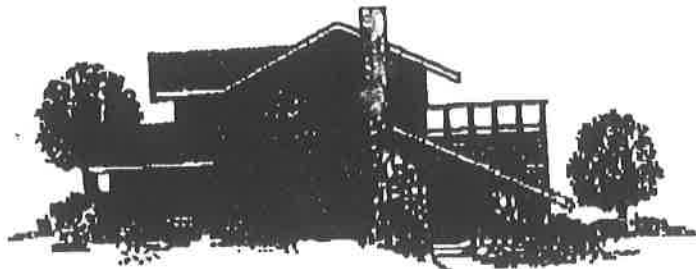


WESTWOOD CLUB  
7394 W. BERNARDO DRIVE  
SAN DIEGO CA 92127

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**Westwood and Westwood Valley**  
**DIGEST**  
**of**  
**RESIDENTIAL RESTRICTIONS FOR HOMES**



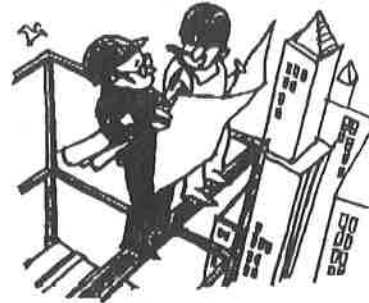
**CC&R's**

Prepared for the residents of Westwood and Westwood Valley by the Architectural Committee  
Revised 3-15-96

# RESTRICTIONS APPLICABLE TO SINGLE FAMILY HOMES

## 1. NEW CONSTRUCTION:

All building, construction, or exterior improvements must have complete plans and specifications approved in writing by the Architectural Committee, as well as City building permits in most cases (See Enforcement of Architectural Guidelines). For example: Solar heating systems, fences, roof rotary-type ventilators, basketball hoops, room additions, color changes, landscaping and swimming pools.



## 2. LANDSCAPING & DESIGN GUIDELINES:

a. Before architectural or landscaping plans are submitted for approval, it would be well to consider a design that would conform to general practices used throughout the ranch and something that will blend with existing neighborhood designs. Such consideration will facilitate approval of your request.

b. Each owner will, within six months after completion of any building, expend a sum of not less than 2% of the cost of the building and lot (exclusive of any cost of grading, walks, driveways, and construction features exterior to the building) to landscape the lot with ornamental plants, shrubs, trees, lawns, and flowers. Size, type and location of materials to be used shall be submitted to the Architectural Committee for approval prior to any construction and planting.

c. Each lot owner shall maintain, water, plant, and replant all slope banks and yard areas located on his/her lot so as to prevent erosion and to make an attractive appearance.

d. Each lot owner shall agree not to interfere with the established drainage pattern over the lot, and to permit free access by owners of adjoining lots to slopes or drainageways on the lot for the purpose of maintenance.

## 3. TREES BLOCKING VIEWS:

Trees shall be trimmed to a height (generally the house height) that will not interfere with the view of the surrounding properties. Where trees do not obstruct the view from other lots they shall not be required to be so trimmed. Planting at or below the crest of a slope shall not exceed in height a horizontal plane extending outward from, and 3 feet above, the housing pad...except that up to one-third of the width of view may be interfered with by shrubbery and trees; such interference will be considered to be appropriate view framing. View to the rear only is protected.

## 4. PARKING RESTRICTIONS:



No commercial truck, camper, trailer, boat of any kind, or other single or multi-purpose engine-powered vehicle other than a standard automobile or an approved golf cart shall be parked on any common area, lot or driveway, except temporarily and solely for the purpose of loading or unloading. However, utility vehicles, vans, and pickups are not restricted.

Digest of Residential Restrictions  
For Homes CC&R's

Revised  
3/15/94  
as noted

**11. PAINTING COLORS:**

New colors are being accepted as long as the change will be complimentary to the homes within the CC&R tract; no longer requiring "earth tones" only.

**12. SOLAR HEATING SYSTEMS:**

Roof top installations to be out of view as much as possible; all piping to be painted to match house and trim.

**13. FREE STANDING BASKETBALL STANDARDS:**

Free standing basketball standards or other poles in front yards are not approved as they are not considered neat and attractive landscaping; they also cause annoyance and nuisance to neighbors (balls in yards, backboard noise, yards trampled, etc.) The 500 homes in Westwood Valley may not have backboards anywhere on their property.



**14. PATIO COVERS:**

Patio covers should be constructed of wood with open wood slat roofing, stained or painted, to be compatible with house colors.

**15. SUNROOMS/ROOM ADDITIONS:**

These may be allowed if plans are approved by both the Architectural Committee and City Building Department.

**16. CCC (Cooperative Community Clean-up):**

New homeowners will be sent copies of "CCC" forms as escrows close to advise the new owner of the status of property.

**17. CLOTHES LINES AND TRASH CANS:**

Clothes drying facilities and all types of trash containers must be totally screened from view by fence, hedge, shrubbery or other appropriate measure. Trash cans must be removed from the street or sidewalk the same day as the "pick up" by the City of San Diego Solid Waste Management. San Diego City's trash cans used for "Automated Pick-Up" must also be screened from view during the week prior to pick-up day.

**18. SIGNS:**

The ONLY sign allowed is one (1) "For Sale" or "For Rent" sign, not to exceed dimensions 9"x12" in accordance with San Diego City Ordinances, and displayed on the exterior of the building or on the lot.

**19. BUSINESSES IN HOMES RESTRICTED:**

Businesses that require operations in view of the neighbors; require storage of equipment and supplies including, but not limited to, garage conversions; require clientele to visit premises; require deliveries and storage of supplies at residence; require parking of commercial vehicles used in the businesses; require operating machinery at the residence are generally prohibited. Businesses that are administrative in nature requiring only an office in the home and not requiring

## 5. NO TEMPORARY BUILDINGS:



No tent, shack, trailer, basement, garage or outbuilding will at any time be used on any lot as a residence either temporarily or permanently. No building or other structure shall be erected, maintained or altered upon any lot, or moved from any other place onto any lot, until the location and the complete plans and specifications have been approved by the Architectural Committee.

## 6. ANTENNAS:

Rancho Bernardo and Westwood are "underground" communities and radio & television antennas mounted outside the residence are prohibited as are video and television antennas larger than 36" in diameter (see separate guidelines for 36" diameter and under, Section 20 for Video & TV antennas)

## 7. GARAGES:

Garage doors should normally be kept closed. Garage conversions and storage are not approved. Garages should be used for parking vehicles. Driveways are to be kept clean, repaired, and re-sealed (if asphalt).

## 8. ANIMALS:

No farm or wild animals are to be kept on lots. This includes pigeons, rabbits, and horses. No commercial dog or cat raising, or any kind of commercial business shall be conducted on any lot.

## 9. NUISANCES:

No part of any lot shall be used for the purpose of vending liquors or beverages of any kind; and nothing shall be done upon any lot which may become an annoyance or nuisance to the neighborhood.

## 10. FENCE RESTRICTIONS:

The Architectural Committee enforces and/or requires any new fence construction to be painted or stained 2 coats as CC&R's state. The Committee generally asks that fences be painted/stained to coordinate with exterior colors of the residence. However, wood tone stains are also approved.

Vinyl coated chain link is approved on rear fencing, but not on fencing facing the street. The Committee acknowledges that all homeowners have a right to fence their property; however, where a fence at the top of a rear bank would hinder a view, we ask the homeowner to consider options that will not destroy the view such as vinyl coated chain link, lowering the fence height, moving the fence lower on the bank so as to prevent a "wall" destroying the view that the neighbors have enjoyed. (See Trees blocking views, above).

Owners of lots which are backed to, or lie along some major roads, such as West Bernardo Drive and Rancho Bernardo Road, are responsible for the maintenance and appearance of that portion of their properties and their fences which border the roadways.

The Committee enforces fence repair, painting, and replacement for all rear yard fences on West Bernardo Drive and Rancho Bernardo Road. Replacement extending to six (6) feet (wherein old fencing was 4 to 5 feet) is permitted as is an attractive block wall (slump stone or adobe) as replacement for the wood fences.



any of the above list of concerns are generally approved. The CC&R's specifically state that:

- a) Lots are to be used for residential purposes only.
- b) No machinery, appliance or structure shall be placed, operated, or maintained on any lot for use in conjunction with trading, manufacturing or repairing business.
- c) No kind of commercial business shall be conducted on any lot.
- d) Nothing shall be done on any lot which may become an annoyance or nuisance to neighborhood.

## 20. VIDEO AND TELEVISION ANTENNAS

The CC&R restrictions prohibiting outside antennas have been modified by the enactment of Section 1376 of the California Civil Code effective January 1, 1996. Section 1376 permits installation and use of a video or television antenna that has a diameter or diagonal measurement of 36 inches or less; and allows reasonable restrictions on the installation and use of these antennas.

The CC&R's restrictions prohibiting other exterior antennas (radio, television, and satellite dish antennas larger than 36 inches in diameter) are still in effect and are being enforced by the Architectural Committee.

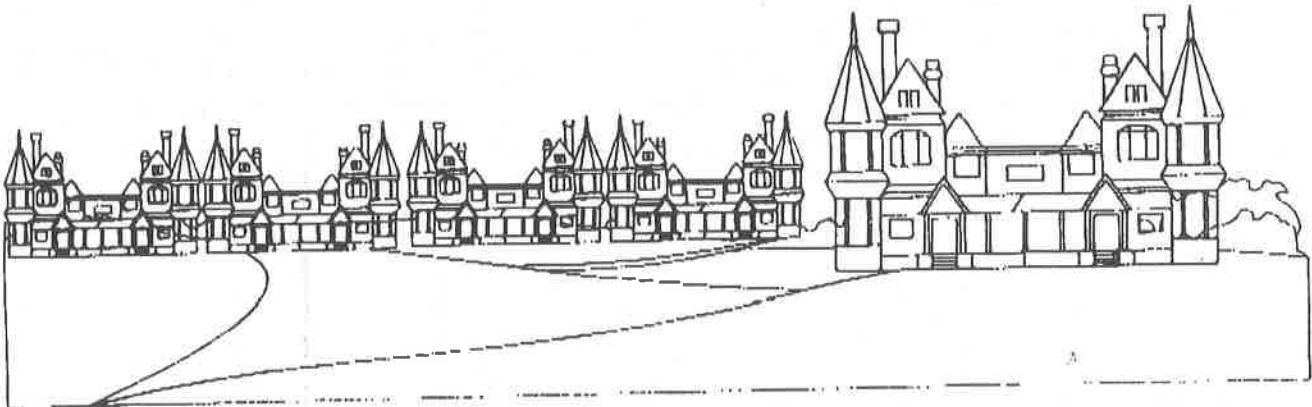
The Westwood Club Architectural Committee has adopted the following guidelines regarding the installation of video or television antennas that have a diameter or diagonal measurement of 36 inches or less as authorized by Section 1376 of the California Civil Code.

A. Reasonable restrictions on the installation of video or television antennas may be imposed that do not significantly increase the cost of the system (including the antenna and related equipment) or significantly decrease its efficiency or performance.

B. Prior to antenna installation the homeowner is required to submit an Architectural Approval Application with neighbors signatures. The application (the same as for any exterior improvements) must indicate the size of the antenna, the manufacturer, model #, other installation information and the proposed placement on the lot.

C. The application received by the Architectural Committee will be processed in the same manner as any other applications for exterior improvements as quickly as possible. The issuance of a decision will not be delayed.

D. The Architectural Committee, or a representative, will examine the proposed placement on the residence or lot and will work with the homeowner to authorize a placement that is not visible from any street or common area as stated in Section 1376 of the Civil Code. Appropriate screening from view may be required and ground mounting not roof top mounting is required.



## FORWARD

The Environment, the beautiful natural setting and the relaxed atmosphere of Rancho Bernardo's Westwood and Westwood Valley, can only be maintained by the efforts and concern of all of its residents. This community has a better than average chance to maintain this exceptional character as Rancho Bernardo has been developed within a concept whereunder the property is subjected to Covenants, Conditions, and Restrictions (commonly referred to as CC&R's) for the protection and benefit of all owners. It is the conformance to and enforcement of these CC&R's that will enable the residents to preserve the attractive appearance and protect and enhance property values.

This digest has been compiled to cover in a simple and practical manner the common subjects found in each of the nearly 27 separate CC&R documents for Westwood. Differences and specific details can be determined by examination of the complete document furnished to each homeowner. If it is lost or misplaced, a replacement copy may be obtained at the Westwood Club.

It is hoped this digest will enable residents to more clearly understand what is expected of them and their neighbors in this community under the CC&R's. Most homeowners want to conform and with more thorough knowledge will eliminate many violations. Each homeowner adversely affected by CC&R violations has the right to request compliance with the CC&R's.

We hope you will read this digest carefully and with neighborly consideration help to carry on the high standards of Westwood.

The Architectural Committee uses the attached information as guidelines only. The language contained in the guidelines may or may not agree with that specific language contained in your CC&R's. In the event that there is a dispute between the language of the guidelines and the specific language of the CC&R's which govern your property, the language contained within the specific set of CC&R's will take precedence over the guidelines.

Please be advised that pursuant to the CC&R's, it is the Architectural Committee that solely has the power to determine your compliance with the CC&R's and these guidelines.

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17394 WEST BERNARDO DR. • SAN DIEGO, CA 92127 • (619) 485-6300 • FAX (619) 485-6923

TO: All Westwood Club Members

Re: New Law Regarding Disputes Between Westwood Club and Westwood Club Members

Dear Westwood Club Members:

A new law (amending Section 1354, California Civil Code) has been enacted which requires certain types of disputes between homeowner associations and their members, or between members themselves, to be submitted to arbitration or mediation (collectively called "Alternative Dispute Resolution" or ADR). This new law went into effect January 1, 1994, and prohibits the filing of a lawsuit until AFTER certain conditions have been met. This new law will affect you if you have a dispute with the Westwood Club, Westwood Club Architectural Committee, or your neighbor.

The new law applies only to disputes regarding the Association's (Westwood Club's) "governing documents", which include the CC&Rs, Bylaws, Articles of Incorporation, and Rules and Regulations. Further, it applies only to two TYPES of cases.

The first type of case is "declaratory relief". In this type of case a party is asking the court to declare or interpret the parties' rights or obligations under one or more of the governing documents. For example, someone may want to ask the court who has the responsibility for interpreting Westwood's CC&Rs.

The second type of case is "injunctive relief". Here, a party is asking the court to order the other party to do something, or to stop doing something. Examples would be an order that a homeowner stop parking in violation of the CC&Rs or an order that the homeowner install landscaping or repaint a residence.

Either type of case may also include a claim for money damages as long as it does not exceed \$5,000. The new law does not apply to cases which seek only money damages, or to cases involving assessments (i.e. dues).

The Alternative Dispute Resolution procedure is commenced by serving upon the other party an offer to submit the dispute to arbitration or mediation. The offer is called a "Request for Resolution". The law requires that this document contain certain mandatory language.

The party receiving a Request for Resolution has thirty days to respond. If the party accepts it, the arbitration or mediation must be completed within ninety days. If the offer is refused, the other party may then file its lawsuit. Refusing arbitration or mediation does carry a risk. If the court awards attorneys' fees and costs, it may consider a party's refusal to participate in arbitration or mediation when considering the amount of the award. In other words, a party could be required to pay more attorneys' fees if they do not agree to arbitration or mediation.

The new law contains a number of other technical provisions and requirements, and it should be read in its entirety and discussed with your own legal counsel. It does, however, require us to quote the following language in this letter:

"Failure by any member of the association to comply with the pre-filing requirements of Section 1354 of the Civil Code may result in the loss of your rights to sue the association or another member of the association regarding enforcement of the governing documents."

Very Truly Yours,

Westwood Club