

**BEAR BRAND AT LAGUNA NIGUEL COMMUNITY ASSOCIATION**

**ARCHITECTURAL STANDARDS**

**OCTOBER 15, 1992**

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## I. INTRODUCTION

One of the most important functions of the Bear Brand Community Association is the preservation of the architectural character of the planned development of Bear Brand in order to enhance the desirability and attractiveness of the entire community.

The Association has been charged with the administration and enforcement of architectural control within the community by the authority in Article VIII of the Declaration of Covenants, Conditions and Restrictions, (Hereinafter referred to as the CC&Rs), and are cited by Article and Section.

The CC&Rs provide for an Architectural Committee to be appointed by the Board of Directors (Article VIII, Section 8.2). The Architectural Committee has the authority to review and approve or disapprove all plans and specifications submitted for any proposed improvement as defined in Article VIII, Section 8.3 of the CC&Rs.

- A. **Intent of the Standards:** These standards are principally concerned with the physical appearance of the community environment. It is the intent of these standards to direct design efforts towards a homogeneous and quality response to the natural and constructed environments.

There are two areas of concern to the Architectural Committee, and these two areas are as follows:

1. Architectural improvements consisting of room additions, balconies/decks, patio covers, gazebos, exterior color or material changes, etc., and
2. Landscaping improvements consisting of plantings (softscape), flatwork (hardscape), pools, spas, walls, fences, etc.

All proposed architectural and landscape improvements are to be submitted to the Architectural Committee for approval, prior to the initiation of construction. All submittals must include a completed Submittal Checklist along with a completed Architectural Committee Application in order to be considered.

- B. **Architectural Standards:** The CC&Rs also provide the authority for the Board of Directors to establish and modify Architectural Standards to be administered by the aforementioned Architectural Committee. (Article X, Section 10.1). Specific Architectural Standards have been adopted for the community to complement the type of housing. The standards contained herein have been developed for Bear Brand by the builder, and may be amended by the Board of Directors (Article X, Section 10.1).

The Architectural Committee is given the authority by the Board of Directors to establish procedural rules and to assess reasonable fees appropriate to the type and

nature of the proposed improvement for which plans have been submitted. (Article VIII, Section 8.3).

- C. **Approval:** The Architectural Committee may condition the approval of plans and specifications with such changes deemed appropriate and may require submission of additional plans and specifications. (Article VIII, Section 8.3, Failure to obtain approvals may constitute a violation of the CC&Rs and may require disciplinary action as described in the Article Discipline of Members).
  
- D. **Appeal:** Should the Architectural Committee disapprove plans and specifications submitted, the person submitting such plans and specifications may appeal in writing to the Board of Directors of the Bear Brand at Laguna Niguel Community Association. The written appeal must be received by the Board no more than fifteen (15) days following the decision of the Architectural Committee.
  
- E. **Inspection:** Inspections of completed improvements may be made by the Architectural Committee or designated representatives once the owner has notified the Architectural Committee that the improvements have been completed. This notification to the Architectural Committee must be made within forty five (45) days of the improvement's completion.
  
- F. **City/County Approval:** Please be aware that approval by the Architectural Committee is for aesthetic purposes only and that all necessary City/County building permits must be obtained and that all governmental regulations must be adhered to at all times. After the Association has approved the plans for aesthetic purposes, the local regulatory agencies must be contacted to ensure that the plans are in compliance with all building, zoning, health and other applicable regulations currently in force.

In the event of a conflict between the provisions of these standards and any other ordinance or regulation, the more restrictive requirements shall prevail.

## II. GENERAL SUBMISSION PROCEDURES AND REQUIREMENTS

The approval of any “Improvement” by the Board of Directors does not waive the necessity of obtaining the required City and County permits, and conversely, obtaining a City or County permit does not waive the need for Architectural Committee approval.

- A. All applications are to be made to The Management Trust – Transpacific, the managing agent for Bear Brand at Laguna Niguel Community Association. Applications may be mailed or delivered to:

Bear Brand at Laguna Niguel Community Association  
c/o The Management Trust - Transpacific  
15661 Red Hill Avenue, Suite 201  
Tustin, CA 92780

Telephone inquiries should be directed to:

The Management Trust - Transpacific  
(714) 285-2626, ext. 1211

- B. All requests for architectural review must be made on the standard Bear Brand at Laguna Niguel Community Association Architectural Review Application forms and must include a completed copy of the Submittal Checklist and a Neighbor Awareness Form. Application materials may be obtained from The Management Trust – Transpacific.
- C. **Required Copies:** Two (2) complete sets of plans, showing the items requested in Section IV of these Standards which apply to the appropriate housing type, must be submitted with the application. Applications should be submitted four to six (4-6) weeks prior to beginning construction.
- D. **Construction Drawings:** Plans must be prepared in accordance with applicable building codes and with clarity and completeness. It is recommended that involving major improvements or work requiring variances be submitted at the preliminary drawing stage for review by both the Association’s Architect and the City of Laguna Niguel.
- E. **Right of Entry:** If construction work requires the use of common areas for purposes of transporting labor and materials, or for the temporary storage of materials for the work, the applicant shall obtain written permission from the Association for the “Right of Entry” during the course of construction. A copy of this letter granting permission shall be filed with the Management Company prior to the commencement of construction.
- F. **Improvement Security Deposit:** Based on the Architect’s decision, the Association may require an initial security deposit to cover the damage costs of restoration, cleaning, or repair of common areas, caused in connection with improvements to a lot or residence. The Association may require the initial or additional deposits for improvements. Any security deposit not utilized for repair of common areas shall be returned to the Owner after completion of the proposed improvements.

In addition to a security deposit, the Architectural Committee, for the Association, may require a bond, indemnification or a restoration agreement.

G. **Neighbor Awareness:** The intent of this portion of the Architectural Review Application Form is to avoid future conflicts, by advising neighbors who own property adjacent to the proposed work. This will necessitate obtaining the signature of your neighbor(s) on the application blank in the spaces provided. The neighbors who must sign the Neighbor Awareness form must also initial each and every sheet of drawings shown to review. Please contact the management company to determine which neighbors must be provided a signature form. In the event of neighbors who are in escrow or uncooperative in reviewing plans, a good faith effort must be made to obtain the signatures as evidenced by furnishing copies to the Board of Directors of a certified letter transmitting plans and requesting review. No application will be considered as a complete submission, until the neighbor awareness condition has been met to the satisfaction of the Board of Directors.

H. **Submittal Fees:** May be imposed at some time in the future if deemed necessary by the Association.

All submittal fees may be amended by the Board of Directors from time to time as the cost of review varies.

I. **Incomplete Submittals:** To avoid unnecessary delays and expense, the Board of Directors shall not accept incomplete submittals for consideration. Incomplete submittals shall be returned to the applicant along with a copy of the checklist noting the areas of deficiency.

J. **Non-Liability:** The Association's Architects review of the Plans and Specifications does not include the approval for (a) engineering design, (b) compliance with zoning and building ordinances, and other applicable statutes, ordinances or governmental rules of regulations, (c) compliance with the requirements of any public utility, or (d) any easement or other agreement, or (e) preservation of any view more stringent than that set out in the CC&Rs. By approving such plans and specifications neither the Architect, the members thereof, the Association, the Owners, the Board, nor Declarant, assume liability or responsibility therefore, or for any defect in any improvement constructed from such plans and specifications or for any obstruction or impairment of view caused or created as the result of any improvements approved by the Architect, or Board of Directors. (Article VIII, Section 8.8 of the CC&Rs).

K. **Disposition:** Upon approval, disapproval, or in the event the Architect or Board of Directors requests clarification or additional information, all submissions shall be distributed as follows:

1. One approved plan shall be placed in the Association files.
2. One approved plan shall be returned to the Owner who shall be required to maintain the same at the work site during the course of construction until such time as a final inspection has been made by the Board of Directors or its designated representative.

3. Disapproved plans or those requiring clarification or additional information shall be returned to the Owner. Previously disapproved plans shall be included with subsequent submittals.
- L. **Time Period:** All works of improvement shall be completed within one hundred twenty (120) days after the date of approval, unless otherwise specified in writing by the Board of Directors. If not so completed, the Board of Directors may void this approval and require new submission for review.
- M. **Inspection:** Within forty five (45) days following the completion of the improvement as indicated on the “Approved” copy of the drawings and specifications, the owner/applicant shall notify the management company, long with photos of the completed project for final approval. If no inspection is made, work will be deemed completed in compliance with approved plans and specifications forty five (45) days after the Owner’s notification to the Board of Directors requesting the inspection. (Article VIII, Section 8.7).
- N. **Appeals:** In the event that plans and specifications submitted to the Architect are disapproved, the party or parties making such submission may appeal in writing to the Board of Directors. The appellant should check with The Management Trust - Transpacific for appeal format. The written request must be received by the Board not more than fifteen (15) days following the final decision of the Architect. The Board shall submit such request to the Architect for review, whose recommendations and supporting materials will be submitted to the Board.
- Within forty five (45) days following receipt of the request for appeal, the Board shall render its written decision. The failure of the Board to render a decision within said forty five (45) day period shall be deemed a decision in favor of the appellant.
- O. **Enforcement:** Failure to obtain the necessary approval from the Association may constitute a violation of the Declaration of Covenants, Conditions and Restrictions (CC&Rs) and may require modifications or removal of work at the expense of the Owner. (Article VIII, Section 8.7).
- P. **Violations:** All residents have the right and the responsibility to bring to the attention of the Board of Directors and/or the management company any violations of any provision or standard which has been adopted by the Board of Directors.
- Q. **Amendments:** These standards along with the provisions set forth in the CC&Rs form the basis and criteria for evaluation of plans and specifications submitted for review and approval by the Association’s Architect. Any condition or material not defined in the Association Management Documents shall become a matter of discretionary judgment on the part of the Board of Directors, acting in good faith on behalf of the best interests of the Association as a whole.

The Board of Directors may at its discretion from time to time, amend the design standards for the purpose of more fully defining their original intent.

### III. GENERAL CONDITIONS OF APPROVAL

The following shall be the conditions of any architectural approval and shall be incorporated by reference only as the approval plans or Architectural Letter of Approval. It shall be the responsibility of the Owner of the residence on which an approval was granted to ensure that these conditions are enforced upon all persons or firms used, engaged or employed in carrying out any operation or trade in conjunction with said improvement.

- A. **Signs:** No signs shall be displayed at any residence other than a sign advertising the property for sale.\* This includes tradesmen's, contractors' and installers' signs of any type, including the signs identifying the residence as the site of their activities of operations. Landscape contractors' signs may be displayed during construction and for a period of thirty (30) days after completion of construction. Security system signs are an exception and may be displayed in a non-obtrusive manner.

\* It is an Association Architectural Standards requirement, that the distinctive Bear Brand Community real estate sign be used when denoting a property for sale, lease, rent, etc. Contact The Management Trust - Transpacific at 714.285.2626 for details on securing the sign.

- B. **Hours of Operation:** All construction operations shall be carried on between the hours of 7:00 a.m. and 7:00 p.m. on Monday through Friday and 9:00 a.m. through 4:00 p.m. on Saturdays. In the vent City ordinances are more restrictive, the City ordinances shall prevail. These time restrictions do not apply to emergency situations.
- C. **Temporary Structure:** No structure of a temporary character will be permitted to remain on any lot without the written approval of the Board of Directors.
- D. **Streets and Walkways:** No construction debris or materials such as sand or bricks may be permitted to remain on the streets or walkways. All items of such nature must be stored on the Owner's lot. In the event that any materials are delivered and deposited on the streets or common areas, the Owner will be held responsible for the costs involved in cleaning and/or restoring the common areas, streets and walkways. The Association reserves the right to clean the common areas, streets and walkways and to invoice the responsible Owner for costs or deduct such costs from security deposits no earlier than thirty (30) days after written notice to the Owner.
- E. **Maintenance of Improvements:** The repair and maintenance of any work or improvement will be the responsibility of the installing Owners or subsequent Owner.
- F. **Conditions Not Covered:** Any condition not covered or material not contained within these Standards shall become a matter of judgment on the part of the Board of Directors.

G. **Construction By Declarant:** Nothing in these Standards shall limit the right of the Declarant, to alter the common areas, or the residences or to construct such additional improvements as Declarant deems advisable prior to the completion of improvements upon and sale of entire development. No approvals shall be required from the Board of Directors for any construction by the Declarant.



## IV. SUBMITTAL REQUIREMENTS

In addition to the general submission procedures described in Section II of these Architectural Standards, Owners within the Development, other than Declarant, shall comply with the following submission standards:

A. The Submittal Checklist is comprised of four parts, which consist of the following:

Part 1 - List of the submittal requests.

Part 2 - List of submittal requirements for landscape improvements (plant material, hardscape, pool, spa, fences, walls, etc.).

Part 3 - List of submittal requirements for architectural improvements (trellis, gazebo, sunshade, balcony, window and door treatment, exterior color or material changes, etc.).

Part 4 - List of submittal requirements for space improvements (room additions or conversions, balcony or deck additions, etc.).

If you are applying for improvements involving items related to more than one part of the checklist, you must include all of the items for all of the parts of the checklist related to the improvements you are applying for. For example, if your request involves a landscape plan with a gazebo or shade structure, you must submit items required for both the Landscape Improvements and Exterior Improvements parts of the checklist.

All applications shall include the items listed under the All Improvements part of the checklist.

B. When required by the checklist, each type of drawing submitted must include the minimum amount of information listed below:

1. **Plot Plan:**

- a. Show lot lines accurately as to length, angles and amount of curve. Show all existing and proposed buildings, structures, fences, walls, sidewalks and other improvements; indicate all required setbacks, easements, and top or toe of slopes.
- b. Show all dimensions on work to be considered, distances between existing and proposed work and distances between proposed work and property lines, setback lines and slopes.
- c. When proposed improvements involve changing existing grades by more than 1”- 0” or changing existing drainage, show contours or spot elevations, flow lines, finish grades and proposed drainage systems. Drawings for proposed improvements changing existing drainage shall be prepared by a registered civil engineer or licensed landscape architect.

2. **Landscape Plan:** (may be included as part of Plot Plan)
  - a. Include proposed walkways and other hardscape, planting areas and plant names, decks, fences and walls, stairs, trellises, arbors, gazebos, spas, ponds, fountains, ornamental rocks, barbecues, courts, play equipment, apparatus and yard lighting.
  - b. For proposed fences and walls, drawings shall note materials, colors and heights. Heights shall be noted in relation to the immediate ground elevations.
  - c. Pool and spa plans shall include the location, size and sound mitigation treatment of all mechanical equipment.
3. **Exterior Elevations:**
  - a. Provide exterior elevations of all proposed structures including trellises, gazebos, and shade structures. When the proposed improvement is attached to the existing home, show the existing elevation in relation to the proposed improvement.
  - b. Note all finish materials, colors and textures of proposed work. Note if proposed finishes and materials are to match existing finishes and materials.
  - c. If the proposed finish materials or colors are to be different than those of the existing structure, a color and material board must be included clearly depicting the different materials and/or colors.
4. **Floor Plans:**
  - a. Indicate all walls, columns, openings and any condition or features that will affect the exterior design of the structure.
  - b. Show dimensions of proposed work and related existing work; indicate relationship.
  - c. Delineate all parts of the exterior that cannot be shown on elevation drawings.
5. **Roof Plan:**
  - a. Show all existing and proposed roof surfaces. Note pitches and overhangs.
  - b. Denote existing and proposed roof materials and colors.

## V. SITE DEVELOPMENT STANDARDS

The following Site Development Standards shall apply to all improvements, except such work undertaken by Declarant.

A. **Workmanship:** All works of improvement shall be performed in a manner consistent with the standards of the existing structures, fences or common area improvements. Any work deemed by the Association's Architect or Board of Directors as not meeting the standards shall be reworked to meet those standards or removed and the area, building, or common area restored to its condition prior to commencement of the work by the Owner. In the event the Owner refuses to rework, remove, and/or restore as called above, the Board of Directors shall request the rework, removal and/or restoration and the cost thereof and costs for compliance shall be assessed to the Owner as provided in the Bylaws of the Bear Brand Community Association (Article VIII, Section 8.7 – Enforcement).

### B. **General Development Guidelines**

#### 1. **Heights:**

- a. Dwellings: Heights of improvements other than landscaping shall be restricted to the maximum height of the existing structure and must be compatible with the intent of the existing structure with respect to massing and enclosure.
- b. Other Structure: Maximum height of the area to be occupied of all other structures including patio structures, swings, playhouses, cabanas, trellises or gazebos shall be unobtrusively positioned on the property and shall be limited to eight (8) feet in height. Tool sheds or other appurtenant structures shall be unobtrusively positioned on the property and, shall be limited to the height of the fence. Tool sheds must provide elevation view consistent with architecture. All portions of proposed structures that are decorative and unable to be occupied and exceed the eight (8) foot limit are subject to review and may not be permitted.

#### 2. **Setbacks:**

Minimum setback standards for the community are established by the City of Laguna Niguel in conformance with the applicable City building and zoning codes. These standards affect all improvements including, without limitation, buildings, outbuildings, garages, carports, pools, recreation facilities, parking areas, awnings, patio covers, balconies, stairs and decks. In the case of irregular shaped lots or flag lots, the Association's Architect may establish front, side and rear yard setbacks, consistent with the approved minimum standards, to allow alternative siting of improvements.

#### 3. **Chimneys:**

No chimney may extend higher than the maximum height of 35' above finished grade.

**4. Fences and Walls:**

Fences, walls, and gates shall not be installed, removed, reconstructed, or modified as to structure, finish, or color without the prior written consent of the Architectural Committee. Double walls constructed side by side shall not be permitted. Constructed barbecues must be kept at least three feet away from property line walls.

**5. Planter Walls:**

Building materials used to construct decorative planters should blend in and compliment the style of the home and existing walls or fences. These materials are subject to the Association's Architect or Board of Directors approval.

**6. Antennae:**

No outside, antennae or satellite dish shall be constructed, erected or maintained at any time on any lot, unless contained within a building or underground conduits or are less than 36" in dimension and positioned on the property not being visible from a street or common areas in the complex. Appliances or installations upon the roofs or structures, except for those solar panels or other appliances installed by the builder, shall not be permitted unless they are approved by the Association's Architect or Board of Directors. All electrical, mechanical or other equipment on any roof of any building in the properties shall be completely screened, so as not to be visible from any portion of the properties, the Public Parcel, or any other point outside the properties.

**7. Door and Window Coverings:**

Screen doors shall be submitted to Association's Architect for approval. No aluminum or metal awnings or covers shall be permitted over windows or patios. Windows shall not be covered with unsightly material such as aluminum foil, paint, etc.

**8. Exterior Lighting:**

No exterior lighting shall be placed or maintained upon any lot so as to cause an unreasonable glare or illumination upon any other private or common lot.

**9. Trash Containers:**

All garbage and trash shall be placed and kept in sanitary covered containers, and located within enclosed areas or areas screened from the view of any other lot, condominium, common area or Association property. In no event shall such containers be visible from neighboring property or adjacent street, except when set out for a reasonable period of time (not to exceed 12 hours) before or after scheduled trash pick up time. (See also CC&Rs Article VII Section 7.15).

**10. Clotheslines:**

Outside clotheslines shall not be erected, unless they are placed and maintained so as not to be visible from neighboring properties. (See also CC&Rs Section 7.15 – Unsightly Articles).

11. **Vehicles:**

See CC&Rs Article III Section 3.3 – Parking and Traffic Control

12. **Patio Structures, Sun Shades and Gazebos:**

All patio structures, sun shades and gazebos shall be constructed according to the approved beam, rafter, and footing specifications of the City. Patio covers must be constructed with wood and may have wood, brick, or stucco support columns that are compatible with the existing dwelling unit materials. Patio covers and patio cover columns of stucco or wood shall be painted to match the color of the house, or house trim. No metal or aluminum patio covers are permitted. Side elevations of shade structures shall not be enclosed in any manner, except in the case where a wall of a dwelling forms a natural enclosure to some or all portions of a side elevation.

13. **Sundecks:**

No sundecks are permitted on or over any portion of a second story roof (e.g. crow's nests, etc.). Floor heights for decks are limited to those of the existing second floor living levels. All sundecks shall be directly accessible from living unit levels. A sundeck is further defined as a balcony, open porch, etc., which is attached to the house at second floor level height.

13a. **Balconies:**

The addition of any balcony on the front of the house must be approved by the Association's Architect. All balconies must be architecturally compatible with the original structure and should not extend beyond the original perimeter of the house.

14. **Mailboxes:**

Mailbox posts, standards and enclosures shall be subject to the control and approval of the Board of Directors or the Association's Architect unless otherwise controlled by the U.S. Postal Service. Homeowners shall be responsible for the appearance and condition of the posts and mailboxes and may be requested to improve upon the unsightly condition of the mailboxes or posts.

15. **Exterior Colors:**

Exterior colors of all existing improvements shall not be changed or altered without the consent of the Association's Architect or Board of Directors.

16. **Flagpoles:**

The design, material and installation of flagpoles shall be subject to the review and approval of the Board of Directors.

**17. Mechanical and Solar Devices:**

All mechanical equipment exposed to the exterior, including pumps, heaters and air conditioning compressors, and solar devices including collectors shall be subject to review and approval of the Association's Architect or Board of Directors.

**18. Basketball Backboards:**

Basketball backboards may not be attached to the structure and must be of fiberglass construction. Basketball backboards may be installed on a freestanding, removable post within a sleeve in the concrete. The sleeve must be in the homeowner's driveway and must not negatively affect the adjacent residences. A removable or portable post and backboard shall be removed and stored out of sight when not in actual use.

Use of the basketball amenity is restricted to within the hours of 9 a.m. and 9 p.m. weekdays and 10 a.m. and 9 p.m. weekends.

Freestanding backboards may be installed in the backyard of any single family residence with appropriate approvals.

Any lighting of the basketball area must not exceed a height of fifteen feet, must be shielded to prevent any over spilling of light beyond the property lines, and requires approval of the Board of Directors or the Association's Architect.

Each backboard request will be evaluated on a individual basis. Any backboards installed prior to approval will be subject to fines and subject to a possible order for removal. The Board of Directors will require signed Neighbor Impact Forms from all affected homeowners before any consideration for approval will be considered.

Granting of approvals will be given with the understanding that the homeowner will maintain the appearance of the backboards and posts, including replacement of a torn net. To encourage maintenance upkeep, the Association will request a \$50.00 maintenance deposit in the event the Association is required to perform neglected upkeep.

**B. Landscaping, Pool and Recreation Standards**

APPROVED PLANT MATERIAL attached as Exhibit "A" contains a list of plant material approved by the Association that has been selected based on visual and aesthetic considerations only. No representation, explicit or implicit is made as to the soils suitability or disease resistance of the listed plant material. Bear Brand and the surrounding area are not "schematic" in their landscape treatment. The list of approved plant material is intended only as a starting point. Owners are encouraged to select plant material suitable to the general environment and appropriate to the area. The use of "exotic" (cactus, desert scapes, etc.) landscape material is specifically discouraged.

As a guideline for species selection, the following points should be considered:

- \* How high will it grow? Overhead wires, street lights, strong or prevailing winds may affect placement.
  - \* How wide will it grow? Will it crowd other trees, encroach on other's property, become a problem to street sweeping, sanitation, or other trucks, etc.
  - \* What are its root characteristics? Very shallow rooted trees compete strongly with grass, clog sewers, raise curbs and sidewalks, and create pedestrian hazards.
  - \* Is it susceptible to disease or pests?
  - \* Does it create excessive maintenance costs? Special pruning, spraying, fertilizing, or watering is required by some trees.
  - \* How fast does it grow? Rapidly growing trees are often dangerous in high winds.
  - \* Climate, soil, moisture requirements of each species and its compatibility with adjacent plants. Will it survive in the area's conditions?
  - \* How many trees are needed? Trees can grow up very high. Consider the size at maturity and place accordingly.
1. All yard areas visible from a street must be landscaped within one hundred and eighty days (180) of the close of escrow. (Article VII Section 7.3)
  2. The Board of Directors shall have the right, but not the obligation, to require any Owner to remove, trim, top or prune any bush, tree, shrub or plant which is reasonable belief of the Board of Directors detracts from the appearance of the community, or unreasonably obstructs the view from neighboring residences.
  3. Approximately 70% of landscape improvements should consist of planted area, with a maximum of 30% paved surface area. All residential front yard landscape planting will include one fifteen gallon tree for every five hundred square feet.
  4. Each Owner agrees that the established drainage pattern over the lot from and to the adjoining or other lots will not be interfered with, or that adequate provisions for proper drainage will be made in the event it is necessary to change said established drainage. Drain lines from rear of property should be designed to pass through the curb to the street.
  5. Refer to Addendum A for this paragraph.
  6. Each Owner of a lot shall keep all shrubs, trees, grass and plantings of every kind on the lot, neatly trimmed, properly cultivated, irrigated and free of trash, weeds, and other unsightly materials. Plant material within three (3) feet of the sidewalk shall not exceed 18 inches in height. Trees or shrubs should not block line of sight of driveways or sidewalks or vehicular traffic. A view is defined as that line of sight within the prolongation of the side property lines of the lot.

7. All Owners shall keep unsightly materials in enclosed areas and areas screened from the view of any other lot, residence, common area or Association property. Such materials include but are not limited to tools, furniture, toys, bicycles, wheel barrels and trash containers.
8. Pool, Spa, Hot Tubs, Ponds and Fountains:
  - a. Pools, Spas, Hot Tubs, Ponds, and Fountains shall be subject to review by the Architectural Committee.
  - b. All accessory equipment, except solar collector panels, shall be located, screened, or recessed in such a manner so as not to be viewable from any lot or street. Solar collector panels shall be located in a manner to minimize visual impacts. Pools or spa equipment located between residences requires adequate sound proofing of pumps and motors.
  - c. Heaters shall be stackless or low profile in configuration.

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- d. Solar collector panels including racks and distribution components shall be subject to the Association's Architect or Board of Directors review and approval as to materials, method of installation and exposure of any portion thereof.
- e. All installations shall be located, sound controlled and maintained in such a manner so as not to unreasonably disturb residents of other lots. The Board of Directors shall have the right to require any owner to repair or restore any installation to quiet operation or restrict its use or operation if in the reasonable opinion of the Board of Directors, continued use or operation disturbs residents of other lots. The Board of Directors requires a Neighbor Awareness form.
- f. All pools, spas, hot tubs or decorative water areas which present a potential drowning hazard are required to have an effective locking mechanism on the fence gate. When possible, pool equipment should be positioned in the rear yard area.
- g. All raised planters or raised pool/spa type decks must provide a separate "flash wall" in front of any existing retaining wall.

**D. Building Material Standards:**

All requirements noted within this section shall be incorporated into the final plan submission in form of general notes, details or drawings.

1. Exterior Building Walls

- a. Materials allowed for exterior cover of building walls shall include the following:

1. 8" Masonite Lap Siding]



2. Brick to match existing veneer
  3. Resawn Wood Trim to match existing
  4. Stucco, sand texture finish, color to match existing.
- b. Exterior cover material treatment used on the building walls shall be continuous and consistent on all elevations of a residence in order to achieve a uniform and complete architectural design statement.
- c. Two story wall surfaces shall be treated in one or more of the following ways in order to break up the flat appearance of the wall plane.
1. Balcony or other projection
  2. Change of plane between first and second story
  3. Change in finish material
  4. Other treatments will also be considered by the Association's Architect or the Board of Directors.

**2. Window and Door Openings:**

Window openings within exterior wall surfaces shall be located and detailed in a manner consistent with the existing treatment.

**3. Window Glazing, Tinting and Shading:**

Glass tinting or shading must be compatible with the existing treatment. Reflective glass film and plastic roll up shades shall not be permitted.

**4. Trim:**

Fascias window trim, and exterior doors shall be of resawn wood with paint compatible with the existing treatments.

**5. Diverters:**

Galvanized iron or aluminum diverters shall be painted to match roof vents or roof materials.

**6. Roofs:**

All roofing materials shall be medium wood shake or shingles, or clay tile, and shall be compatible with the existing treatment. If built up roofing material is used for flat areas of the roof, it shall match the color of the existing roof. All roof pitches shall match existing roof pitches.

**7. Roof Vents:**

All roof vents shall be colored to match the roof.

**8. Gutters and Rainspouts:**

All gutters to match colors of trim at roof and downspouts to match color of house or trim and must be tied into drainage to the curb.

**9. Flashing:**

All flashing shall be colored to match the roof or wall surface surrounding it.

**10. Wrought Iron:**

All wrought iron shall be galvanized or bonderized prior to applied finish color and shall match existing.

**11. Walls and Fences:**

All walls and fences that exist shall not be altered in any manner. Side yard return walls and fences shall match existing conditions I design, finish materials, colors and construction. The design, construction, and finish material of any gates are to match the same of the main structure, side yard walls or perimeter walls.

## **VI. ARCHITECTURAL MATERIAL STANDARDS**

### **A. Rear and Side Yard Walls/Fences:**

1. No modifications shall be made by an owner to the walls and/or fences originally constructed by the Declarant and/or Merchant Builder without the prior approval of the Board of Directors or the Association's Architect.
2. Structural framing or unfinished side of wall/fence shall not be exposed to any public street, sidewalk, green space or neighboring lot.
3. Examples of acceptable materials for repair or construction of fencing shall be:
  - a. Concrete block
  - b. Wrought iron or tubular steel
  - c. Masonry or stucco if materials conform to type, quality and color consistent with the character of community
  - d. Tempered glass
4. Examples of unacceptable materials for fencing shall be:
  - a. Aluminum or sheet metal
  - b. Chicken wire
  - c. Metal or plastic chain link
  - d. Plastic or fiberglass panels
  - e. Plastic webbing, reeded or strawlike materials
  - f. Wood grapestake
  - g. Picket Fences
5. A concrete cap will be required on all block walls
6. Any fence designed to encroach on an ASSOCIATION LANDSCAPE MAINTENANCE EASEMENT AREA will require specific review on a case by case basis. Areas of concern include, but are not limited to, the following:
  1. Access gates for the Association landscape maintenance company.
  2. Conformity with size and shape of neighborhood yards.
  3. Conformity with established fencing material.

7. No double walls/fences shall be constructed, notwithstanding that additional reinforcement will be required for any raised planters abutting a wall (secondary retaining wall).
8. Walls, fences shall not be constructed higher than six feet.

**B. Sideyard Wall Extensions and Front Yard Hardscape:**

1. No sideyard wall extensions or raised hardscape improvements will be approved that encroach into the County right of way area, i.e. three feet from sidewalk.
2. All sideyard wall extensions must be located entirely within the boundaries of the applicant's lot.
3. Any sideyard wall extension which is located on a shared property line will not be approved unless it is agreed to by both parties and is considered to be a joint effort.
4. Sideyard wall extensions shall not exceed a maximum of three feet in height. Said extensions may be required to be less than three feet in height if a possible view obstruction exists.
5. Acceptable materials for construction of extensions shall be:
  - a. Concrete block matching builder-provided walls.
  - b. Masonry or stucco.
6. A "finished cap of a material compatible with the type, quality and color of the house and/or trim will be required on all sideyard wall extensions.