

FORSTER RANCH MASTER ASSOCIATION 1

ARCHITECTURAL GUIDELINES

December 1, 2003



**FORSTER RANCH MASTER ASSOCIATION I
ARCHITECTURAL GUIDELINES**

Reviewed and Approved by the Board of Directors on December 1, 2003

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Forster Ranch Master Association I

ARCHITECTURAL GUIDELINES

1.0 DEFINITIONS AND PURPOSE

1.1 Definitions:

- (a) Architectural Committee: "Architectural Committee" shall mean and refer to the committee or committees provided for in the Declaration. Unless the Board chooses to appoint a separate Architectural Committee, the Board will act as the Architectural Committee.
- (b) Association Maintenance Area: "Association Maintenance Area" means the real property identified in the Declaration which the Association is required to maintain, including the Greenbelt Area, all as more fully provided in the Declaration.
- (c) Homeowner Maintained Area: "Homeowner-Maintained Area" means those areas of each Tract in the Development which must be maintained by the Homeowners or by the Sub-Association formed for the administration of such Tract.

1.2 The preservation of the aesthetic appeal and quality of the environment of our community is of deep concern to the Architectural Committee and residents of Forster Ranch Master Association. It is the Committee's desire to encourage the Homeowners to improve their property, to plant trees, shrubs, lawns, and ground cover, to keep their homes and landscaping well maintained, and work together in keeping our community beautiful, healthful, and desirable.

1.3 When implementing these Architectural Guidelines, the Association, through the Board, shall strive to act in the best interests of the Association as a whole, within the scope of its authority, in conformity with its recorded covenants and other governing documents, following reasonable investigation and in a non-arbitrary manner. However, it is acknowledged that architectural styles, color schemes and aesthetic attitudes change over time, and what may have seemed appropriate at one time may no longer be appropriate at a later time, or what appeared to be acceptable based on a concept presented in plans and drawings may have turned out to be unacceptable in hindsight once it was constructed. Thus, the fact that certain architectural improvements may have been approved by the Association or constructed by the owners in the past will not be deemed to establish a precedent or to be binding on any future Board or Architectural Committee. Furthermore, as provided in the Declaration, the failure by the Association to enforce any provision of the Architectural Guidelines in any certain instance or on any particular occasion shall not be deemed a waiver of such right for any such future breach of the same provision.

1.4 The Association's governing documents do not contain any restrictions or protections intended to preserve any owner's view. While the Association does review plans for their aesthetic effect, it does not review plans for whatever purported impact they may have on some other owner's view.

- 1.5 By establishing these Guidelines and Procedures, and evaluating proposed additions, remodels, and landscaping, the Committee strives to assure overall consistency of appearance, which will enhance the value of the property and provide a more pleasant place to live.
- 1.6 Any additions and remodeling to the exterior ground and/or exterior of structures will require the submission of plans for review and approval by the Association before starting construction. Such improvements include, without limitation, new home construction, additions or remodels, modifications and alterations to residential dwellings, yard/lot drainage, fences, walls, retaining walls, screens, patios and patio covers, replacement windows, window treatments, air conditioning units, attic fans, driveways, pools, spas, gazebos, gates, pilasters, lighting, landscaping, paint color, basketball backboards, flag poles, weather vanes, and any other modifications to the exterior of a dwelling or other improvements or alterations to the exterior of any house located within the Association.
- 1.7 The Architectural Committee does not seek to restrict individual creativity or personal preference, but rather to help assure continuity in design.
- 1.8 The Architectural Committee has the right to retain architects, landscape architects, engineers or other specialists and/or professionals to assist in the review of plans and specifications that are submitted for approval. Homeowners residing within a sub-association must obtain their sub-association's approval prior to submitting an architectural application to Forster Ranch Master Association I. The homeowners' costs for the review process are set forth in the application attached hereto and may be modified by the Board from time to time.

2.0 RESPONSIBILITY AND AUTHORITY

- 2.1 The Architectural Guidelines and Procedures, in accordance with the CC&Rs, have been approved by the Board of Directors, and are applicable to all properties within Forster Ranch Master Association.
- 2.2 The provisions of these Guidelines and Procedures shall not be construed to repeal, amend, modify, or otherwise impair any existing ordinance or code enacted by governmental agencies having jurisdiction over the site, nor any existing CC&Rs. In case of conflict between the specifications of these Guidelines and Procedures, ordinances, or codes legally adopted by Government Agencies, the most restrictive will apply. In the case of conflict between the specifications of these Guidelines and Procedures and those of a sub-association, the most restrictive shall apply.
- 2.3 Right to Adopt Additional Requirements
 - (a) The Architectural Committee may, from time to time, recommend additional architectural requirements according to required protocol, to be adopted through the Board of Directors. Once adopted, copies of such additional architectural requirements, together with any rules or regulations adopted and promulgated by the Board of Directors and/or the Architectural Committee shall be on file at the office of the Association's management company.

2.4 Reservation of Rights

- (a) Notwithstanding the provisions of Section 2.2, above, or any other provision of these Guidelines and Procedures or those of any sub-association, the Board of Directors of Forster Ranch Master Association reserve the right to over-ride and/or veto the approval of proposed improvements issued by a sub-association. Homeowners residing in a sub-association must obtain architectural approval from their respective sub-association prior to requesting approval from the Master Association.
- (b) The Association may grant variances from the terms found in these guidelines and in other governing documents of the Association only when, due to special circumstances applicable to the property in question, including size, shape, topography, location or surroundings, the strict application of the provisions in question deprive such property of privileges enjoyed by other property in the vicinity that are currently subject to identical guidelines or restrictions.

3.0 **ARCHITECTURAL REVIEW**

- 3.1 In reviewing any plans submitted to it, the Architectural Committee or appointed consultant reviews proposed improvements for aesthetic purposes only and is not rendering, and cannot render, any opinion as to whether such plans meet and/or comply with any applicable rules or requirements of any appropriate governmental agencies such as the City of San Clemente or any Sub-Association. (The giving of approval by the Association to any particular plan is strictly limited to a statement as to conformity with this Association's Guidelines and Procedures.)

4.0 **DRAWING PHASE APPROVAL**

- 4.1 All requests for architectural approval must be made on the ARCHITECTURAL APPLICATION FORMS and include a complete copy of the SUBMITTAL CHECKLIST and a NEIGHBORHOOD AWARENESS FORM. Application materials may be obtained from the management company or the Association web-site. The Committee will not consider incomplete submittals.
- 4.2 The Architectural Plan Approval is valid for a period of six (6) months. If the project approved has not broken ground within this time period, the approval shall be automatically terminated. After expiration, any re-submittal shall be treated as a new application subject to any new Guidelines and Procedures that may have taken effect in the interim.
- 4.3 A request for a six (6) month extension of an approval must be received at least thirty (30) days prior to the expiration date of the original approval to be considered by the Committee. A letter of justification requesting the extension should be sent to the Architectural Committee via the Managing Agent.

4.4 The Owner's responsibilities in the Drawing Phase are:

- (a) Complete and sign the architectural application form for building/landscape approval.
- (b) As indicated in the application to Forster Ranch Master Association I, pay the appropriate fees and/or deposit.
- (c) Submit three (3) sets of final working drawings for review. Suggested minimum 1/8" = 1' - 0" scale. Detailed, to scale, legible sketches may be submitted for minor alterations. Please note: sketches difficult to interpret will not be considered.
- (d) Acknowledge and agree that written approval from the Architectural Committee must be received prior to obtaining permit from the City of San Clemente or Orange County governing agencies.

4.5 The Architectural Committee's responsibilities in the Drawing Phase are:

- (a) Review the working drawings for conformance with the Architectural Guidelines and Procedures.
- (b) If the final plans are approved, the Homeowner will be notified in writing within thirty (30) days from submission of a completed application. The Architectural Committee will stamp and sign three (3) sets of plans, one (1) for the HOA file, one (1) for the homeowner, and one (1) for the Architectural Committee.
- (c) If the final plans are disapproved, the Homeowner will be notified in writing within thirty (30) days from submission of a completed application; one (1) set will be returned to the Owner with a letter attached, indicating the reason for disapproval; one (1) set will be retained for the HOA file; and one (1) set for the Architectural Committee.

4.6 Approval of any project by the Association's Architectural Committee does not waive the necessity of obtaining the required approval of sub-associations, or government agencies. In turn, obtaining approval of sub-associations, or government agencies does not waive the need for approval by the Association's Architectural Committee prior to commencing any construction.

4.7 Request for Reconsideration: 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. The Board must receive the written appeal no more than thirty (30) days following the original notification of the Architectural Committee. On a reconsideration, the Homeowner will need to present facts or factors that were not known to the Committee at the time it made its initial decision. Within 45 days following receipt of the request for appeal, the Board shall render its decision.

- 4.8 Non-Liability: Plans and Specifications are not approved for (a) engineering design, (b) compliance with zoning and building ordinances, and other applicable statutes, ordinances or governmental rules or regulations or sub-association requirements, (c) compliance with the requirements of any public utility, or (d) any easement or other agreement, or (e) preservation of any view. By approving such plans and specifications neither the Architectural Committee, the members thereof, the Association, the Homeowners, nor the Board assume liability or responsibility thereof 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 Architectural Committee.
- 4.9 Stop Work Orders: The commencement of construction prior to Architectural Committee approval or non-adherence to approved plans, shall be a violation of these guidelines and procedures and the Association is empowered to issue a Stop Work Order to the homeowner. Continuing work beyond the issuance of the Stop Work Order may subject the homeowner to fines and all other legal remedies, to which the Association may be entitled pursuant to the CC&Rs and the laws of the State of California. The delivering or posting of the notice at the job site and copy of the order mailed to the Homeowner will signify the Stop Work Order issued by the Association.

5.0 CONSTRUCTION PHASE

- 5.1 The Owner/contractor shall not start any work without first receiving approval from the Architectural Committee.
- 5.2 Failure to obtain the necessary approval from the Architectural Committee, or failure to complete the improvements in conformity with the plans and specifications approved by the Architectural Committee, may constitute a violation and may require modifications or removal of any work of improvement at homeowner expense. Pursuant to the provisions of the Declaration, the Board shall have the right to record a Notice of Non-Compliance against a property which shall identify the reason(s) for such notice. If necessary, the City of San Clemente will be contacted to assist in enforcement of this policy.
- 5.3 All Owners in Forster Ranch Master Association shall have the right and responsibility to bring to the attention of the Association, any violations of the standards set forth herein.
- 5.4 The owner shall make no exterior changes from approved plans until amended or revised plans have been submitted to and approved by the Architectural Committee.
- 5.5 A final site visit by a representative of the Association may be required to observe the work performed at job completion to insure that the work conforms to the approved plans and specifications.
- 5.6 The Homeowner shall be responsible for and pay for the repair or replacement of the Association's landscaping, utilities, storm drains, or other property damage, resulting from any construction completed on a property. Such repair and replacement shall be done to the Association's satisfaction.

- 5.7 The Homeowner shall be responsible for keeping the streets, and property of others, free from building materials, equipment, and debris during the course of construction.
- 5.8 All construction bins, building equipment, building materials, and temporary toilets used in connection with new construction or remodeling must be placed on the Homeowner's property behind the curb/sidewalk and off the street. If this is impossible (or in the Committee's opinion, impractical), permission must be obtained from the Association prior to placing any of the above items on the paved street area. Construction bins, if placed in the street, must have a 2" plywood plate under each foot, or other adequate protection.
- 5.9 Clean up of streets and property must be done progressively throughout construction.
- 5.10 Temporary toilets, if installed on the job, must be placed in as secluded or inconspicuous a location as possible.
- 5.11 The contractor and/or Homeowner, shall keep noise and dust to a minimum during construction, and shall not do any excavating, filling, or grading operations, nor operate any noisy machinery on Sundays, or Holidays. Work hours shall be limited to weekdays from 8:00 a.m. to 6:00 p.m. and on Saturdays from 8:00 a.m. to 5:00 p.m., except by special permission by the Association.
- 5.12 If any cuts are to be made in the paved streets or curbs for public utility purposes or for other reasons, the Homeowner shall obtain the required permits from the appropriate authorities.

6.0 SUBMITTAL REQUIREMENTS

The Homeowners' costs for the review process are set forth in the application attached hereto and may be modified by the Board from time to time. Any application submitted following initiation or completion of un-authorized additions or improvements requires a \$50.00 non-refundable fee.

An application for new home construction, a major addition/remodel, requires a full landscape/hardscape submittal.

- 6.1 The Architectural Committee will not consider incomplete applications. If the homeowner is concerned about processing his plans rapidly, he should make sure that his architect has a current copy of the application and the Architectural Guidelines and Procedures. All plans considered for new homes shall be done by a California licensed architect. All plans for room additions/remodels should be drawn by a California licensed architect, unless otherwise approved by the Architectural Committee.
- 6.2 At the discretion of the Architectural Committee, additional data and information may be required prior to taking final action on the application.
- 6.3 Site Plan
- (a) Plan submittal shall include a site plan as per the specific requirements of the submittal checklist. Plan must be to scale. Suggested minimum 1/8" = 1 ft.

- (b) 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.
- (c) Show all dimensions on work to be considered; distance between existing and proposed work and distances between proposed work and property lines, setback lines and slopes.
- (d) When proposed improvements involve changing existing grades by more than 1 ft. or changing existing drainage, including the installation of any walls that may block or divert the flow of water from slopes, show contours or spot elevations, flow lines, finish grades and proposed drainage systems. Drawings for proposed improvements which alter existing drainage shall be prepared by a California registered civil engineer or licensed landscape architect.
- (e) 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, yard lighting, and location of trash containers.
- (f) For proposed fences and walls, drawings shall note materials, colors and heights. Heights shall be noted in relation to the immediate ground elevations.
- (g) Pool and spa plans shall include the location, size and sound mitigation treatment of all mechanical equipment.

6.4 Floor Plans (Building Structures)

- (a) Every submittal of building plans shall include floor plans of all structures. Suggested minimum $\frac{1}{8}'' = 1$ ft. scale.
- (b) Indicate all walls, columns, openings and any condition or feature that will affect the exterior design of the structure.
- (c) Show dimensions of proposed work and related existing work; indicate relationship.
- (d) Delineate all parts of the exterior that cannot be shown on elevation drawings.

6.5 Exterior Elevations

- (a) Every plan submittal except landscape/hardscape and garden walls/fences shall include exterior elevation. All walls visible from the exterior of the structure must be shown, i.e., including trellises, gazebos, and shade structures. When the proposed improvements are attached to the existing home, show the existing elevation in relation to the proposed improvement. Refer to the submittal checklist for specific requirements.
- (b) If proposed color, finishes and materials are to match existing, then indicate this on plans.

- (c) For a color change only, colors from the approved color palette must be used. The color chart is available at the management office. To repaint exterior walls with existing color, applicant must ensure the color matches exactly.

6.6 Roof Plans

- (a) All building plan submittals shall include a roof plan. Clearly indicate all existing and proposed materials and colors. Show all existing and proposed roof surfaces. Note pitches and overhangs. Actual roofing material samples may be required for the drawing approval. Show relationship of roofline to applicable setbacks. Refer to the submittal checklist for specific requirements.

6.7 Structure Mass

- (a) New additions or remodels must be planned to minimize mass on all elevations as and to integrate appropriately with the existing dwelling and other adjacent homes. Homeowners will be required to incorporate architectural style and materials to reduce impact on open space and adjacent homes. Structure footprint is to never exceed minimum required setbacks as established by the Association or original development.

6.8 Photos

- (a) For remodel to existing structures, one color photograph of each side of the existing building exterior is required. The photos should include any existing landscape, hardscape, and walls/fences and be labeled as north, south, east or west side of building. For variance submittals, additional photographs will be required. Photos must be copied onto bond paper.

6.9 Application Form

- (a) The Owner is required to submit three copies of the completed application.

6.10 Neighbor Awareness

- (a) The intent of The Neighbor Awareness Form is to advise neighbors who own property adjacent to the lot of the proposed improvement, or may be significantly impacted by the proposed improvements, by requesting their signatures on the Architectural Application. Should you be unable to obtain your neighbor's signatures, please forward a copy of the certified mail receipt showing that you made an attempt to notify the neighbor of your proposed improvement. If the closely affected neighbor(s) (front, rear and both sided) residing on the property is not an owner, the address can be requested from the Management Company.

1. The Architectural Committee will evaluate the neighbor's comments or concerns, which may necessitate a Homeowner's/neighbor's attendance at a meeting.

However, the authority to approve or disapprove the Architectural Application is the responsibility of the Architectural Committee or the Board of Directors.

7.0 EXTERIOR SITE DEVELOPMENT

7.1 All improvements and/or modifications to existing lots or home improvements shall require the review and approval of the Architectural Committee. Improvements shall include, but are not limited to:

- (a) New construction, additional construction, or modifications to existing construction of improvements to lots or home improvements.
- (b) Construction of landscape amenities, including walks, driveways, walls/fences, swimming pools, spas, patio and window awnings, and excavations and trenches.
- (c) Installation and maintenance of any landscape plant which will reach a mature height of greater than six (6) feet.
- (d) All temporary structures of any nature, including playground equipment, recreational and sports accessories, playhouses, etc.

7.2 Trees on Homeowners Association Maintained Slopes

It is the interest of the HOA to encourage the use of trees in landscaping design. The following guidelines are suggested with respect to the planting and maintaining of trees.

- (a) Trees, shrubs, or any plant material on Association Maintenance Area may be planted and maintained only by the Association or its agents.
- (b) Trees within Homeowner-Maintained Areas should be laced (thinned) as needed to keep an open appearance and serve as a silhouette as opposed to giving a thick dense appearance.
- (c) Consider your neighbor when planting trees in Homeowner Maintained Areas as you would hope they would do for you.
- (e) HOA reserves the right to monitor, and maintain, all trees and plant material on the Association Maintenance Area. At its discretion, the Association or its agents may trim, thin, shape, remove and re-plant as necessary.

7.3 Setbacks

In the event of any difference between these requirements and those of the City of San Clemente, the greater setback requirement (subject to approved variance) shall apply. The following setback requirements shall apply unless otherwise established as less at time of original development. All setbacks are measured from property lines.

- (a) Front yard setback shall not be less than twenty (20) feet.
- (b) Rear yard setback shall not be less than twenty (20) feet.
- (c) Side yard setback shall not be less than ten (10) feet.

- (d) Any structure over 36 inches in height must be within setback lines, except for minor architectural features, such as architectural projections (i.e. chimneys, roof overhangs, bay windows, etc.). Any variances of this requirement must be approved by the Board of Directors.
- (e) Eaves, cornices, canopies or cantilevered roofs may project a maximum of forty percent (40%) into any required side setback and twenty-five percent (25%) into any required front or rear setback between buildings on the same building site; but in no event shall such eaves, cornices, canopies, or cantilevered roofs be closer than five (5) feet to any side setback requirement.
- (f) Masonry chimneys, fireplaces, wing walls, and other minor architectural features, may project into any required front, side or rear setback area, a maximum of twenty-four (24) inches, but in no event shall chimneys, fireplaces, wing walls, and other minor architectural features project into any required setback area more than five (5) feet.
- (g) In the case of irregular-shaped lots or flag lots, the Architectural Committee may establish front, side and rear yard setbacks, consistent with the approved minimum standards, to allow alternative site locations for improvements.
- (h) Please note: Regardless of setback requirements, no construction, planting, etc. will be allowed on Association Maintenance Areas/slopes.

7.4 Garages and Off-Street Parking

- (a) Every residence shall have at least a two-car garage capable at all times of parking two cars, minimum. Each parking stall shall conform to the City of San Clemente standards.
- (b) The garage must be attached to the house, or may be separated from the house by a space such as a breezeway, only if it is attached to the main structure with architectural forms that make the garage appear to be a part of the main structure, unless otherwise approved.

7.5 Driveways and Parking Areas

- (a) Driveways and parking areas may be masonry units, concrete, textured concrete or exposed aggregate concrete. Asphalt or gravel driveways and parking areas are not permitted.

7.6 Drainage

- (a) There shall be no interference with the established drainage patterns over any lot, condominium or common area or community facilities, unless an adequate and approved alternative provision is made for proper drainage. Area drains must be installed in private yards for adequate drainage to minimize the ponding of water. All drainage must divert water toward street and away from slopes and/or adjacent properties.

7.7 Retaining Walls

- (a) All retaining walls must comply with applicable rules and requirements of the City of San Clemente as well as all Association setback requirements.
- (b) There shall be no building foundation, driveway or other loading on the upper level within a distance equal to the height of the wall. Retaining walls are not permitted to encroach on to Association Maintenance Area. except to allow for R.V. parking and then only for a retaining wall not to exceed 4 feet in height.
- (c) A Geotechnical consultant shall determine back-cut slope ratios subject to approval by the Association.
- (d) Retaining walls shall be provided with adequate water proofing.
- (e) No walls may encroach on Association Maintenance Areas.

8.0 LANDSCAPE AND HARDSCAPE GUIDELINES

8.1 In addition to the specific requirements of the Site Plan portion of the submittal checklist, the following are required for Landscape and Hardscape Plan approval.

- (a) Location of proposed plant materials and specifications (plant schedule).

If a pool/spa is proposed, working drawings of the pool, fence, gate location, specifications, and mechanical equipment location is required.
- (c) Paving, wall finishing materials and colors shall be noted on the drawings.

A landscape plan is required for all of the following applications: New home, major addition/remodel, major landscape or hardscape additions.

8.2 Landscaping shall be started within 30 days after completion of a room addition/remodel, and shall be substantially completed within 90 days thereafter.

8.3 It is the Homeowner's responsibility to repair or replace Association maintained irrigation or plant material at his cost, if the Homeowner or the Homeowner's contractor damages the existing Association Maintenance Areas or equipment. As some Association irrigation lines supply water for slope irrigation to neighboring properties, it is important these existing lines be repaired,

replaced, or relocated in a continuing manner so as not to obstruct water flow to neighboring slope areas. The Association has easements for the irrigation lines across Homeowner property.

- 8.4 All unpaved ground planes visible to the street must be covered with plant material. Large areas of bare earth are not permitted.
- 8.5 Shrubs should be planted at the base of the house wall, all garden walls, and any fence visible to the street. At corner lots, the area in the side yard between the street and the side yard fence must be planted with ground cover, shrubs, vines or trees.
- 8.6 Thematic landscape features with distinctive colors, forms, or materials that establish an independent theme that conflicts with the overall street scene are not permitted in private yards visible to streets such as mirror balls, pink flamingos, statues, sculptures, astro turf, rock gardens, gravel yards, cactus, imitation or plastic plants. Other features may be deemed objectionable at the discretion of the Board of Directors or Architectural Committee.
- 8.7 Fences / Walls
- (a) 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 fences or walls constructed side by side are not recommended and cannot be installed without a variance. A double fence or wall is defined as any two walls/fences installed parallel, and within six (6) feet of each other.
 - (b) The maximum height for fences, walls, and gates shall not exceed six (6) feet in height measured vertically from the average finished grade at the base of the fence or wall, except within the required front setback where it shall be a maximum of thirty-six (36) inches.
 - (c) Building materials, color, and texture 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 Architectural Committee's approval.
 - (d) Soil shall not be retained against any existing or proposed wall unless the wall is designed for that purpose (*i.e.*, engineered and water proofed).
 - (e) Acceptable materials for new or additional fence, walls or gates are:
 - (1) Wood – must be painted or stained with a color to be approved by the Architectural Committee.
 - (2) Wrought Iron Bars – PVC acceptable-black, white, or must match the house.
 - (3) Glass panels – Tempered Safety Glass or Lexan.

- (4) Masonry – (i.e. slumpstone, brick, stucco covered concrete block) must conform to type, quality, and color used elsewhere on the property.
- (5) Slumpstone or concrete block faced with river rock.
- (f) Unacceptable materials for new or additional fence, walls or gates include but are not specifically limited to the following:
 - (1) Aluminum or sheet metal.
 - (2) Chicken wire or other types of woven wire.
 - (3) Chainlink or plastic chainlink (except for tennis courts).
 - (4) Plastic webbing, reeded or straw-like materials.
 - (5) Plastic or fiberglass sheets or panels.
 - (6) Rope or other fibrous strand elements.
- (g) Tops of all fencing, walls or gates installed on level ground shall be level. Tops of fencing, walls, and gates installed on Homeowner-maintained slopes (where permitted) may be parallel with the slope or may be stepped.
- (h) Fences and gates visible to streets must be simple in design. The color of the fence must be compatible with the house. Vines and hedges are encouraged on all fences to soften their appearance. Bold arches, elaborate filigree, and other highly distinctive elements, which establish an independent theme that conflicts with the overall street-scene, are not permitted.
- (i) The preferred metal or wrought iron fence or gate has a horizontal top rail and vertical posts, without decoration. The Architectural Committee may approve retained ornament after special review, such as shallow arches and simple filigree. The filigree must be the same color as the fences or gates.

8.8 Outdoor Landscape Lighting

- (a) Low voltage landscape lighting bearing UL approval is encouraged. The attempt to conceal source of lighting is recommended.
- (b) Flashing, glaring, or revolving lights shall not be used.
- (c) Above-grade floodlights for lighting of trees and plantings shall be concealed by shrubs or low walls to prevent daytime visibility. These fixtures are not allowed in grass areas.

- (d) Walk lights placed adjacent to walkways in shrubs or ground cover areas may use above grade junction boxes provided they will be hidden from view by shrubbery to minimize the daytime visibility of the hardware.

9.0 MISCELLANEOUS STRUCTURES

- 9.1 Structures in this category include, but are not limited to: patio structures, sunshades, arbors, trellises, gazebos, pools, spas, barbecues, storage sheds, flagpoles, mailboxes, signs and sports equipment. Please note: no skateboard ramps are allowed.
- 9.2 Structures, if visible from streets or neighboring property, shall be of wood construction or in keeping with the main building material to which the structures are accessories.
- 9.3 Exposed surfaces of structures shall match or harmonize with the texture and colors of the existing dwelling.
- 9.4 The following material shall be used for the roof surface of the structures:
 - (a) Glass (flat panels).
 - (b) Wood, solid or spaced (patio structures).
 - (c) Any other material that matches the roof material of the main house.
- 9.5 Patio covers, gazebos, and sundecks must have a minimum ten (10) foot setback.
 - (a) The square footage of patio covers, gazebos, and sundecks will be reviewed in relation to the square footage of the yard. Setback requirements also apply to the location of such structures. The intent is to retain an attractive community appearance with a balance of buildings and open space.
 - (b) 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.
 - (c) The appearance of patio covers, gazebos, sundecks, and other exterior structures must be consistent with the appearance of the house.
 - (d) Decorative features may be incorporated into the design of the patio cover, gazebo or sundeck, such as lattice, but the features must be consistent with the character of the community. Elaborate ornamentation is not permitted.
 - (e) The color of the patio cover, gazebo, or sundeck must match the house trim, the wall color, or must be compatible with the house unless otherwise approved.
 - (f) All other freestanding structures must be submitted for approval.

9.6 Pools / Spas

- (a) Pool construction and drainage shall conform to overall development grading standards, and to the City of San Clemente codes and standards.
- (b) All swimming pool heaters shall be of the stack-less type.
- (c) All pool equipment shall be screened from the view of adjacent property and any public right-of-way.
- (d) All pool equipment shall be located or sound-attenuated in a manner so as not to disturb the occupants of adjacent or nearby properties.

9.7 Mechanical and Solar Devices

- (a) 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 Architectural Committee. (See also, Section 10.14 and Section 10.16) No solar heating panels or other solar energy collection equipment shall be installed on any portion of any Lot or Common Area, or any Improvement thereon, unless such equipment is installed in such location and in such manner as to be obscured from the view of other persons in the Project to the greatest degree practicable without significantly decreasing its efficiency. No person shall install any such panels or equipment without the prior written consent of the Architectural Committee, which shall have the right to reasonably restrict and determine the size, shape, color, style, materials or location of any such panels or equipment within the Project, subject to the provisions of California Civil Code Section 714, as same may be amended, from time to time. At a minimum, any solar panels are to be integrated with the roof design with the panels and frame colored to match the roof or bronze anodized.

9.8 Barbecues

- (a) Free standing or attached barbecue units should not be located within five (5) feet of the top edge of a down slope. All such units should be designed to conform or coordinate with the design of the residence.

9.9 Playhouses / Play Structures / Storage Sheds

- (a) Playhouses, play structures and storage sheds will be approved on a case by case basis with respect to architectural considerations which the Architectural Committee, in its discretion, deem appropriate.
 - (1) Structures shall be constructed, located and screened to minimize the impact on the adjacent neighbors' privacy and may not exceed a maximum height of ten (10) feet.

- (2) Enclosed structures openings must be designed in such a manner that any openings (windows, doorways, etc.) that face all neighboring dwellings shall be no higher than the adjacent fence. Any openings above the fence shall be installed facing the dwelling of the applicant who is proposing the playhouse/structure.
- (3) The structure shall be screened from view from the adjacent streets, public sidewalks, trails, walkways, greenbelts, parks and surrounding properties by the use of fences, hedges or other appropriate plant materials. Such visual mitigation shall be designed so the playhouse/structure is screened from view upon installation.
- (4) Portable children's play equipment/toys that do not exceed six (6) feet in height from ground level do not require an Architectural Application.
- (5) No play houses may be installed in Association Maintenance Areas.

9.10 Basketball Backboards

- (a) Backboards may be permanently attached to that portion of the dwelling or garage adjacent to the driveway. Backboards shall be fan shaped and painted or stained to match the surface to which they are attached. Backboards, including all attachments and mounting devices, shall be maintained by painting or staining as required by the Association. At the request of the Association, any Owner shall remove any backboard attachment not maintained to the satisfaction of the Association. The preferred backboard is clear. Setbacks for backboards should be ten (10) feet from all property lines.
- (b) No front yard standard poles are allowed.
- (c) Lighting shall be directed in such a manner as to illuminate the play area only, and not to affect the neighbors.
- (d) Mobile backboards are encouraged, but must be stored away from view. Mobile basketball hoops maintained in good condition, may be stored for a limited time against the home when not in use and must never be placed in the street or on the sidewalk; other equipment must be stored out of view from the streets or neighboring properties.

9.11 Flagpoles

- (a) Flagpoles not over six (6) feet in length may be attached to the front of your home. Vertical flagpoles must be of such a height and location situated so that, if the flagpole were to break or tip over, it would fall entirely within the boundaries of the Owner's property. Flagpole setbacks will be at the discretion of the Architectural Committee.

9.12 Signs

- (a) No sign, poster, display, billboard or other advertising device of any kind shall be displayed to the public view on any portion of the Properties or any Lot, without the prior written consent of the Board EXCEPT FOR A SINGLE REAL ESTATE SIGN OR POLITICAL SIGNAGE PLACED WITHIN THE HOMEOWNER MAINTAINED AREA DURING AN ELECTION PERIOD. All signs for the purpose of selling a residence must be professionally prepared. Signs must be only of the acceptable standard "Real Estate" type and size. All signs must conform with the requirements of the City of San Clemente and the number of signs on any lot shall not exceed one (1). Signage may be posted on the Homeowner Maintained Area only and is not permitted to be placed within the Association Maintenance Area without prior Association approval.

9.13 Mailboxes

- (a) Mailbox posts, standards and enclosures shall be subject to the control and approval of the Architectural Committee unless otherwise controlled by the U. S. Postal Service.

10.0 BUILDING GUIDELINES

10.1 Heights of Structures

- (a) The building height shall not exceed the city maximum for the Homeowner's particular tract or the established height in the member's tract as was established at time of original development, whichever is the more restrictive.

10.2 Mass of Structures

- (a) Structure footprint is to never exceed minimum required setbacks as established by the Association or original development setbacks.

10.3 Roofs

- (a) Subject to limitations imposed by the City of San Clemente, a chimney may extend above the maximum roof height limit, if in the opinion on the Architectural Committee, it is not excessively massive. Any proposed modifications to roof lines should comply/maintain the original roof pitch/line design.
- (b) Flat roofs and the use of artificial mansard roofs to hide a flat roof are allowed. Where possible, vents, skylights, and solar panels should be placed on the elevations away from the street.

10.4 Roof Vents

- (a) All roof vents shall be painted to match the roof.

10.5 Gutters and Down spouts

- (a) All gutters should match the color of trim at the roof line, and down spouts should match the color of house or trim except for those properties located in Vera Cruz. Down spouts shall be run down to grade in conformance with city standards.

10.6 Flashing

- (a) All flashing shall be painted to match the roof or wall surface surrounding it.

10.7 Skylights

- (a) Skylights will be considered based upon location and number of skylights. Skylight domes may be bronze, clear or white. All metal framing and flashing must be painted to blend with the roof. All visible manufacturer labels shall be removed prior to installation.

10.8 French Doors, Bay Windows

- (a) Wooden French doors/bay windows must be either white or painted to match trim, stucco or wood siding of dwelling. Metal French doors/bay windows must match existing window frame color.

10.9 Garage Doors

- (a) The Architectural Committee must approve all decorative and sectional roll-up type garage doors. Garage door(s) must be white or painted to match trim. Any windowed garage doors must be manufactured.

10.10 Screen Doors

- (a) The Architectural Committee shall consider approval of metal or wood screen doors on residential dwellings, within the following guidelines:
 1. Screen doors shall be white or painted to match the exterior trim around the front door opening or approximately blend with the same trim.
 2. The Architectural Committee shall also consider the proposed location of the screen door style relevant to its visibility from public or private sidewalks or streets, trails, walkways, greenbelts and parks.

10.11 Windows

- (a) Window design and materials shall be consistent with other windows on the dwelling. Window styles shall conform to the character of the window elements already existing in the neighborhood. All exterior metal window frames must match approved color. Wooden window frames shall be white or painted to match trim.

10.12 Security Doors and Windows

- (a) Exterior security doors, window bars and grills are not recommended, but will be considered on a case by case basis.

10.13 Awnings, Covers, and Roll Down Shades

- (a) Awnings shall be considered on a case by case basis.
 - 1. Awning material must always be maintained in an aesthetic and un-faded condition.

10.14 Solar Energy Equipment

- (a) Solar energy equipment requires prior approval by the Architectural Committee. Approval is based, to a great extent, on the homeowner's ability to design and accommodate the installation within the least amount of exposure to adjacent units.
 - 1. Solar energy equipment includes all panels, collectors, piping, attachments, bracing, flashing, mechanical hardware, supporting structure, and any other related elements.
 - 2. Equipment Guidelines:
 - (a) A profile as low as functionally practical and efficient should be maintained.
 - (b) When possible, piping should go through the roof rather than on the face of the roof or dwelling. Panels should be installed parallel with the roof pitch.
 - (c) Long runs of piping should be avoided and concealed as much as possible.
 - (d) Equipment or equipment enclosures should be painted or stained to match adjacent surface color.

10.15 Antennas and Satellite Dish Antennas

- (a) Transmitting antennas are prohibited. It is requested that satellite dishes or antenna installations conform to the following guidelines.
 - 1. Location: So long as the owner can obtain an acceptable signal, all satellite dishes and antennas shall be located in an inconspicuous location and not in view from the street in front of the house, preferably placed in the side or rear yard where they are obscured behind fences wherever possible. Each installation shall be reviewed on a case by case basis. Where possible, side and rear yard setback of five (5) feet should be maintained from the property line.

10.16 Mechanical Equipment

- (a) Installation of mechanical equipment, including but not limited to air conditioners, swimming pools, spa equipment, water softeners, waterfall pumps, etc., shall require approval by the Architectural Committee/Consultant.
 - 1. All equipment shall be located reasonably apart from neighboring property lines.
 - (a) Location shall be at least 5' – 0" from the property line minus open space and Association maintained area on side yards and 4' – 0" from the rear lot property line minus open space and Association maintained areas, and in no case encroach upon Association Maintenance Areas.
 - (b) Plan drawings must indicate the location of the equipment and, if exposed to view, the proposed method of screening.

10.17 Exterior Lighting

- (a) No exterior lights shall be placed or maintained upon any lot so as to cause an unreasonable glare or illumination upon any other private or common lot.

11.0 EXTERIOR FINISH MATERIALS AND COLORS

11.1 Materials, finishes, and colors shall be clearly shown on all drawings submitted.

11.2 Generally acceptable roof materials shall match the existing roof (unless entire roof is being replaced) and shall include:

- (a) Concrete tile
- (b) Clay tile
- (c) For new home construction, Homeowners shall submit other materials for review by the Architectural Committee.
- (d) Wood shake or asphalt shingles are not permitted.

11.3 Generally acceptable building materials are:

- (a) Wood or High Quality Artificial Wood Siding
- (b) Stucco
- (c) Brick
- (d) Natural rock
- (e) Glass block

11.4 All color schemes shall be from the approved color palettes as available from the management company or the Association web-site.

12.0 ENFORCEMENT AND INSPECTIONS

12.1 The Architectural Committee / Board of Directors, in accordance with the CC&Rs, shall have the right to cause to be corrected, or immediately removed from the premises, any item of violation of said CC&Rs or these Guidelines and Procedures.

12.2 The Board shall notify Homeowners of violations, requesting either correction thereof, or comment by the Homeowner. The Board will follow the applicable enforcement procedures as set forth in the Association governing documents.

12.3 These Guidelines and Procedures may be amended from time to time at the Board's discretion.

13.0 COMPLAINTS

13.1 Anyone wishing to complain about an alleged violation of these Architectural Guidelines, shall submit a complete description of the alleged violations to the Board of Directors in writing.

13.2 It is suggested that exhibits such as photographs or sketches be provided with the complaint to illustrate the alleged violation.

13.3 If the alleged violation affects more than one Homeowner, it is suggested that a single complaint be filed with the signature of all complaining Homeowners.

13.4 Although the nature of certain complaints makes it impossible to guarantee anonymity, all complaints received will be considered privileged information, and, to the extent possible, anonymity will be maintained for all complaining parties unless the party agrees to be named in the proceeding.

13.5 Processing of Complaints

(a) The Homeowner (unless anonymity is requested) will present the complaint and any exhibits to the Board of Directors at a regular monthly meeting.

(b) If the complaint appears justified, the Board will appoint committee member(s) to investigate the complaint by telephone discussion and/or an on-site visit with the complaining party.

(c) Investigator will submit a written report to the Board of Directors.

- (d) If a violation is confirmed by the Board, a letter from the Association clearly stating the nature of the violation, the section of the guidelines being violated, and instructions for corrective action shall be sent to the offending Homeowner. The letter should also invite the offending Homeowner to contact the Board to discuss the corrective action, and inform the Homeowner of any apparent code violation.

- (e) If there is no response from or corrective action taken by the violator within the specified time period, the Homeowner will be subject to fines and referral to legal counsel
Note: Should a Board of Director or Committee member be involved in the dispute, the member must abstain from any Committee or Board action.