

HORIZONS-MARINA DISTRICT

Architectural Guidelines for Residential Owners

INTRODUCTION

As set forth in the Governing Documents, the Architectural Committee is vested with the power to review, approve, or disapprove all improvements to Residential Condominiums for Horizons - Marina District. Such improvements include, without limitation, additions, modifications and alterations to Units, signs, screens, awnings and patio covers, window treatments, air conditioning units, and any other modifications to the exterior of a Unit or other improvements or alterations to your home or property.

The Association formation documents including the Declaration of Covenants, Conditions & Restrictions ("CC&Rs") of Horizons - Marina District Homeowners Association, the By-Laws of Horizons - Marina District Homeowners Association ("By-Laws") and Articles of Incorporation ("Articles") of Horizons - Marina District Homeowners Association ("Association") establish and define certain guidelines not covered in this document and vice versa. These documents should be considered together by the owners and occupants and tenants of Horizons - Marina District. The Board of Directors may review the Architectural Guidelines contained within this Project Handbook from time to time and make appropriate revisions.

The Architectural Committee does not seek to restrict individual creativity or personal preference, but rather to help assure continuity in design which will help preserve and improve the appearance of the Project and enhance the property values of all Owners in the Project.

The Architectural Committee shall consist of three (3) members plus one (1) alternate. The members of the Architectural Committee shall receive no compensation for services rendered, other than reimbursement by the Association for expenses incurred by them in the performance of their duties hereunder, unless the Association retains a professional architect, engineer or designer as a member of the Architectural Committee for the purpose of providing professional services, in which event reasonable compensation for such member shall be approved by the Board. The Architectural Committee shall have the right to hire any engineer or other consultant, the opinion of which the Architectural Committee deems necessary in connection with its review of any plans submitted by any Owner and such Owner shall be liable for payment of such engineer's and/or consultant's fee.

Prior to the commencement of any addition, alteration or construction work of any type on any Residential Unit in Horizons - Marina District, a homeowner must first make application to the Architectural Committee for approval of such work. Failure to obtain approval of the Architectural Committee may constitute a violation of the Governing Documents affecting the homeowner's unit and may require modification or removal of unauthorized works of improvement at the homeowner's expense. In addition, a building or other permit may be required by the County or City Building Department, or other governmental agencies prior to the commencement of any work. Neither the Architectural Committee, nor the Association assumes any responsibility for failure to obtain such permits. Also, obtaining such permits does not waive the obligation to obtain Architectural Committee approval. Homeowners must also be familiar with specific easements that may apply to the homeowner's Property and restrict placement of improvements.

Neither the Board, Architectural Committee nor any member thereof shall be liable to the Association or to any Owner for any damage, loss, or prejudice suffered or claimed on account or (a) the approval or disapproval of any plans, drawings, and specifications, whether or not defective; (b) the construction or performance of any work, whether or not pursuant to approved plans, drawings, and specifications; (c) the Project or any property within the Project; or (d) the execution and filing of an estoppel certificate pursuant to Section 9.19 the CC&Rs, whether or not the facts therein are correct-provided, however,

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that such Architectural Committee member has acted in good faith on the basis of such information as may be possessed by him or her. Without in any way limiting the generality of the foregoing, the Architectural Committee, or any member thereof, may, but is not required to, consult with or hear the views of the Association or any Owner with respect to any plans, drawings, specifications or any other proposal submitted to the Architectural Committee.

Building plans cannot be removed from the building management office but may be reviewed. Copies may be available from the Association. Homeowners may contact the property management office or the BOSA office to request access to the plans.

SUBMISSION PROCEDURE AND REQUIREMENTS

- 1) **Requests:** All requests ("Requests") for Architectural Committee approval as set forth in the Architectural Change Request Packet.
- 2) **Construction Drawings:** Plans and Specifications for works of improvement must be prepared in accordance with the applicable building codes, and with sufficient clarity and completeness to enable the Committee to make an informed decision on your request. For requests related to flooring changes, submit an annotated architectural drawing as set forth in the Architectural Change Request Packet. For requests related to mechanical and plumbing changes, submit plans and an annotated architectural drawing as set forth in the Architectural Change Request Packet. In addition to a hard copy of the plans, an electronic copy must also be submitted.
- 3) **Information related to any plan to temporarily disconnect the unit's fire monitoring system** (shut-off of sprinkler system is included): The Owner must post a 24-hour/day-fire watch during any disconnection. This must be a security employee of the building, and the Owner must pay all expenses (including overtime) when using the employee.
- 4) **Submission of Requests to the Property Management Company:** One (1) copy of the Request, proposed plans (hard copy and electronic copy), specifications and all Exhibits must be mailed to the Horizons - Marina District Architectural Committee, c/o Action Property Management, 555 Front Street, San Diego, CA 92101.
- 5) **Submission of Plans to the Architectural Committee:** In addition, one (1) complete copy of the application. A hard copy of the plans and specifications must be submitted to Management which will be forwarded to the Architectural Committee.
- 6) **Fees:** The Architectural Committee may also require an Owner to pay any additional fees, costs or expenses associated with the review and approval of the Owner's Plans and Specifications by an outside consultant or any costs associated with the review of the Plans and Specifications by any architect on the Architectural Committee.
- 7) **Working Hours:** Working hours are limited to Monday through Friday, 8:00am to 5:00pm, excluding holidays as set forth in the CC&Rs.
- 8) **Architectural Committee Communications:** Committee requests for additional information and Committee decisions will be made in writing.
- 9) **Construction Inspection:** If requested, the homeowner will indicate when a Committee representative can visit the work site to review materials and procedures with the contractor.
- 10) **Project Completion:** The homeowner will provide the Committee in writing acknowledgement of project completion.

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FAILURE TO COMPLY WITH REQUIRED PROCEDURES

Failure to comply with the requirements and procedures set forth herein shall cause your request to be delayed pending submission of other information and documentation to the Architectural Committee. An incomplete application will not be reviewed and will be subject to resubmission.

FINAL APPROVAL BY ARCHITECTURAL COMMITTEE

Decisions of the Architectural Committee and the reasons therefore shall be transmitted by the Architectural Committee to the Applicant at the address set forth in the application for approval within 30 days of receipt by the Architectural Committee of all forms and/or materials required by the Architectural Committee.

APPEAL

If the Architectural Committee disapproves any Plans and Specifications submitted by an Owner pursuant to this Article, the party or parties making such submission may appeal in writing to the Board of Directors- Horizons Marina District. The Board must receive the written request not more than thirty (30) days following the final decision of the Architectural Committee. Within thirty (30) days following receipt of the written request for appeal, the Board shall render its written decision. The failure of the Board to render a decision within the thirty (30) day period shall be deemed a decision against the applicant. The decision of the Board shall be binding and final.

ENFORCEMENT

Failure to obtain the necessary approval from the Architectural Committee, or failure to complete the improvements in conformity with the plans and specifications approved by the Architectural Committee, may constitute a violation of the Governing Documents and may require modifications or removal of any work of improvement at the homeowner's expense.

DILIGENCE IN CONSTRUCTION

Upon final approval of any Plans and Specifications, the Owners shall promptly commence construction and diligently pursue the same to completion.

INSPECTION OF WORK

The homeowner must coordinate a time for a member of the Architectural Committee or its duly authorized representative to enter into the Unit for which the Request was submitted from time to time prior to, during and after certain points of construction or the installation of any Improvements have been completed as determined by The Architectural Committee for the purpose of inspecting such construction and/or installation.

If the Architectural Committee determines that such construction and/or installation is not being done in substantial compliance with the approved Plans and Specifications, it shall notify the owner of the subject

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Unit of such non-compliance. The Architectural Committee may not enter into a Unit without obtaining the prior permission of the Owner or occupant of such Unit; provided, however, that such permission shall not be unreasonably withheld and shall be given for entry by the Architectural Committee within forty-eight (48) hours of the request for entry.

Upon the completion of any construction or reconstruction or the alteration or refinishing of any Improvements, or upon the completion of any other work for which approved Plans and Specifications are required under this Article, the Owner shall give written notice of completion thereof to the Architectural Committee.

Within thirty (30) days thereafter the Architectural Committee, or its duly authorized representative, shall have the right to enter into Unit to inspect such Improvement to determine whether it was constructed, reconstructed, altered or refinished to substantial compliance with the approved Plans and Specifications. If the Architectural Committee finds that such construction, reconstruction, alteration or refinishing was not done in substantial compliance with the approved Plans and Specifications, it shall notify the Owner in writing of such non-compliance within such thirty (30) day period, specifying particulars of non-compliance, and shall require the Owner to remedy such non-compliance.

If, upon the expiration of thirty (30) days from the date of such notification, the Owner shall have failed to remedy such non-compliance, the Architectural Committee shall notify the Board in writing of such failure. After affording such Owner Notice and Hearing, the Board shall determine whether there is a non-compliance, and if so, the nature thereof and the estimated cost of correcting or removing the same. If non-compliance exists, the Board shall require the Owner to remedy or remove the same within a period of thirty (30) days from the date of the Board ruling. If the Owner does not comply with the Board ruling within such period or within any extension of such period as the Board, in its discretion, may grant, the Board, at its option, may either remove the non-complying Improvement or remedy the non-compliance and the Owner shall reimburse the Association for all expenses incurred in connection therewith upon demand. If such expenses are not promptly repaid by the Owner to the Association, the Board shall levy an Enforcement Assessment against such Owner for reimbursement.

If for any reason the Architectural Committee fails to notify the Owner of any non-compliance within sixty (60) days after receipt of said notice of completion from the Owner, the Improvement shall be deemed to be in accordance with said approved Plans and Specifications.

ESTOPPEL CERTIFICATE

If, within thirty (30) days after the completion of the Request, a written request has been delivered to the Architectural Committee by an Owner requesting an estoppel certificate, and upon payment to the Association of a reasonable fee (as fixed from time to time by the Association), the Architectural Committee shall record an estoppel certificate, executed by any two (2) of its members, certifying (with respect to any Unit of said Owner) that as of the date thereof, either: (a) all improvements made and other work completed by said Owner comply with this Declaration, or (b) such improvements or work do not so comply, in which event the certificate shall also identify the non-complying Improvements or work and set forth with particularity the basis of such non-compliance. Any purchaser from the Owner, or from anyone deriving any interest in said Unit through him, shall be entitled to rely on said certificate with respect to the matters therein set forth, such matters being conclusive as between the Association, Declarant and all Owners and such persons deriving any interest through them.

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VARIANCE

The Architectural Committee may authorize variances from compliance with any of the architectural provisions of this Declaration. Such variances must be evidenced in writing, must be signed by at least two (2) members of the Architectural Committee. If such variances are granted, no violation of the CC&R's shall be deemed to have occurred with respect to the matter for which the variance was granted. The granting of such a variance shall not operate to waive any of the terms and provisions of this Declaration for any purpose except as to the particular Unit and the particular provision hereof covered by the variance, nor shall it affect in anyway the Owner's obligation to comply with all governmental laws and regulations affecting its use of the Unit, including, but not limited to, zoning ordinances or other requirements imposed by the City or any other governmental authority.

COMBINING UNITS/STRUCTURAL ALTERATIONS

The Declarant and Association shall have the right to grant to an Owner who acquires fee title to two (2) or more adjacent Residential Units, an Exclusive Use Easement on and through any demising wall(s) or floors separating two (2) or more Residential Units and the right to alter, modify or remove such demising walls or floors subject to the consent of the Declarant and conformance with the requirements of the Architectural Committee, pursuant to the provisions of the Section of Article 9 entitled "Scope of Architectural Review".

FIRE MONITORING SYSTEM/SPRINKLER SYSTEM

If the unit's fire monitoring system is disconnected for any reason (shut-off of sprinkler system is included) the homeowner must post a 24-hour/day-fire watch. This must be a security employee of the building, and the homeowner must pay expenses (including overtime) when using the employee. Contact building management for current rates.

INSIDE AND OUTSIDE INSTALLATIONS

1. No balcony, patio or deck covers, wiring, or installation of air conditioning, water softeners, or other machines shall be installed on the exterior of the Condominiums or within any other portion of the Condominium or be allowed to protrude through the walls or roofs of the buildings (with the exception of those items installed during the original construction of the Project), unless the prior written approvals have been obtained.
2. All authorized improvements installed or constructed by an Owner within the Project must be completed in accordance with applicable laws, including, but not limited to, the laws, building codes, regulations and ordinances of the City of San Diego.
3. Except as permitted in the CC&Rs, no structural alterations to the interior of any unit, or Common Area surrounding any Unit, shall be made. No plumbing, electrical or other work which would result in the penetration of the unfinished surfaces of the ceilings, walls or floors shall be performed by any Owner without the prior written consent of the Architectural Committee. Solvent drain lines may not be modified or relocated under any circumstances except for required repairs.

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INTERIOR DECORATING

Each Owner shall have the right, at his or her sole cost and expense, to maintain, repair, paint, paper, panel, plant, tile and finish the interior of the ceilings, floors, window frames, trim and perimeter walls of the Unit, and the surfaces of the bearing walls and partitions located within the Unit subject to the Owner complying with any restrictions or limitations set forth in the Architectural Guidelines. If such work will result in a penetration of the unfinished surfaces of the ceilings, walls or floors, the consent of the Architectural Committee is required.

USE OF EXCLUSIVE USE AREAS

1. Improvements including, without limitation, plants, fountains and other landscaping features within the Exclusive Use Patio Area, Exclusive Use Balcony Area and/or Exclusive Use Deck Areas shall be subject to the Project Handbook and the Architectural Guidelines and any Improvements within such areas shall require the approval of the Architectural Committee.
2. Unless installed by Declarant, no vegetation shall be permitted to extend beyond the railings, fences, walls and/or other boundaries of the Exclusive Use Balcony Area, Exclusive Use Patio Area or Exclusive Use Deck Area, except as approved by the Architectural Committee.
3. No Owner shall change or alter the surface of any Exclusive Use Patio Area, Exclusive Use Deck Area or Exclusive Use Balcony Area without the consent of the Architectural Committee.

WINDOW COVERINGS

1. To enhance the appearance of the building, curtains, drapes, shutters, blinds, and other window materials subject to view from the exterior shall be restricted as to the color of the side exposed to the exterior. Only window coverings and materials, which have a white, off-white or beige color and tone are allowed and approved.
2. Aluminum foils or other reflective materials, bed sheets, papers, and the like may not be applied to windows, at any time.
3. No exterior screens are permitted except for sliding glass doors with approved screen doors subject to the approval of the Architectural Committee.
4. The unit owner is responsible for the care and maintenance of these window coverings. Drapes, curtains, shutters, blinds and other window materials must be kept in good condition. The Association can compel the unit owner to replace shabby and torn materials exposed to the exterior.

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SIGNAGE – RESIDENTIAL

No signs or other advertising device whatsoever, including without limitation, commercial, political and similar signs, shall be erected or maintained within the Horizons-Marina District except:

1. Such signs as may be required by legal proceedings
2. Residential identification signs, subject to the approval of the Architectural Committee as to suitability
3. Job identification signs during the time of construction of any portion of the Project by Declarant
4. Signs used by Declarant for the purpose of developing, improving and selling Condominiums.

EXTERIOR LIGHTING

Any exterior electrical, gas or other artificial lighting installed on any Unit shall be positioned, screened, or otherwise directed or situated and or such controlled focus and intensity so as not to unreasonably disturb the residents of any other Unit(s). Further rules regarding exterior lighting may be promulgated by the Board or, if appointed, Architectural Committee.

SOLAR ENERGY SYSTEMS

Any Owner proposing to install or use a solar energy system, as defined in California. Civil Code Section 801.5, shall be subject to the same review and approval process as any owner proposing to construct any Improvements or other actions requiring the approval of the Architectural Committee pursuant to this Declaration. However, only reasonable restrictions on the installation and use of a solar energy system shall be permitted. Reasonable restrictions on a solar energy system are those restrictions which do not significantly increase the cost of the system or significantly affect sufficiency or specified performance, or which allow for an alternative system of comparable costs, efficiency, and energy conservation benefits.

DRAINAGE

1. There shall be no interference with the established drainage pattern over the Property, unless an adequate alternative provision is made for proper drainage with the prior written approval of the Architectural Committee. For the purpose hereof, "established" drainage in any Phase is defined as the drainage which exists at the time of the first close of escrow for the sale of a Condominium in such Phase, or that which is shown on any plans approved by the Architectural Committee.
2. Except for the periodic cleaning of the drains by the Association each Owner shall have the duty and obligation to maintain the drainage situated within any Exclusive Use Patio Area, Exclusive Use Balcony Area and/or Exclusive Use Deck Area free of debris and any other material which may impede the flow of water. If such Owner fails to maintain such drainage and, as a result, imminent danger to person or property may result to the other Owners, then the Association shall have the right of access onto such area for the purpose of clearing debris and other material so as to not impede the flow of water.

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ANTENNAE AND SATELLITE DISHES

No television or radio poles, antennae, satellite dishes, or technological evolutions of the foregoing, or other external fixtures shall be installed without the prior written approval of the Board of Directors or duly appointed Architectural Committee. The application process is as follows:

1. The Owner must submit an application and notice to the Architectural Committee prior to the installation of the Antenna.
2. The Owner must obtain approval of the Architectural Committee for the installation of the Antenna. The application for approval of an Antenna shall be processed by the Architectural Committee in the same manner as any other architectural modification within the Project, subject to the requirements of California Civil Code section 1376 U.S.C. Section 207 or any successor statutes or law.
3. No wiring insulation, air-conditioning, or other machinery or equipment other than that originally installed by Declarant or approved by the Architectural Committee, and their replacements shall be constructed, erected or maintained on or within the Common Area and the Association Property including any structures on it.

VIBRATIONS

No Owner shall attach to the walls or ceilings of any Residential Unit any fixtures or equipment which will cause vibrations or noise or unreasonable annoyance to the Owners of the other Residential Units or to the Common Area.

BALCONIES AND WINDOW LEDGES

1. Sunshades, awnings or screens may not be used on the residence exterior windows or over balconies of residence patios. Rugs, towels, mops or clothing shall not be draped over balcony. No permanent rug or carpeting is allowed to be placed on or attached to these balcony areas.
2. The care and maintenance of the balcony decking area and balcony railings is the responsibility of each individual owner. Care must be taken to prevent irrigation and cleaning water and detergents from running and drippings over the edges of the balcony area onto the balconies below. Potted plants must have appropriate catch basins underneath them.
3. The balconies and patios of the Units shall be used as an outdoor living area, containing patio furniture, potted plants and other similar outdoor furnishings, which comply with the standards governing the appearance of such items (including without limitations, size, materials, color and fabric). The balconies and patios shall not be used for storage of any type, including without limitation, boxes, tools, exercise and sports equipment, bicycles, cleaning utensils and supplies or other household items. The balconies and patios shall be maintained in clean, neat and sanitary conditions at all times and nothing shall be placed on the balconies so as to render them unsightly or offensive to the other Owners or to any other property in the vicinity of the Project or its occupants.
4. The pre-approved design standard for balcony surface coverings are tile and paving stones as installed by the Declarant. No modifications will be accepted by the Architectural Committee.

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DAMAGE OR DESTRUCTION TO A RESIDENTIAL UNIT

If there is damage to any Residential Unit, the Owner thereof shall, at their own cost and expense, perform interior repair and restoration which shall be completed as promptly as practical and in a lawful and workmanlike manner. To the extent required under Article 9 and the Architectural Guidelines, work must be performed in accordance with plans approved by the Architectural Committee.

CONTRACTOR/SUBCONTRACTOR GUIDELINES

1. Any damage caused by Contractor/Sub-contractors to common areas or adjacent units by an improvement is the resident's responsibility. Any damage must be reported immediately to the Association office along with a schedule of repairs. If the damage is not repaired in a timely manner the Association will make the repairs and charge the owner. The owner will be held liable for the actions of his/her contractors and/or workmen.
2. All floor areas are to be protected with carpet runners from the elevator to the unit. The protective coverings must be removed and the floor cleaned by 5:00 p.m. each day. If this is not done, the owner is subject to a \$100.00 fine per violation, plus the cost of cleaning.
3. All trash and debris must be carried off-site on a daily basis by contractors. The trash rooms on each floor may not be used for disposing of debris. There will be a \$100.00 fine per violation. There is a possibility that you can make arrangements for an extra trash bin. Please contact the Front Desk Administrator desk for further details.
4. Working hours are limited to Monday through Friday, 8:00 a.m. to 5:00 p.m. excluding holidays as set forth in the CC&Rs. There will be a \$100.00 fine if work continues past 5:00 p.m. or performed on a prohibited day of the week.
5. Contractors must park vehicles on the surrounding streets and may not in Visitor Parking. Please no double-parking or obstructing driveways or walkways.
6. Owners agree to hold the Association harmless against liability for: (a) injury to, death of, or damage to third persons to the extent caused by the owner, General Contractor, Designer or any of their agents or employees, and (b) mechanics liens on the common area arising out of or resulting from the work.
7. Workers are not allowed to bring pets or children onsite and will be denied entry if they have a pet with them. Workers are also prohibited from creating nuisance noise unrelated to the construction work. Workers are also prohibited from eating meals or taking breaks on the grounds in the common areas. There will be a \$100.00 fine per violation.
8. The owner may select a general contractor he or she chooses, or act as the general contractor and hire sub-contractors. All contractors, whether acting in the capacity of general or sub-contractor, must be licensed in the state of California and must have workers' compensation, general liability and property damage insurance. The Association must be named as an additional insured on a Certificate of Insurance. The Certificate of Insurance should be included with the Request for Architectural Approval.

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9. The Association has the right to stop any work that is in violation of these regulations, creating a fire or safety hazard, or interfering with the activities in common areas.
10. Contractors must use their own equipment. No equipment or tools that are the property of Horizons –Marina District are to be used at any time.
11. The front door of the unit must be kept closed during construction in order to contain dust, dirt, noise, paint fumes, etc. Failure to keep the door closed will result in a \$100.00 fine per occurrence. Arrangement with the Front Desk Administrator needs to be made in order to cover and protect smoke detectors located in common area corridors adjacent to the Unit.
12. All workmen must wear shoes, pants or shorts, and shirts in the building at all times.
13. All workmen must check-in with the Front Desk Administrator upon arriving.
14. Exclusive use of the elevator must be coordinated with the Front Desk Administrator.
15. No workman may use the power from the hallway or common areas.