

MOUNTAIN COVE
DESIGN GUIDELINES

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ARTICLE I INTRODUCTION

One of the most important functions of the Mountain Cove Community Association (the "*Association*") is the preservation of the architectural character of the Mountain Cove Community ("*Community*"). The Board of Directors of the Association (the "*Board*") has been charged with the administration and enforcement of architectural control within the Community by the authority given to it in Article V of the Declaration of Covenants, Conditions and Restrictions for Mountain Cove (the "CC&Rs"). The CC&Rs provide for a Design Review Committee ("*Committee*") to be appointed {Article V, Section 5.1) to review all plans and specifications for any Improvements proposed to be constructed within the Community, and to approve, conditionally approve or disapprove such proposed Improvements . The CC&Rs authorize the Committee to establish, amend, repeal and promulgate Design Guidelines (the "*Guidelines*"). The Committee will administer the Guidelines. The Board also has the right to levy a Special Assessment against any Owner to enforce the restrictions in the CC&Rs or the Guidelines or as a means of reimbursing the Association for costs incurred in the repair of damage to the Common Area . Except as expressly modified herein, the capitalized terms in the Guidelines shall have the same meanings as are given such terms in the CC&Rs.

Section 1.1 Intent of the Guidelines:

The Guidelines are principally concerned with the physical appearance of the Community.

The Guidelines regulate the approval of proposed "Landscape Improvements" such as plants, hardscape, pools, spas, fences and walks, "Exterior Improvements" such as balconies, windows, and exterior colors, and "Space Improvements" such as room additions or conversions. All proposed Improvements must be reviewed and approved by the Committee before construction begins.

Section 1.2 Design Review:

The Guidelines establish general procedural rules and a range of deposits and fees to cover all types of Owner-installed Improvements . The Committee has the authority to establish procedural rules, fees and deposits required in connection with review of proposed Improvements. Rules, procedures, fees and deposits may vary as they are based on factors that include the nature and scope of the proposed Improvement.

Section 1.3 Approval:

The Committee may condition its approval of plans and specifications with such changes it deems appropriate and may require submission of additional plans and specifications or other information or materials prior to approving or disapproving plans and specifications. In the event the Committee fails to approve or disapprove plans and specifications in writing within forty-five (45) days after receipt by the Committee of all materials requested, such plans and specifications shall be deemed approved. This

forty-five (45) day period shall begin when the Committee (Article V, Section 5.3.2) receives all required materials. ALL COMMITTEE APPROVALS MUST BE IN WRITING. NO OWNER MAY COMMENCE ANY CONSTRUCTION UNTIL THE COMMITTEE ISSUES ITS WRITTEN APPROVAL OF THE APPLICATION. NO MEMBER OF THE COMMITTEE HAS THE AUTHORITY TO GIVE A VERBAL APPROVAL TO ANY IMPROVEMENT, AND NO OWNER MAY RELY ON ANY UNWRITTEN APPROVAL.

Section 1.4 *Appeal:*

So long as Declarant has the right to appoint and remove a majority of the Committee's members, the Committee's decisions are final, and there are no appeals. After Declarant's right to appoint a majority of the committee's members expires, the Board may adopt policies and procedures for appeal of Committee decisions to the Board. The Board has no obligation to adopt or implement any appeal procedures. In the absence of Board adoption of appeal procedures, all Committee decisions are final.

The appeal procedure, if adopted, shall require that appeals of Committee decisions be in writing and received by the Board no more than fifteen (15) days following the date of the Committee's written decision.

Section 1.5 *Inspection:*

The Committee, or designated representatives, may make inspections of completed Improvements once the applicant Owner (the "*Applicant*") has notified the Committee that the Improvements have been completed. Notice of completion must be given within forty-five (45) days of completion of the Improvements. Failure to obtain approvals may constitute a violation of the CC&Rs and may require an enforcement action against the Owner pursuant to Section 12.1.1 of the CC&Rs.

The Guidelines may be more restrictive than the provisions in the CC&Rs, a Notice of Addition, the restrictions in the Grant Deed to an Applicant's Lot (collectively, "*Association Management Documents*"), or any applicable governmental regulation or ordinance, so long as the Guidelines do not conflict with the provisions of any such Association Management Document, regulation or ordinance. In the event of any conflict between the Guidelines and the Association Management Documents, the provisions of the Association Management Documents shall prevail. If the Guidelines conflict with applicable regulation or ordinance, the more restrictive provision will control.

Section 1.6 *Governmental Approvals:*

THE COMMITTEE HAS THE POWER TO REVIEW AESTHETICS ONLY. THE COMMITTEE HAS NO AUTHORITY TO REVIEW THE COMPLIANCE OF ANY IMPROVEMENTS WITH APPLICABLE BUILDING OR SAFETY CODES. Committee review is in addition to and not in lieu of review and approval by applicable governmental agencies. After the Committee has approved the plans for aesthetic

purposes, the Applicant shall be . solely responsible for obtaining all required governmental reviews, permits and approvals for the Improvement. OBTAINING A GOVERNMENTAL APPROVAL DOES NOT WAIVE THE REQUIREMENT THAT THE COMMITTEE REVIEW AND APPROVE ALL IMPROVEMENTS, NOR DOES ANY GOVERNMENTAL APPROV AL BIND THE COMMITTEE TO APPROVE ANY IMPROVEMENTS.

ARTICLE II GENERAL SUBMISSION PROCEDURES AND REQUIREMENTS

Section 2.1 Application Submittal:

All applications are to be made to the managing agent for the Association. Applications may be mailed or delivered to:



FIRSTSERVICE RESIDENTIAL
195 N Euclid Ave Ste. 100
UPLAND, CA 91786



Telephone inquiries should be directed to: 909-981-4131

All requests for Committee approval must be made on the standard Application forms and include a completed copy of the Submittal Checklist and Neighbor Awareness Form. One set of application materials is provided with the Guidelines or may be obtained from the management company and the Community sales office during business hours.

APPLICATIONS SUBMITTED TO COMMITTEE MEMBERS WILL NOT BE ACCEPTED AND WILL BE RETURNED TO APPLICANT FOR SUBMITTAL TO THE MANAGEMENT COMPANY.

Section 2.2. Required Copies:

Four (4) complete sets of plans, showing the items requested in Section IV of the Guidelines that apply to the appropriate housing type, must be submitted with the application.

Section 2.3. Construction Drawings:

Plans must be prepared in accordance with applicable building codes and with clarity and completeness. It is recommended that work involving major Improvements, or work requiring variances be submitted at the preliminary drawing stage for review by both the Committee and the local governmental agency with jurisdiction.

Section 2.4. 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" before commencing construction. A copy of the letter granting the Right of Entry shall be filed with the Committee prior to the commencement of construction.

Section 2.5. Security Deposit:

A refundable security deposit in the amount of Three Hundred Dollars (\$300.00) was collected through escrow. If during construction of the Improvements, the Common Area is damaged by the Owner or the Owner's agents, the security deposit will be applied to the costs incurred in restoration, clean-up and repair of the Common Area. The Association may require other additional security deposits. Any remaining security deposit not applied to repairs, restoration or clean-up of Common Areas shall be returned to Owner after completion and final inspection of the proposed Improvements. In addition to or in lieu of a security deposit, the Committee may require an indemnity, bond or restoration agreement. The requirement of a security deposit shall not be construed to be a waiver of the Association's right to levy Special Assessments under the CC&Rs for amounts not covered by the deposit.

Section 2.6. Neighbor Awareness Form:

The intent of this portion of the Application is to advise neighbors who own property adjacent to or disproportionately affected by the proposed Improvement in an attempt to resolve potential conflicts. Applicants must obtain the signature(s) of affected neighbor(s) on the Neighbor Awareness form in the spaces provided. The neighbors who must sign the Neighbor Awareness form must also initial each and every sheet of drawings they are shown to review. Please contact the management company to determine which neighbors must be given a form. In the event neighbors are in escrow or uncooperative in reviewing plans, a good faith effort must be made to obtain the signatures as evidenced by furnishing the Committee with copies of a registered letter transmitting plans and requesting review. THE NEIGHBOR AWARENESS FORM IS ONLY A NOTIFICATION TOOL AND IT CONFERS NO VETO RIGHT OR POWER OF APPROVAL ON ANY OF THE PERSONS WHO EXECUTE IT. THE COMMITTEE MAY CONSIDER THE COMMENTS WRITTEN ON THE NEIGHBOR AWARENESS FORM, BUT THE COMMITTEE IS NOT BOUND BY SUCH COMMENTS. However, providing notification will promote discussion between neighbors and may encourage resolution of disputes before the Improvements are submitted for approval. NO APPLICATION WILL BE CONSIDERED A COMPLETE SUBMISSION UNTIL THE NEIGHBOR AWARENESS CONDITION HAS BEEN MET TO THE SATISFACTION OF THE COMMITTEE.

Section 2.7. Submittal Fees:

There is a one hundred twenty-five dollar (\$125.00) fee required for the landscape plan review. The submittal fee is required with the submission of the Application. Any Application submitted without the required fee will not be considered complete and will be returned to the applicant. The Committee can require up to a \$500.00 fee for review

of plans for major Landscape, Exterior or Space Improvements. Major Improvement review fees will be set by the Board to assist in the review process. There is a one hundred dollar (\$100.00) fee for all appeals. The Board has the sole authority to establish criteria for what constitutes a "major" Improvement.

The Committee or Board of Directors may revise all submittal fees from time to time as they determine to be necessary.

Section 2.8. Incomplete Submittals:

To avoid unnecessary delays and expenses, the management company will not forward incomplete submittals for consideration by the Committee. Incomplete submittals shall be returned to the applicant along with a copy of a checklist noting the area of deficiency. Should the management company and/or Committee accept an incomplete submittal either by exception or error, the "acceptance" does not deem the submittal complete. The Committee may proceed with the review and deny formal approval until a complete package is submitted.

Section 2.9. Non-Liability:

The Committee has no authority to review any Application from the standpoint of (a) structural safety (subject to the Committee's ongoing power to deny applications for Improvements that pose a hazard to the physical safety of persons or property), (b) compliance with applicable law, (c) compliance with the requirements of any public utility, (d) compliance with any easement or other agreement affecting land, or (e) preservation of any view. NEITHER THE COMMITTEE-, NOR ITS MEMBERS, THE ASSOCIATION, THE OWNERS, THE BOARD, NOR DECLARANT ASSUME LIABILITY OR RESPONSIBILITY FOR SUCH MATTERS, NOR FOR ANY DEFECT IN ANY IMPROVEMENT CONSTRUCTED FROM APPROVED PLANS AND SPECIFICATIONS, NOR FOR ANY OBSTRUCTION OR IMPAIRMENT OF VIEW CAUSED OR CREATED AS THE RESULT OF ANY IMPROVEMENTS APPROVED BY THE COMMITTEE (Article V, Section 5.3 of the CC&Rs).

Section 2.10. Disposition:

Upon approval, disapproval, or in the event the Committee requests clarification or additional information, all submissions shall be distributed as follows:

- (a) One plan shall be retained by the Committee as its working copy.
- (b) One approved plan shall be placed in the Association files.
- (c) Two approved plans shall be returned to the Owner who shall be required to maintain the same at the work site during the course of construction and until such time as a final inspection has been made by the Committee or its designated representative.
- (d) Disapproved plans or those requiring clarification or additional information

shall be returned to the Owner. Said plans shall be included in subsequent submittals.

Section 2.11. Time Period:

Work must commence within one hundred twenty (120) days of approval or the Committee may void the approval and require new submission for review. All works of Improvement shall be completed within one (1) year after the date of final written approval, unless otherwise specified in writing by the Committee.

Section 2.12. 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 Committee for final inspection and approval. If no inspection is made, work will be deemed completed in compliance with approved plans and specifications sixty (60) days after the Owner's notification to the Committee requesting the inspection.

Section 2.13. Appeals:

This Section 2.13 shall only apply if the Board adopts an appeal procedure. The Board may amend this appeal procedure from time to time on any appeal procedure in its own discretion.

In the event plans and specifications submitted to the Committee are disapproved, the party or parties making such submission may appeal in writing to the Board. The appellant should check with the management company for appeal forms. The Board must receive the written request not more than fifteen (15) days following the final decision of the Committee. The Board shall submit such request to the Committee for review, whose recommendation 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.

Section 2.14. Enforcement:

Constructing any Improvements without the necessary approval from the Committee is a violation of the CC&Rs and the Board may in its discretion require modifications or removal of work at the expense of the Owner (Article V, Section 5.7.2).

Section 2.15. Violations:

All residents have the right and the responsibility to bring to the attention of the Committee any violations of any of the CC&Rs or Guidelines.

Section 2.16. Amendments:

The Guidelines, 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 Committee. Any condition or material not defined in the Association Management Documents shall become a matter of discretionary judgment on the part of the Committee acting in good faith on behalf of the best interests of the Association as a whole.

THE COMMITTEE AND BOARD MAY AT THEIR DISCRETION FROM TIME TO TIME AMEND THE GUIDELINES FOR THE PURPOSE OF MORE FULLY DEFINING THEIR ORIGINAL INTENT.

ARTICLE III GENERAL CONDITIONS OF APPROVAL

The following shall be the general conditions of architectural approvals in the Community. The conditions in this Article III are deemed to apply to all approved Improvements in the Community, whether such conditions of approval are expressly referenced in the approval letter or not. It shall be the responsibility of the Applicant to insure that these conditions are followed by all persons involved in the Applicant's project.

Section 3.1. Signs:

No signs shall be displayed on any Lot other than signs permitted by the CC&Rs. This includes tradesmen's, contractor's, and installers' signs, and signs identifying the Lot as the work site.

Section 3.2. Hours of Operations:

All operations shall be carried on between the hours of 7:00 a.m. and 5:00 p.m. on Monday through Friday and between 8:00 a.m. and 4:00 p.m. on Saturday, Sundays and holidays. In the event local ordinances are more restrictive, the local ordinances shall prevail.

Section 3.3. Temporary Structure:

No structure of a temporary character will be permitted to remain on any Lot without the prior written approval of the Board.

Section 3.4. Construction Materials:

All construction materials must be stored within an Owner's Lot. Any construction materials that are delivered and deposited on the streets or on any Common Area must be relocated to the Owner's Lot, unless the Owner has a written Right of Entry from the Association. The Applicant making the Improvements shall be responsible for regularly removing all debris from affected Common Areas, including the streets and walkways, and keeping them in a clean and attractive condition. The Board has the right to levy a Special Assessment against any Owner as set forth in Sections 1.1-49, 4.6.4, and 12.1.1 of the CC&Rs to recover the cost of cleaning or restoring any Common Area to the condition that existed prior to the commencement of such Improvements.

Section 3.5. Maintenance of Improvements:

The repair and maintenance of any work or Improvement will be the responsibility of the installing Owners or subsequent Owner.

Section 3.6. Conditions Not Covered:

Any condition not covered or subject matter not discussed in the Guidelines shall be left to the discretion of the Committee, subject to the CC&Rs and applicable law.

Section 3.7. Construction Equipment:

The Applicant making Improvements shall be responsible for insuring that construction equipment such as trucks, concrete mixers, trailers, trash bins, and compressors shall not be parked or placed on the streets for a period greater than seventy-two (72) hours. Additionally, all construction equipment is strictly prohibited from entering all other Common Area. The Board has the right to levy against the Applicant a Special Assessment for a violation of the foregoing regulation or for reimbursement of any costs incurred by the Association in the repair of damage for which the Applicant, or the Applicant's agents or contractors, is responsible, as set forth in Sections 1.1.49, 4.6.4 and 12.1.1 of the CC&Rs.

Section 3.8. Drainage:

There shall be no interference with the rain gutters, downspouts, or other drainage systems (whether surface or subterranean) originally installed by the Declarant, or any other interference with the established drainage pattern over any Lot or Common Areas within the residential area, unless an adequate provision, previously approved in writing by the Committee and governmental authorities (as applicable) is made for proper drainage.

Section 3.9. Construction by Declarant:

Pursuant to Section 15.1 of the CC&Rs nothing in the Guidelines shall limit the right of the Declarant to alter the Common Areas or the Lots or residences still owned by Declarant or to construct such additional Improvements as Declarant deems advisable during Declarant's marketing of the Community. Section 15.4 of the CC&Rs exempts Declarant from Committee review and approval.

ARTICLE IV SUBMITTAL REQUIREMENTS

In addition to the general submission procedures described in Section II of the Guidelines, Owners within the Community, other than Declarant, shall comply with all of the following requirements:

Section 4.1. Submittal Checklist:

There are four parts to the Submittal Checklist. The first part lists the submittal

requirements for All Improvements that must be included with any and all submittal requests. The second part lists the submittal requirements for Landscape Improvements (e.g., plant material, hardscape, spa and pool, and fences and walls). The third part lists the submittal requirements for Exterior Improvements (e.g., trellises, gazebo, sunshade, balcony, window and door treatment and exterior color or material changes). The fourth part lists the submittal requirements for Space Improvements (e.g., room additions or conversions).

If you are applying for landscape Improvements, you must submit all of the items listed under the Landscape Improvements part of the checklist. If you are applying for exterior Improvements such as a trellis or gazebo, you must submit all of the items listed under the Exterior Improvements part of the checklist. If you are applying for room addition or conversion, you must submit all of the items listed under the Space Improvements part of the checklist.

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 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.

Section 4.2. Minimum Submittal Requirements:

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

- (a) **Plot Plan:**
 - (i) 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.
 - (ii) 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.
 - (iii) 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.

(b) **Landscape Plan:**

- (i) 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, and yard lighting (may be included as part of Plot Plan).
- (ii) Proposed fences and wall drawings shall note materials, colors and heights. Heights shall be noted in relation to the immediate ground elevations.
- (iii) Pool and spa plans shall include the location, size and sound mitigation treatment of all mechanical equipment, as well as a soils report and structural report.

(c) **Exterior Elevations:**

- (i) 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.
- (ii) Note all finished materials, colors and textures of proposed work. Note if proposed finishes and materials are to match existing finishes and materials.
- (iii) If the proposed finish materials or colors are different than those of the existing structure, a color and material board must be included clearly depicting the materials and/or colors that are to differ.

(d) **Floor Plans:**

- (i) Indicate all walls, columns, openings and any condition or feature that will affect the exterior design of the structure.
- (ii) Show dimensions of proposed work and related existing work; indicate relationship.
- (iii) Delineate all parts of the exterior that cannot be shown on elevation drawings.
- (iv) Identify square footage of proposed work and existing work.

(e) **Roof Plan:**

- (i) Show all existing and proposed roof surfaces. Note pitches and overhangs.
- (ii) Call out existing and proposed roof materials and colors.

(f) **Mechanical and Solar Energy Plans:**

- (i) Include all mechanical devices exposed to the exterior and all solar collectors, racks, storage facilities and distribution components.

ARTICLE V SITE DEVELOPMENT GUIDELINES

The following site development Guidelines shall apply to all Improvements, except such work undertaken by Declarant (Article XV, Sections 15.1 and 15.4):

Section 5.1. Workmanship:

All Improvements shall be installed and constructed in a good and workmanlike manner, and consistent with the Guidelines and the CC&Rs. Any work deemed by the Committee not to meet the Guidelines shall be reworked to meet the Guidelines. If the Committee is not satisfied with the rework, it has the power to require the removal of the Improvement at the sole expense of the Applicant. If the Applicant refuses to rework, remove and/or restore as called for above, the Committee shall cause such rework, removal, and/or restoration and the cost thereof shall be assessed to the Applicant as a Special Assessment under Sections 5.7.2 and 12.1.1 of the CC&Rs.

Section 5.2. General Development Guidelines:

(a) Heights:

(i) Exterior Improvements and Space Modifications:

Maximum heights are restricted to the maximum height of the existing residence. Design must be compatible with the massing and enclosure of the existing residence.

(ii) Landscape Improvements:

Maximum height of the occupiable area of patio structures and gazebos shall be limited to nine (9) feet in height. Proposed structures that are decorative and unoccupiable (such as trellises) with height in excess of nine (9) feet are subject to review and may be permitted.

(b) Setbacks:

Minimum setback requirements for the Community are established in the local zoning ordinance and building codes. Setbacks affect all Improvements, including without limitation, residences, accessory structures, garages, fences, walls, carports, pools, awnings, patio covers, balconies, stairs and decks. In the case of irregularly-shaped Lots or flat Lots, the Committee may establish front, side and rear yard setbacks, no less restrictive than applicable zoning ordinances, for alternative siting of Improvements. Freestanding structures shall occupy the lesser of a maximum of 10% of rear yard area or 150 square feet. The rear yard area shall be measured from the back of the house to the rear and side property lines. All freestanding structures, regardless of size, require approval from the Committee.

- (c) **Chimneys:**
No chimney may extend higher than the minimum height as required by the local building code.
- (d) **Fences and Walls:**
Fences, walls, gates, and retaining walls shall not be installed, removed, reconstructed, refinished or repainted without the prior written consent of the Committee. Double walls constructed side by side shall not be permitted. Fences, walls and gates shall not exceed six (6) feet in height, and the Committee may require them to be shorter to preserve the aesthetics of the Community. Committee review shall be limited to aesthetics; no approval by the Committee constitutes an opinion as to the security, safety, design or structural soundness of any retaining wall or other fence, wall or gates. Structural framing and/or unfinished sides of fences or walls shall not be exposed to any public right of way, Common Area, or other Lot. Side yard return walls shall be masonry with wood or wrought iron gate, however, all walls, fences and gates must properly screen any element as required in the Guidelines. Exposed wood fences visible from a public place are prohibited.
- (e) **Side-Yard Walls:**
The Committee will approve requests to modify side-yard walls if the Applicant first obtains the approval of the adjoining neighbor and agrees to construct the wall so that it matches the existing wall in terms of material, color and height. The Applicant must also consult with a professional soils and structural engineer as to the design of the wall.
- (f) **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 Committee's approval. All planter walls shall also have an approved drainage system located near the wall footing.
- (g) **Antenna Restrictions:**
Article II of the CC&Rs restricts the installation of antennae and other over-the-air receiving devices in the Community.

Owners may install only "Authorized Antennae" as defined in the CC&Rs. However, no antenna or other receiving device may be installed in the Common Area or in other area outside the sole control of the Applicant. Antennae that do not meet the definition of "Authorized Antenna" (including dishes in excess of one (1) meter in diameter and short-wave antennae) are prohibited throughout the Community.

The goal of the Committee will be to balance the aesthetic requirements of the Community with the reasonable functionality of the Authorized

Antenna (subject to current law). The Guidelines are intended to be a restatement of applicable law. All amendments, modifications, restatements and interpretations of the law applicable to antennae shall be deemed to amend, modify, restate or interpret the Guidelines. No restrictions imposed by the Committee may unreasonably delay or prevent installation, maintenance or use of an Authorized Antenna, or unreasonably increase its cost, or preclude acceptable quality reception.

- (i) The preferred location for installation of all Authorized Antennae is the rear yard of the Lot. An Authorized Antenna may be roof- or chimney-mounted if properly camouflaged or screened from view.
- (ii) If a roof-mounted Authorized Antenna is visible from other Lots or the Common Area, it may be screened, by modifying the roof in order to inset the Authorized Antenna into the existing roofline or by augmenting the roof structure such that it remains consistent with the existing form of the roof. The Committee may also require camouflage such as matching paint subject to the antenna manufacturer's recommendations.
- (iii) If the Authorized Antenna is installed in the yard, it should be screened if visible from surrounding Lots. Such screening shall be accomplished in order of priority by:
 - (A) Lowering the grade elevation of the pad supporting the Authorized Antenna such that the top of the Authorized Antenna shall not exceed the height of any existing opaque perimeter Lot wall or fence.
 - (B) Installing landscape materials around the Authorized Antenna to screen it from view.
 - (C) Installing walls/fences around the Authorized Antenna to screen it from view.
 - (D) Reasonable combinations of the above.
- (iv) The Committee shall at all times operate in good faith and in the best interests of the Community in reviewing installations of Authorized Antennae, subject to applicable law. The Committee shall require reasonable mitigation of the visibility of each Authorized Antenna in order to promote aesthetic compatibility with the Community.
- (v) All architectural applications concerning Authorized Antennae shall:

- (A) Include plot plans showing the location of the antenna in relation to adjoining structures;
- (B) Specify the shape, height, width, diameter and shall include a photograph or drawing of the Authorized Antenna; and
- (C) Include a landscaping or fence plan showing the type, locations, elevation and color (in the case of a fence) of trees, bushes, shrubs, plants, hedges or fences designed for the purpose of screening the Authorized Antenna.

The Committee will determine if the screening chosen by the Applicant is appropriate by considering the following criteria:

- (1) The visibility of the Authorized Antenna from neighboring Lots and Common Area;
 - (2) Aesthetics and visual appearance of the Authorized Antenna;
 - (3) Whether the Authorized Antenna is in harmony with the design of the neighboring structures;
 - (4) Any potential threat to physical safety of persons or property arising from the chosen location or manner of installation of the Authorized Antenna;
 - (5) In all decisions affecting Authorized Antennae, the Committee may encourage but not require submittal of plans prior to installation by the Applicant. During review of the Authorized Antenna application, the Committee shall not require changes that will: (a) impose an unreasonable delay on or prevent installation, maintenance or use of the Authorized Antenna, or (b) impose unreasonable costs of installation, use or maintenance of the Authorized Antenna, or (c) preclude acceptable quality reception.
- (h) **Door and Window Coverings:**
No screen door shall be permitted on any front or main entry door. No aluminum, cloth or metal awnings or coverings shall be permitted over windows or patios. Windows shall not be covered with unsightly material such as aluminum foil, paint, newspaper, etc. (See also Article II, Section 2.9.3 of the CC&Rs.)
- (i) **Exterior Lighting:**

No exterior lighting shall be placed or maintained upon any Lot so as to cause an unreasonable "spillover" or glare or illumination on any other property.

- U) Clotheslines:
Outdoor clotheslines shall not be erected, unless with the approval of the Committee. (See also Article II, Section 2.9.2 of the CC&Rs.)

- (k) 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 local governmental agency, 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 the house trim. No metal or aluminum patio covers are permitted. Side elevations of shade structure 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. Patio covers must meet fire zone IV requirements

- (l) 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 sun decks 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.

- (m) Mailboxes:
Mailbox posts and enclosures shall be subject to the control and prior approval of the Committee unless otherwise controlled by the U.S. Postal Service.

- (n) Exterior Colors:
Exterior colors of all existing Improvements shall not be changed or altered without the prior written consent of the Committee. All colors shall be consistent with existing colors of the Community.

- (o) Flagpoles:
The design, material and installation of flagpoles of any kind (including decorative or seasonal flags) shall be subject to the prior review and written approval of the Committee.

- (p) Mechanical and Solar Devices:

All mechanical equipment exposed to the exterior, including pumps, heaters, air-conditioning compressors, and solar devices including collectors shall be subject to review and approval of the Committee. The design of the proposed solar panel/mechanical device shall be integrated into the roof design of the building and be flush with the existing roof slope. Frames must be colored to compliment the roof. Natural aluminum frames are prohibited. All mechanical equipment exposed to the exterior shall be located in a manner to minimize visual impact.

- (q) **Basketball Backboards:**
Permanent basketball backboards are strictly prohibited. Movable freestanding basketball backboards are allowed but must be stored out of view of residential Lots and Common Area when not in use.
- (r) **Playground Equipment:**
Design of all proposed playground equipment shall be subject to height limit requirements and must be reviewed in advance and approved in writing by the Committee.
- (s) **Paving Materials:**
Enhancement of front yard hardscape is subject to the prior review and written approval of the Committee. All exterior paved areas exposed to street right-of-way shall be of materials and colors consistent with existing treatments and approved by the Committee.

Applicant will be responsible for replacing all Common Area Improvements damaged during the installation of such enhancements. Modification to the Common Area irrigation system is prohibited unless otherwise approved by the Committee. If the Committee permits a modification to the Common Area irrigation system, the modification work will be done by the Association at the Applicant's expense.

Section 5.3 Landscaping and Pool Guidelines

- (a) **Approved Plant Materials:**
The plant palette (see 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 soil suitability or disease resistance of the attached list of plant material. The Community and the surrounding area are not "thematic" 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" (e.g., cactus, etc.) landscape material is specifically discouraged.

- (i) All rear yards must be landscaped within 270 days after occupancy (Article II, Section 2.15).
 - (ii) The Committee 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 in reasonable belief of the Committee detracts from the appearance of the Community.
 - (iii) 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 the adequate provisions for proper drainage will be made in the event it is necessary to change said established drainage.
 - (iv) All Owners of Lots shall continuously maintain and properly water any slope within their rear yard. All Improvements located within the slope areas such as landscaping and sprinklers shall be maintained in a safe condition and state of good repair. Any re-planting of slope area must be approved by the Committee.
 - (v) Each Owner of a Lot shall keep all shrubs, trees, grass and plantings of every kind on his Lot neatly trimmed, properly cultivated, irrigated and free of trash, weeds and other unsightly materials.
 - (vi) Each Owner will provide an irrigation design for their rear yard landscaping to provide adequate water. Excess or too little water can cause serious damage to the Lot or hardscape Improvement.
- (b) Pools, Spas, Hot Tubs, Ponds and Fountains:
- (i) Pools, spas, hot tubs, ponds and fountains shall be subject to review by the Committee.
 - (ii) All accessory equipment shall be located, screened, or recessed in such a manner so as not be viewable from any Lot or street.
 - (iii) Heaters shall be stackless or low profile in configuration.
 - (iv) All equipment installations shall be located, sound controlled and maintained in such a manner so as not to unreasonably disturb residents of other Lots. The Committee shall have the right, but not the obligation, 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 Committee continued use or operation disturbs residents of other Lots.

- (v) Pools shall be designed by a licensed engineer and licensed geotechnical consultant in compliance with all applicable codes of the local governmental agency and in accordance with the attached pool recommendations, Exhibit B.

Section 5.4 General Materials and Color Guidelines

- (a) Exterior Treatments of Architectural and Structural Elements:
Exterior plaster or stucco will be the primary wall surface material with a smooth or raked finish texture. Heavy textures such as Spanish lace, swirl or heavy trowel are prohibited. Wall finish colors shall be selected from the approved color palette. Accent materials and colors used to compliment the stucco are allowed and encouraged in moderation. Wood trim shall be stained with semi-transparent stains or painted as accents. The use of tile, brick, stone and masonry are permitted as design accents and trim.
- (b) Patio Structures, Sunshades, Trellises, Gazebos and Sundecks:
Structures including overhead elements shall be of wood construction. Vertical support members may be wood, stucco, or masonry to relate to existing structures.

Roofing materials shall match the roof material of the dwelling or be open wood beams.

STRUCTURES OF EXPOSED METAL AND ROOFING MATERIALS OF GRAVEL, BUILT UP ROOFING, ASPHALT SHINGLES OR SHAKES, COMPOSITION ROOFING PLASTIC, FIBERGLASS AND METAL ARE PROHIBITED.

- (c) Walls and Fences:
Approved materials for walls and fences other than the perimeter walls shall include masonry material or stucco covered fences, brick, painted tubular steel fencing or wood painted to match existing building fencing.

CHAIN LINK, POULTRY WIRE OR OTHER TYPES OF WOVEN WIRE, INCLUDING, BUT NOT LIMITED TO PLASTIC COATED WIRE, ALUMINUM OR SHEET METAL, PLASTIC OR FIBERGLASS MATERIALS OTHER THAN CLEAR NON-PATTERNED TEMPERED GLASS OR PLEXIGLASS, REED OR STRAW-LIKE MATERIALS, ROPE OR OTHER FIBROUS STRAND ELEMENTS, CONCRETE BLOCK, PLAIN OR PAINTED, WOOD PICKET OR SPLIT RAIL ARE PROHIBITED.

- (d) Color:

Color is intended to act as a primary theme-conveying element. In general, the values should remain light, although darker or lighter accents are encouraged to highlight the character of the building, especially on balcony rails and moldings. THE USE OF VINYL OR ALUMINUM SIDING IS PROHIBITED. Exterior colors of buildings shall match those applied by the original homebuilder and/or comply with the color palette approved by the Committee.

Please refer to Exhibit C, APPROVED COLOR LIST. The color of any stucco fence shall match the existing building immediately adjacent thereto. Wood fences must be painted to match or compliment the existing building trim color. Wrought iron fences shall match the existing trim color on the adjacent wall.

Section 5.5 *Building Material Guidelines*

(a) Exterior Building Walls:

- (i) Material allowed for exterior cover of building walls shall include any of the following;
 - (A) Brick stone to match existing accents.
 - (B) Stucco, sand texture finish, color to match existing.
- (ii) 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.
- (iii) 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.
 - (A) Balcony or other projection.
 - (B) Change of plane between first and second story.
 - (C) Change in finish material.
 - (D) Other treatments considered by the Committee.

(b) Window and Door Openings:

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

(c) Window Glazing, Tinting and Shading:

Glass tinting or shading must be compatible with the existing treatment. Check manufacturer's recommendations before applying any film or other treatment to dual-glazed windows. Some treatments may cause excessive heat build-up, leading to damage. No person may paint any window, or apply foil, reflective glass film or plastic roll up shades to any window. Exterior shades of any type are prohibited.

- (d) **Trim:**
Fascias, window trim , and exterior doors shall be re-sawn wood with paint compatible with the existing treatments.
- (e) **Diverters:**
Galvanized iron or aluminum diverters shall be painted to match roof vents or roof material.
- (f) **Roof:**
All roofing materials shall be medium wood shake or shingles, or clay tiles, 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.
- (g) **Roof Vents:**
All roof vents shall be colored to match the roof.
- (h) **Gutters and Downspouts:**
All gutters to match color of trim at roof and downspouts to match color of house or trim .
- (i) **Flashing:**
All flashing shall be colored to match the roof or wall surface surrounding it.
- U) **Tubular Steel Fencing:**
All tubular steel fencing shall be galvanized prior to applied finish color and shall match existing.
- (k) **Walls, Fences and Gates:**
All walls and fences that exist on the Lots shall not be altered in any manner. Side yard return walls and fences shall match existing conditions in 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.