- 11) Mailboxes must be maintained in good condition, and when re-painting or repairs are necessary, the homeowner will be required to take action.
- 12) Deteriorating fences must be repaired or replaced. Fences bordering adjacent property will be maintained and repaired as necessary to assure complete privacy.
- 13) Placement of trash containers/bags in front of a dwelling is restricted to a twenty-four hour period surrounding a scheduled pick-up. After pick-up, empty containers should be stored in the garage or behind the fence out of sight of passers-by on the street.
- 14) Holiday lights must be removed within one month of the event for which they were hung.

### *P****A****I**N**T*

All homeowners are required to maintain the paint on the exterior of their home. Painting of one's home, even if using the same paint color, requires that homeowners submit an *Application for Architectural Improvement—Exterior Paint* to the Architectural Committee prior to commencement of painting. In addition, a paint swatch/sample must be included for all painted areas (i.e. house body, trim, accent, and door) with the application.

- 1) The Property Services Division of Dunn-Edwards Paint, along with the Summerfield Homeowner's Association has developed 20 approved Paint Schemes. These schemes provide the homeowner suggestions for the paint color for the body of the house, the trim, and the door. The homeowner may use these colors as presented or they may interchange colors with the exception of those designated as "door color only." Applications which use only colors from among the 20 approved paint schemes will be approved.
- 2) Homeowners are not required to purchase paint from Dunn-Edwards. Homeowners who attempt to match an approved Dunn-Edwards paint should do so only from paint vendors with automated systems engineered to perform color matching. When doing so, paint swatches do not have to be submitted to the Architectural Committee; however, the homeowner bears the responsibility to ensure that the color produced faithfully represents the Dunn-Edwards color they were attempting to match.
- 3) If the colors the owners want to use are not among those in the 20 approved Paint Schemes, the owners must submit actual paint samples greater than 25 square inches (5 in X 5 in) that show the desired color alongside the colors from the approved schemes that they most closely resemble. The Committee will then decide whether to approve the application based upon three factors: (a) whether the requested paint colors will maintain the preference for earth tones; (b) whether they are within the general range of colors found in the set of approved paint schemes; and (c) whether they satisfy the goal of maintaining a harmonious look within Summerfield.
- 4) Paint Scheme books with swatch samples of each scheme may be checked out from the Architectural Committee upon request for a period of one week.
- 5) Dunn-Edwards offers a 37% discount to all Summerfield homeowners on their paint purchases.

### FENCES / GATES

All homeowners are required to maintain their fences and gates structurally and aesthetically. Fence and gate replacement projects require that homeowners submit an *Application for Architectural Improvement—Exterior Modifications* to the Architectural Committee (prior to replacement) for consideration.

- 1) All fences will be maintained to present an attractive appearance. Fences bordering adjacent property will be maintained and repaired as necessary to assure complete privacy.
- 2) Backyard fences must be 6 feet high and of a privacy type. They must be constructed of redwood, cedar, or vinyl with simulated wood texture, either 1" X 6" or 1" X 8". Existing fencing which does not satisfy these dimensional and/or material requirements may be retained, but when the fence is replaced, it must comply.
- 3) When a fence is on the lot boundary line between two homes, decisions on materials and color must be agreed upon by the affected homeowners, and a sharing of expense is recommended.
- 4) Homeowners may submit alternative fencing styles and materials to the Architectural Committee for consideration. Photos, renderings, and/or examples are required to be included with the *Application for Architectural Improvement—Exterior Modifications*.
- 5) Split rail fences are allowed as a boundary fence only when they are on the border between a homeowner's lot and one of the pool pass-through walkways, and only then in the front yard portion of the property. Split rail fences may be allowed as a decorative fence as part of a front yard landscape plan.
- 6) There are several instances of backyard fences which are parallel with the street (found on Summerfield Lane, Firbrook Lane, Elmfield Lane, and Rios Road) and are prominently visible from the streets of Summerfield, usually no more than 15 feet from the curb. These fences appear to be one continuous fence even though they start on the property of one homeowner and continue into the property of another homeowner. When these fences require replacement, the two homeowners involved are urged to choose fence materials which are identical in material and color.
- 7) Privacy fences parallel to the street must be set back at least ten feet from the curb.
- 8) Fences parallel to the street must have the crossboards on the inside, facing away from the street. Common fences between neighbors must alternate the crossboard panels between the two lots.
- 9) When fences are shared by the homeowner and the HOA, both parties share responsibility for maintaining, repairing and replacing the fence. When a shared fence requires replacement, the homeowner is responsible for notifying the Board, completing the appropriate forms, and obtaining 3 quotes by licensed, bonded, and insured contractors. The fence crossboards must be installed on the homeowner's side

of the fence. Once the contractor has been agreed upon by the homeowner and the Board, and the work completed, the homeowner is responsible for paying the contractor. The homeowner will submit a copy of the original invoice (not quote) and a copy of the receipt for payment to the Architectural Committee Chairman. The Architectural Chairman will review the completed work and approve the invoice for payment by the Treasurer. The HOA will pay for one half of the fence replacement or repair, assuming that the above criteria have been met.

- 10) Chain link fences are usually not approved. Some exceptions may be made if the fence is more than 50 feet from the sidewalk, is not a common fence separating homeowners' lots, and is not opposed by neighbors from whose property the fence is visible.
- 11) The homeowner has the obligation of complying with all applicable civil building codes. Homeowners Association approval of a project does not imply any responsibility for the homeowner's failure to fulfill the requirements of civil building codes.

Painted fences. Homeowners have the option to paint or stain existing or new fences. Requests for paint and stain must be submitted to the Architectural Committee for prior approval, and a color swatch/sample must be included.

The Dunn-Edwards color choices for painting or staining are as follows:

- color to match the body or trim of the house
- cottage white (light)
- sand dune (medium)
- graham cracker (darker)

Homeowners may purchase paint or stain from any manufacturer, but must have the paint or stain tinted to match the colors approved above. Color samples can be obtained from the Architectural Committee Chairman.

- 12) Gates must be constructed of redwood, cedar, or vinyl with simulated wood texture. The gates must match the fence material and color.

### **SOLAR ENERGY SYSTEMS**

Solar Energy Systems require that homeowners submit an *Application for Architectural Improvement—Exterior Modifications* to the Architectural Committee for consideration. All solar energy systems shall be considered by the Architectural Committee as to aesthetic acceptability and location. This provision shall not interfere with any statute concerning solar energy.

### **REPLACEMENT WINDOWS**

Window replacement projects require that homeowners submit an *Application for Architectural Improvement—Exterior Modifications* to the Architectural Committee for consideration. This applies to any window visible from the street

- 1) Window frames may be constructed of white, beige or bronzed pre-finished vinyl, fiberglass or aluminum materials.



- 2) The visible portion of the window frame plus sash shall be no greater than 2 1/2”.
- 3) This policy shall not be construed as approving white as an acceptable color for any portion of any house other than the window frame and sash.

### WINDOW COVERINGS

Only curtains, drapes, shutters or blinds may be installed as permanent window covers on any exterior window facing the street. Broken, ripped, and/or damaged window coverings need to be replaced. Aluminum foil, paint, newspaper, stickers (with the exception of those for security system, pet or medical safety information) or similar coverings are not appropriate for a window covering and shall not be applied to the windows or exterior doors of any house. When a house has been newly purchased, owners may use plain, clean, preferably-white bed sheets to cover windows after the close of escrow--pending the installation of curtains, drapes, shutters or other appropriate interior window coverings--for up to three months from the close of escrow. Window awnings and exterior security bars are generally not permitted. Exterior window treatments are not permitted. Any exception to these rules requires the written approval of the Summerfield Homeowners Architectural Committee and the Summerfield Homeowners Association Board of Directors.

### GARAGE DOORS

All homeowners are required to maintain their garage doors structurally and aesthetically.

Garage door replacement projects require that homeowners submit *Application for Architectural Improvement—Exterior Modifications* to the Architectural Committee (prior to replacement) for consideration.

- 1) Photos, renderings, and/or examples are required to be included with the *Application for Architectural Improvement—Exterior Modifications*.
- 2) Garage doors must be made of metal or wood, with or without windows.
- 3) The windows panel may not exceed the top 25% of the garage door.
- 4) Interior contents of the garage must not be visible from the street. No curtains and/or window coverings of any kind are allowed.
- 5) The garage door color (manufacturer color or painted; not semi-transparent stained) must match or complement the color of the house or trim.
- 6) Prior to painting the garage door, the homeowner must submit an *Application for Architectural Improvement—Exterior Paint* in addition to the *Application for Architectural Improvement—Exterior Modifications*.

### ROOFING

All homeowners are required to maintain their roofs structurally and aesthetically. Roof replacement projects require that homeowners submit an *Application for Architectural Improvement—Exterior Modifications* to the Architectural Committee prior to replacement.

- 1) Homeowners are required to submit color photos and samples of the roof material with the *Application for Architectural Improvement—Exterior Modifications* for the Architectural Committee’s consideration.

2) Roofing must conform to the following requirements:

	Acceptable	Unacceptable
Material	<ul style="list-style-type: none"> <li>• concrete tile</li> <li>• Metal tile fabricated to resemble concrete tile or wood shake; stonecoated steel is one example</li> <li>• Tile made from synthetic material fabricated to resemble tile or wood shake</li> </ul>	<ul style="list-style-type: none"> <li>• Tar and gravel</li> <li>• Shingles of any type (such as asphalt, fiberglass, or composition)</li> </ul>
Style / Shape	<ul style="list-style-type: none"> <li>• Flat</li> <li>• Shake-like appearance</li> <li>• Low-profile* curved</li> </ul>	<ul style="list-style-type: none"> <li>• High-profile**</li> <li>• Barrel shaped (or Spanish)</li> </ul>
Color	<ul style="list-style-type: none"> <li>• Earth tones in the brown and charcoal grey ranges only</li> </ul>	<ul style="list-style-type: none"> <li>• Terra-cotta, red, blue, green or any bright color</li> </ul>

\* Low-profile tile, when measured from the base, has a height no greater than 2 1/8 inches.

\*\* High-profile tile, when measured from the base, has a height greater than 2 1/8 inches.

- 3) The homeowner has the obligation of complying with all applicable civil building codes. The homeowner must obtain the proper building permits required by the City of Poway. Failure to do so is the sole responsibility of the homeowner and/or of the contractor. The Summerfield Homeowners Association accepts no liability for the failure in this matter.
- 4) Residents who want to see photographs or diagrams depicting acceptable and unacceptable roofing tile may contact the chairperson of the Summerfield Architectural Committee.

### ROOF TURBINES

Installation of roof turbines require that homeowners submit an *Application for Architectural Improvement—Exterior Modifications* to the Architectural Committee (prior to replacement) for consideration.

- 1) Prior to installing a roof turbine a Homeowner must submit a description of the project to the Architectural Committee for approval. The Committee will approve the installation if it conforms to the details of this policy as given below.
- 2) All turbines will be brown in color (brown turbines are available in stores) or must be painted to blend in with the color of the roof.

- 3) Turbines installed on the main roof of the house must be installed on the side facing the backyard and must not extend above the peak line of the roof so as to be visible from the street.
- 4) Turbines installed on the garage roof
  - a) If the roof peak parallels the street, the turbine must be installed on the side of the roof facing away from the street.
  - b) If the roof peak is at right angles to the street, the turbine must be installed on the side facing away from the front door of the house; and must be placed close to the point where the garage roof meets the main roof.
  - c) In all cases of a garage installation, the turbine must not extend above the peak line of the garage roof.
- 5) This policy does not apply to any turbines that were installed prior to March 17, 1992. However, when a house is re-roofed, the color and location of presently existing turbines must be brought into conformity with this policy in all its aspects.

### *TV, RADIO, SATELLITE DISHES AND ANTENNAS*

A homeowner or tenant is encouraged to discuss the details of his/her intended antenna and/or satellite dish installation with the Architectural Committee prior to going ahead with the work. Both the homeowner (or tenant) and the Association have rights under the FCC Rule governing antennas and satellite dishes and both parties will benefit from a voluntary pre-installation discussion/agreement. The Federal Communications Commission (FCC) has issued an “Over-the-Air Reception Devices Rule” which restricts to some extent the control which local governments and homeowner associations may exercise over antennas and satellite dishes.

#### **Section 1. Acceptable Antennas and Satellite Dishes**

- 1) Exterior antennas and satellite dishes are permitted subject to certain conditions and restrictions allowed by the FCC as to size, location or safety.
- 2) Essentially, this Rule, prohibits most restrictions that:
  - a) unreasonably delay or prevent installation, maintenance or use;
  - b) unreasonably increase the cost of installation, maintenance or use; or
  - a) preclude the reception of an acceptable signal from an antenna or satellite dish covered under the rule.
- 3) Subject to the FCC Rule (see above), as long as an acceptable quality signal is receivable, the antenna/dish must be out of sight from the street and from a neighbor’s property. If this is impossible, the antenna or satellite dish must be installed in the least conspicuous place at which an acceptable quality signal can be received. Preferred locations in descending priority order:
  - a) out of sight of street and neighbor’s property
  - b) out of sight of street and located either on roof rear or side and below the roof ridge line
  - c) in view of street, but located on the garage roof furthest from the front door

## Section 2. Prohibited Antennas and Satellite Dishes

Exterior antennas for AM/FM radio or “ham” radio, as well as dishes larger than one meter (39.37”) in diameter are prohibited if they are visible from the street or from a neighbor’s property.

### MAILBOXES

Installation of a new mailbox or painting an existing mailbox requires that homeowners submit an *Application for Architectural Improvement—Exterior Modifications* to the Architectural Committee (prior to replacement) for consideration. When a mailbox is replaced, it must be brown, black, gold, silver, white, metallic (galvanized), natural or painted to match the color of the house paint or trim. Homeowners who wish to replace their mailbox with a customized box or with decals on the box must seek prior approval of the Architectural Committee.

### BASKETBALL BACKBOARDS

Installation of a basketball backboard requires that homeowners submit *Application for Architectural Improvement—Exterior Modifications* to the Architectural Committee for consideration. In addition, a photo or brochure of the basketball backboard must be included.

- 1) Backboards are not to exceed 36” x 54”.
- 2) Backboard may be installed toward the front of the property, usually over the front door of the garage.

Installation of backboards in side or back yards may be permitted on the “large” lots with due consideration of the impact on the immediate neighbors. Backboards are generally not permitted in the back or side yard of the more standard sized lots because of the noise factor and also because they will be clearly visible from the yards of neighbors.

- 3) Backboards constructed of wood are to be painted so as to blend in with the color(s) of the garage, with the exception of a target outline above the rim. Newer backboards are constructed of a strong plastic or plexiglass. This type of backboard does not require painting.

Decals and/or bright colored borders around the backboard are NOT permitted.

- 4) Residents who have backboards must be considerate of their neighbors as regards the noise factor, especially in the evening or early morning hours.

If the Board receives a complaint from a neighbor about the noise resulting from the use of the backboard, it will have to elevate the seriousness of the problem in light of the “nuisance prohibition” found in the CC&Rs. (Article VI, Section 3)

- 5) Backboards must be well maintained, including the replacement of damaged nets and fresh paint when needed.

### PORTABLE BASKETBALL HOOPS

Residents who wish to use a portable basketball hoop are required to submit an *Application for Use of Portable Basketball Hoops* to the Architectural Committee for consideration. (Please refer to Summerfield CC&R, Article V, Section 4, *Architectural Control*.)

As of August 2013, the City of Poway does not permit the placement of portable basketball hoops in the city streets or on the City sidewalks.

The Architectural Committee has approved placement of the equipment as follows:

- Portable basketball hoops must be kept either on the driveway, the gate side of the driveway, in front of the gate, or behind the gate.
- Installation of portable basketball hoops in side or back yards may be permitted on the “large” lots with due consideration of the impact on the immediate neighbors. Portable basketball hoops are generally not permitted in the back or side yard of the more standard sized lots because of the noise factor and also because they will be clearly visible from the yards of neighbors.

The net, backboard, pole, and base must be maintained in good condition.

Portable Basketball Hoops shall remain portable and not be converted to permanent fixtures.

No additional lighting may be added to the property for the explicit purpose of night-time basketball use.

Residents with portable basketball hoops must be considerate of their neighbors with respect to noise especially in the early morning and late evening hours. If the Board receives a complaint from a neighbor in conjunction with the use of this equipment, Article VI, Section 3 of the CC&R’s may apply, and the use of the portable basketball hoop may be restricted.

### LANDSCAPE/HARDSCAPE

- 1) All yard areas of property visible from the street must be landscaped. This means that all visible yard areas of the property will be planted and covered with grass, shrubs, trees, approved ground cover (including decorative rock), or hardscape. Bare dirt is not allowable and will be considered a violation of HOA architectural standards.
- 2) When re-landscaping the front, side or back yards that are visible from the street, homeowners are required to submit *Application for Architectural Improvement—Exterior Modifications* to the Architectural Committee for consideration.
- 3) All hardscape (materials such as, but not limited to concrete, stucco, stone, rock veneer), such as walls, walkways, driveways, and front entryways require prior approval. (Please refer to Summerfield CC&R, Article V, *Architectural Control*).

When replacing 25% (twenty-five percent) or more of plant material in the front, side or back yards that are visible from the street, homeowners must submit an *Application for*

*Architectural Improvement—Exterior Modifications* to the Architectural Committee for consideration. Replacing intermittent plants (less than 25% of the entire yard) does not require approval.

### ARTIFICIAL TURF

Requests for installation of artificial turf in a homeowner's front yard or side yard visible from the street, requires that homeowners submit *Application for Architectural Improvement—Exterior Modifications* to the Architectural Committee for consideration. Applications must include:

- sample of the turf
- manufacturer's description/warranty
- information on the professional installer must be included.

The Architectural Committee will review each *Application for Architectural Improvement—Exterior Modifications* submitted for artificial turf on a case-by-case basis. The committee will consider requests for a top-quality grade of artificial turf, and professional installation is required.

*NOTE:* In 2008, The Center for Disease Control issued a health concern on potential lead exposure in certain artificial turf products. The Summerfield Homeowner's Association does not endorse the installation of artificial turf and all liability of installing artificial turf rests on the homeowner and not the Summerfield Homeowner's Association.

## **ENFORCEMENT OF SUMMERFIELD CC&RS AND ARCHITECTURAL STANDARDS**

The Summerfield governing documents (e.g., CC&Rs Rules, Architectural Standards) were established to provide guidelines not only about paint colors and exterior improvements in the community, but also about upkeep and maintenance of houses and yards. The overarching objective of these policies is to maintain this development as a desirable and pleasant place in which to live, and to help keep property values from declining.

One of the duties of the Board of Directors is to inform individual homeowners and/or renters when they are in violation of the governing documents.

The Board has developed a formal policy of progressive warnings, fines and possible legal action when a homeowner is in violation of the governing documents. In cases of continued non-compliance, courts of law will uphold the authority of the Board in such matters and the Board is prepared to go to court if necessary to make sure the CC&Rs and Architectural Standards are not violated. Homeowners are responsible for the actions of their guests, invitees, tenants, and/or agents and may be subject to an enforcement action for any such actions which violate the Association's governing documents.

### **SCHEDULE OF NOTICES AND FINES FOR CC&RS AND ARCHITECTURAL STANDARD VIOLATIONS**

*(See also Diagram on page 17).*

Contingent upon the nature, seriousness and history of the violation, the Association will generally adhere to the following enforcement procedures but the Board is not required to utilize every remedy in every enforcement action and may, in its sole discretion, subject to the law and the governing documents, determine what remedy to pursue and at what time. Immediate legal action may be sought in the form of a temporary restraining order ("TRO") and/or preliminary injunction when appropriate.

#### **COURTESY NOTICE**

A written Courtesy Notice will be sent to a homeowner who is committing a violation of the governing documents. The homeowner is requested to remedy the violation within 30 days and is informed that failure to comply might ultimately result in fines as well as legal action. This is *not* a formal warning as described below. A homeowner may submit a request for an extension of the deadline in writing to the Board. The homeowner will be notified in writing within seven business days with the final decision.

#### **FIRST VIOLATION NOTICE**

Failure to comply with the Courtesy Notice will cause the Board to send a First Violation Notice with another 30-day compliance deadline. This First Violation Notice will remind the homeowner that according to Association policy, failure to comply by this 30-day deadline may result in the imposition of a fine not to exceed \$100, suspension of voting rights and/or suspension of the right to use the recreational facilities. The imposition of that fine will require that a Violation Meeting first be held, with the homeowner invited to attend; said invitation will be a part of a Second Violation Notice, should the violation remain.

The First Notice also states that if a homeowner is subject to a potential fine or other disciplinary action, the Board will notify the Homeowner in writing by personal delivery or by first-class mail at least ten days in advance of the scheduled Violation Meeting. This notice to the Homeowner will include the nature of the violation and a statement that the homeowner has a right to attend and address the Board at the Violation Meeting. In addition, the Board will meet in executive session if requested by the homeowner.

If the Board imposes a fine on a member and/or suspends voting rights and right to use the recreational facilities, the board shall provide the member a written notification of the fine by either personal delivery or first-class mail within 15 days of the action.

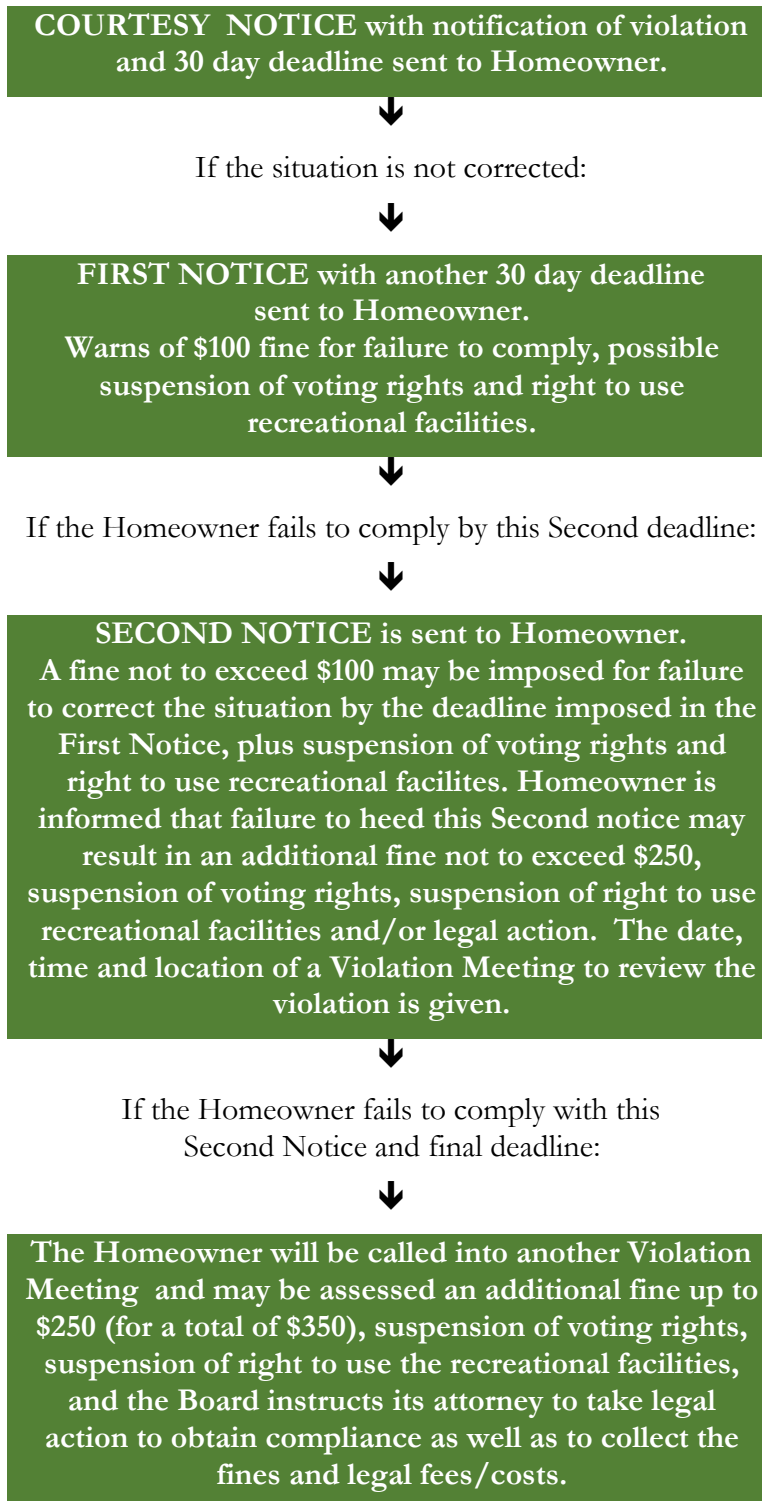
### **SECOND VIOLATION NOTICE**

If the homeowner fails to comply with the First Violation Notice, the Board will send a Second Violation Notice with a final compliance deadline. This notice will remind the Homeowner that failure to comply with this notice by this final deadline may result in an additional fine up to \$250 fine , suspension of voting rights, suspension of right to use the recreational facilities and/or the initiation of legal action to force the Homeowner's compliance. The Second Notice also notifies the homeowner of the date, time and location for the Violation Meeting, which the Homeowner is invited to attend. If the fine or other disciplinary action is upheld in that meeting, the Homeowner will be notified in writing within 15 days. Any fine imposed will need to be paid within 30 days from the date of the notice.

If legal action is initiated, the Association will seek recovery of any unpaid fines as well as reimbursement of legal expenses and costs incurred.



*Diagram of Notices and Fines for Governing Document Violations*



### REPEATED VIOLATIONS/NON-PAYMENT OF FINES

- 1) If a homeowner complies with the demands of the Violation Notices (First, Second or Third) but within twelve months of that violation, again violates the governing documents in any way, subsequent notices may be sent as though the homeowner had not complied originally.

*For example:* If the homeowner complies with a First Violation Notice but within the twelve months again violates the governing documents, the next warning may be considered the Second Notice as described under this policy.

- 2) If a homeowner fails to pay a fine within sixty (60) days after failing to meet the compliance deadline, the Board will take appropriate legal action to collect these monies as well as any legal expenses incurred in the process.

### EXCEPTIONS

Depending on the severity and frequency of the violation, the choice of the enforcement procedure(s) and/or the enforcement remedy utilized may vary. The Summerfield Homeowner's Association Board of Directors reserves the right to forgo the Violation Notice process for those situations that are considered an imminent health issue, safety issue, imminent construction, or injury to the common area. Compliance deadlines are to be determined by the Board of Directors.

If the Board judges that a particular violation is serious enough to warrant such action, it will either:

- a) issue one sole and final warning with a deadline for compliance and a fine of \$250 and the threat of legal action if the homeowner fails to rectify the situation, or
- b) dispense completely with warnings and immediately institute legal proceedings if the violation relates to imminent construction, or injury to the common area, or the health, safety or welfare of the Homeowners Association.
  - With the "sole and final warning" described above, the Board will enclose a copy of this schedule of Warnings and Fines and also a copy of the pertinent pages of the governing documents.
  - The Board will seek reimbursement for its legal expenses.

### EXAMPLE VIOLATIONS

Violations include, but are not limited to, the following, which warrant a violation notice from the Board:

- Failure to obtain prior approval from the Architectural Committee for painting or other architectural improvement. (*See page 4*)
- Yard visible from the street needs care: lawns need watering (20% or more dry or dying), weeds prevalent, tree stump not removed, fallen fruit not being picked up, or bushes or trees need trimming (especially if they overgrow sidewalks). Palm trees with dead fronds that need trimming.

- Exposed dirt areas in landscaping visible from the street.
- Accumulation of garbage, trash and overgrown/unmaintained trees or shrubs that might present a health or fire hazard
- House needs repainting in whole or in part.
- House is painted a non-approved color.
- Roof installed with a non-approved material.
- Gutters or backboards left unpainted or painted a color other than that of the house trim.
- Garage door frequently left open for several hours at a time without good reason.
- Trash cans, boxes, bags, equipment, furniture or other items stored outside the fence and visible from the street or from a neighbor's property.
- Metal shelving, furniture or other items stored beside a house or garage, or in a backyard, are visible from the street or from a neighbor's property.
- Oil slicks on driveways.
- A motorhome, trailer, boat, or other recreational vehicle is parked on the driveway, lawn or street for a period of more than 72 hours.
- Use of garage as living quarters. Construction within a garage, which precludes the parking of two cars therein.
- Swings, badminton sets, and other recreational equipment left in view of the street or neighbor's yard at the end of the day or when not in use.
- Loud and/or continuing noise from radios, TVs, sound amplifiers, band instruments, etc.
- Dogs barking or yipping for prolonged periods of time. Failure to remove any deposits their animals might place upon the Common Areas, private Lots, streets, or elsewhere in the Community other than in their Owner's yard
- Other violations of the governing documents so deemed from time to time by the Board of Directors.