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HOMEOWNERS ASSOCIATION

RESOLUTION 22-07

Amendment to Member Handbook (Operating Rules) Section 9.0 Architectural and Environmental Control Committee (AECC)

WHEREAS, the Coronado Cays Homeowners Association wishes to amend the Governing Documents (Member Handbook – Rules) concerning the Architectural and Environmental Control Committee (AECC).

NOW, THEREFORE, BE IT RESOLVED that the following amendments are to be adopted on August 4, 2022 by the CCHOA Board of Directors, and

NOW, THEREFORE, BE IT FURTHER RESOLVED that the following rules amendments (specifications) are effective following adoption by the Board of Directors in Open session on August 4, 2022 and notification to members.

9.0 Architectural and Environmental Control Committee (AECC)

Approved by the Board of Directors this 4th day of August, 2022.


Becki Lock, Secretary

9.0 ARCHITECTURAL & ENVIRONMENTAL CONTROL COMMITTEE (AECC)

9.1 AECC Authority, Purpose and Responsibilities

9.1.1 Purpose - ~~The purpose of the Architectural and Environmental Control Committee (AECC) is to review and consider architectural applications and make recommendations to the Board that are consistent with the governing documents and application process. The purpose of design review and architectural control is to preserve the Coronado Cays Community in an attractive manner for the enjoyment of residents and for the protection of property values.~~

9.1.2 Responsibility - ~~The AECC shall review applications submitted and recommend for approval by the Board those applications that the AECC deems will not be detrimental to the appearance of the Village involved or the Coronado Cays as a whole. The Architectural and Environmental Control Committee (AECC) shall regulate the external design, appearance and location of the properties and improvements thereon in such a manner as to promote those qualities of the environment which bring value to the properties and that will foster attractiveness and functional utility in the community as a place to live and to advocate a harmonious relationship among structures, vegetation, and topography.~~

9.1.3 Authority - ~~The authority of the AECC is set forth in the governing documents, as may be amended from time to time. The basic authority for design review and architectural control is founded in the governing documents; it is set forth in the declaration of the Covenants, Conditions and Restrictions.~~

9.1.4 Role - The AECC is responsible to the Board of Directors for reviewing applications, and ~~design review~~, for recommending action by the Board on properly submitted applications and on violations of this Section 9.0 and any other architectural established policies that may be adopted from time to time.

9.2 AECC Member Qualification

9.2.1 Appointment and Terms of Members - The Board of Directors shall ~~have the right to~~ appoint all members of the AECC. Appointments will be for two years and will be made within a reasonable time after the annual meeting. Three members of the AECC shall be appointed in odd-numbered years and two members of the AECC shall be appointed in even-numbered years. The Board of Directors has the right to remove an AECC ~~committee~~ member at any time without cause. All members of the AECC must be resident homeowners of record.

9.2.2 AECC Chairperson - The AECC shall appoint a chairperson from among the members of the AECC Committee. The duties of the chairperson shall be to chair meetings of the AECC Committee. A liaison from the Board shall be present at AECC meetings, and will

represent the AECC Committee during Board meetings and at AECC meetings ~~appeals of the Committee's decisions to the Board.~~ The Board liaison may also be a member of the AECC.

9.2.3 ~~Alternate AECC Member—The Board may appoint two alternate members to the AECC. The alternate may attend all meetings of the Committee but may only vote when there is a regular member of the Committee absent.~~

9.3 Requirement for Prior Approval (Previously 9.4)

No building, fence, wall, residence, dock, structure or feature from a structure (whether of a temporary or permanent nature and whether or not such structure shall be affixed to the ground) shall be commenced, erected, improved or altered without a prior submittal of a complete description of the proposed work to the AECC and the written approval of the Board. Nor shall any grading, excavation, tree removal, planting, change of exterior color or other work which in any way alters the exterior appearance of any lot or improvement be done without a prior submittal of a complete description of the proposed work to the AECC and the written approval of the Board of Directors.

9.3.1 Procedures – The AECC Committee must respond to all applications within 60 days of receipt by the CCHOA office. Failure to respond to an application within 60 days of receipt by the CCHOA office will not result in the application being deemed approved. It is recommended that the applicant obtain confirmation of receipt by CCHOA office. A written response to the Board from the AECC will be either a recommendation for an approval, a conditional recommendation for approval, or denial, ~~or tabled for additional review.~~ Denied or ~~tabled applications~~ conditionally approved applications will be accompanied by an explanation. Owner may contact Code Enforcement via email only for the status of any pending application prior to Board consideration.

Following Board approval, an Owner shall promptly seek any necessary City permits and proceed with the work. If a permit has not been issued by the City, all approvals expire within one (1) year of Board approval or when property transfers ownership, whichever comes first. If no permit is required, all work shall be completed within six (6) months of Board approval unless extended in writing by the Board. The determination as to whether or not a permit is required rests solely with the applicant and not the Association.

9.3.2 Guidelines -- The AECC may, Committee shall, subject to the approval of the Board of Directors of the Association, develop and promulgate policy guidelines for the application of the design review provisions contained herein. The policy guidelines may shall include (a) review procedures, (b) aspects and objectives of review and (c) principles and criteria used as standards in determining the achievement of the required objectives. The policy guidelines may also include specific design practices that, though optional, are generally acceptable methods for achieving the required objectives in particular design problems frequently encountered in the properties. The policy guidelines would be are intended to

assist the AECC and the owners in the ongoing process of community design.

The guidelines they may be modified and supplemented from time to time, subject to the approval of the Board. **Should there be any change in law that impacts any of the provisions in this handbook the Board may unilaterally remove or amend said provision to comply with the law without member comment.**

9.3.3

Appeal – If new information is available, the applicant **may request** an appeal of an adverse **Board decision** ~~AECC recommendation~~ to the Association’s Board of Directors, which may or may not reverse or modify **a previous decision** ~~such recommendation~~.

~~The Board may also direct that the AECC reconsider an adverse recommendation if, in the opinion of the Board, the Committee did not have complete information.~~

~~The applicant is also entitled to request one reconsideration by the AECC if, in the applicant’s opinion, the Committee did not have complete information.~~

An appeal must be placed under new business agenda at the next regularly scheduled homeowners meeting.

9.4

AECC Design Approval Criteria (Previously 9.5)

Review and approval of an application pursuant to this section is made on the basis of aesthetic considerations only and, neither the AECC nor the Board shall bear any responsibility for ensuring the structural or architectural integrity or soundness of approved construction or modifications, nor for ensuring compliance with building codes and other governmental requirements. ~~The AECC approval criteria include compliance with the CCHOA Member Handbook and the City of Coronado Cays Specific Plan.~~ The AECC, in reviewing applications for design approval, considers the various aspects of design with special emphasis on the following objectives.

~~Landscape and Environment—To prevent the unnecessary destruction or blighting of the natural landscape or to the man-made environment.~~

~~Relationship of Structure and Open Spaces—To ascertain that the treatment of built-up and open spaces is designed so that they relate harmoniously to the terrain and to existing buildings that have a visual relationship to the proposed development.~~

~~Protection of Neighbors—To protect neighboring owners and users by making sure that reasonable provisions have been made for such matters as surface water drainage, sound and sight buffers, and preservation of views, light and air, and other aspects of design which may have substantial effects on neighboring property. Neighbors may be required to agree to an applicant’s changes, but the final recommendation remains the responsibility of the Committee.~~

~~Circulation—To determine that the application facilitates appropriate pedestrian access, servicing and parking for all users including, where applicable, the handicapped, the very young and the elderly.~~

9.4.1 Review Criteria – The AECC evaluates all submissions on the individual merits of the application. Besides evaluation of the particular design proposal, this includes consideration of the characteristics of the housing type and the individual site, since what may be an acceptable design of an exterior in one instance may not be for another. ~~For example, exterior changes to townhouses, due to their relative closeness to each other, usually are more noticeable and have more of an impact on adjoining properties than in the case for a detached house.~~ Design decisions made by the AECC in reviewing applications are not based on personal opinion or taste. Judgments of acceptable design are based on the following criteria:

~~**Relation to the Natural Environment** – Fencing in particular can have damaging effects on the feeling of open space. Other factors such as removal of trees, disruption of the natural topography, and changes in rate or direction of storm water runoff also adversely affect the natural environment.~~

~~**Validity of Concept** – The basic idea must be sound and appropriate to its surroundings.~~

9.4.1.1 Design Compatibility – The proposed improvements ~~should~~ **must** be compatible with the **landscape**, architectural characteristics of the applicant’s house, adjoining houses, and the neighborhood setting. Compatibility is defined as similarity in architectural style, quality of workmanship, similar use of materials, color and construction details

9.4.1.2 ~~**Adjacent Properties Location and Impact on Neighbors** – The proposed alteration should relate favorably to the landscape, the existing structure and the neighborhood. The primary concerns are access, view, sunlight, ventilation and drainage. For example, fences may obstruct views, breezes or access to neighboring property; decks or larger additions may cast unwanted shadows on an adjacent patio or infringe on a neighbor’s privacy. When a the proposed alteration has a possible impact on adjacent properties, it is recommended ~~required~~ that the applicant discuss the proposal with neighbors prior to submitting an application. It may be appropriate in some cases to submit neighboring comments along with the application. Neither the AECC nor the Board make any representations, nor is there any requirement or right to a view from any owner’s separate interest. Neighbors’ comments and concerns will be considered, but the final recommendation remains the responsibility of the AECC and final approval rests with the Board.~~

9.4.1.3 Scale – The size, in three dimensions, of the proposed alteration should relate well to adjacent structures and its surroundings. ~~For example, a large addition to a small house may be appropriate.~~

9.4.1.4 Color – Color may be used to soften or intensify visual impact. Parts of the addition that are similar to the existing house, such as roofs and trim, should be matching in color.

9.4.1.5 Materials – Continuity is established by use of the same or compatible materials as were used in the original house. The options may be limited somewhat by the design and materials of the original house. ~~For instance, vertical wood siding on the original house~~

~~should be reflected in an addition. On the other hand, an addition with wood siding may be compatible with a brick house.~~

9.4.1.6 Workmanship – The quality of the work should be compatible with or better than new construction in the surrounding areas. The Association assumes no responsibility for poor workmanship or unsafe construction practices. ~~Workmanship is another standard, which is applied to all exterior alterations. The quality of work should be at least equal to that of the surrounding area. Poor practices, besides causing the owner problems, can be visually objectionable to others. Poor workmanship can also create security hazards. The Association assumes no responsibility for the security of new construction.~~

9.4.1.7 Timing – All applications must include estimated completion dates. If such time period is considered unreasonable, the AECC may recommend disapproval disapprove of the application. Projects which remain uncompleted for long periods of time without written Board approval are visually objectionable and can ~~may~~ be considered a nuisance by the Board after providing notice and a hearing ~~and security hazard for neighbors and the community.~~

9.4.2 Assessment Increase Assessments (Not applicable to Green Turtle Cay or Blue Anchor Cay homes) As authorized by the CC&Rs, any addition to the floor area of a residence will result in an increase in the assessment to that particular property on the first (1st) day of the fiscal year following the time of completion of the improvement. As used in this Section 9.0, “Floor Area” shall mean the floor area within the residence based on approximation of exterior dimensions as determined by Association, excluding garages and patios. If an owner objects to Association’s revised calculation of the floor area, owner shall have thirty (30) days following notification of the revised floor area calculation or publication of the annual statement pursuant to Civil Code 5310 (as may be amended from time to time), whichever occurs first, to contest the revised floor area calculation. Otherwise, any objection is deemed waived by the owner and any subsequent owners. Any addition to the floor area of a residence or unit will result in an increase in the assessment to that particular property, so that maintenance costs borne by the community remain equitable.

9.5 Approvals/Denials (Previously 9.3)

All applications to the Committee must be processed within 60 days of receipt in a timely manner. Approved applications will be followed by an inspection for compliance. Denied applications may be appealed to the Board of Directors, whose decision will be deemed to be final.

9.5.1 Conditional Approvals – The Committee may grant conditional approval of an application, subject to the applicant making certain changes in his/her plans, the verification of information provided with the application, or the signing of a Revocable License and Indemnity Agreement.

9.5.2 Applicant Obligations – If the applicant has any questions or needs clarification

regarding and conditional recommendation for approval, approvals, or denials by the Board, it is incumbent upon the applicant to request said information from the AECC or the Board prior to commencement of any work.

9.5.3 **Non-Transferrable – An administrative approval shall be an approval to the applicant of the approved application only and shall not be transferrable or assignable to any subsequent owner.**

9.6 Failure to Obtain Approval

Any member who commences work **that requires an AECC or administrative application on any change to the exterior appearance of a Coronado Cays Homeowners Association residence, landscaping or dock** without first securing Board or administrative approval, respectively, ~~an AECC permit~~ is subject to a minimum fine of \$300.00 per week ~~cumulative~~ until the infraction is corrected.

9.6.1 **Corrective Action** – In order to correct a failure to obtain an **approved application** permit, a member must halt all work, promptly complete an AECC **or Administrative Approval Request** application, **and secure the construction site**. The application fee shall be a **minimum of \$200 or** twice the regular charge for the project, **whichever is greater, to cover increased administrative expenses and other fees and costs.** If the **Board or General Manager Committee does not approve** fails to approve the application, the owner will be required to remove the improvement **at their expense and within a reasonable timeframe established at the discretion of the Board.**

9.7 Neighbor Notification (Previously 9.8)

Coronado Cays Homeowners Association will send a notice to neighboring properties of any application pending before the AECC. The notification will be placed in the mail **or emailed** two weeks prior to the AECC meeting. The notification will include a copy of the plans, which show the general scope of the proposed improvement. Neighboring properties, which will receive notification, include fee simple homes with adjoining property lines and condominiums, which share a wall, floor or ceiling with the applicant. There will be no requirement to notice neighboring properties for applications, which qualify for and receive administrative approval. Neighbors who have concerns regarding an **AECC** application may submit their comments in writing prior to the AECC meeting ~~and/or attend the AECC meeting~~ **for the AECC and Board to consider. Neighbor opinions are advisory opinions and are not binding to the AECC or the Board.**

9.8 Requirements for Home Construction and Remodeling Completion (Previously 9.9)

To encourage diligence in the completion of remodeling and new construction, the Association ~~AECC~~ requires that the following guidelines be applied to exterior changes, prior to physical work. The homeowner and their contractor(s) shall each sign a **document form** provided by the Association that states that they have read and understand **these architectural guidelines stated herein (Section 9.0 of the CCHOA Member Handbook, as may be amended from time to time), and have agreed to abide by them and any other policies or procedures established by the Association. Contractor signatures**

~~shall be obtained prior to the commencement of any physical work on an approved project including the demolition phase. It is recommended that contracts for remodeling and/or construction contain requirements and penalties reflecting these guidelines. The homeowner and their contractor(s) shall each sign a form provided by the Association that states they have read and understand all section 9.9 and 9.10 that spell out construction requirements and penalties.~~

All improvements and work performed within the Association are at all times subject to compliance with City ordinances, rules, and regulations. Where a provision of this Section 9.0 is more restrictive than comparable ordinances, rules and regulations imposed by the City, the more restrictive condition, standard, or requirement shall prevail.

9.8.1 Remodeling Completion Deadlines – There are two categories of remodeling, “**Minor Remodeling**” and “**Major Remodeling**.” Major remodeling is defined as remodeling that increases a home’s square footage by 50% or affects greater than 50% of a condominium unit’s square footage. In its sole discretion, the AECC can designate an application as a major remodel based on the complexity of the project. The completion ~~deadline time~~ for each category is based on the date any actual construction or demolition work begins. **Minor** Remodeling must be completed within six (6) months. Major Remodeling must be completed within nine (9) months. It is the owner’s responsibility to notify the Association office in writing of the date actual construction or demolition begins. If no notification is provided by the owner, the date established as the start of construction will be the issuance date of the City permit for the project, unless otherwise agreed in writing between the Association and the owner.

9.8.2 New Construction/Teardowns – The completion ~~deadline time~~ for any new construction or teardown will be based on the date any construction or demolition begins and shall be substantially completed, with all exterior work entirely completed within ~~will be~~ fifteen (15) months. It is the owner’s responsibility to notify the Association office in writing of the date actual construction or demolition begins. If no notification is provided by the owner, the date established as the start of construction will be the issuance date of the City permit for the project, unless otherwise agreed in writing between the Association and the owner.

9.8.3 Penalty for Non-Compliance with Deadlines (Sections 9.8.1 and 9.8.2) – In the event the work is not completed timely, a minimum fine of \$500.00 per week shall be assessed for the first six (6) weeks and \$1,000.00 per week thereafter without further notice or hearings. Extensions may be granted by administrative approval or the Board for extenuating circumstances at the sole discretion of the Village Director and General Manager or the Board, respectively. A request for an initial thirty (30) day extension may be administratively approved in writing by the General Manager. Any request for an extension beyond an initial thirty (30) day extension must be approved in writing by the Board. ~~These fines will be cumulative from the date the homeowner is notified of their non-compliance until the project is completed. Extensions may be granted by AECC approval, for extenuating circumstances.~~

- 9.8.4 Association Property Damage – **The owner shall be responsible for any damage to Association property or surrounding areas that occurred as a result of construction. Damage not only includes physical property damage but any fees and costs incurred by the Association from the damage. Any damage to Association property during the course of construction or remodel/alteration shall be corrected to the satisfaction of the Association and shall be verified by CCHOA staff.**
- 9.8.5 Construction Site Cleanliness – All construction sites shall always be kept neat and orderly **at all times. Streets and sidewalks shall be swept and free of dirt and debris. Site must be cleaned, and trash removed daily unless screened from view of neighboring properties.** Trash bins, roll off boxes, dumpsters, and mini storage units may not be kept in the Coronado Cays over a weekend or holiday **without prior written Association approval. Any Association approval under this subsection is at all times subject to owner’s compliance with City of Coronado ordinances.** The exception to this requirement is three-yard dumpsters that are screened or kept in the garage.
- 9.8.6 Screening During Construction – Construction affecting the exterior of the house must be screened with fencing across the street frontage and to the building setback line. The screen shall be standard dark green construction screening, impervious, and a minimum of six (6) feet in height. **All construction screening shall be free of tears and cuts, wind vents are allowed, and maintained in a neat and orderly condition.** All materials, equipment, portable toilets, and trash bins must be kept on the building site, inside the dwelling or screened from public view. **Owners and contractors shall take reasonable precautions to minimize dust and debris from entering neighboring properties including erecting additional screening.**
- 9.8.7 Construction Vehicles, Equipment and Materials – Construction vehicles or equipment are not permitted to be parked on the streets or unscreened area on the construction site overnight or weekends and holiday **without prior written Association approval. Any Association approval under this subsection is at all times subject to owner’s compliance with the City of Coronado ordinances.** **Owners and** contractors shall make every effort to ensure workers’ vehicles are parked in such a manner as to not block streets and driveways **or overly impact the neighborhoods and are disperse in such a manner as not inhibit the parking needs of adjacent neighbors.** **Owners and** contractors must obtain **necessary proper** permits for items stored in the public right of way and provide adequate safeguards for materials or equipment that block the streets or sidewalks. The Safety Department **may will** monitor the use of streets for construction vehicles and equipment and report violations of these rules **to the Association** and City of Coronado, as applicable. **Association shall not be responsible for any damage or loss to construction vehicles or equipment and materials caused by theft or any other reason. It is the owner’s responsibility to provide security at the construction site. The Association does not provide security for any construction site.**
- 9.8.8 Construction Noise Curfew – **The Association follows the noise curfew regulations promulgated by the City of Coronado. The noise curfew provisions may be amended from time to time.** It shall be unlawful for any person, between the hours of 7:00 p.m.

and 7:00 a.m. of any day or at any time on legal holidays and Sundays to erect, construct, demolish, excavate for, alter or repair any building or structure in such a manner as to create a disturbing, excessive or offensive noise unless a noise control permit has been applied for and granted beforehand by the City of Coronado Noise Control Officer.

Legal Holidays are:

New Year's Day	First Day of January
Martin Luther King, Jr. Day	3 rd Monday in January
President's Day	3 rd Monday in February
Memorial Day	Last Monday in May
Independence Day	Fourth of July
Labor Day	First Monday in September
Columbus Day	Second Monday in October
Veteran's Day	11 th of November
Thanksgiving Day	4 th Thursday of November
Christmas Day	25 th of December

9.9 Marine Construction (Previously 9.10)

9.9.1 **Marine Construction Approval – All marine construction subject to the jurisdiction of the Association and/or the AECC requires prior approval pursuant to the applicable provisions in this Section 9.0 prior to the commencement of any marine construction or demolition.**

9.9.2 Work Conduct – All marine work will be conducted at the construction site. Contractors shall conduct pre-staging work away from Coronado Cays. All work shall be conducted in an orderly manner with respect to noise and other impacts on the neighbors.

9.9.3 Work Schedules – Marine equipment and barges are not permitted to be kept in Coronado Cays on weekends (5:00 p.m. on Fridays to 7:00 a.m. Monday) or holidays. Marine equipment may remain on the jobsite overnight on workdays provided the equipment is being employed in ongoing work **and does not interfere with other's use of area.**

9.9.4 Parking – **Owners and** contractors shall make every effort to ensure workers' vehicles are parked in a manner as to not block streets and driveways **or overly impact the neighborhood.** ~~Further, they shall be dispersed in a manner to consider the needs of the adjacent neighbors.~~

9.9.5 Enforcement – **The Association may take all enforcement actions necessary to bring contractors and owners into compliance with the provisions herein including, but not limited to, towing vehicles, fining responsible owners after notice and hearing, and prohibiting contractors from the site.** ~~Coronado Cays Safety Patrol and Code Enforcement Coordinator will be responsible for ensuring that all construction projects comply with these guidelines. Homeowners in violation of these guidelines will be cited and subject to penalties by the Board of Directors.~~

9.10 Approval/Disapproval of Architectural Plans (Previously 9.11)

Working drawings provided by the applicant may ~~will~~ be stamped approved or disapproved by the Coronado Cays Homeowners Association. The applying homeowner will be required to pick up the stamped plans and hand-carry them to the City of Coronado to obtain the necessary building permit(s). If the homeowner does not obtain building permit(s) within a period of twelve (12) months ~~eighteen (18) months~~ from the date of approval by the Association, the applicant shall have to resubmit plans and have their application reprocessed by the AECC.

9.11 Obtaining a City Building Permit (Previously 9.12)

Any improvement requiring a City building permit must be submitted to the AECC and approved by the Board prior to making a request for a City building permit.

The City of Coronado may not ~~has agreed not to~~ issue building permits unless the homeowner has received approval for the construction or improvement from the Coronado Cays Homeowners Association. **However, the AECC review and Board approval is not a substitute for the City's review and approval of plans for permitting and construction purposes. The Association relies on the City to issue permits and approve plans for construction. The AECC and the Board have no authority to review plans for the purpose of compliance with City ordinances, regulations, and building codes. Compliance with City ordinances, regulations and building codes has been and continues to be solely the responsibility of the City and owners. The Association has no responsibility for the means and methods of construction.**

9.12 Unpermitted ~~Un~~approved Improvements

An owner who commences construction without first obtaining a required City permit, may be subject to being "Red-Tagged" by the City of Coronado and be required to halt work. Construction already commenced that does not conform to the governing documents and/or has not been approved in writing by the Board may have to be removed and the property restored to its preconstruction condition at owner's sole expense. Any improvements that are attempted without approval from the AECC are subject to being "Red-Tagged" by the City of Coronado and work halted. Construction already completed that does not conform to the Specific Plan and/or has not been approved by the AECC may have to be removed.

9.13 Review Fees

9.13.1 **Mandatory Review Fees – The following minimum review fees are required prior to AECC consideration and Board approval. The Board may adjust these fees from time to time without an amendment to the Member Handbook: Improvements which require mandatory review fees—The following improvements require AECC review and Board approval require the payment of a review fee prior to AECC consideration.**

Review Fees

\$100.00 Minor Remodeling
\$250.00 Major Remodeling
\$500.00 New Construction/Teardowns
~~\$700.00~~ ~~\$350.00~~ New Dock or Replacement + \$1.00 per foot over 500 sq. ft.

9.13.2 Deposits – In addition to any required review fee (above), a minimum deposit of \$500.00 for minor remodeling, \$1000 for major remodeling, and \$2500 for new construction/teardown is required to be made before AECC review and Board approval. The remainder of the deposit will be returned to the owner when the project has been completed. The Association in its discretion determines the completion date.

If the required actions and notifications are not performed and/or the project is not finished within the prescribed timeframe per Section 9.9, then all or part of the deposit may be forfeited and retained by the Association. Deposit may be used to pay any fines or expenses (e.g., professional fees) incurred by the Association and are not considered a fee for review.

9.13.3 New or Replacement Dock Requirement – Owner will be required to use the Association’s environmental monitoring contractor during the actual removal and replacement of the dock, pilings, and/or gangway in City and Port waters to ensure conditions of the Association’s permit are complied with and all required reports are submitted to the Association.

9.14 **Improvements Eligible for Administrative Approval (Previously 9.16)**
Notwithstanding any other provisions in Section 9.0, Subject to City of Coronado requirements, the following improvements may be eligible for administrative approval at the General Manager and Village Director’s discretion. Receiving administrative approval is not a substitute for the City’s review and approval, if required. Compliance with City ordinances, regulations, and building codes has been and continues to be solely the responsibility of the City and owners. Proposed improvements that do not meet the requirements of this section must be submitted for AECC review approval and Board approval. All administrative approvals are subject to all provisions included in Section 9.0.

NOTE: Revocable License and Indemnity Agreement as described in Section 9.14.1 may be required.

- Air Conditioning (No window mounted units permitted) *, **, ***, ****
- Anti-Fouling Tubs *
- Antigua Storage Boxes *
- Retractable Awnings and Umbrellas, pursuant to Awnings,

Sunscreens, and Umbrellas Guidelines *

- **Dinghy Docks *, ******
- **Door Replacement, Exterior (Including French or Sliding Glass) *, ******
- **Driveway Material Alterations or Replacement ****
- **Exterior Paint ***
- **Fire Pits or Barbeques (Built-ins) ***
- **Flooring/Hard Surface Flooring (Waterfront Villas, Upper Units only) *, ******
- **Gangway Replacement (Like for like, no change in location)**
- Garage Door Replacements *
- Gas Line Installations (Hot water heater, dryer, stove and fireplace) **
- Gate ~~or Solid Door~~ Replacements *
- Hydro-Hoists (**\$2000 deposit required for Association-maintained docks**)*
- Landscaping Additions or Alterations ***
- **Pavers Patios** and Concrete Work **
- Roof Replacements *
- Satellite Dish Installations *
- **Security Camera Installations (Waterfront Villas only)**
- Skylight Installations (**Condo Villages only**) *, **
- **Solar Panels (excludes Condo Village, AECC approval required for Condos)**
- Solar Tube Installations (**Condo Village only**) *, **
- **Spas and Hot Tubs (Above ground only) ***
- Storage Racks for Small Watercraft (Kayaks, Paddle Boards) *
- **Emergency Ladders (Antigua and Kingston Docks only) ***
- Tile Addition to Patios or Walkways **
- Tile Addition to Patio Decks or Entry Landings (Upper Condos only) **
- **Tree Removal (Association-maintained areas)**
- Vents (Dryer, Kitchen Exhaust, etc.) **
- Window Replacements *, **** (**Condo Villages Only**)
- Windbreak Panels (Plexiglass or Glass) **, ***

* **Brochure, Cut Sheet, or Product Specification Sheet Required**

** **Plan with Measurements & Material Sample Requested, Revocable Indemnity Agreement Required for Condominium Villages**

*** **Scale Drawings to be Submitted Showing Details**

**** **Per Member Handbook Guidelines Only**

9.14.1

Charges and Timing for Administrative Approvals – There shall be no charge for initial administrative approvals of architectural permit applications; however, a **minimum** fee of \$500.00 **plus any costs** shall be required to draft, notarize, and record with the County of

San Diego a Revocable License and Indemnity Agreement with the Association, **if such agreement is required in the discretion of the Association.**

Changes receiving administrative approval must be completed within one (1) year of the approval date or the approval will be null and void. Thereafter, a new request will be required and a minimum administrative fee of \$100.00 will be charged. Administratively approved changes must be completed within six (6) months once started.

- 9.14.2 City Approved Plans – Architectural plans that have been approved by the Board and then subsequently modified in order to secure a City of Coronado building permit, are eligible for administrative review. The General Manager, **the Village Director**, and the AECC Chair will review plans amended under the above circumstances for substantial compliance with the exterior appearance, characteristics, and materials of the previously approved plans. If acceptable to the General Manager, **the Village Director**, and the AECC Chair, the owner shall sign a letter stating that the version of the plans modified to comply with the City are the same in exterior appearance as the version of the plans originally approved by the **Board AECC**. If unacceptable to the General Manager, **the Village Director** and the AECC Chair, the Association shall refer the owner back to the AECC for review and appropriate action.

An administrative approval shall be an approval to the applicant of the submitted application to be used for the stated purpose only and shall not be transferrable or assignable, including any subsequent owner.

- 9.14.3 AECC Pre-review – The AECC may adopt guidelines regarding specific types of improvements to similar model residences. The General Manager may approve architectural applications pursuant to these guidelines.

- 9.14.4 Satellite Dishes – Administrative approval is required for satellite dishes. Satellite dishes up to 36” are allowed under California Law. Members shall take into consideration a location on or around their residence that minimizes the visual impact of the dish **from ground level**. Certain materials and specifications may apply.

9.15 **Policy on Granting Exclusive Use Rights in the Common Area (Previously 9.17)**

Civil Code Section 4600 establishes rules and procedures by which the Board ~~of Directors~~ may grant to individual owners the exclusive right to use a portion of the common area. The Board has established a policy for the granting of such rights as set forth below. The policy is intended to be consistent with Sections 714.1, 4600 and 4746 of the Civil Code **or any successor statutes.**

The following shall be the policy of the Board ~~of Directors~~ with respect to granting rights to exclusively use a portion of the common area. The term "common area" shall be as defined in the Declaration of Covenants, Conditions & Restrictions, and shall not include Limited Common Area.

The Board may grant exclusive use rights in the common area to individual owners in the following cases:

1. The grant has been approved by the affirmative vote of members owning at least 67% of the separate interests in the common interest development; or
2. The reason for the grant is to transfer the burden of management and maintenance of any common area that is generally inaccessible and not of general use to the membership at large of the Association; or
3. One of the other exceptions contained in Civil Code Section 4600 applies, dispensing with the need for membership approval.
4. For the installation or use of a rooftop solar energy system for household purposes on the roof of the building in which the owner resides, or a garage or carport adjacent to the building that has been assigned to the owner for Exclusive Use in the Waterfront Villas only, per the provisions in 9.16.8 below.

9.15.1 Any measure placed before the members requesting that the Board grant exclusive use of any portion of the common area shall specify whether the Association will receive any monetary consideration for the grant and whether the Association or the transferee will be responsible for providing any insurance coverage for exclusive use of the common area.

9.15.2 Granting exclusive use rights in the common area pursuant to this policy shall be in the absolute discretion of the Board of Directors. No such rights will be granted if it would unreasonably interfere with any other owner's use, occupancy or enjoyment of his or her lot **in the Board's discretion**. The objective of the Board is to be consistent and fair in the granting of exclusive use rights. Owners shall be responsible for all attorneys' fees and costs incurred by the Association as a result of the approval of a grant of exclusive use rights.

9.15.3 Owners are solely responsible for verifying that any grant does not violate any City or County ordinances, including open space ordinances. As a condition of approval, the Owner and his or her successors shall agree to indemnify and hold harmless the Association, its officers, directors and employees from any and all liability arising from the granting of the exclusive use. Any Owner to whom exclusive use rights in the common area are granted shall be required to enter into a License and Indemnity Agreement with the Association **and prepared by Association legal counsel**, and all exclusive use rights in the common area granted to Owner shall be subject to the terms and conditions of the License and Indemnity Agreement. A **minimum** fee of \$500.00 **plus any costs** will be required to draft, notarize and record with the County of San Diego a License and Indemnity Agreement with the Association, or the owner may personally record the documents at their own expense.

9.16 **Waterfront Villa and Condominium Zone Guidelines**

These guidelines apply to the Waterfront Villa Zone (Antigua, Kingston, and Montego Village) and the Condominium Zone (Mardi Gras Village).

9.16.1 **Air Conditioning Systems within Waterfront Villa Zone**

Installation of an air conditioning system requires administrative approval of the Association and a permit & inspection from the City of Coronado.

9.16.1.1 Specification Requirements

1. Roof Installation – For UPPER & LOWER Units when in compliance with paragraph 4.
 - a) 3-Ton Duct Free Mini Split System employing variable speed inverter technology (also branded as Mini-Split Systems, Ductless Heat Pump Systems, Inverter Heat Pump Duct Free Systems) or equivalent.
 - i. Cool/Heating Capacity not to exceed 3-ton
 - ii. Dimensions 33” high x 38” wide x 16” deep or equivalent
 - iii. Rated 58 Decibels
 - b) Conventional State of the art air conditioning system **(does not apply to Antigua Village) with no external ducting and only one (1) roof penetration.**
2. Ground Installation – For LOWER Unit Installations only.
 - a) 3-Ton Duct Free Mini Split System employing variable speed inverter technology (also branded as Mini-Split Systems, Ductless Heat Pump Systems, Inverter Heat Pump Duct Free Systems)
 - i. Cool/Heating Capacity not to exceed 3-ton
 - ii. Dimensions 33” high x 38” wide x 16” deep or equivalent
 - iii. Rated 58 Decibels or less

9.16.1.2 Installation Requirements

1. Roof Installation – On flat portions of the roof, directly above the condo unit.
 - a) Location and installation of the compressor shall be certified as structurally sound to the Coronado Cays Homeowners Association, at the sole expense of the unit owner who wishes to install an air conditioner, by a structural engineer who is licensed by the State of California.
 - b) Compressors shall be installed on 3” thick isolation pads. For conventional air conditioners, they must include an acoustic sound blanket around the compressor motor that is at least

3” thick.

- c) Placement of compressors shall allow room for any possible future installations by other unit owners.
- d) Refrigerant, electrical and condensate lines to/from the roof shall be installed internally within the building structure or within a chase integrated and matched to the building exterior.
- e) Roof penetrations must not void roofing material warranties and installations must be approved by the Association’s Maintenance **Department** prior to making any penetrations.

2. Ground Installation

- a) For Quads – Compressor placement shall be on the owner’s side of his main entrance, forward of the garage wall, or inside the wall for walled-in front entrances.
- b) For end units with private entrances: Compressor placement shall be within the front walled-in area.
- c) Compressor to be installed on a concrete pad on the ground.
- d) The Village Director and General Manager must approve exact compressor location.

9.16.1.3 **Location** – For roof installations, compressors shall not be installed directly over an upstairs unit over the objection of the owner of that upstairs unit.

9.16.1.4 **Visibility** – Compressors shall not be visible from the street or rear of the building.

9.16.1.5 No compressor shall be allowed in Common Area or Exclusive Use Common Areas except as stipulated under paragraph entitled “Specifications”, Section 9.16.1.2, “Installation Requirements”, items 1a, 2a and 2b.

9.16.1.6 **Maintenance** – Air conditioners shall be installed and maintained by a contractor who is licensed by the State of California to install and maintain air conditioners. Currently, that is a C-20 Warm-Air Heating, Ventilating and Air Conditioner contractor.

9.16.1.7 **Indemnity Agreement** – Final approval by the Association is contingent upon the requesting owner(s) signing a License and Indemnity Agreement with the Association prior to commencing installation of an air conditioner. **This agreement requires owner payment of fees of a minimum of \$500.00 plus costs for document creation, notary, administrative expenses and legal expenses to record the documents with the San Diego County Recorder’s Office.**

9.16.1.8 APPLICATION PROCEDURES

- 1. Before applying for a permit from the City of Coronado, the homeowner shall submit a request to the Association administrative approval.

Submission of the administrative approval request shall include documentation concerning placement of the compressors and compliance with the above stated specifications.

2. The Association's General Manager and the Village Director shall review the request and ensure proper placement of the unit prior to installation.
3. After administrative approval received and completion of License and Indemnity Agreement, the homeowner may proceed with permitting and installation.

9.16.2 Ceiling Heating System Replacement within Antigua Village (Previously 9.25.2)

Ceiling Heating System Replacement – The ceiling heating system installed in the Antigua Village Condominiums units is the responsibility of the owner. Due to the obsolescence of ceiling heating systems and the potential presence of asbestos, damaged ceiling heating systems will not be repaired by the Association. If the Association is responsible for the damage rendering a ceiling heating system inoperable, the Association will install a wall-mounted heating system as a suitable replacement. The make and model of the replacement unit will be at the sole discretion of the Association, but the capacity will be appropriately sized for the particular unit.

9.16.3 Doors, Windows, Sliders, and Shades (Previously 9.24.2)

- 9.16.3.1 Front Doors and Screen Doors – Doors can be modified to include any design as long as the opening size is not modified and the replacement material is solid wood or fiberglass exterior doors with wood-stained finish and trim of either white or **a color matching the exterior trim color of the unit existing gray trim.**

White wash finish color pallet and wood style finishes limited to color spectrum contained in the “Jeld-Wen” catalog. DM 35M 9/05 10-225 5780, Page #10 listed as follows: Honey, Carmel, Chappo, Sequoia, Mocha, Sable and Cashmere for fiberglass or wood doors are acceptable. Doors can have glass or decorative stained-glass windows.

- 9.16.3.2 **Opening size may be modified in Antigua Village via administrative approval.**

- 9.16.3.3 Door screens are acceptable but must match door color or existing or modified window trim.

- 9.16.3.4 Windows (Excluding fixed bayside) and Screens – Windows and screens may be replaced with products approved by the American Architectural Manufacturing Association and installed in compliance with the Uniform Building Code per manufacturer's recommended installation instructions. The existing opening cannot be altered in size or shape and the color is limited to the existing bronze or white or a color matching the exterior trim color of the unit. Composite aluminum, **fiberglass**, or vinyl products are allowed. Replacement must include all windows and screens in the unit; a partial replacement is not allowed. **Opening size may be modified in Antigua Village via administrative approval.**

9.16.3.5 Sliders – Sliders may be replaced with any product approved by the American Architectural Manufacturing Association and installed in compliance with the Uniform Building Code per manufacturer's recommended installation instructions. The existing opening cannot be altered in size or shape and the color is limited to existing bronze or white. Any design compatible with the above is acceptable (including French type doors either hinged or sliding) composite aluminum, **fiberglass**, or vinyl products are also allowed. Replacement must include all sliders as viewed from the bay side, and for sliders in front areas, must match windows in color. **Opening size may be modified in Antigua Village via administrative approval.**

9.16.3.6 Awnings and Window Shades – Awnings and window shades are permitted on upper and lower units but must be retractable and comply with the following architectural standards and rules and installed in such a manner to provide a uniform, consistent appearance in the community:

1. Frame Color: Sand (powder coated finish); Fabric Material/Color: Sunbrella #4616 Mocha; Valance Style: Serrated. Frame, fabric and electric motor must have at least 10-year warranty.
2. For upstairs units, the awnings can extend from the building no further than ½ foot inside the patio rail.
3. For downstairs units, awnings can extend no more than 11'8" from the building or no further than two feet inside the patio rail (whichever is less).
4. No side curtains or vertical support poles are permitted.
5. Awnings are to be extended only when in actual use and not left extended on a continual basis.
6. Owners are responsible for awning maintenance, appearance, cleanliness and any damage to buildings caused by their installation and/or removal. Torn, worn, or otherwise unsightly awnings and window shades shall be removed upon direction of the Association's Board ~~of Directors~~.
7. Owners are responsible for the cost of the removal and re-installation of awnings and window shades to permit required building maintenance.

9.16.3.7 MONTEGO VILLAGE – Replacement of sliding doors and windows shall be considered inconsequential changes, provided they are made of aluminum, fiberglass, or vinyl. Colors may be original bronze or white.

9.16.4 **Electrical Vehicle Charging Station Guidelines within Waterfront Villas**

9.16.4.1 Requests for installation and use of any electric vehicle charging station ("EVCS") must comply with Civil Code Section 4745 and are subject to the following:

1. **The Owner must make application to the AECC and obtain approval from the Board before proceeding with any work to install an EVCS.**

2. All costs for preparation of the application by the appropriate professionals shall be borne by the Owner.
3. An EVCS may be installed only in an Owner's deeded or assigned parking space appurtenant to the Owner's unit unless it is impossible or unreasonably more expensive than installing the EVCS in an open common area space.
4. An EVCS must be separately metered or sub-metered to enable all usage costs to be borne by the Owner.
5. An EVCS must meet applicable health and safety standards and all requirements imposed by state and local permitting authorities, as well as the California Building Standards Code, California Code of Regulations, Title 24.

9.16.4.2 An application for an EVCS must include all of the following in order to be considered by the Board of Directors:

1. Detailed plans, specifications and schematic drawings submitted by a California licensed electrical engineer or licensed electrician certifying:
2. The location of the deeded or assigned parking space where the EVCS will be installed.
3. The amount of available capacity in the building's electrical panel.
4. That the panel has sufficient capacity available to support the addition of the EVCS to all the existing uses.
5. The routing of the lines from the building's electrical panel through the garage to the deeded or assigned parking space where the EVCS will be located.
6. The location of the EVCS in the parking space.

9.16.4.3 If installing the EVCS in the Owner's deeded or assigned space is impossible or unreasonably more expensive than installing the EVCS in an open common area space, the licensed electrical engineer or licensed electrician must provide detailed information documenting the basis for this determination.

9.16.4.4 An Indemnity Agreement signed by all the Owners to be recorded against the deed of the affected unit.

9.16.4.5 The name, address and contact information for the California licensed contractor who will perform the work. A copy of the contractor's current California electrical contractor's license. A copy of the contractor's current certificate of insurance evidencing \$1 million liability coverage for work in condominium or multi-dwelling (or similar) communities and proof of workers compensation insurance. This certificate must name the Coronado Cays Homeowners Association as an additional insured with notice of cancellation.

9.16.5 Expansions within Waterfront Villa and Condominium Zone

The AECC will not review an application which expands the interior floor area of a unit in Antigua, Kingston, Mardi Gras or Montego Village except as follows:

9.16.5.1 ANTIGUA VILLAGE – AECC review and Board approval is required for an application which expands the interior floor area of a unit in Antigua Village into the exclusive use common area of the first level units. This expansion will be limited to approximately 80 square feet adjacent to the street side bedroom and under the existing second level floor projection.

9.16.5.2 MARDI GRAS VILLAGE – AECC review and Board approval is required for an application which expands the interior floor area of a condominium in Mardi Gras Village, provided it meets the conditions contained in 9.16.5.2.1 (patio homes) and 9.16.5.2.2 (town homes).

9.16.5.2.1 The proposed expansion of a patio home **in Mardi Gras Village** must meet the following conditions:

1. Expansion of the interior floor area of the ground floor must be within the exclusive use areas of the unit and may not exceed 20% of the original square footage of the ground floor.
2. The area of the second level interior floor area expansions, plus the original second level area, shall not exceed 75% of the original ground floor area.
3. Expansions of the second level will not be allowed on units originally constructed as one-story units.
4. Single story patio homes as constructed by the original developer cannot be converted into two (2) stories.

9.16.5.2.2 The proposed expansion of a townhouse **in Mardi Gras Village** must meet the following conditions:

1. Expansions of the interior floor area must be within the exclusive use areas of the unit and shall be restricted to enclosing existing balconies, covered and uncovered, front and rear alcoves and side patios. These enclosures shall be within projections of the outermost walls of the unit, as constructed by the original developer.
2. Expansion above the garage is allowed but must maintain a minimum of eight-foot setback from the front garage wall.
3. The total area of all expansions may not exceed 20% of the unit's original square footage.

9.16.5.3 KINGSTON VILLAGE – The AECC **will may** review an AECC application which expands the ground floor rear patios and front entryways in Kingston Village. In order to be reviewed, the application must conform to the same guidelines stated in 9.15 through and including 9.16.5.3.6. Since most condominium entryways are identified as Exclusive

Use Common Areas (EUCA), all of the provisions in 9.15, Policy on Granting Exclusive Use Rights in the Common Area will be strictly enforced. Approvals will be valid for one (1) year. All work must be completed within six (6) months from the date of commencement.

9.16.5.3.1 Setbacks

1. **Patios that have already been expanded (by current or prior owners) will not be approved for further expansion.**
2. **Unexpanded patios may be expanded no further towards the sidewalk than to align with the fences of adjacent expanded patios.** A minimum setback of 18 inches from the perimeter sidewalk must be maintained.
3. Patios may only be expanded within the projected lines **of the width** of a unit's common walls ~~and the perimeter sidewalk around Kingston Village.~~ **Further approvals of wrap around/side patios on end units are specifically prohibited.**
4. Patios may not expand within the forty-eight (48) inch wide aisle at the base of the upper unit's stairway.
5. **Removal (or significant trimming) of trees and other vegetation within expanded patios that was original to Kingston or later installed by the Association shall require written authority as set forth in Section 13 (Landscape Policy) of the CCHOA Member Handbook.**

9.16.5.3.2 Fencing

All fencing and gates shall be of wood construction to match the picket and rail design of the existing Kingston Village patio fences and patio gates. All fences and gates shall be painted to match the existing patio fences and gates.

9.16.5.3.3 Paving and Hardscape

1. All hardened walking surfaces shall be the color of a cool earth tone that is compatible with the color scheme of Kingston Village.
2. All hardened surfaces shall be professionally placed.

9.16.5.3.4 Landscape

1. All existing trees must be maintained or be replaced with an Association approved tree.
2. Paving or hardscape at the base of trees must be placed at least eighteen inches beyond the outside edge of the tree's mature root ball.
3. An eighteen inch minimum planter shall be maintained between paving or hardscape and the exterior glass wall of a unit's living room.
4. All landscaping shall have a permanent irrigation with automatic watering

controls.

5. All plants and trees inside the new fence become the responsibility of the owner to maintain.

9.16.5.3.5 Plan Submittal

1. All applications shall have plans submitted which indicate exact dimensions to all walls, sidewalks, stairways, adjacent fencing, tree(s), and other structures.
2. All applications shall have details and elevations of the proposed patio fencing.
3. All landscape plans shall indicate plant species and the design of the permanent irrigation system.
4. All applications shall include photographs of adjacent patios.

9.16.5.3.6 Construction

1. The patio slab shall be reinforced concrete with a minimum thickness of four (4) inches.
2. The electrical conduit shall be twelve to eighteen inches deep below grade.
3. There shall be a minimum of a quarter of an inch per square foot slope from the condo to the sidewalk and drains. Water shall not drain towards condos on either side.
4. The concrete shall be two thousand pounds P.S.I.
5. There shall be a half-inch expansion felt between fixed structures, concrete slab and condo structure, as appropriate.
6. Patio surface elevation must be compatible with adjoining patios on both sides.

9.16.5.4 MONTEGO VILLAGE – Modifications to the exterior of Montego units, including patios and garage enclosures, should be submitted to the AECC for review and Board for approval.

9.16.6 Fence, Tree, and Hedge Heights

9.16.6.1 ANTIGUA VILLAGE (Previously 9.27)

9.16.6.1.1 Fences – Commencing December 17, 2020, All AECC applications for rear patio fences separating units or separating units from common area (end units) shall be limited to the height described below within ten (10) feet of the exterior surface of the bulkhead. The height shall be measured from the lowest adjoining side.

1. Solid Fence Construction (no visible separation in fencing material or the material used does not allow visibility through the fence) forty-eight (48) inches maximum; and

2. Lattice or Clear Glass Construction, sixty-six (66) inches maximum.

All rear patio fences described above that have been previously approved by the Association pursuant to 9.16.8.1, items 1 & 2, prior to December 17, 2020, shall remain as constructed but any replacement or significant restoration of said existing fence described above must comply with Rule 9.16.8.1.

- 9.16.6.1.2 Tree and Hedge Heights – The rear patio areas and trees, bushes, and hedges in the planters located in the breezeways within ten (10) feet of the exterior surface of the bulkhead shall not exceed sixty-six (66) inches in height. The maximum height for trees and hedges in the front and rear patio areas shall not exceed eight (8) feet. **All trees, bushes and hedges must be contained within the unit’s front and rear patio areas.** This provision does not grandfather any existing tree and hedge heights.

9.16.6.2 **KINGSTON AND MONTEGO VILLAGES**

Trees and Hedge Heights – The maximum height for trees and hedges in the front and rear patio areas, other than original common area trees, shall not exceed eight (8) feet in height. All trees, bushes and hedges must be contained within the unit’s front and rear patio areas. This provision does not grandfather any existing tree and hedge heights.

9.16.7 **Hard Surface Flooring System Guidelines (Previously 9.16.1)**

- 9.16.7.1 Areas to Which these Guidelines Apply – These guidelines apply to second and third floor units in Antigua, Kingston, and Montego Villages.

- 9.16.7.2 Flooring System – All enclosed floor areas within the unit should be covered by a surface flooring material and sound insulating underlayment (“Flooring System”). The flooring system and insulation methods selected by second and third floor condominiums will impact what neighbors hear as you, your family, and your guests walk, move, or drop items within your unit.

- 9.16.7.3 Flooring System Selection Guidelines – The best flooring system should be used, but an owner’s selected Flooring System shall have a minimum **Actual Impact Installation Class (“AIIC”) Field Impact Installation Class (“FIC”)** rating of 50 or higher in the kitchen, bathroom(s), and entry area, and a **AIIC FIC** rating of 55 or higher for all other floor areas within the unit. The Sound Transmission Class (STC) rating shall be 55 or higher. **Appropriate underlayment is also required to achieve the specified minimum ratings. The Association can only provide conditional approval of a proposed flooring system since the AIIC must be determined after the flooring has been installed.**

- 9.16.7.4 **Sound Testing – If the flooring does not meet minimum ratings based on a sound test, the flooring will be required to be remediated to meet the minimum rating or be removed. The expense of the sound test, any remediation and/or removal of the flooring and installation of acceptable alternate flooring will be the responsibility of the unit owner.**

9.16.7.5 Space for Acoustical Strip – A 0.25-inch gap should be left around the perimeter of all acoustical underlayment to allow for the installation of an acoustical strip between the underlayment and the vertical wall.

9.16.7.6 **Carpeting with appropriate padding does not require Association approval.**

9.16.8 **Rooftop Solar Energy System Guidelines within Waterfront Villa Zone**

9.16.8.1 An Association may not establish a general policy prohibiting the installation or use of a rooftop solar energy system for household purposes on the roof of the building in which the owner resides, or a garage or carport adjacent to the building that has been assigned to the owner for exclusive use.

An Association is also prohibited from requiring approval by a vote of members owning separate interests in the common interest development to allow this exclusive use of the common area by an owner for rooftop solar energy systems; however, the Association may impose reasonable requirements as shown below:

9.16.8.2 Final approval by the Association for solar installations on Common Area / Exclusive Use Common Area elements are contingent upon the prior completion by the owner(s) of a License and Indemnity Agreement with the Association BEFORE commencing installation in the common area or exclusive use common area solar system(s). This agreement requires owner payment of a **minimum** fee ~~estimated at~~ of \$500.00 **plus any costs** for document creation, notary, administrative expenses and legal expenses to record the documents with the San Diego County Recorder’s Office, or for owner to personally create, notarize and record same.

9.16.8.3 Current and successive owners will be responsible for:

1. All costs for damage resulting from installation, maintenance, repair, removal or replacement of system(s).
2. Cost of maintenance, repair and replacement of system(s), including removal and/or reinstallation for roofing projects.
3. Costs of restoration of common areas, exclusive use common areas, or separate interests after removal.
4. Disclosing to prospective buyers the existence of the system(s) and the owner’s obligations(s).

9.16.8.4 When reviewing a request to install a solar energy system on a multifamily common area roof shared by more than one homeowner, the Association must require an applicant to notify each owner of a unit in the building on which the installation will be located of the application using the existing “Neighbor Notification” process and forms described in Section 9.8.

9.16.8.5 The Association must also require the requesting owner and each successive owner of that unit to maintain a homeowner liability coverage policy and provide the certificate of

insurance within fourteen (14) days of approval and annually thereafter.

- 9.16.8.6 When reviewing this request, the Association requires the owner submitting the AECC Solar Application to submit a solar site survey conducted by a qualified, licensed solar contractor or licensed home inspector showing the placement of the solar energy system which includes a determination of an equitable allocation of the usable solar roof area among all owners sharing the same roof, garage, or carport. In the event where insufficient space exists on the common area rooftop or exclusive use garage roof area in order to equitably provide solar energy system installation space for all owners sharing the same roof, garage or carport, the application may be denied.

9.17 Village Residence Zone Bahama Village Architectural and Environmental Guidelines

These guidelines apply to the Village Residence Zone consisting of single-family homes in Jamaica, Bahama, Trinidad, and Port Royale Village. These guidelines do not apply to townhomes located in those villages.

9.17.1 Expansions

- 9.17.1.1 Expansion – An expansion or change to a home ~~unit in Bahama Village~~ may not change the character or the general appearance of any portion of the ~~Bahama~~ village. This does not preclude enhancing the exterior with stucco, wood, or modern architectural stone. The expansion or change may not intrude into the Common Area within the ~~Bahama~~ village; expand the ~~interior living space~~ floor area within the village except subject to meeting all the requirements of Sections 9.4 through 9.14 of the Members' Handbook.

- 9.17.1.2 Zero-lot Line – A building extension along a zero-lot line, if otherwise approved, shall have a five (5) foot setback from the zero-lot line. Clear windows shall not be installed that face in the direction of a zero-lot line. Obscured glass windows, like frosted glass or glass block, may be considered for approval.

9.17.2 Second Story Additions (Previously 9.9.10)

Homes in the Village Residence Zone of the Coronado Cays Specific Plan, Coronado Municipal Code Chapter 90.10, include detached single-family dwellings, but not townhouses, in Jamaica, Bahama, Trinidad, and Port Royale Village. The Village Residence Zone is depicted on the Coronado Cays Specific Plan Map on file at the City of Coronado, as amended from time to time.

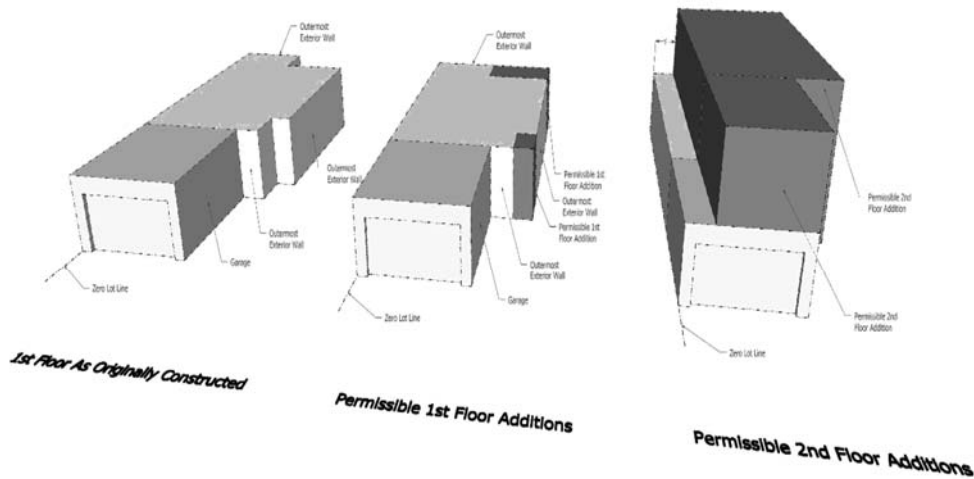
- 9.17.2.1 Homes in the Village Residence Zone may be expanded on the ground floor but only within a rectangular area formed by a projection of the outermost exterior walls of the house, excluding the garage, as constructed by the original developer, and must comply with all applicable setbacks.

- 9.17.2.2 One and two-story homes within the Village Residence Zone may be modified, expanded, reconstructed, or replaced with the expansion or addition of a second story within a rectangular area formed by a projection of the outermost exterior walls of the ground floor, excluding the garage, as constructed by the original developer.

9.17.2.3 Additionally, expansions or additions over the garage are permitted. However, the expansion or addition of a second story over the house or the garage must utilize a five-foot setback from the zero-setback property line, if one exists, and comply with all other applicable setbacks.

9.17.2.4 The application of the provisions of this section is based on an administrative policy issued by the City of Coronado to provide for such modifications, expansions and/or additions as set forth herein. Approval by the Association of any application for such modifications, expansions and/or additions is entirely discretionary and is dependent upon the application complying with the Member Handbook (as amended from time to time); architectural guidelines, if any; AECC review and action; and the prior written approval of the Board of Directors.

9.17.2.5



9.17.3 Atriums

Enclosure of atriums requires review of the AECC **and is subject to Board approval** and City Code requirements concerning window size, ventilation, and emergency egress. **An increase in the assessment for additional floor area will be applied upon completion in accordance with Section 9.4.2**

9.17.4 Air Conditioning

No window air conditioning units shall be installed because of noise and appearance. Central air conditioning systems require administrative review and approval for noise and appearance.

9.17.5 Awnings, Sunscreens, & Umbrellas within Village Residence & Townhome Zones

9.17.5.1 These guidelines primarily affect locations that are visible from the street or the waterfront. ~~**Except for locations affecting neighbors' view or sunlight.**~~ Backyards of off-water homes are excluded from this guideline. Examples of locations that come under this guideline are decks and patios (at ground level as well as on upper stories) that are visible from the street or the waterfront. Where “umbrella” is written, the guideline applies equally to awnings, sunscreens, pergolas, trellises, etc. In cases where approval is required, it should be requested before purchasing the umbrella. Where “approval” is mentioned, the General Manager ~~**may will**~~ determine whether approval is administrative or requires AECC review and Board approval.

9.17.5.2 Location – Umbrellas **should be placed in a location that is least visible from the street or waterfront shall not impair any neighbors' view or sunlight.**

9.17.5.3 Size – Any support for umbrellas, awnings or sunscreens higher than eight feet requires approval before installation. Large awnings, sunscreens or umbrellas are not allowed that resemble an extension of the building as a fixed structure. If there is any doubt, AECC review and Board approval is required.

9.17.5.4 Security and Maintenance – Security in case of high winds shall be considered. Umbrellas, awnings or sunscreens must be maintained

9.17.6 Density

Homes rebuilt in the ~~**Bahama**~~ Village Residence Zone shall be designed in accordance with the same rules as a remodeled home. They shall have the same look, footprint, profile and height as the original house with only slight exterior modification in accordance with other provisions of this chapter. Density of population in the ~~**Bahama**~~ Village Residence Zone affecting the number of bedrooms and parking is of great concern relative to any remodeling and will be carefully considered in the approval process. **Pursuant to Government Code section 65852.2(a)(8), permitted and Board approved ADUs shall not be deemed accessory and shall not be considered to exceed the allowable density for the lot upon which it is located.**

9.17.7 Garages

Garages may not be modified to reduce the parking capacity or used as a bedroom or for other residential use with the exception of an Accessory Dwelling Unit (ADU) or Junior Accessory Dwelling Unit (JADU) permitted by the City of Coronado and approved by the Association. The net dimensions of each garage shall be a minimum of 9 feet by 20 feet. Each dwelling shall be provided with a minimum of two off-street parking spaces as stated in the Coronado Cays Specific Plan. Parking for Accessory Dwelling Units (ADUs) and Junior Accessory Dwelling Units (JADUs) must comply with City of Coronado Ordinance 86.56.105 or as otherwise approved by the Association. City of Coronado Ordinance 86.56.105 states:

1. A maximum of one parking space shall be required for each ADU.

2. No additional parking is required for a JADU.
3. When additional parking is required for an ADU, the parking may be provided as tandem parking, may be covered or uncovered, and may be located within side and rear yard setback areas. ADU parking within the front yard setback area is limited to within an existing driveway.
4. If an ADU or JADU replaces an existing garage or other required parking, replacement spaces shall be provided. When required parking is removed in conjunction with the establishment of an ADU, required replacement spaces may be covered or uncovered and may be located within side and rear yard setback areas. Parking within the front yard setback is limited to within an existing driveway.

9.17.8 Landscaping

Sprinkler systems shall not spray the base or sides of neighbors' house. Plants and shrubs shall not be attached to neighbors' house or comprise a nuisance in any way, e.g., when painting the outside wall. Vegetation shall be kept to a size so as not to impact the views or sunlight of the neighbors' house. This is particularly true with atrium homes where the atrium is on the zero-lot line.

As a Building Code requirement, dirt and grass shall be kept a minimum of **two (2) six** inches below the weep screed (the perimeter concrete wall sill) on the exterior walls to prevent termites and moisture from damaging the house.

Proposed changes to the curbing, paving of the walkway or in front of garages, or any "hardscape", lighting, or decorations visible from the street shall be submitted for administrative or **Board AECC** approval. Landscaping maintenance on the street side of every house is the responsibility of the Association and the Landscape Coordinator. Requests to change the landscaping on the street side of a home is subject to administrative approval.

9.17.9 Painting

Each house will be painted entirely (stucco, wood siding, wood trim and metal trim) every ten years. Five years after the complete repaint, there will be painting of **wood siding and wood & metal trim everything except stucco. Custom gates & metalwork, decks & balconies, trellis & pergolas, stairs, and items added by the owner are excluded (will not be painted).** Village Reserve funds are used to cover this painting requirement.

- 9.17.9.1 There is an approved slate of colors for **the Bahama** village that may be viewed at the Association office. Trim colors are intended for narrow strips like beams and columns. Adjacent houses may not be painted the same combination of main and trim colors. A basic guideline is to preserve the existing "look" of **the Bahama** village and not have conflicting combinations or adjacent homes with the same color combination. If an owner desires to change colors of his/her house, a "Paint Color Change Request" form must be submitted

to the Association in the same fiscal year in which the house has been scheduled to be painted. Association staff will contact the Village Director for approval. ~~The Maintenance Supervisor will contact the Chairman of the Bahama Village Paint Committee for approval.~~

9.17.9.2 Shingles from original construction are allowed to remain unpainted as long as the owner maintains the shingles in a clean and unstained condition

9.17.10 Roof Color and Materials

Proposed roof colors and type of material for new roofs are subject to administrative approval. Approval is based on the house color and village characteristics.

9.17.10.1 BAHAMA VILLAGE Roof Materials – Roofs installed in Bahama Village must be specialty material or lightweight tiles. Asphalt shingle and composition roofs are not permitted on sloped roofs. Asphalt is permitted only for flat, level roof areas. Approved materials for sloping roofs are:

<u>Specialty Materials</u>	<u>Light Weight Concrete Tile</u>
MaxiTile – Maxi Tile, Inc.	Premium Duralite – Monier LifeTile
HardiShake – James Hardie Building Products	Eagle Lite Light Weight Concrete Tiles – Eagle
HardiSlate – James Hardie Building Products	Light Weight Clay – U.S. Tile
Fire Free – Recon Building Products	Cedar Lite – Monier Life Tile
	Premium Duralite 2000 – Monier Life Tile

Other manufactures with comparable light weight concrete tiles may be considered.

9.17.10.2 **TRINIDAD & PORT ROYALE VILLAGE color and roof tile material shall be consistent with the character of the village.**

9.17.11 Solar Panels

Solar panel installations are eligible for ~~administrative~~ **subject to the approval of AECC** approval and are subject to current Civil Code ~~maintenance provisions for owners installing systems in Common Areas or Exclusive Use Common areas in order to minimize any unsightliness.~~ **Solar panels shall be permitted and installed in such a manner as to minimize the visual impact from adjacent streets.**

9.17.12 Spas/Hot Tubs

Are permitted subject to meeting requirements of ~~administrative~~ **AECC** approval. The unit must be silent operation and used at reasonable hours ~~and be subject to the right of neighbors to complain to Cays Safety Patrol or the Coronado Police in case of objectionable noise.~~ Spas or hot tubs must have a setback of five (5) feet from **side and rear** all property lines as stated in the Coronado Cays Specific Plan 90.02.030.

~~Satellite Dish/TV Antennas – Are subject to the review of the AECC to assure that~~

~~the location of any proposed antenna provides minimum visibility of the antenna from ground level and size does not exceed 36 inches.~~ (Covered under general requirements for the entire Cays Section 9.14.4)

9.17.13 Bahama Village Architectural Committee (BVAC)

The Bahama Village Director shall appoint a committee of up to three homeowners to preview applications requesting exterior architectural, landscaping changes, etc. Bahama Village Architectural Committee (BVAC) shall review and develop a recommendation for approval or disapproval of the request, and submit it with comments to AECC. ~~or for Administrative Approval as appropriate.~~ BVAC shall not recommend approval of any application that violates any part of these rules. Every effort must be made that the review by BVAC does not delay review by AECC ~~or Administrative Approval.~~

~~**9.22 Trinidad Village Advisory Committee (TVAC)** The TVAC, comprised of the Village Director and volunteer homeowners of that village, will be available to review requests for exterior changes to each home or town home within Trinidad Village. Review will be accomplished during the open Committee meetings held on the first Thursday of each month at 6:00pm in the Trinidad Village Clubhouse. Reviews by the TVAC are not mandatory, they are provided for assistance to the homeowner in preparation for remodel or new construction applications required by the AECC, Board of Directors or the General Manager. The TVAC will forward each request to appropriate approval authority with recommendation and will provide individual homeowners of actions taken within three working days of review.~~

9.18 Village Townhouse Zone Architectural and Environmental Guidelines

9.18.1 Bahama Village Rear Yard Decks – It is the policy of the City of Coronado Community Development Department that rear yard decks and patios are permitted structures in the Village Townhome Zone. Rear yard decks, patio slabs, or other surface materials may encroach in required setbacks provided they do not exceed the height of the main structure’s first floor house slab as constructed by the original developer and do not adversely affect the structural integrity of the bulkhead.

9.18.1.1 It shall also be the policy of the City of Coronado Community Development Department that any property owner who has an existing rear yard deck in the Village Townhouse Zone may retain the deck subject to compliance with the above referenced development standards and through obtaining approval of the Coronado Cays Homeowners Association and a building permit from the City of Coronado.

9.18.2 Trinidad Village Roof Deck Spas – Spas will not be allowed on roof decks on single-story townhomes with zero-lot lines.

9.18.3 Rooftop Decks – Rooftop decks will not be allowed in the Village Townhouse Zone due to privacy and noise concerns.

9.19 Bulkhead Preservation (Previously 9.26)

To preserve the integrity of the waterway bulkheads, there will be no excavation deeper than 18 inches in any yard that contains a “dead man” support system for the bulkheads nor may any underground garage be constructed within 15 feet of any “dead man” support systems. However, if the excavation is properly certified by a licensed civil engineer, it may be approved.

9.20 Association Owned Common Area and Wharfage Area Exterior Paint Color (Previously 9.21)

9.20.1 The standard color throughout the Cays common areas including the Kiosk entry area, pergolas, signs, light posts and street signs, shall be recommended by the AECC to the Board of Directors. The ~~Board~~ AECC approved the Frazee paint colors Admiral Blue (5095N), Blue Brilliance (ACO79N) and Dunn-Edward paint colors Endeavor Blue and Sea Witch Blue.

9.20.2 Wharfage Excepting Blue Anchor & Green Turtle Cays – As of present, dock piling caps, ramp railings and trim are to be repainted Sea Witch Blue, Endeavor Blue, Blue Brilliance, Admiral Blue or White when required from maintenance standpoint or for new construction. Ramps constructed of aluminum or other permanently colored composite material may remain unpainted subject to the approval of the **Village Director and General Manager.**

9.20.3 Wharfage in Blue Anchor & Green Turtle Cays – When required from a maintenance standpoint or for new construction, dock piling caps, ramp railings and trim shall be painted Sea Witch Blue, Endeavor Blue, Blue Brilliance, Admiral Blue, or White or colors approved by the **Village Director and General Manager.** ~~Green Turtle Village Paint Committee.~~ Ramps constructed of aluminum or other permanently colored composite material may remain unpainted subject to the approval of the **Village Director and General Manager.** ~~Blue Anchor Village Paint Committee, Green Turtle Village Paint Committee.~~