

understanding of these matters.

SECTION 9: ARCHITECTURAL GUIDELINES

Intent of Guidelines

These guidelines are to provide owners who may wish to make architectural modifications with information on the process for securing approval as well as some specific design information. Please note that although these guidelines support the CC&Rs, they do not cover the entire document. For more information, please refer to the CC&Rs that are binding on all owners and should be fully understood.

GENERAL

No exterior alteration or improvement of any kind, to a Unit or Exclusive Use Common Area, or interior alteration to a Unit affecting the structural integrity of the building shall be commenced, erected, placed, painted or maintained, without prior application to and approval of the Architectural Review Committee (Hereafter referred to as the ARC) and/or Board, except as noted in (CC&R 7.2).

Each owner shall be responsible for the maintenance, repair and replacement of all improvements, structures of any kind, and exterior or interior alterations added to any Unit, including but not limited to replacement doors, replacement or additional windows (fixed or movable), skylights or other alterations. (CC&R 6.3 a/b). [Modified 12/12/18]

All Owners are responsible for assuring that changes and additions are made only in accordance with the provisions of these guidelines.

Conditions that do not require ARC approval:

1. MAINTENANCE, UPKEEP, REPAIR of any portion of the structures with the same materials and color (including doors, sliding window doors, windows, skylights, antenna dishes, and air conditioners) do not need the approval of the ARC. In addition, any temporary emergency repairs such as for doors, windows, roof etc. do not need ARC approval. (CC&R 7.3)
2. THE REPLACEMENT OF SHINGLES removed during a plumbing repair or for any other reason must be done by Sea Point's maintenance contractor and will be paid for by the homeowner.
3. Interior paint of any color, appliances or plumbing fixtures (except water heaters with exterior vents), modification or replacement of cabinets, installation or replacing of wall or floor coverings.

Conditions that require ARC approval:

1. Replacement of any portion of the structure with the same or different materials and color (including doors, sliding window doors, windows, air conditioners, skylights, antenna dishes, water heaters with exterior vents) require the approval of the ARC.
2. Any exterior alteration of a Unit or Exclusive Use Common Area.
3. Improvements or alterations to the interior of any unit which involve altering electrical or plumbing or gas systems or affect the bearing walls of a unit. (CC&R's 7.3) [amended 4/23/2014]

Non-Structural Modifications:

1. Non-structural modification requests that may be directly approved or denied by the ARC include:

- a. Balcony and patio attached floor coverings
 - b. Balcony sun shades and sun screens
 - c. Skylights
 - d. Balcony railing screening
 - e. Front doors
 - f. House numbers
 - g. Irrigation tubing Patio tile
 - h. Patio gates
 - i. Screen doors
 - j. Satellite dishes
 - k. Sliding door and window replacements like for like.
2. Any denials issued by the ARC may be directly appealed to the Board. (See Article IV of these guidelines and Civil Code §1368)
 3. Non-structural modification requests that must be approved directly by the Board: These applications will be reviewed by the ARC and forwarded with its recommendation to the Board for consideration at its next meeting. These include but are not limited to:
 - a. Any type of non-structural modification not previously allowed at Sea Point that suggests, implies or establishes any new standard.
 - b. Any type of non-structural modification, which deviates from any existing Sea Point standards.

Structural Modifications:

1. Structural modification requests that may be approved directly by the ARC are:
 - a. Balcony railings/barriers
 - b. Solar Tubes
 - c. Roof-top pipe vent enlargements for instant hot water heaters
2. Any denials issued by the ARC may be directly appealed to the Board. (See Article IV of these guidelines and Civil Code §1368).
3. Structural modification requests that must be approved directly by the Board: These applications will be reviewed by the ARC and forwarded with its recommendation to the Board for consideration at its next meeting. These include but are not limited to:
 - a. Any type of modification not previously allowed at Sea Point that suggests, implies or establishes any new standard.

- b. Any modification or alteration that will impair the structural integrity of any common area or involves altering electrical or plumbing systems or bearing walls including but not limited to:
- Window addition or enlargement
 - New skylights
 - Crawl space modification
 - Roof vents, other than enlargements for instant hot water heaters
 - Electrical or plumbing system modification

These types of modifications require city permits.

DESIGN GUIDELINES

General design guidelines for all projects:

1. Wood is to be painted Sea Point brown.
2. Stucco is to be painted Sea Point cream.
3. Tiles visible from the common area should be in earth tones (brown, cream, brick, and beige) and if they have a design, it should be discrete. The grout should also be neutral in color. Accent and signature tiles must be approved by ARC.
4. The positioning of objects on the roof (air-conditioners, satellite dishes, antennas, etc.) need to be approved in writing by the Manager or Managing Agent so designated by the Board on a Sea Point Roof Object Positioning Request Form. (Form may be downloaded from <http://www.Seapointtownhomes.com>. Such form shall be signed by the agent and retained in the ARC book for the specific unit receiving approval. The designated agent shall both approve and supervise the positioning of the object. [amended 7/24/2013]
5. Air-conditioners should be in earth tones (brown, cream, beige, or gray) in color, and have a low noise level. [amended 7/24/2013]
6. Manufacturer and advertising imprints, etchings, signatures, logos and the like are prohibited on exterior building materials and materials visible from the exterior of a unit. Building materials include (but are not limited to) wood, stucco, tile, stone, doors, windows, and other glass.

Specific Design Guidelines:

1. Air Conditioners: Approval required, even for replacements. Only areas north of Del Mar Scenic are plumbed for roof air conditioning. Wall air conditioners are not allowed. All ground wires on the roof to be covered and cannot be elevated.
2. Antenna and their connecting cable: Require ARC approval by Manager or Board designated agent on Roof Object Positioning Request Form. Connecting cable must be brown or black to blend in with surrounding area. Satellite dish diameter or diagonal measurement may not be more than 36 inches. (Civil code 1376) Antenna/Satellite Dish must be of earth tone color (brown, cream, beige or gray). Manager/Agent will supervise and approve the installation. Owner will coordinate the installation. Dish cables may not be attached to shingles. [amended 7/24/2013]
3. Balcony Floor Coverings:

- a. Attached: Approval Required
 - b. Resurfacing: Approval Required
4. Balcony railings: Approval Required. Any modification to railings must be approved. Modification must bring railings up to current city building code. Rails 4" apart and height at least 36" to 48". Must be painted Sea Point brown. Requires city permit and ARC approval.
 5. Balcony Materials: Railing Screening: Approval Required. Samples of acceptable materials are available in the Sea Point office. Approved materials are dark stained bamboo matting, glass or plexiglass panels, and brown mesh screening. Screening must extend from the top to the bottom of the railing and all the way from side to side. Flower boxes faced with shingles may be approved, but only if the base of the flower box is watertight.
 6. Balcony shades and screens: Approval required. They may be made of metal or of an approved fabric. They may extend the entire width of the balcony, or, be divided. The shades and screens should be kept in the raised position when not being used specifically to screen the sun.
 7. Clotheslines: Clotheslines or similar apparatus for the exterior drying of clothes are prohibited. Exterior air drying of clothes or bedding is prohibited. (CC&R 5.3 r)
 8. Front Doors: Approval Required. Doors may be made of wood or fiberglass. They may have windows. They must be brown, but not necessarily Sea Point brown.
 9. Irrigation tubing: Approval required. The tubing may not interfere with shingles or exterior paint. Dangling tubes are not allowed.
 10. Screen Doors: Approval Required. The frames must be Sea Point brown.
 11. Patio Resurfacing: Approval Required.
 - a. Materials: Ceramic tile, Pavers
 - b. Slate Manufacturer and advertising imprints, etchings, signatures, logos and the like are prohibited on exterior building materials and materials visible from the exterior of a unit. Building materials include (but are not limited to) wood, stucco, tile, stone, doors, windows, and other glass.
 - c. Finishes and colors: Earth tones (brown, beige, cream, and brick) are acceptable. No bold or bright color will be approved.
 12. Signs are prohibited except as outlined in CC&R 5.3 (f)
 13. Skylights: Approval Required.
 - a. Replacement skylights may be approved directly by ARC.
 - b. New skylights require Board approval.
 14. Solar Tubes: Are allowed but require approval.
 15. Trellises: Nothing may be placed on shingle, and they may not block another homeowner's view of ocean or Torrey Pines Reserve. (R&R Section 2, item B.4) [amended 4/23/2014]
 16. Window Additions: Require ARC and Board approval. Additions and enlargements require city building permits and an engineering report.

- a. **Windows from the following manufacturers have previously been approved: Anderson, Jeld Wen, and Pella.**
- b. **Style: Window materials must match the general architectural style of the existing windows. Elevation drawings must be submitted.**
- c. Materials: The materials may be wood, vinyl, aluminum, or composite.

Finish: All visible non-glass parts of the window must be brown when viewed from the outside. Finish may either be baked in or painted on.

17. Window and Sliding Door Replacement: Requires ARC approval.

- a. Window and sliding door replacements from the following manufacturers have previously been approved: Anderson, Jeld Wen, and Pella.
- b. Style: Replacement window and door materials must match the general architectural style of the existing windows/doors. French style windows/doors may be approved.
- c. Materials: The materials may be wood, vinyl, aluminum, or composite.
- d. Finish: All visible non-glass parts of windows/doors must be brown when viewed from the outside. Finish may either be baked in or painted on.

PROCEDURE

1. Requirement for all applications:

- a. Owners wishing to make any changes must submit an Architectural Modification Request Application form to the ARC with all appropriate sections completed, including required submissions (i.e. notarized indemnification release form, pictures, paint chip, material samples, architectural or contractor drawings, etc.).
- b. Owners must submit proper separate written applications for each change being requested as noted on the Architectural Modification Request Application form. Applications containing more than one request will be returned to owner.
- c. Applications will not be considered if all of the required submissions are not included. Such applications will be returned to the owner.
- d. Applications will not be considered for additional changes to any property on which there are existing violations and/or for which other approved changes have not been substantially completed.
- e. All applications must be received at the office of the management agent by 1:00 p.m. five (5) days prior to the monthly ARC meeting. The applicant may check with the Manager for specific dates. Applications received after that time will not be reviewed until the following monthly ARC meeting.
- f. The Manager will notify immediate neighbors of any application request that may affect them. (Amended 4/23/2014)
- g. Oral requests will not be considered.
- h. Homeowners who have pending applications are encouraged to attend the ARC monthly meeting; however, no walk-in applications will be considered.

- i. Each alteration or addition must be specifically approved, even when a similar or substantially identical alteration or addition has been previously approved.
 - j. Approval by City: Approval of any project by the Association does not waive the necessity of obtaining any required city building permit. Prior to commencing any alteration or improvements approved by the Board or ARC, the Owner shall comply with all appropriate governmental laws and regulations. Approval by the Board or ARC shall not be considered to satisfy the appropriate approvals that may be required by any governmental entity with appropriate jurisdiction. The Association shall not be obligated to enforce the provisions of this Section. An Owner's failure to obtain such governmental approval may subject such Owner to certain penalties imposed by the governmental entity, notwithstanding the approval of the Board or ARC, which penalties shall be the responsibility of such Owner. Each Owner by accepting a deed to his or her Unit, agrees to reimburse the Association for any loss resulting from the violation of any applicable governmental laws and regulations. (CC&R 7.5)
 - k. Obtaining a governmental permit does not waive the need for Association approval.
 - l. The burden rests with the applicant to demonstrate the acceptability of the proposal. The applicant must provide any submissions required by the ARC for an alteration or improvement of the type proposed. The applicant may submit with the application any additional materials such as exhibits, petitions, photographs, experts' statements and the like that applicant deems appropriate. The applicant may request an opportunity to appear before the ARC along with any witness's applicant desires to have testify.
2. Administrative Requirements:
- a. The ARC will review all applications at its monthly meeting, which is normally held eight (8) days prior to the monthly Board meeting. The applicant may check with the Manager for specific dates.
 - b. The ARC shall act on the application and give notice to the applicant within sixty (60) days from receipt of a complete application, including all submissions required. The ARC shall notify an applicant, in writing, of any deficiencies in the application, which preclude consideration of the application and the commencement of the sixty (60) day review period. (CC&R 7.4)
 - c. The ARC delegates to the managing agent the responsibility for receiving applications. The review period shall commence upon the date of receipt of a complete application by the managing agent.
 - d. The applicant must provide in writing to the ARC the Completion Notification (tear-off section at bottom of the Approval Form) as soon as the work is completed. (CC&R 7.6)
 - e. Once the Completion Notification has been received, the ARC or its designee will inspect the modification for compliance with the approved application. Once inspection has been done and the project is found to be in compliance with the approved application, final approval will be issued.
3. Results of Review: The applicant shall be informed in writing of the decision made by the ARC or the Board. (Architectural Modification Request Approval Form.)

- a. If the applicant fails to receive a reply indicating a decision within sixty (60) days from receipt of the application and submissions, the owner may submit a written notice to the Board advising the ARC's failure to act. If the Board fails to approve or disapprove such plans within sixty (60) days after the receipt of said notice from the owner, the plans shall be automatically approved. (CC&R 7.4)
 - b. If an application is disapproved, the reason(s) for disapproval shall be stated as part of the written decision. (Architectural Modification Request Denial Form.)
 - c. A denial of approval by the ARC may be appealed to the Board of Directors, pursuant to the procedures for appeal set forth in Article IV of these Guidelines.
 - d. Copies of all Architectural Modification Requests, along with the written decision and a statement of any action taken, will be filed according to unit number in the Architecture Modification Notebooks that are maintained in the office.
 - e. Management will enter the results of all actions taken by the ARC and/or Board into the Architectural Document History into computer Database.
 - f. Construction must commence within twelve (12) months after the approval of an Architectural Modification Request. If the item approved has not been started within twelve (12) months of the approval date, the approval shall expire, and construction cannot commence. (CC&R 7.6)
 - g. Any approved work must be substantially completed in accordance with the plans and specifications approved by the ARC or Board within twelve (12) months after construction has commenced. (CC&R 7.6)
4. Appeal of decision to the Board of Directors
- a. A denial by the ARC pertaining to a modification request may be appealed to the Board of Directors at an open meeting of the Board if such action is taken within forty-five (45) days of the decision of the ARC. Reconsideration by the Board does not constitute dispute resolution. (Civil code 1378) (Amended 4/23/2014)
 - b. The Board of Directors shall act within thirty (30) days following receipt of an appeal request and notify the applicant in writing of the Board's decision.
 - c. The Board may sustain or reverse a decision of the ARC. (Civil code §1378)
 - d. A denial by the Board pertaining to a modification request may not be appealed. Owners may reapply after a one-year period.
 - e. If the Board denies the patio expansion request, the owner may not commence litigation without first seeking mediation.
5. Procedures for Monitoring Compliance
- a. Inspection: The ARC shall periodically survey the Community for compliance.
 - b. Alleged Violations
 - c. An alleged violation may be reported by the ARC, any homeowner or may be identified by the management agent as a result of his/her inspection.
 - d. If the ARC or the Board of Directors is making the report, they will notify the management agent directly.

- e. If it is determined that a violation exists, the managing agent shall inform the Owner in writing, with a copy to the ARC, giving the Owner thirty (30) days in which to correct the violation. The notice period may be reduced in the event of an emergency situation or in cases where the violation will increase or enhance with the passage of time. In such cases, notice will be sent by certified mail, return receipt requested.
- f. If the violation is not corrected within 30 days, an Enforcement Hearing will be held per R&R Section 6 (d). The time and place of the hearing will be stated in the violation letter, and the letter shall be sent to the Owner at least ten (10) days in advance of the hearing date. Owners may call witnesses to appear only if deemed necessary to a fair presentation of their case by the Committee. If the Committee is unanimous in its disposition of the case, that decision is final. If the Committee is not unanimous, Owners may elect to appeal to the Board of Directors for final disposition at the next regularly scheduled Board meeting. Written notice of the Committee's decision shall be provided to the Owner within fifteen (15) days from the hearing date. Written notice of an intent to appeal must be provided to the Association office at least seven (7) days before the next regularly scheduled Board meeting, unless notice is waived by the Board.
- g. The Board of Directors' actions may include any or all of the following:
 - Corrective assessment of up to \$500 per occurrence, as determined by the Board Hearing Committee.
 - Issuing a second written notice requesting compliance.
- h. Notifying the Association's attorney for legal action.

Patio Expansion Guidelines

1. General

- a. The Board of Directors shall require the owner to be responsible for the Association's cost of planting new plant material outside the new wall to replace landscaping affected by the construction of the expanded patio wall. The choice of new plant material will be at the sole discretion of the Landscape Committee and the Board of Directors.
- b. The Board of Directors shall require the owner to be responsible for the Association's cost of modifying or constructing drainage or irrigation as required due to the construction of the patio expansion.

2. Expansions into Sea Point Common Area [Modified 12/12/18]

Granting expansions into Sea Point Common Areas must comply with regulation as outlined in the Davis-Stirling Act, including but not limited to the section "Granting Exclusive Use Easements".

- a. Requests to expand a patio into Sea Point common area shall first follow the "Procedure" outlined in Section 9: Architectural Guidelines, including submitting an Architectural Modification Request Application form to the ARC with all sections completed, including the required submissions, and complying with all other Architectural Guidelines.
- b. The ARC will submit the request for patio expansion into Sea Point Common Area to the Board for action at a regularly scheduled open meeting and listed on the Board's

agenda. Before granting an approval, the Board must make a finding that one of the "exceptions to membership approval" (as outlined in the Davis-Stirling Act, Granting Exclusive Use Easements) applies and what facts support the finding.

- d. If the Board approves the patio expansion, as outlined in c. above, the Board's decision is final, and the request will be sent to the ARC for review of design elements and final approval of the design plan. [Amended 4/23/2014]
- e. If the Board does not approve the patio expansion, the unit owner may submit a written request to the Board that he/she elects to send his/her patio expansion request to all Sea Point homeowners for a vote. "Membership Approval" requires the approval of 67% of the membership. It is recommended that the process of seeking "Membership Approval" is conducted one time per year in conjunction with the Annual Meeting (see 3.i. and 3.j. below for additional information). The decision by Membership vote is final.
- f. The height of any new or altered patio wall must be the same as the wall being replaced or altered.
- g. Patio walls must match the original wall material and finish; block covered with stucco to match the existing stucco Sea Point cream color or wood and shingles with the trim painted to match the existing Sea Point brown trim color.
- h. Any gates included in a patio expansion must be approved by the ARC for height, style, material and color.
- i. The walking surface of the expanded patio shall be finished to provide a continuous appearance. Any selected materials such as tile or concrete finishing methods shall be approved by the ARC.
- j. For all approved patio expansions into Sea Point common area, the patio expansion may NOT exceed five (5) feet from the exterior of the existing patio wall and/or may NOT extend into the common area any closer than three (3) feet to the walkway.
- k. The owner shall be required to sign and record a "Maintenance and Indemnity Agreement" as a condition of approval.
- m. The Board of Directors may consider variances from compliance with these General Rules as follows, except in no case will variances be allowed that are in violation of the Davis-Stirling Act or the Declaration:
 - Variances may be granted, without limitation, to these General Rules when circumstances such as topography, location, engineering, economy, hardship, aesthetic or environmental considerations warrant such variance.
 - Variances shall be in writing and shall become effective upon final approval by the Board.
 - When a variance is granted, no violation of these General Rules shall be deemed to have occurred with respect to the matter for which the variance was granted.
 - The granting of a variance shall not operate to waive any of these General Rules for any purpose except with relation to the particular unit and particular rule covered by the variance.
 - The variance shall not affect in any way the owner's obligation to comply with any applicable governmental laws and regulations.

- n. The owner will be required to assume full responsibility for the entire patio wall. This responsibility includes maintenance, repair, and replacement of the wall, treating pest infestation and repairing dry rot. The Association will assume future responsibility for painting of both interior and exterior patio walls.
 - o. The Board of Directors shall require the owner to be responsible for the Association's cost of planting new plant material outside the new wall to replace landscaping affected by the construction of the expanded patio wall. The choice of new plant material will be at the sole discretion of the Landscape Committee and the Board of Directors.
 - p. The Board of Directors shall require the owner to be responsible for the Association's cost of modifying or constructing drainage or irrigation as required due to the construction of the patio expansion.
3. Requirements for requests for patio expansions into EITHER front door entryways, OR into Sea Point common area outside the existing patio walls.
- a. As part of the ARC application procedure, the detailed design of the expanded patio must be documented.
 - b. If such an expansion extends into Sea Point common area, the owner must construct, at his sole expense, a temporary "story pole" structure that accurately demonstrates the extent and height of the requested patio expansion.
 - c. ARC notification procedures shall be followed to notify neighbors of the patio expansion request.
 - d. After a period of not less than fifteen (15) days and not more than thirty (30) days of story pole demonstration and opportunity for community comment, all patio expansion applications shall be reviewed by the ARC for purposes of making recommendations to the Board of Directors.
 - e. The requesting homeowner will be notified of the ARC's recommendation to the Board within fifteen (15) days of the decision.
 - f. Patio expansions approved prior to the implementation of these General Rules are subject to the rules in place at the time of their approval. Any request that modifies a previously approved patio expansion will be subject to the General Rules in place at the time of modification.
 - g. The Board has the right to approve or disapprove any patio expansion application into the entryway. The decision by the Board shall be final.
 - h. If the Board does not approve an "exception to membership approval" under the Davis-Stirling Act to expand into Sea Point common area and the unit owner elects to submit the patio expansion request to all homeowners for a vote, the ballot must clearly state the Board's recommendations for approval or denial of the patio expansion request. This information is to be printed on the ballot adjacent to the voting boxes. [Amended 4/23/2014]
 - i. Patio expansion requests may be included in the Annual Meeting packet mailed to homeowners in April/May. The cost of such mailing shall be borne by the HOA.
 - j. If a patio expansion request is submitted to the homeowners (Membership) for a vote at any other time (other than in the annual packet), the entire cost and effort (materials, printing, postage, labor, etc.) shall be borne by the unit owner.

The HOA Office Manager is available to provide the homeowner with the necessary procedures. Before the packet is mailed to Sea Point Membership, the requesting homeowner must submit the packet to the HOA Office Manager and to the Board for review and approval that all necessary information is in the packet and is properly presented.

V. Davis-Stirling Act (2014):Civ. Code §4765]

1. This section applies if an association's governing documents require association approval before an owner of a separate interest may make a physical change to the owner's separate interest or to the common area. In reviewing and approving or disapproving a proposed change, the association shall satisfy the following requirements:
 - a. The association shall provide a fair, reasonable, and expeditious procedure for making its decision. The procedure shall be included in the association's governing documents. The procedure shall provide for prompt deadlines. The procedure shall state the maximum time for response to an application or a request for reconsideration by the Board of Directors.
 - b. A decision on a proposed change shall be made in good faith and may not be unreasonable, arbitrary, or capricious.
 - c. Notwithstanding a contrary provision of the governing documents, a decision on a proposed change may not violate any governing provision of law, including, but not limited to, the Fair Employment and Housing Act (Part 2.8 (commencing with Section 12900) of Division 3 of Title 2 of the Government Code), or a building code or other applicable law governing land use or public safety.
 - d. A decision on a proposed change shall be in writing. If a proposed change is disapproved, the written decision shall include both an explanation of why the proposed change is disapproved and a description of the procedure for reconsideration of the decision by the Board of Directors.
 - e. If a proposed change is disapproved, the applicant is entitled to reconsideration by the board of directors of the association that made the decision, at an open meeting of the board. This paragraph does not require reconsideration of a decision that is made by the board of directors or a body that has the same membership as the Board of Directors, at a meeting that satisfies the requirements of Article 2 (commencing with Section 4900) of Chapter 6. Reconsideration by the board does not constitute dispute resolution within the meaning of Section 5905.
2. Nothing in this section authorizes a physical change to the common area in a manner that is inconsistent with an association's governing documents, unless the change is required by law.
3. An association shall annually provide its members with notice of any requirements for association approval of physical changes to property. The notice shall describe the types of changes that require association approval and shall include a copy of the procedure used to review and approve or disapprove a proposed change. [Modified 12/12/18]

[END]s