

These shrubs may be trained as patio trees: Azalea (evergreen, flowering), Bottlebrush (evergreen, flowering), Fuchsia (flowering), Hibiscus Rosa sinensis (evergreen, flowering), Osmanthus fragrans (evergreen, flowering, very fragrant), Raphiolepis (evergreen, flowering), Xylosma congestum (evergreen).

7.2 Trellises, Stakes, Lattice, and Other Plant Supports

Trellises, Stakes, Lattice, and other plant supports may not extend above the top of the fence. *See caution in paragraph 8.0 regarding attachments to fences.*

7.3 Covers

Patio covers are allowed only with prior approval of SOHA. Plans for one particular design, installation, and color, are available from the office. Any alterations to those plans require written approval by SOHA. The homeowner is responsible for the maintenance and painting of the patio cover.

7.4 Maintenance

If you maintain a clear space of at least six (6) inches between your plants and the fence, then maintenance such as repair and painting of the fence can be accomplished with little risk of damage to your plants; any such damage will be repaired by SOHA. However, we recognize that it is not always desirable to leave such a gap since the entire width of many patio flowerbeds is only thirty inches. Therefore, a resident may locate plants closer to the fence with the understanding that maintenance personnel will use reasonable care in performing their tasks If such plants are damaged or destroyed, then the resident, not SOHA, is responsible. If you decide to locate plants closer than 6 inches from the fence, use common sense. The closer they are to the fence, the more likely they are to be damaged. When you receive notification of scheduled maintenance of your fence, relocate or protect your plants as much as possible to minimize possible damage to them.

7.5 Furniture

For areas visible from the common area, any normal patio furniture and accessories are allowed, e.g. chairs, tables, umbrellas, grills, planters, and etcetera.A beige or neutral tone is preferred, and any light or pastel color is acceptable. Strong vivid colors and/or patterns are discouraged. Sporting equipment or play equipemtn is prohibited. Umbrellas must be contained within the patio area.

7.6 Storage

Items may not be stored on patios, which are an eyesore seen from the common area; *See Aesthetics in Section 2.5.* Storage containers may not be higher than the bottom of the holes in the fence, or than the top of the fence if fence openings are covered by privacy slats or vines.

7.7 Laundry and Clotheslines

For aesthetic reasons, no clotheslines or laundry shall be visible above the solid portion of the fence.

MARKUP #1 ->

MARKUP #1 · CONFLICTS WITH MANDATORY STATE STATUTE BOARD & COUNSEL REVIEW

Sec. 7.7 (p. 13): Restriction on backyard clotheslines/drying racks or personal agriculture conflicts with Cal. Civ. Code § 4750.

Statutory / Legal Reference: Cal. Civ. Code § 4750

Statutory Comparison: Under Cal. Civ. Code § 4750, any provision of a governing document that effectively prohibits or unreasonably restricts the ability of an owner to use a clothesline or drying rack in the owner's backyard is void and unenforceable. Under Cal. Civ. Code § 4753, any provision of a governing document that effectively prohibits or unreasonably restricts the use of a homeowner's backyard for personal agriculture (cultivation of edible plant crops for personal use or donation) is void and unenforceable.

CURRENT WORDING IN DOCUMENT:

Laundry and Clotheslines For aesthetic reasons, no clotheslines or laundry shall be visible above the solid portion of the fence. ACC Resolution

SAMPLE DISCUSSION WORDING (FOR HOA ATTORNEY REVIEW):

Pursuant to California Civil Code §§ 4750 and 4753, nothing herein shall prohibit or unreasonably restrict the use of a clothesline or drying rack, or the cultivation of personal agriculture (edible plant crops), within an owner's exclusive-use backyard, subject to reasonable Association health, safety, and maintenance rules.

ISSUE #1