

# Vista de Bernardo Architectural and Landscape Standards

Revision Date: 8 Mar 2005

*Vista de Bernardo Architectural and Landscape Standards*

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**CURRENT STANDARDS**

Revision Date: 8 Mar 05

<b>Standard Number</b>	<b>Subject</b>	<b>Pages</b>	<b>Approval Date</b>
	Clean Slate Resolution	1	21 Sep 00
S-3	Communication Devices, Application of Section 2.8 of CC&Rs	2	21 Sep 00
S-5	Application of Section 6.2 of the CC&Rs in relation to Views.	1	21 Sep 00
S-6	Mailboxes	1	21 Sep 00
S-9	Application of Section 6.2 of the CC&Rs in relation to House Colors	2	11 June 03
S-10	Landscaping Clarification Section 2.15	1	11 June 03

This page is provided as a courtesy for those who wish to only know the current standards in force as of March 8, 2005. It does not supersede the STANDARDS IDENTIFICATION AND STATUS TABLE established by R-17 to provide both a history and status of all Vista de Bernardo architectural and landscape standards.

*Vista de Bernardo Architectural and Landscape Standards*

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**STANDARDS IDENTIFICATION AND STATUS TABLE**

Revision Date: 8 Mar 05

Standard Number	Subject	Approval Date	Status
	Clean Slate Resolution	21 Sep 00	Current.
S-1	Residential Purposes, Application of Section 2.1 of CC&Rs	21 Sep 00	Obsolete. Moved to Regulation R-1.
S-2	Vista de Bernardo Architectural Committee and CABH Architectural and Landscape Guidelines	21 Sep 00	Obsolete. Moved to Regulation R-3.
S-3	Communication Devices, Application of Section 2.8 of CC&Rs	21 Sep 00	Current.
S-4	Application of Section 6.2 of the CC&Rs in relation to House Colors	21 Sep 00	Obsoleted 01 Feb 01. Replaced by S-7.
S-5	Application of Section 6.2 of the CC&Rs in relation to Views.	21 Sep 00	Current.
S-6	Mailboxes	21 Sep 00	Current.
S-7	Application of Section 6.2 of the CC&Rs in relation to House Colors.	07 Dec 01	Obsolete. Replaced by S-9.
S-8	Landscaping Clarification Section 6.2.	01 Aug 02	Obsolete. Replaced by S-10.
S-9	Application of Section 6.2 of the CC&Rs in relation to House Colors	11 June 03	Current.
S-10	Landscaping Clarification Section 2.15	11 June 03	Current.

***Vista de Bernardo Owners Association***

P.O. BOX 27865

San Diego California 92198-1865

21 Sep 00

**BACKGROUND**

Over the years, the board of directors of the Vista de Bernardo Home Owners Association have adopted various additional standards in regard to architectural and landscape requirements for the neighborhood (see Bylaws 6.2.1.i). These standards together with the lot restrictions contained in the Vista de Bernardo Planned Development Declaration of Neighborhood Restrictions (commonly called CC&Rs) have been the basis for approving or disapproving applications for architectural and landscape improvements. Unfortunately, the standards created from time to time are found scattered throughout the meeting minutes from the past. The board is finding it difficult to compile and communicate what these additional rules and guidelines are.

**CLEAN SLATE RESOLUTION**


The board of directors of Vista de Bernardo hereby creates a new book to compile architectural and landscape standards established from time to time by the board of directors. The book will be called the ***Vista de Bernardo Architectural and Landscape Standards***. The standards contained therein, together with the lot restrictions and the architectural control process contained in the Vista de Bernardo CC&Rs, are the basis given to the Architectural and Landscape Committee for approving or disapproving applications for architectural and landscape improvements. These documents together provide the standard for measuring compliance and non-compliance of architecture and landscaping within the lots.

**The standards contained in the book, *Vista de Bernardo Architectural and Landscape Standards*, supercede all rules, guidelines, or criteria established by previous boards of directors related to architectural and landscape concerns.** However, each previously established standard can be review again by the board and added by amendment to the *Vista de Bernardo Architectural and Landscape Standards*. Amendments to this book are considered an ordinary corporate act taken by the board of directors.

**All previous architectural and landscape approval and disapproval decisions remain in force.** Nevertheless, applications for improvements previously rejected may again be submitted for approval under the requirements of the Vista de Bernardo CC&Rs and the standards contained in the newly created *Vista de Bernardo Architectural and Landscape Standards*.

As appropriate, the standards contained within the *Vista de Bernardo Architectural and Landscape Standards* book will be communicated to the membership.

  
Dustin Dunn  
President

  
Henry Chaboki  
Vice-President

  
Richard Pogue  
Secretary

  
Trudy Kelley  
Treasurer

## ***Vista de Bernardo Architectural and Landscape Standard S-3***

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**Subject:** Communication Devices, Application of Section 2.8 of CC&Rs

**Board Approval Date:** 21 Sep 00

**Intent:**

To avoid any potential conflict with regulations of the Federal Communication Commission (FCC) towards any homeowners, the Vista de Bernardo Home Owners Association will use the standard set forth below in relation to Section 2.8 of the *Vista de Bernardo Planned Development Declaration of Neighborhood Restrictions* dated 9-6-83.

**Standard:**

1. Satellite dishes of one (1) meter or less in diameter, and other communication-receiving antennae or devices covered by the Federal Telecommunication Act of 1996 (the "Act") (collectively referred to in this policy as "qualified satellite receiver"), may be installed on the Owner's Lot as provided in this policy. Satellite dishes larger than one (1) meter in diameter, and any other antennae not covered by the Act are prohibited.
2. Application to the Board of Directors or Architectural Committee shall not be required prior to installing a satellite receiver.
3. No fee payable to the Association shall be required prior to installation of a qualified satellite receiver.
4. An Owner may install a qualified satellite receiver on such location on the Owner's Lot as Owner shall determine is appropriate for the signal strength desired. If more than one location on the Lot will provide the requisite signal strength, Owner is requested to voluntarily place his or her qualified satellite receiver in such location as will minimize the visual effect of the equipment on the Common Areas and other residents.
5. Owners shall keep the qualified satellite receiver in good repair and maintenance and not permit the same to become unsightly, in accordance with the maintenance requirement of the Association's governing documents.
6. Qualified satellite receivers may not be installed on any part of the association common areas.
7. Owner shall indemnify and hold harmless the Association, and its agents, directors, officers, and employees, from any and all loss, claim, damage, injury, judgement, or cost, including attorneys' fees and court costs, resulting from or arising out of Owner's installation, maintenance, or use of the qualified satellite receiver, to the extent that Owner's negligence in installation, maintenance, and/or use of the qualified satellite receiver caused or resulted in the loss, claim, damage, injury, judgement or cost, including attorneys' fees and court costs being indemnified.
8. Nothing in this policy is intended to unreasonably increase the Owner's cost of installing a satellite receiver, unreasonably delay the installation, or unreasonably decrease the reception of the signals received. Should any Owner believe that anything in this policy does unreasonably affect the cost, delay installation, or decreases signal strength, the Owner is encouraged to contact any member of the Board or Architectural Committee to discuss and resolve the matter.
9. Nothing in this policy is to be interpreted as being contravention of the Act regarding the installation, maintenance, and use of satellite dishes. Should any portion of this policy be interpreted as contravening the act, that section or sections shall be considered immediately modified to conform to the act. Should it be impossible to so modify the section or sections, that section or sections shall be deemed severable from the remainder of the policy, and shall be of no force and effect whatsoever.
10. Prior to, or simultaneously with, the installation of the qualified satellite receiver, the Owner of the Lot shall execute a copy of this policy and provide the signed copy of this policy and provide the signed copy to the Board of Directors.

The policy form hereto spoken of is attached on the next page. In item number 10, the owner is required to submit a signed policy form. The signed copy should be maintained with the other approved architectural and landscape application for improvements.

**VISTA DE BERNARDO OWNERS ASSOCIATION**

**POLICY REGARDING SATELLITE DISH INSTALLATION AND MAINTENANCE**

1. Satellite dishes of one (1) meter or less in diameter, and other communication-receiving antennae or devices covered by the Federal Telecommunication Act of 1996 (the "Act") (collectively referred to in this policy as "qualified satellite receiver"), may be installed on the Owner's Lot as provided in this policy. Satellite dishes larger than one (1) meter in diameter, and any other antennae not covered by the Act are prohibited.
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4. An Owner may install a qualified satellite receiver on such location on the Owner's Lot as Owner shall determine is appropriate for the signal strength desired. If more than one location on the Lot will provide the requisite signal strength, Owner is requested to voluntarily place his or her qualified satellite receiver in such location as will minimize the visual effect of the equipment on the Common Areas and other residents.
5. Owners shall keep the qualified satellite receiver in good repair and maintenance and not permit the same to become unsightly, in accordance with the maintenance requirement of the Association's governing documents.
6. Qualified satellite receivers may not be installed on any part of the association common areas.
7. Owner shall indemnify and hold harmless the Association, and its agents, directors, officers, and employees, from any and all loss, claim, damage, injury, judgement, or cost, including attorneys' fees and court costs, resulting from or arising out of Owner's installation, maintenance, or use of the qualified satellite receiver, to the extent that Owner's negligence in installation, maintenance, and/or use of the qualified satellite receiver caused or resulted in the loss, claim, damage, injury, judgement or cost, including attorneys' fees and court costs being indemnified.
8. Nothing in this policy is intended to unreasonably increase the Owner's cost of installing a satellite receiver, unreasonably delay the installation, or unreasonably decrease the reception of the signals received. Should any Owner believe that anything in this policy does unreasonably affect the cost, delay installation, or decreases signal strength, the Owner is encouraged to contact any member of the Board or Architectural Committee to discuss and resolve the matter.
9. Nothing in this policy is to be interpreted as being contravention of the Act regarding the installation, maintenance, and use of satellite dishes. Should any portion of this policy be interpreted as contravening the act, that section or sections shall be considered immediately modified to conform to the act. Should it be impossible to so modify the section or sections, that section or sections shall be deemed severable from the remainder of the policy, and shall be of no force and effect whatsoever.
10. Prior to, or simultaneously with, the installation of the qualified satellite receiver, the Owner of the Lot shall execute a copy of this policy and provide the signed copy of this policy and provide the signed copy to the Board of Directors.

This policy is adopted by the Board of Directors of the Vista de Bernardo Owners Association at its regular Neighborhood Board meeting held on 21 Sep 2000, in San Diego, California.

\_\_\_\_\_  
Secretary

The terms and conditions outlined in the above policy are hereby accepted.

\_\_\_\_\_  
Owner's Signature

\_\_\_\_\_  
Printed Name

\_\_\_\_\_  
Property Address

\_\_\_\_\_  
Lot #

## *Vista de Bernardo Architectural and Landscape Standard S-5*

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**Subject:** Application of Section 6.2 of the CC&Rs in relation to Views.

**Board Approval Date:** 21 Sep 00

**Intent:**

The standard set forth below is established to clarify view standards in relation to “interference, or potential for interference with the view from any Lot” as found in Section 6.2 of the *Vista de Bernardo Planned Development Declaration of Neighborhood Restrictions* dated 9-6-83. The standard establishes criteria upon which the Architectural Committee is to approve or disapprove architectural and landscape changes.

**Standard:**

According to Section 6.2 of the CC&Rs, trees, bushes, shrubs or plants which are not in excess of six feet in height or are unlikely to grow to a height in excess of six feet can be planted or placed anywhere upon a lot without architectural committee approval. Like any structure, plants of all kinds can interfere or have the potential to interfere with the view from any lot. Consequently, a zone of six feet high along the property lines is established as a threshold upon which view interference determination is based.

All structures less than six feet are below the threshold. Therefore, no structure less than six feet high can be denied based upon “interference, or potential interference with the view from any Lot”.

All structures greater than six feet or plants which are in excess of six feet in height or plants which are likely to grow to a height in excess of six feet are considered above the threshold and must be judged in accordance with “interference, or potential interference with the view from any Lot”.

In considering the potential interference of a view from a lot, the architectural committee should try to estimate interference as a percentage of the view area from that lot. The architectural committee can honor a neighbor’s request to disapprove an application of improvement when the estimated interference area is over 25% of the view area.

One approach to evaluate the percent interference is described here. A view area is defined as coplanar with the property line plane dividing the two lots. The view area is bounded on the bottom by the threshold height of six feet above the surface of the land at the property line. On the top, the view area is bounded twenty feet above the threshold height (26 feet above the ground). The view area is bounded on one side by the intersection of an adjacent property line plane. Lastly, the view area is bounded on the other side in such a way as to exclude the original house structures from the view area. This boundary can be established at the intersection of the view area with another vertical plane which intersects the corner of the original house on the lot where the proposed structure is to be placed with the corner of the original house on the lot from where the amount of view interference is being estimated. The interference area is the area of existing interference plus the area the proposed structure or plant will occupy. The interference percentage is the interference area divided by the view area.

The architectural committee can use other rational approaches for evaluating the percent interference when considering applications for improvement.

## ***Vista de Bernardo Architectural and Landscape Standard S-6***

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**Subject:** Mailboxes, Posts and Numbers

**Adopted Board Approval Date:** 27 Jan 2021

**Original Board Approval Date:** 21 Aug 00

**Intent:**

This amendment maintains the original Intent. The following standard is established to maintain Mailboxes, Posts and Numbers in "harmony of external design with existing structures" as found in Section 6.2 of the Vista de Bernardo Planned Development Declaration of Neighborhood Restrictions dated 9-6-83. This standard establishes criteria upon which the Architectural Committee is to approve or disapprove changes and to evaluate proper maintenance.

**Standard:**

Mailboxes will be black. Mailbox flags will be red. Mailboxes need to be in the approved style as shown below. Numbers need to be in the approved style as shown below. Mailbox posts will be maintained in good repair and match the original design. Mailbox posts will be maintained with a dark brown color (Sherwin-Williams: Color #7520 Plantation Shutters) and address numbers mounted on the posts will be as shown below.

**Mailbox:** This can be purchased at Home Depot. It is a Gibraltar, Mailsafe Large Size Black Lockable Post Mount Mailbox. The Model # is RSKB0000 and the Store SKU# is 201695. See picture below.





**Numbers:** The Numbers can be purchased at Home Depot. They are Everbilt, 4 in. Nail-On Plastic Reflective. They are a Silver Finish. They can also be purchased at Lowe's. They are Hillman, 4 in. Reflective Silver. The nails are included. See picture below.



**Mailbox, Post and Numbers:** Below is a picture of the completed installation of the Mailbox, Post and Numbers.



## ***Vista de Bernardo Architectural and Landscape Standards S-9***

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**Subject:** Application of Section 6.2 of the CC&Rs in relation to House Colors.

**Adopted Board Approval Date:** 27 January 2021

**Original Board Approval Date:** 7 Dec 00

**Intent:**

This amendment maintains the original intent. The standard set forth below is established to modernize house colors and clarify standards in relation to "harmony of external design with existing structures" as found in Section 6.2 of the *Vista de Bernardo Planned Development Declaration of Neighborhood Restrictions* dated 9-6-83. The standard establishes criteria upon which the Architectural Committee is to approve or disapprove house color change requests. The house colors established are consistent with existing approved structures in Vista de Bernardo and consistent with other neighborhoods in the Community of Bernardo Heights.

The October 15, 2020 amendment removes the color schemes, 1-A, 1-B, 1-C, 1-D, 2-B, 2-C, 2-D, 2-E, 2-F, 3-B, 3-C, 3-D, 3-E, 4-B, 4-C, 4-D, 5-B, 5-C, and 5-E. It removes all of the Frazee Paint Colors and replaces them with the Sherwin Williams Paint Colors. This is due to Frazee no longer supporting these colors.

**Standard:**

House color changes will be approved if they are consistent with one of the twenty color schemes listed in the table below. The colors are provided by Sherwin-Williams Paint Exterior Colors.

Stucco (walls)

Trim (wood trim around doors, windows, and original-style garage doors)

Fascia, Eaves, and Timbers (extrudes from stucco of house) and Wood Fence

<b>Color Scheme</b>	<b>Stucco</b>	<b>Trim/Fascia/Eaves/Timbers/ Wood Fence</b>
1-A	#7571 Casa Blanca (Old Pampas White)	#7548 Portico (Old Baja Beige)
1-B	#7571 Casa Blanca (Old Pampas White)	#7520 Plantation Shutters (Old Padre Brown)
1-C	#7571 Casa Blanca (Old Pampas White)	#7571 Casa Blanca (Old Pampas White)
1-D	#7571 Casa Blanca (Old Pampas White)	#9102 Quinoa (Old Travatan)
2-B	#6378 Crisp Linen (Old Arizona White)	#7520 Plantation Shutters (Old Padre Brown)
2-C	#6378 Crisp Linen (Old Arizona White)	#6378 Crisp Linen (Old Arizona White)
2-D	#6378 Crisp Linen (Old Arizona White)	#9094 Playa Arenosa (Old Western Beige)
2-E	#6378 Crisp Linen (Old Arizona White)	#7548 Portico (Old Baja Beige)
2-F	#6378 Crisp Linen (Old Arizona White)	#9102 Quinoa (Old Travatan)
3-B	#6119 Antique White (Old Navajo White)	#7520 Plantation Shutters (Old Padre Brown)

3-C	#6119 Antique White (Old Navajo White)	#6119 Antique White (Old Navajo White)
3-D	#6119 Antique White (Old Navajo White)	#7548 Portico (Old Baja Beige)
3-E	#6119 Antique White (Old Navajo White)	#7013 Ivory Lace (Old White Shadow)
4-B	#9094 Playa Arenosa (Old Western Beige)	#7520 Plantation Shutters (Old Padre Brown)
4-C	#9094 Playa Arenosa (Old Western Beige)	#9094 Playa Arenosa (Old Western Beige)
4-D	#9094 Playa Arenosa (Old Western Beige)	#7013 Ivory Lace (Old White Shadow)
5-B	#7537 Irish Cream (Old Sonoma)	#7520 Plantation Shutters (Old Padre Brown)
5-C	#7537 Irish Cream (Old Sonoma)	#7537 Irish Cream (Old Sonoma)
5-E	#7537 Irish Cream (Old Sonoma)	#7013 Ivory Lace (Old White Shadow)
6-B	#7548 Portico (Old Baja Beige)	#7520 Plantation Shutters (Old Padre Brown)

See (Old - For Previous Old Frazee Colors)

### **Original-Style Garage Doors**

Original-style garage doors must be one solid color chosen from either color of the selected color scheme.

### **New-Style or Roll-up Garage Doors**

Color of new-style or roll-up garage doors will be one consistent color (white, creme, almond, or taupe). Windows of various designs on these new-style garage doors are allowed.

### **Notes:**

#6119 Antique White, matches the color of the almond metal roll-up garage door.

#7013 Ivory Lace (trim color) matches the white metal garage door.

## *Vista de Bernardo Architectural and Landscape Standards*

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### **STANDARDS IDENTIFICATION AND STATUS TABLE**

**Revision Date:** 8 Mar 05

<b>Standard Number</b>	<b>Subject</b>	<b>Approval Date</b>	<b>Status</b>
	Clean Slate Resolution	21 Sep 00	Current.
S-1	Residential Purposes, Application of Section 2.1 of CC&Rs	21 Sep 00	Obsolete. Moved to Regulation R-1.
S-2	Vista de Bernardo Architectural Committee and CABH Architectural and Landscape Guidelines	21 Sep 00	Obsolete. Moved to Regulation R-3.
S-3	Communication Devices, Application of Section 2.8 of CC&Rs	21 Sep 00	Current.
S-4	Application of Section 6.2 of the CC&Rs in relation to House Colors	21 Sep 00	Obsolete. 01 Feb 01. Replaced by S-7.
S-5	Application of Section 6.2 of the CC&Rs in relation to Views.	21 Sep 00	Current.
S-6	Mailboxes	21 Sep 00	Current.
S-7	Application of Section 6.2 of the CC&Rs in relation to House Colors.	07 Dec 01	Obsolete. Replaced by S-9.
S-8	Landscaping Clarification Section 6.2.	01 Aug 02	Obsolete. Replaced by S-10.
S-9	Application of Section 6.2 of the CC&Rs in relation to House Colors	11 June 03	Current.
S-10	Landscaping Clarification Section 2.15	11 June 03	Current.

## *Vista de Bernardo Architectural and Landscape Standards S-10*

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**Subject:** Landscaping Clarification Section 2.15

**Original Board Approval Date:** August 1, 2002

**Amended Board Approval Date:** June 11, 2003

**Intent:**

This amendment seeks to maintain the original intent of the 01 August 2002 standard, yet it corrects misquotations, incorrect references, and unclear terms.

The following landscape standard is intended to clarify Section 2.15 of the *Vista de Bernardo Planned Development Declaration of Neighborhood Restrictions* dated 9-6-83. The official language reads: "... each Owner of each lot shall maintain the landscaping upon said Owners' Lot in good condition and in conformance with standards established by the Community Architectural Committee, removing all weeds and watering lawns and shrubs as often as the same shall be necessary." The standard establishes criteria upon which the Neighborhood Architectural Committee measures "good condition" and requests homeowners' comply for neighborhood fire safety, security and visibility. Inability to follow the guidelines may result in a fine.

**Standard:**


- 1) All shrubs and groundcover must be healthy.
- 2) All dead landscaping must be removed.
- 3) Any infected trees must be treated or removed and can be replaced.
- 4) All landscaping must be cut back from the sidewalks so as to not impede pedestrian traffic.
- 5) Hedges on corner lots must be trimmed so they do not obstruct the view of vehicles to oncoming traffic.

The standards spoken of as established by the Community Architectural Committee are contained in the current amendment of the *Architectural Rules and Guidelines: The Community Association of Bernardo Heights*.

**Approval Signatures:**

  
**Dennis Bammann**  
President

  
**Liz Cherry**  
Secretary

  
**Darlene Dunn**  
Treasurer

CERTIFICATE OF SECRETARY  
of  
***Vista de Bernardo Owners Association***  
a California Nonprofit  
Mutual Benefit Corporation

I, the undersigned, do hereby certify the following:

- (1) I am the duly elected Secretary of the Vista de Bernardo Owners Association, a California nonprofit mutual benefit corporation;
- (2) the foregoing First Amended and Restated Bylaws of said Association received the required approval of the membership of the Association; and
- (3) the foregoing First Amended and Restated Bylaws are duly adopted as the Restated Bylaws of the Association effective as of the date set forth below.

Dated: 7 December 2000

  
Sherri Petro  
Secretary

Section 6.3.1 of the Bylaws is amended to read as follows:

6.3.1 The authorized number of directors of the Neighborhood Association shall be three, five, or seven based upon a willingness of the members to serve, until the number of directors is changed again by amendment to this paragraph of these Bylaws.

Section 8.1.6 of the Bylaws is amended to read as follows:

8.1.6 Meetings of the Neighborhood Architectural Control Committee shall be held, from time to time, at such times as deemed necessary by any two of the three members of the Neighborhood Architectural Control Committee in order for the Neighborhood Architectural Control Committee to properly perform its duties. All meeting of the Neighborhood Architectural Control Committee shall be held within the Project. Notice of all meetings of the Neighborhood Architectural Control Committee shall be given and posted in the same manner as required by these Bylaws for regular meetings of the Board of Directors. However, the Neighborhood Architectural Control Committee may meet without posted notice to approve an application of improvement in an emergency and pass it on to the Community Association with a request for immediate approval. Additionally, the provisions of these Bylaws pertaining to waivers of notice, written consents, quorum requirements, required vote, open meetings, executive sessions, and unanimous written consents as related to Board of Director's meetings shall also pertain to meetings of the Neighborhood Architectural Control Committee. The Neighborhood Architectural Control Committee shall keep and maintain a record of all actions taken by it at such meetings or otherwise.

Section 9.1.2 is added through amendment as a new section of the Bylaws to read as follows:

9.1.2 The Board of Directors of the Neighborhood Association shall maintain the book, *Vista de Bernardo Architectural and Landscape Standards*. This book will contain all regulations established from time to time (see 6.2.1.i) in regard to architectural and landscape standards. The Board of Directors will create new, obsolete old, or modify existing architectural and landscape standards only by amendment to this book. The Secretary of the Board or another assigned Board Member will be responsible for keeping the book current. Further, this book establishes the standards delegated by the Board of Directors to which the Neighborhood Architectural Control Committee (see 8.1.1), together with the standards established in the *Vista de Bernardo Planned Development Declaration of Neighborhood Restrictions*, will base approvals of architectural and landscape changes.

*Vista de Bernardo Architectural and Landscape Standards*

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***Vista de Bernardo Owners Association***  
P.O. BOX 27865  
San Diego California 92198-1865

21 Sep 00

**BACKGROUND**

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**CLEAN SLATE RESOLUTION**

The board of directors of Vista de Bernardo hereby creates a new book to compile architectural and landscape standards established from time to time by the board of directors. The book will be called the ***Vista de Bernardo Architectural and Landscape Standards***. The standards contained therein, together with the lot restrictions and the architectural control process contained in the Vista de Bernardo CC&Rs, are the basis given to the Architectural and Landscape Committee for approving or disapproving applications for architectural and landscape improvements. These documents together provide the standard for measuring compliance and non-compliance of architecture and landscaping within the lots.

**The standards contained in the book, *Vista de Bernardo Architectural and Landscape Standards*, supercede all rules, guidelines, or criteria established by previous boards of directors related to architectural and landscape concerns.** However, each previously established standard can be review again by the board and added by amendment to the *Vista de Bernardo Architectural and Landscape Standards*. Amendments to this book are considered an ordinary corporate act taken by the board of directors.

**All previous architectural and landscape approval and disapproval decisions remain in force.** Nevertheless, applications for improvements previously rejected may again be submitted for approval under the requirements of the Vista de Bernardo CC&Rs and the standards contained in the newly created *Vista de Bernardo Architectural and Landscape Standards*.

As appropriate, the standards contained within the *Vista de Bernardo Architectural and Landscape Standards* book will be communicated to the membership.

 <b>Dustin Dunn</b> President	 <b>Henry Chaboki</b> Vice-President	 <b>Richard Pogue</b> Secretary	 <b>Trudy Kelley</b> Treasurer
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## ***Vista de Bernardo Architectural and Landscape Standard S-3***

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**Subject:** Communication Devices, Application of Section 2.8 of CC&Rs

**Board Approval Date:** 21 Sep 00

**Intent:**

To avoid any potential conflict with regulations of the Federal Communication Commission (FCC) towards any homeowners, the Vista de Bernardo Home Owners Association will use the standard set forth below in relation to Section 2.8 of the *Vista de Bernardo Planned Development Declaration of Neighborhood Restrictions* dated 9-6-83.

**Standard:**

1. Satellite dishes of one (1) meter or less in diameter, and other communication-receiving antennae or devices covered by the Federal Telecommunication Act of 1996 (the "Act") (collectively referred to in this policy as "qualified satellite receiver"), may be installed on the Owner's Lot as provided in this policy. Satellite dishes larger than one (1) meter in diameter, and any other antennae not covered by the Act are prohibited.
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5. Owners shall keep the qualified satellite receiver in good repair and maintenance and not permit the same to become unsightly, in accordance with the maintenance requirement of the Association's governing documents.
6. Qualified satellite receivers may not be installed on any part of the association common areas.
7. Owner shall indemnify and hold harmless the Association, and its agents, directors, officers, and employees, from any and all loss, claim, damage, injury, judgement, or cost, including attorneys' fees and court costs, resulting from or arising out of Owner's installation, maintenance, or use of the qualified satellite receiver, to the extent that Owner's negligence in installation, maintenance, and/or use of the qualified satellite receiver caused or resulted in the loss, claim, damage, injury, judgement or cost, including attorneys' fees and court costs being indemnified.
8. Nothing in this policy is intended to unreasonably increase the Owner's cost of installing a satellite receiver, unreasonably delay the installation, or unreasonably decrease the reception of the signals received. Should any Owner believe that anything in this policy does unreasonably affect the cost, delay installation, or decreases signal strength, the Owner is encouraged to contact any member of the Board or Architectural Committee to discuss and resolve the matter.
9. Nothing in this policy is to be interpreted as being contravention of the Act regarding the installation, maintenance, and use of satellite dishes. Should any portion of this policy be interpreted as contravening the act, that section or sections shall be considered immediately modified to conform to the act. Should it be impossible to so modify the section or sections, that section or sections shall be deemed severable from the remainder of the policy, and shall be of no force and effect whatsoever.
10. Prior to, or simultaneously with, the installation of the qualified satellite receiver, the Owner of the Lot shall execute a copy of this policy and provide the signed copy of this policy and provide the signed copy to the Board of Directors.

The policy form hereto spoken of is attached on the next page. In item number 10, the owner is required to submit a signed policy form. The signed copy should be maintained with the other approved architectural and landscape application for improvements.

## ***VISTA DE BERNARDO OWNERS ASSOCIATION***

### **POLICY REGARDING SATELLITE DISH INSTALLATION AND MAINTENANCE**

1. Satellite dishes of one (1) meter or less in diameter, and other communication-receiving antennae or devices covered by the Federal Telecommunication Act of 1996 (the "Act") (collectively referred to in this policy as "qualified satellite receiver"), may be installed on the Owner's Lot as provided in this policy. Satellite dishes larger than one (1) meter in diameter, and any other antennae not covered by the Act are prohibited.
2. Application to the Board of Directors or Architectural Committee shall not be required prior to installing a satellite receiver.
3. No fee payable to the Association shall be required prior to installation of a qualified satellite receiver.
4. An Owner may install a qualified satellite receiver on such location on the Owner's Lot as Owner shall determine is appropriate for the signal strength desired. If more than one location on the Lot will provide the requisite signal strength, Owner is requested to voluntarily place his or her qualified satellite receiver in such location as will minimize the visual effect of the equipment on the Common Areas and other residents.
5. Owners shall keep the qualified satellite receiver in good repair and maintenance and not permit the same to become unsightly, in accordance with the maintenance requirement of the Association's governing documents.
6. Qualified satellite receivers may not be installed on any part of the association common areas.
7. Owner shall indemnify and hold harmless the Association, and its agents, directors, officers, and employees, from any and all loss, claim, damage, injury, judgement, or cost, including attorneys' fees and court costs, resulting from or arising out of Owner's installation, maintenance, or use of the qualified satellite receiver, to the extent that Owner's negligence in installation, maintenance, and/or use of the qualified satellite receiver caused or resulted in the loss, claim, damage, injury, judgement or cost, including attorneys' fees and court costs being indemnified.
8. Nothing in this policy is intended to unreasonably increase the Owner's cost of installing a satellite receiver, unreasonably delay the installation, or unreasonably decrease the reception of the signals received. Should any Owner believe that anything in this policy does unreasonably affect the cost, delay installation, or decreases signal strength, the Owner is encouraged to contact any member of the Board or Architectural Committee to discuss and resolve the matter.
9. Nothing in this policy is to be interpreted as being contravention of the Act regarding the installation, maintenance, and use of satellite dishes. Should any portion of this policy be interpreted as contravening the act, that section or sections shall be considered immediately modified to conform to the act. Should it be impossible to so modify the section or sections, that section or sections shall be deemed severable from the remainder of the policy, and shall be of no force and effect whatsoever.
10. Prior to, or simultaneously with, the installation of the qualified satellite receiver, the Owner of the Lot shall execute a copy of this policy and provide the signed copy of this policy and provide the signed copy to the Board of Directors.

This policy is adopted by the Board of Directors of the Vista de Bernardo Owners Association at its regular Neighborhood Board meeting held on 21 Sep 2000, in San Diego, California.

\_\_\_\_\_  
Secretary

The terms and conditions outlined in the above policy are hereby accepted.

\_\_\_\_\_  
Owner's Signature

\_\_\_\_\_  
Printed Name

\_\_\_\_\_  
Property Address

\_\_\_\_\_  
Lot #

## *Vista de Bernardo Architectural and Landscape Standard S-5*

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**Subject:** Application of Section 6.2 of the CC&Rs in relation to Views.

**Board Approval Date:** 21 Sep 00

**Intent:**

The standard set forth below is established to clarify view standards in relation to “interference, or potential for interference with the view from any Lot” as found in Section 6.2 of the *Vista de Bernardo Planned Development Declaration of Neighborhood Restrictions* dated 9-6-83. The standard establishes criteria upon which the Architectural Committee is to approve or disapprove architectural and landscape changes.

**Standard:**

According to Section 6.2 of the CC&Rs, trees, bushes, shrubs or plants which are not in excess of six feet in height or are unlikely to grow to a height in excess of six feet can be planted or placed anywhere upon a lot without architectural committee approval. Like any structure, plants of all kinds can interfere or have the potential to interfere with the view from any lot. Consequently, a zone of six feet high along the property lines is established as a threshold upon which view interference determination is based.

All structures less than six feet are below the threshold. Therefore, no structure less than six feet high can be denied based upon “interference, or potential interference with the view from any Lot”.

All structures greater than six feet or plants which are in excess of six feet in height or plants which are likely to grow to a height in excess of six feet are considered above the threshold and must be judged in accordance with “interference, or potential interference with the view from any Lot”.

In considering the potential interference of a view from a lot, the architectural committee should try to estimate interference as a percentage of the view area from that lot. The architectural committee can honor a neighbor’s request to disapprove an application of improvement when the estimated interference area is over 25% of the view area.

One approach to evaluate the percent interference is described here. A view area is defined as coplanar with the property line plane dividing the two lots. The view area is bounded on the bottom by the threshold height of six feet above the surface of the land at the property line. On the top, the view area is bounded twenty feet above the threshold height (26 feet above the ground). The view area is bounded on one side by the intersection of an adjacent property line plane. Lastly, the view area is bounded on the other side in such a way as to exclude the original house structures from the view area. This boundary can be established at the intersection of the view area with another vertical plane which intersects the corner of the original house on the lot where the proposed structure is to be placed with the corner of the original house on the lot from where the amount of view interference is being estimated. The interference area is the area of existing interference plus the area the proposed structure or plant will occupy. The interference percentage is the interference area divided by the view area.

The architectural committee can use other rational approaches for evaluating the percent interference when considering applications for improvement.

## ***Vista de Bernardo Architectural and Landscape Standards S-10***

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**Subject:** Landscaping Clarification Section 2.15

**Original Board Approval Date:** August 1, 2002

**Amended Board Approval Date:** June 11, 2003

**Intent:**

This amendment seeks to maintain the original intent of the 01 August 2002 standard, yet it corrects misquotations, incorrect references, and unclear terms.

The following landscape standard is intended to clarify Section 2.15 of the *Vista de Bernardo Planned Development Declaration of Neighborhood Restrictions* dated 9-6-83. The official language reads: "... each Owner of each lot shall maintain the landscaping upon said Owners' Lot in good condition and in conformance with standards established by the Community Architectural Committee, removing all weeds and watering lawns and shrubs as often as the same shall be necessary." The standard establishes criteria upon which the Neighborhood Architectural Committee measures "good condition" and requests homeowners' comply for neighborhood fire safety, security and visibility. Inability to follow the guidelines may result in a fine.

**Standard:**

- 1) All shrubs and groundcover must be healthy.
- 2) All dead landscaping must be removed.
- 3) Any infected trees must be treated or removed and can be replaced.
- 4) All landscaping must be cut back from the sidewalks so as to not impede pedestrian traffic.
- 5) Hedges on corner lots must be trimmed so they do not obstruct the view of vehicles to oncoming traffic.

The standards spoken of as established by the Community Architectural Committee are contained in the current amendment of the *Architectural Rules and Guidelines: The Community Association of Bernardo Heights*.

**Approval Signatures:**

  
**Dennis Bammann**  
President

  
**Liz Cherry**  
Secretary

  
**Darlene Dunn**  
Treasurer