

PORTOLA SPRINGS COMMUNITY ASSOCIATION



DESIGN GUIDELINES ENCLAVES I & II

27 September, 2006

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EXHIBITS

- Exhibit A Property Improvement Application
- Exhibit B Architectural Application Checklist
- Exhibit C DRC Approval Form
- Exhibit D DRC Notice of Completion Form
- Exhibit E Request for Board-Approved Architectural Guideline Exception
- Exhibit F Landscape Palette
- Exhibit G Community Standard Fence Detail
- Exhibit H Integral Color CMU Block Community Wall Detail
- Exhibit I Community Standard Fence on Wall Detail

Section I: Introduction

Section I: Introduction

A. Master Association Responsibilities: The Portola Springs Community Association (the “Master Association”) is charged with the preservation of the architectural character and enhancement of the landscape setting of the Community. The Master Association is granted the power to administer and enforce architectural controls within the Community by Article V of the Master Declaration of Covenants, Conditions and Restrictions, and Reservation of Easements for Portola Springs (the “Master Declaration”), which recorded June 26, 2006, as Instrument No. 2006000425369 of Official Records of Orange County, California. The Master Association is responsible for preparing these Design Guidelines (the “Guidelines”). No other party may revise this document.

If a home is subject to a Sub-Association, then the Sub-Association’s Design Review Committee reviews plans and specifications for all proposed Improvements (as defined in the Master Declaration) to verify the Improvement’s compliance with the provisions of these Guidelines. Neighborhoods under the control of a Sub-Association include all attached condominium and detached condominium homes within the Community.

If a home is not subject to a Sub-Association, then the Master Association’s Design Review Committee reviews plans and specifications for all proposed Improvements. Neighborhoods under the control of the Master Association include all single family detached homes within the Community.

Regardless of which association (Master Association or Sub-Association) is the responsible reviewing entity, all future references to the Design Review Committee (“DRC”) in these Guidelines shall refer to the applicable DRC (that is, the Sub-Association’s DRC reviewing plans for Improvements in

communities governed by a Sub-Association, and the Master Association’s DRC for Improvements in communities with no Sub-Association).

Purpose of Guidelines: The purposes of these Guidelines are (1) to preserve the aesthetic character of the Community as established by the initial development, (2) to assure compatibility among Improvements, and (3) to preserve a high quality of appearance. The Guidelines are intended to both give specific design criteria to Owners and their consultants in preparing drawings for architectural, landscape architectural, and other Improvements (both for initial Improvements and for subsequent landscape and architectural Improvements after completion of initial residential construction), and to give the DRC a basis upon which to review the drawings submitted by Owners for compliance with the requirements of the Guidelines. The DRC reviews proposed Improvements for aesthetic purposes only. It is the Owner’s responsibility to follow all applicable federal, state and local building codes.

B. Definitions: Various capitalized words and phrases used in these Guidelines are defined in the Master Declaration and, unless otherwise indicated, shall have the same meaning herein as is ascribed to them in the Master Declaration.

C. Amendments to Guidelines: These Guidelines, along with the provisions set forth in the Master Declaration, form the basis for evaluation of plans and specifications for proposed Improvements submitted by individual Owners to the DRC for review and approval. Any items or issues not addressed in the governing instruments for this Community are matters left to the discretionary judgment of the DRC acting in good faith on behalf of the best interests of the Master Association as a whole. The Board of Directors may, at its discretion, amend

these Guidelines from time to time as it deems necessary or desirable.

- D. **Model Complexes:** The construction features and landscaping provided by the Merchant Builders at the model complexes should not be considered as an example of what may be constructed consistent with these Guidelines. The construction features and

landscape materials located at the model complexes were provided for sales and marketing purposes only. Some of the landscape and construction features at the models may not comply with the Guidelines and therefore may not be approvable by the DRC on an individual Owner's lot.

Section II: Review and Approval Process

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A. EXTENT OF DESIGN REVIEW COMMITTEE REVIEW

1. The DRC approval of plans and specifications is required for all architectural modifications and landscape Improvements. The DRC may condition its approval on 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 of a conflict between these Guidelines and the Master Declaration, the Master Declaration shall control.
2. Upon approval, disapproval or in the event the DRC requests clarification or additional information, all submissions shall be distributed as follows:

Incomplete Plans: Shall be returned to the Owner.

Approved Plans: Two (2) approved plans shall be placed in the Master Association and Sub-Association files and one (1) approved plan shall be returned to the Owner.

Denied Plans: A copy of disapproved plans or those requiring clarification or additional information shall be returned to the Owner. A copy of such disapproved plans must be included with subsequent resubmissions.

3. Review and approval of completed Improvements will be made by the appropriate DRC or its designated representatives once the Owner has notified the DRC by filling out and submitting a Notice of Completion in the form shown in Exhibit D attached hereto, along with photographs indicating the installation of all front, side and rear yard Improvements including equipment locations, retaining wall systems, and drain inlets. If this Improvement results in a setback issue, a photo of the setback issue clearly showing

the measurement from the Improvement to the property line or setback is required with the submission. This notification shall be made promptly after the Improvement's completion.

If it is determined that the Improvements were not installed in compliance with the plans approved by the DRC, the DRC shall notify the Owner in writing of such noncompliance within forty-five (45) days after its review. The Owner is required to remedy the noncompliance within thirty (30) days of Owner's receipt of the DRC's notice.

4. The DRC's review of plans and specifications only extends to confirming that the plans and specifications adhere to the Master Declaration and these Guidelines. By approving plans and specifications, neither the DRC, or its Board of Directors, or its designated representatives, nor the Declarant assumes liability or responsibility for the architectural or engineering design or any defect in any Improvement constructed based upon the Owner's plans and specifications.

B. ADDITIONAL REQUIREMENTS

If construction activity requires the use of private streets or other Master Association Property for purposes of transporting labor and materials, or for the temporary storage of materials, the applying Owner shall obtain written permission from the Master Association for "Right of Entry" during the course of construction. A copy of the Master Association's Right of Entry letter granting permission shall be filed with the DRC prior to the commencement of construction.

After the DRC has approved the Owner's plans for aesthetic purposes, the Owner must contact local regulatory agencies and be sure that he or she is in compliance with all building and zoning regulations currently in force. In the event of a conflict between the provisions of these Guidelines and any other ordinance or regulation, the more restrictive requirements shall prevail.

The applicable Board of Directors may authorize variances from compliance with these Guidelines, including, without limitation, restrictions upon height, size, floor area or placement of structures, or similar restrictions, when circumstances such as topography, natural obstructions, hardship, aesthetic or environmental considerations may require such variances. A variance submittal fee will be required for each variance submittal (refer to Exhibit B for Single Family Detached Homes or contact the appropriate Sub-Association, whichever is applicable, for appropriate fees). All variances must be in writing and must be approved and signed by at least a majority of the members of the applicable DRC.

C. REVIEW AND APPROVAL PROCESS

1. Construction of any Improvement, including landscaping, may not begin until the DRC has approved plans and specifications depicting the proposed Improvement. **Yards must be completely landscaped within three hundred sixty-five (365) calendar days from close of escrow.**
2. No plan reviews shall be conducted until escrow has closed.

The DRC has established (a) a non-refundable design review fee to review submittals and (b) a security deposit, to be refunded after the Notice of Completion is approved by the DRC. Refer to Exhibit B for Single Family Detached Homes or contact the appropriate Sub-Association, whichever is applicable, for deposit and fee amounts.

The security deposit must accompany every submittal. The purpose of the deposit is to ensure the timely completion of the proposed Improvements and to guarantee that the Master Association is reimbursed for any damage to the Master Association Property associated with an Owner's construction. Funds may be withheld from deposits for any of the following reasons: 1) to repair Master Association Property damaged during an Owner's construction; or 2) to pay fines assessed against an Owner's account levied in response to a violation of the Master Declaration.

If a home is within an area governed by a Sub-Association, then the plans, specifications and forms should be sent to the Sub-Association's property management company.

If a home is not within a Sub-Association, then the plans, specifications and forms should be sent to the Master Association's property management company.

3. The DRC has forty-five (45) days from the receipt of the submittal of a **'complete'** (as determined by the DRC) submittal package to approve or deny the submittal. The applying Owner must obtain a dated written receipt for all plans and specifications submitted. Incomplete submittals will be denied. If the DRC fails to transmit its decision within forty-five (45) days after receipt of a **complete** submittal package, then the submittal will be deemed approved. The DRC may deny a complete submittal for reasons set forth in the Master Declaration.
4. After DRC review, the design may need to be approved by the City of Irvine ("City"). If the City requires the DRC-approved design to be changed, then the change needs to be approved by the DRC prior to the commencement of construction.
5. When construction is completed, a "Notice of Completion" and photographs of the completed Improvements must be delivered to the DRC for its use in determining if the Improvements were constructed according to the approved plans and specifications; and for refunding any deposit required by the DRC. A representative of the DRC may also inspect the Improvement. An appointment will be made at a mutually convenient time for any such inspection of the completed Improvements.
6. Construction must not unreasonably disturb neighbors. The use of a neighbor's yard for construction access is not permitted unless the neighbor has given written consent that must include a description of the access area. The use of property owned and/or maintained by the Master Association or Sub-Association for

construction access is not permitted, unless authorized by the responsible Association and the applying Owner signs an indemnification for damage and posts a construction deposit for repairs of damage to property owned and/or maintained by the applicable Association. Any authorization for construction access by the Master Association or Sub-Association must be in writing and must include a specific description of the access area.

7. Approval of Improvements by the DRC is for aesthetic purposes only. It is the applying Owner's responsibility to see that all federal, state and local ordinances and building codes are followed. It is the applying Owner's sole responsibility to obtain all permits and inspections that may be required by a public agency before commencing construction.
8. The DRC's approval of plans and specifications refers to conformance with the Master Declaration and these Guidelines. By approving the plans and specifications, the DRC, any members thereof, the Master Association, the Members, the Board of Directors, the designated representatives and agents of the Master Association, Irvine Community Development Company, The Irvine Company and the Merchant Builder do not assume any liability or responsibility therefore, including without limitation architectural or engineering design, for any defect in any structure constructed from such plans and specifications.
9. Proposed Improvement Plans must be clear, complete and prepared in accordance with applicable building codes and these guidelines. All plans must be submitted to the DRC for architectural remodels and additions, and all exterior hardscape and landscape Improvements for review and approval.

10. All packages submitted to the DRC must be submitted by a Member of the Master Association and must contain the following items:
 - a. Property Improvement Application (Exhibit A).
 - b. Architectural Application Checklist (Exhibit B)
 - c. Three (3) complete sets of proposed Improvement plans. Owners must specifically depict all easements and all utilities, as well as any Improvements that vary from these Guidelines. Approval of plans by the DRC does not include any Improvements otherwise out of compliance with these Guidelines unless specifically noted in the approval.
 - d. Photos of areas to be improved.
 - e. Signature of plan preparer that he/she has read and understands these Guidelines.
 - f. Two (2) signed copies of the Water Quality Management – Best Management Practice Guidelines (refer to Section VII).

The property management company for the applicable Association reviews the package for completeness. Plans must meet the submission standards as indicated in this Section. The DRC recommends that each homeowner retain the services of professional design consultants to prepare all Improvement drawings. Complete packages are forwarded to the DRC. The DRC will not review incomplete submissions. Incomplete submissions will be returned to the applying Owner along with a copy of a checklist noting the areas of deficiency. The forty-five (45) day review period for proposed Improvements will not commence until the DRC has acknowledged receipt of a complete submittal.

11. **Resubmittal Fees:** After the initial submission and two (2) revisions, subsequent plan submissions for additional review will require an additional non-refundable fee payable to the appropriate reviewing entity. The DRC may request an additional fee for any submission whether for initial or subsequent approval if changes are made to approved plans.

D. PROCESS / SUBMITTAL REQUIREMENTS

The following is a step-by-step process of the DRC review and submission procedure:

Step 1a

The applying Owner reviews these Guidelines and prepares plans and specifications including the proposed new Improvements showing:

1. Owner's name, date, address and lot number of Dwelling, north arrow, scale of plans (1/8" = 1'-0" or 1/4" = 1'-0"), notes in English.
2. Designer/contractor's name, address, and phone numbers.
3. Designer/contractor's signature confirming that he/she/they have read these Guidelines and understand the requirements set forth herein.
4. Photographs and dimensioned details as needed to describe the Improvements, including a cross-section of any patio cover, description of play structures, and a photograph of any light fixture specifying the height, material, color and appearance.
5. Photographs of front and rear elevations of Dwelling (architectural elevations) and front yard, rear yard, and each side yard and photographs of Dwellings across the street and adjacent, if the existing Dwelling color is proposed to be changed.

Step 1b

For major Improvements to Single Family Detached Homes, such as, but not limited to, room additions/extensions, a Conceptual Design Submittal is required including; preliminary plans, specifications and existing photography to be submitted prior to preparation of construction documents. Refer to Exhibit B for fee requirements regarding Conceptual Design Submittal/Review.

The speed of DRC approval is based on the amount of information that the applying Owner provides on the plans and specifications. Inadequate information will cause the DRC to deny the application.

Step 2

The applying Owner completes the Property Improvement Application (Exhibit A) and Architectural Application Checklist (Exhibit B).

Step 3

1. The applying Owner submits all required forms, plans and photos to the applicable reviewing entity in care of the property management company
2. All submissions for DRC consideration shall include the items as outlined in the Architectural Application Checklist (Exhibit B).
3. Each submittal for architecture or landscape Improvements must be submitted separately with its own submittal application, documents and associated fee.
4. No reviews shall be conducted until escrow has closed for the applying Owner's Dwelling.

Step 4

1. DRC reviews the required forms, plans and specifications for completeness and consistency with the Guidelines. Incomplete submittals are rejected. Submittals without fees or deposits are rejected.

2. The DRC approves or denies the submittal. Approval may be given with conditions.

Step 5

The applying Owner reviews the DRC's comments and notifies the DRC if there are any questions.

Step 6

If the DRC has granted final approval and the applying Owner understands the DRC's comments, the applying Owner submits the approved plans and specifications to the City for approval, if required, and obtains any necessary permits.

Step 7

All construction must be consistent with the approved plans and specifications. All deviations must be reviewed and approved in writing by the DRC.

Step 8

Within thirty (30) days after construction is completed, the applying Owner submits a Notice of Completion and photographs of the completed Improvements to the DRC (Exhibit D).

Step 9

The DRC reviews the photos provided by the applying Owner with the Notice of Completion and determines if the Improvements were constructed according to the approved plans and specifications and then refunds the construction deposit, minus any costs to repair property owned and/or maintained by the Master Association or Sub-Association that was damaged during the construction. Construction of any Improvement prior to receipt of DRC approval is a violation of the Master Declaration and, in such event, the Owner may be required to remove the unauthorized Improvement at Owner's sole cost and expense.

E. ARCHITECTURAL IMPROVEMENTS SUBMITTAL REQUIREMENTS (for Single Family Detached Homes only):**1. Site Photos:**

- a. Include site photos of the front and rear elevations; of the front yard, rear yard, and each side yard; and of all surrounding conditions adjacent to the location of the proposed Improvements including neighboring lots, Master Association Property, Sub-Association Property and Maintenance Areas (Master Association Property, Sub-Association Property and Maintenance Areas are hereinafter collectively referred to as the "Association Property").

2. Plot Plan: (at not less than 1/8" = 1'- 0")

- a. Show Lot lines accurately. Show all existing and proposed buildings, structures, fences, walls, sidewalks and other Improvements. Indicate all required setbacks, easements, streets, or rights of way and top or toe of slopes.
- b. Show all dimensions on work to be considered; show distances between existing and proposed work and property lines, setback lines and slopes.
- c. Show by spot elevations, all existing vertical gradients.

3. Roof Plan: (at not less than 1/8" = 1'- 0")

- a. Show all existing and proposed roofs noting slopes, pitches and overhangs.
- b. Designate existing and proposed roofing material.
- c. Indicate any unusual conditions and details involved in or resulting from the work.

4. Floor Plan: (at not less than 1/4" = 1'- 0")

- a. Indicate all walls, columns, openings and any condition or feature that will affect the exterior design or appearance of the structure. Clearly indicate what is existing and what is proposed work.
- b. Show dimensions of proposed work and related existing work. Indicate the relationships.
- c. Delineate all parts of the exterior that cannot be shown on elevation.
- d. Indicate square footage of proposed and existing work.
- e. Clearly illustrate the existing structure versus the new proposed structure.

5. Architectural Elevations: (at not less than 1/4"=1'- 0")

- a. Provide exterior elevations of all proposed structures and how they relate to the existing structure.
- b. Delineate all height limits in relation to proposed work.
- c. Note all finish materials, colors and textures of proposed work. For alterations or additions, note if finish is to match existing finish.

F. LANDSCAPE SITE IMPROVEMENTS SUBMITTAL REQUIREMENTS**1. Site Photos:**

- a. Include site photos of the front and rear elevations of the front yard, rear yard, and each side yard; and of all surrounding conditions adjacent to the location of the proposed Improvements including neighboring lots and Association Property.

2. Landscape Construction Plan and Details: (at not less than 1/8" = 1'- 0")

- a. The plan must graphically illustrate all hardscape Improvements including: fences, walls, pilasters, gates, trellises, arbors, patio covers, game courts, pools/spas, barbecues, fireplaces, fountains, garden art, mechanical equipment and storage enclosures.
- b. Construction details/elevations of all vertical hardscape Improvements that exceed six (6) feet above existing grade, in the rear and side yard and all front yard vertical hardscape.
- c. Drawings shall include specifications of materials, sizes, color and height. For alterations or additions, note if finish is to match existing finish.
- d. Heights should be shown in relation to adjacent ground elevations (existing grade), and the finish floor elevation.
- e. Any situations requiring retaining of earth shall be clearly shown along with the height of retaining walls. Structural calculations will be required by the City.
- f. List materials, colors and finishes together with method of installation or application.
- g. Clearly indicate proposed setbacks from the property line and perimeter fencing and walls for all hardscape elements.

3. Planting Plan: (at not less than 1/8" = 1'- 0")

- a. Identify all trees, shrubs, groundcovers, and their proposed installed plant container size including location, type, quantity, and spacing.

Refer to approved Community plant palette, Exhibit E - Landscape Palette.

4. Exterior Lighting Plan: (at not less than 1/8" = 1'- 0")

- a. The lighting information may be shown on the planting plan or construction plan.
- b. Include cut sheets of all proposed fixtures and indicate dimensions and height. Include the following note on the plan:

“No exterior lighting shall be placed or maintained upon any lot so as to cause an unreasonable glare or illumination upon property outside the Owner’s lot.”

G. CONSTRUCTION DRAWINGS & SPECIFICATIONS:

Construction drawings and specifications shall be required per local agency requirements. DRC review and approval of design development shall not be considered to act in lieu of required construction/building permit drawings. Any revisions required by any local agencies that conflict with these Guidelines shall be resubmitted to the DRC for review and approval. The applying Owner is not required to submit working drawings to the DRC; however, it is the applying Owner’s responsibility that construction drawings and final implementation of Improvements are in conformance with approved design development plans. Construction drawings shall be resubmitted if they deviate from the approved preliminary plans.

H. CONDITIONS OF APPROVAL

The following are conditions of any DRC approval. They shall be deemed incorporated by reference in all plans and specifications or the DRC’s approvals. The applying Owner shall have the responsibility to ensure that these conditions of approval are implemented.

1. Hours of Operation

- a. Construction is only permitted between the following hours:
 - Monday through Friday – Between 7:00 a.m. and 6:00 p.m. (or dusk).
 - Saturday – Between 9:00 a.m. and 4:00 p.m.
 - Sunday and Federal Holidays – No work permitted.

If current City regulations are more restrictive, they shall prevail.

2. Temporary Structures

- a. Temporary structures are not permitted unless approved in writing by the Master Association Board of Directors.

3. Unsightly Items

- a. Rubbish, debris and unsightly material or objects shall not be stored or permitted to accumulate on streets, sidewalks, or on any Master Association or any Sub-Association Property (including, but not limited to, any private street).
- b. Each week, each Owner of a Lot or Condominium shall remove all rubbish, debris and unsightly material on his Lot or Condominium.
- c. The Owner is financially responsible for any trash cleanup work the Master Association or Sub-Association deems necessary to comply with this restriction.

4. Building Materials

- a. Building materials, including sand, shall not be stored on streets, sidewalks or any other Master Association or Sub-Association Property. All building materials must be stored on the applying Owner's property.
- b. The applying Owner is financially responsible for any cleanup and repair work the Master Association or Sub-Association deems needed to comply with this restriction.

5. Water Run-off during Construction

- a. The applying Owner and his agents shall comply with all regulations regarding water quality.

6. Drainage

- a. Proper drainage is required at all times. Unless adequate alternative provisions are made for drainage, the original drainage system on the applying Owner's property shall be left undisturbed. This includes gutters, downspouts, underground drains, and swales.

7. Workmanship and Enforcement

- a. The quality of new Improvements shall match the quality of existing Improvements. The DRC may require the applying Owner to rebuild Improvements that are of substandard workmanship. The Owner is financially responsible for any rework the Master Association or Sub-Association deems necessary to comply with this restriction.

8. Maintenance of Improvements

- a. The repair and maintenance of any Improvement shall be the responsibility of the installing Owner or subsequent Owners.

9. Conditions Not Covered

- a. Any condition not covered in these Guidelines or the Master Declaration shall become a matter of discretionary judgment on the part of the DRC, acting in good faith on behalf of the best interest of the Master Association and the Community. If there is any conflict between the provisions of these Guidelines and the Master Declaration, the provisions of the Master Declaration shall control.

I. RELATIONSHIP TO DESIGN GUIDELINES FOR A SUB-ASSOCIATION

In case of a conflict between these Guidelines adopted by the Master Association and any design guidelines adopted by a Sub-Association, the more restrictive standards will be enforced.

Section III:
Attached Condominium Homes
Design Guidelines

Section III: Attached Condominium Homes – Design Guidelines

A. ARCHITECTURE

All architectural Improvements must be compatible with the original architecture of the neighborhood in which the Dwelling is located.

Below are guidelines for alterations to attached condominium homes which are expressive of the Community's architectural character and which will be used by the Sub-Association's DRC in reviewing plans and specifications for compatibility with the original design and enforcing these Guidelines.

In case of a conflict between these Guidelines and any design guidelines adopted by a Sub-Association, the more restrictive standards will be enforced.

COMPLIANCE WITH THESE GUIDELINES SHALL NOT BE IN LIEU OF DRC APPROVAL. COMPLIANCE WITH THESE GUIDELINES SHALL BE DETERMINED BY THE DRC AS PART OF THE APPROVAL PROCESS. THESE GUIDELINES MAY BE MODIFIED FROM TIME TO TIME AS SET FORTH IN THE MASTER DECLARATION.

The following neighborhoods in Enclaves I and II are designated as Attached Condominium Homes for the purpose of these Guidelines. All requirements in Section III apply to these neighborhoods:

- Paloma / Brookfield Homes
- San Carlos / William Lyon Homes
- Sendero / John Laing Homes

1. Exterior Improvements to Attached Condominiums

Exterior alterations, modifications or additions to Attached Homes, including, but not limited to any of the following, **are not permitted**:

- a. Room additions,
- b. Balconies, decks, or porches,
- c. New or replacement doors, windows, and garage doors,
- d. Exterior stairways,
- e. Awnings,
- f. Roof modifications,
- g. Skylights,
- h. Solar equipment,
- i. Exterior lights,
- j. Exterior color changes,
- k. Accessory buildings.

2. Screen Doors

- a. All screen doors for front entry doors, with the exception of retractable screens, must be approved by the DRC. Retractable screen door frames shall match the existing color scheme. Submit the specification with a photo for DRC consideration.

3. Communication Equipment at Attached Condominiums

- a. All exterior radio antennae, television antennae, satellite dishes and other transmitting or receiving devices must comply with the Master Declaration. Any permitted equipment must be approved by the DRC as to location, size, and screening from view of adjacent lots prior to installation.

- b. Communications equipment should be located in less visible areas and shall not exceed the ridgeline of any roof and may not be attached to building walls or roof.
- c. All cables should be installed within the Dwelling wall and be painted to match the adjacent surface where visible on the exterior of the Dwelling.

3. Interior Party Wall Requirements at Attached Condominiums

- a. Owners are not permitted to penetrate/disturb the existing condition of any party (common) walls of an attached condominium home.
- b. Audio equipment is not permitted to be mounted or installed on or in a party wall.

B. LANDSCAPE

The landscape plays a significant role in establishing the overall Community character and value. The landscape objective for the Community is to create a cohesive community framework, while allowing for neighborhood diversity and home variety. The desire is to ensure that the landscape and hardscape Improvements are of the same high quality as the Dwellings and Community facilities and that they are aesthetically and horticulturally compatible.

1. Landscape Improvement Summary:

- a. No modifications are permitted to any landscape or hardscape maintained by the Master Association or Sub-Association.
- b. Improvements are permitted in exclusive use patio areas only.
- c. Any existing gates, fences, perimeter walls, garden walls or retaining walls must remain as constructed by the Merchant Builder.

- d. The attachment of items such as, lattice, wire grids, plants, trellises, tree stakes, fountains, walls, and barbecues, to the Merchant Builder installed features such as, fence, walls, and gates is not permitted.
- e. Vines attached to a freestanding patio wall or garden wall are permitted.
- f. No Improvements of any kind shall be attached to an adjoining Dwelling.

2. Grading and Drainage:

a. Grading:

- 1) The grade adjacent to any perimeter wall/fence or adjoining Dwelling must remain at existing grade for three (3) feet clear of the wall.
- 2) The grade may not be lowered or raised in excess of twelve (12) inches within the lot.

b. Drainage:

- 1) The drainage pattern established with the original grading of the lot must be maintained. No drainage will be permitted onto Association Property slopes, landscaping, or adjacent lots.
- 2) All on-lot construction / hardscape surfaces shall have positive surface drainage of one percent (1%) minimum.
- 3) All landscape areas shall have positive surface drainage of two percent (2%) minimum.
- 4) All surface drainage shall be directed away from building walls, top of slopes and adjoining property lines.
- 5) All yard areas must surface drain to area drains/catch basins which must, in turn, tie into the Merchant

Builder-installed drain line or inlet.

- 6) The roof gutters at the downspouts must connect to the Merchant Builder-installed drain line or inlets.
- 7) All on-lot drainage features and systems must adhere to all applicable codes.

3. Hardscape and Landscape Structures

a. Flatwork:

- 1) Flatwork shall be balanced with landscaping in areas that are visible from streets or Association Property. The planting plan must be submitted in conjunction with the hardscape plan to insure that the landscape design is balanced.
- 2) The existing Association Property exterior walkways must remain as constructed by the Merchant Builder. No change to the paving is permitted.
- 3) All paving materials and colors must be compatible with the architectural style and exterior elevation materials. Submit color photos and manufacturer specifications for review.

b. Walls, Fences and Gates:

- 1) Existing masonry pilasters, walls, fences and gates shall not be removed, reconstructed or modified as to structure, finish or color.
- 2) Fences and walls that will abut any existing wall or fence shall not exceed the height of the existing wall.
- 3) Retaining walls are subject to the approval of the DRC. Such approval shall be based on the aesthetic appearance of the wall only, and shall not be deemed to warrant or approve in any manner the engineering or structural design of the wall. The maximum permitted height of retaining walls is three (3) feet.

- 4) All proposed features, equipment, garden art, walls, fences, gates, trellises, or other structures installed adjacent to any tubular steel/aluminum perimeter fences shall be subject to DRC approval. Provide a photo or specification sheet for all proposed features with dimensions if visible from the Association Property.

c. Patio Structures:

- 1) Patio structures shall be detached from the Dwelling and shall be designed to reinforce the existing architectural style. Materials, finishes, colors and design detail shall be consistent with the existing architecture. Structures shall comply with all governing agency ordinances and requirements.
- 2) Only flat-roofed structures with open wood beam (or material which simulates the appearance of wood) or wrought iron are permitted. Structures shall not exceed ten (10) feet in height measured from original pad grade to the top of the upper-most construction member. The roof must be fifty percent (50%) open. Elaborate ornamentation is not permitted.
- 3) Open wood beam structures shall be painted to match the Dwelling color or the color of the architectural eaves.
- 4) Pitched-roof structures are not permitted.
- 5) All structures shall be set back from the perimeter walls or adjoining Dwellings for three (3) feet as measured from the outermost part of the structure, including the overhang.
- 6) Columns may be masonry or wood. Wood columns must appear to be substantial, 6 "x 6" minimum.

- 7) Generally, the square footage of patio covers will be reviewed in relation to the square footage of the yard. The intent is to retain an attractive community appearance with a balance of buildings and open space. Some yards are not conducive to patio cover construction and will be considered accordingly. All structures will be reviewed on a case-by-case basis by the DRC. The following conditions may be considered:
 - a) Visibility of the structure from the Association Property and adjoining Dwellings.
 - b) Screening/softening of the structure with plant material.
 - c) The balance of hardscape to softscape.
 - d) The size of the structure in relation to the size of the yard.
 - 8) The construction detail and elevation is required for review. Identify all materials, sizes and finishes. Note on the detail that the wood members must be stained/painted to match the architectural palette of the Dwelling.
- d. Freestanding Vine Trellises:
- 1) Freestanding vine trellises shall not exceed eight (8) feet in height and shall have a twelve (12) inch setback from the perimeter wall and/or adjoining Dwellings and the posts for vine planting. The length and width shall be reviewed on a case-by-case basis.
 - 2) Vine trellises shall be ornamental iron or wood construction.
 - 3) The construction detail and elevation is required for review. Note on the detail that the wood members must be stained/painted to match the Dwelling or the architectural eaves of the Dwelling. Iron members shall be black or antique bronze.
 - 4) Prefabricated vine trellises will be considered. Provide a catalog cut or photo.
- e. Swimming Pools/Spas:
- Swimming pools/spas are permitted within private yards not visible from the street. All pools/spas are subject to the Orange County Health Code and the following requirements:
- 1) Swimming pools/spas must be set back a minimum of two (2) feet clear of perimeter walls. Pools and spas are high activity areas and shall be screened from Community view with substantial landscaping.
 - 2) Prefabricated spas are permitted. They shall meet all built-in swimming pools/spas requirements and any associated trellis/overhead shall be in accordance with the patio structure requirements.
- f. Pool/Spa Equipment:
- 1) Pool/spa equipment shall be located a minimum of two (2) feet clear of the rear and side property line per City codes.
 - 2) All pool equipment must be screened in such a manner so as not to be viewed from any Association Property. Sound attenuation shall conform to the standards and details of the City or applicable jurisdictions. Typical screening methods include dense tree/shrub planting or an overhead trellis foliated with evergreen vines.

g. Fountains/Ponds:

- 1) Water features such as reflecting pools, ponds, and fountains are permitted with the following requirements:
 - a) Water features shall be set back a minimum of two (2) feet clear of adjoining Dwellings and shall be softened from Community views with plant material.
 - b) Fountains shall not exceed the height of the existing perimeter rear yard wall/fence or be attached to the Dwelling, wall or fence.
 - c) Any associated statuary shall be approved by the DRC on a case-by-case basis. Submit photos or catalog cuts.
 - d) All associated equipment must be completely screened from Community view.
 - e) Water features located in the front yard will be reviewed on a case-by-case basis.
 - f) Water features must be compatible with the existing architecture.

h. Barbecues and Outdoor Kitchens:

- 1) Built-in barbecues and outdoor kitchens are not permitted in the front yard.
- 2) Barbeques and outdoor kitchens located in a side or rear yard they shall not exceed the height of the perimeter wall.
- 3) All materials shall be consistent with the residential architecture and in scale with the size of the yard.

i. Fireplaces:

- 1) Freestanding outdoor fireplace chimneys shall not exceed eight (8) foot maximum height. The fireplace must be set back three (3) feet from adjoining Dwellings to provide a planting area for substantial plant material screening. The back of the structure must be finished to match the architecture.
- 2) The fireplace must match the architectural style of the Dwelling.
- 3) The fireplaces shall be designed to use natural gas, instead of wood, so that the use does not create a nuisance.
- 4) Outdoor fireplaces must comply with all applicable Orange County Fire Authority regulations.
- 5) Fireplaces are not permitted in the front yard.

j. Play Equipment:

- 1) Play equipment that exceeds the height of the perimeter wall/fence requires DRC approval prior to installation.
- 2) Basketball backboards are not permitted.
- 3) Play equipment is not permitted in the front yard.

k. Garden Art/Statuary:

- 1) Garden art/statuary shall be located in the private yard and shall not exceed six (6) feet above existing grade and must be set back three (3) feet from adjoining Dwellings to provide a planting area to screen the art.
- 2) All garden art/statuary are reviewed and approved by the DRC on an individual case basis. Provide photos, catalog cuts and specifications for DRC review.

4. Irrigation:

The following irrigation standards apply to all lots within the Community:

- a. All landscape areas are to be irrigated by a permanent system with automatic controllers.
- b. Irrigation systems shall be tailored to the specific site and landscape situation. Important considerations of the design are environmental conditions such as sun and shade, soils, terrain, percolation rates, erosion control, and wind.
- c. Irrigation systems shall be designed to apply water in an efficient manner and provide adequate coverage without run-off into storm drains.

5. Planting:

The planting concept for the Community is influenced by the historic landscapes of the California foothills and early agricultural operations. It incorporates plant "layering" in which the ornamental landscape of developed areas works in visual harmony with the character of the natural hillsides, orchards and Eucalyptus windrows. The plant palette features a significant percentage of native and drought-tolerant plants, which provide color and interesting character while minimizing maintenance and water consumption over time. Planting layers should also be used in areas to soften building mass and to integrate architectural forms.

a. Planting:

- 1) The Association Property trees, shrubs, groundcover and turf provided by the Merchant Builder shall be protected in-place during any construction and replaced in kind and size by the Master Association at the Owner's expense if damaged. **Note on the landscape improvement plans the following: "All**

existing Association Property landscape shall be protected in place during all phases of construction."

- 2) The Master Association and/or Sub-Association maintains the parkway, front yard, alley, and some side yard landscaping.
- 3) No trees, shrubs, or other plants shall be installed until plans and specifications have been approved by the DRC. The plans must show the proposed locations and installed sizes. The planting plan is required to be submitted with the hardscape plan.
- 4) In locations where the private yard is less than fifteen (15) feet deep, only from the small rear yard tree palette are permitted. Refer to Exhibit F.
- 5) The DRC shall have the right, but not the obligation, to require the Owner to remove, trim, or prune any tree, shrub, or plant which in the reasonable belief of the DRC unreasonably impedes the passage of light or air of any lot and to shape and thin trees for wind resiliency and appearance.
- 6) In addition to selecting landscape plants based upon aesthetic characteristics, consideration must be given to relative drought tolerance, solar aspect, and soil type within the Community. Pre-approved trees, shrubs, ground cover, and turf are shown on the attached Exhibit F (select trees from the small rear yard tree list). Others may be used upon approval by the DRC.
- 7) Trees with invasive root systems and deciduous/flowering/fruited trees that drop excessive litter should not be proposed adjacent to Association Property or adjoining Dwellings.

- 8) All trees planted within five (5) feet of walls, fences, and/or adjoining Dwellings must include a root barrier device.
 - 9) Owner assumes all liability and responsibility for any root damage from trees planted in their yards (including, but not limited to, fencing, walls and structures, utility lines, drainage and adjacent neighbor improvements).
 - 10) Trees must not overhang into adjacent private or Association Property lots more than forty percent (40%). Trees that overhang the property line must be evergreen.
 - 11) Owner agrees to provide routine maintenance for all trees including, but not limited to, annual pruning and lacing. If the DRC deems trees a nuisance, the Owner shall bear the expense of tree removal.
- b. Tree Requirements for Private Yards:
- 1) If a yard lot is large enough, trees should be planted to accent the architecture and screen areas of high activity and structures. Trees shall be planted a minimum of three (3) feet from the perimeter walls and adjoining Dwellings and include a root barrier device.
- c. Minimum Functional Shrub and Tree Planting Requirements:
- 1) A combination of shrubs and trees shall be planted to screen all utilities, air conditioner condensers, pool/spa equipment, dog runs, trash storage, play equipment, etc. from all Association Property.
 - 2) Shrubs and vines may be planted to screen or visually enhance blank wall areas.

d. Synthetic Turf Grass:

- 1) Synthetic turf grass is acceptable in private yards.

6. Exterior Lighting:

- a. Landscape lighting shall be low-voltage only.
- b. Mercury vapor lamps or lamps that emit light of a similar character, exposed fluorescent lamps, flashing lights, color lights, unshielded exterior lights, and lights which result in excessive glare are not permitted.
- c. Lights on top of pilasters are approved on a case-by-case basis. If approved, only two (2) pilaster fixtures are permitted. Include the specification sheet for the proposed fixture.
- d. Path lighting should be minimized. Path lights shall cast the light downward.
- e. Area lighting is not permitted.
- f. Post lights are not permitted.
- g. Security lights on motion detectors for security illumination are strongly discouraged but may be allowed subject to specific approval. If allowed, these lights shall not be visible from any neighbor's window and will only be allowed to operate on a motion detector and stay lit for maximum of twenty (20) continuous minutes. The lights shall not be installed higher than eight (8) feet above existing grade. Security lights must still meet the requirement of shielding the light sources, and the light source shall not be visible from neighboring property. If problems with these lights occur, the DRC and the Sub-Association reserve the right to require that the fixtures be disconnected. These lights may not be used for general illumination.

7. Miscellaneous:

- a. Speakers: Loudspeakers shall not be mounted higher than six (6) feet above grade.
- b. Exterior Colors: Exterior colors of fences, walls and structures as originally applied and exterior colors pre-approved by the DRC for new construction, additions, or alterations, shall not be changed or altered without DRC approval.
- c. Flags:
 - 1) Non-commercial yard flags are permitted with the following requirements:
 - a) The flag brackets shall be compatible with the color and scale of the Dwelling.
 - b) Flags may not exceed fifteen (15) square feet in size.
 - c) Must be maintained continually in good repair.
 - d) House-attached flagpole shall be no longer than six (6) feet in length.
 - e) Flagpoles must be removed when a flag is not displayed.
 - 2) Freestanding flagpoles are not permitted.

d. Outdoor Storage:

- 1) All items stored outside such as trash cans, recycling bins, compost containers, yard equipment, doghouses, etc. must be completely screened from Community views.
- 2) Storage sheds and green houses are only permitted in private yards enclosed by high masonry walls. The top of the structure must be below the top of the wall and screened with landscaping approved by the DRC.

**C. ATTACHED CONDOMINIUM HOMES
SETBACK & HEIGHT LIMIT TABLE**

IMPROVEMENT	SETBACK	HEIGHT
Pool, Spas and Pool / Spa Equipment	2'-0" between the structure and any perimeter wall/fence. (Not permitted in the front yard.)	6'-0" max.
Play Equipment that exceeds the height of the perimeter wall/fence.	3'-0" from any perimeter wall / fence. (Not permitted in the front yard.)	10'-0" max.
Patio Structures / Fireplaces	3'-0" from any perimeter wall / fence and adjoining Dwellings as measured from the outermost edge. (Not permitted in the front yard.)	Patio Structure - 10'-0" max. height Fireplace - 8'-0" max. height
Vine Trellis	1'-0" from any perimeter wall/fence to the post.	8'-0" max.
Espaliers	1" from any perimeter wall / fence.	Shall not exceed height of perimeter wall / fence.
Barbeques and Outdoor Kitchens	1" from any perimeter wall / fence. (Not permitted in the front yard.)	Shall not exceed height of perimeter wall/fence.
Fountains and Ponds	2'-0" between the structure and adjoining Dwellings. (Not permitted in the front yard.)	Shall not exceed height of perimeter wall/fence.

Section IV:
Detached Condominium Homes
Design Guidelines

Section IV: Detached Condominium Homes – Design Guidelines

A. ARCHITECTURE

All architectural Improvements must be compatible with the original architecture of the neighborhood in which the Dwelling is located.

Below are guidelines for building alterations, building materials, colors, and forms which are expressive of the Community's architectural character and which will be used by the Sub-Association's DRC in reviewing plans and specifications for compatibility with the original design and enforcing these Guidelines.

In case of a conflict between these Guidelines adopted by the Master Association and any design guidelines adopted by a Sub-Association, the more restrictive standards will be enforced.

COMPLIANCE WITH THESE GUIDELINES SHALL NOT BE IN LIEU OF DRC APPROVAL. COMPLIANCE WITH THESE GUIDELINES SHALL BE DETERMINED BY THE DRC AS PART OF THE APPROVAL PROCESS. THESE GUIDELINES MAY BE MODIFIED FROM TIME TO TIME AS SET FORTH IN THE MASTER DECLARATION.

The following neighborhoods in Enclaves I and II are designated as Detached Condominium Homes for the purpose of these Guidelines. All requirements in Section IV apply to these neighborhoods:

- Bougainvillea / KB Homes
- Decada / California Pacific Homes
- Los Arboles / Taylor Woodrow Homes
- Manzanita / Richmond America
- Vientos / California Pacific Homes

1. Exterior Improvements to Detached Condominium Homes

Improvements to Detached Condominium Homes, including, but not limited to, any of the following, **are not permitted**:

- a. Room additions,
- b. Balconies, decks or porches
- c. Exterior stairways,
- d. Roof modifications,
- e. Accessory buildings - such as, but not limited to, pool houses.

2. Garages and Garage Doors

- a. Additional garages may not be added.
- b. Replacements or changes to garage doors must be compatible with the design and color of the existing garage door or painted or stained a color that is compatible with the exterior color scheme of the Dwelling. Standard white metal garage doors are not permitted.
- c. Treatments that draw attention to the garage door, such as mirrored glass or ornate decoration on or around the garage door, are not permitted.
- d. Garages shall at all times be maintained in such a manner so as to be capable of accommodating at least two (2) full-sized automobiles and shall not be used as habitable space, except as approved by the City.

3. Exterior Building Wall Materials

- a. Exterior veneer materials used on the building walls shall be consistent on all elevations of a Dwelling in order to achieve a uniform appearance.
- b. Predominant veneer materials and accents shall match the original architecture.
- c. Applied materials must wrap to inside corners, wrap back a minimum of thirty-six (36) inches on outside corners or return to a logical termination point.

4. Skylights

- a. Skylights must be designed as an integral part of the roof. Their form, location, and color must be compatible with and relate to the building.
- b. Owners must use bronze-colored glass (white or clear are not permitted).
- c. Bubble skylights are not permitted.

5. Windows and Doors

- a. The size, location, material, and color of new or replacement windows and doors for Detached Condominium Homes shall be compatible with the windows and doors of the existing Dwelling.
- b. Window openings within exterior wall surfaces shall be located in a manner consistent with the existing treatment and design.
- c. Glass tinting or shading must be compatible with the existing treatment. Mirrored glass, reflective glass film and plastic roll-up shades are not permitted.
- d. Recessed window and door openings are encouraged.

- e. New accent windows and doors—such as greenhouse windows or French doors—must be compatible with the color and design of the existing Dwelling.
- f. Post-modern features, such as large areas of glass block, are not permitted.
- g. Decorative front doors must be compatible with the color and design of the existing Dwelling.

6. Screen Doors

- a. All screen doors for front entry doors, with the exception of retractable screens, must be approved by the DRC. Retractable screen door frames shall match existing color scheme. Submit the specification with a photo for DRC consideration.

7. Awnings and Shades

- a. Awnings and exterior shades may be approved if they reinforce the architectural style and design of the existing Dwelling. Actual material samples are required for DRC review.
- b. The size, location, and form must be in scale with the window and should not dominate the architecture.
- c. Awnings proposed on front elevations or on side elevations at corner lots will be considered relative to their compatibility with the architecture.
- d. Awnings are not appropriate on certain elevation styles and on certain accent windows.
- e. Temporary sun shades attached to the vertical face of the Dwelling, patio cover, or gazebo—such as rolls of bamboo, fiberglass, or reed—are not permitted.

8. Exterior Colors and Finishes

- a. Color is intended to act as a primary theme-conveying element and be reflective of the architectural styles.
- b. Exterior colors of buildings shall match those applied by the original Merchant Builder and/or comply with the color palette approved by the Board of Directors and available from the property management company.
- c. For any proposed modification of exterior material and any proposed modification of exterior color, the following must be included:
 - 1) A color sample board and an elevation sheet with color chips attached clearly noting where colors are to be used.
 - 2) All samples must be identified with manufacturer's name, color and/or number.

9. Reflective Finishes

- a. No highly reflective finishes shall be used on exterior surfaces (other than surfaces of hardware fixtures), including the exterior surfaces of any of the following: roofs, all projections above roofs, doors, trim, pipes, solar panels, or equipment.

10. Diverters/Downspouts/Gutters

- a. Diverters, downspouts, and gutters shall match those originally installed by the Merchant Builder.
- b. All downspouts shall be connected to the lot drainage system.

11. Solar Panels/Mechanical Devices

- a. Notwithstanding any provision or restriction contained in the Master Declaration to the contrary, solar panels/mechanical devices may be installed within the Community subject to prior written approval from the DRC. As part of said approval, the DRC will evaluate the appearance of the proposed solar panel/mechanical device to ensure that said device is:
 - 1) Integrated into the roof design of the building and flush with the existing roof slope.
 - 2) Not located on the front roofs or located on rear or side roofs that is visible from adjacent streets or any Master Association Property and must comply with all applicable zoning regulations.
 - 3) Frames must be colored to complement the roof.
 - 4) Natural aluminum frames are prohibited.
 - 5) Support solar equipment shall be enclosed and screened from view.
 - 6) All mechanical equipment exposed to the exterior shall be located in a manner that minimizes visual impact.

12. Antennae and Satellite Dishes

- a. All exterior radio antennae, television antennae, satellite dishes and other transmitting or receiving devices must comply with the Master Declaration.
- b. Communications equipment should be located in less visible areas and not exceed the ridgeline of any roof.
- c. All cables should be installed within the Dwelling wall and be painted to match the adjacent surface where visible on the exterior of the Dwelling.

13. Exterior Lighting

- a. New exterior light fixtures, such as decorative wall fixtures, must be compatible with the design of the Dwelling. They must be simple in design and color and should be compatible with the existing light fixtures.
- b. Only full cut-off down-lights or recessed lights are permitted in front yards. All lighting must be directed away from adjacent streets and properties to prevent off-site glare.
- c. For specific landscape lighting requirements refer to the Landscape section B.5.

B. LANDSCAPE

The landscape plays a significant role in establishing the overall Community character and value. The landscape objective for the Community is to create a cohesive community framework, while allowing for neighborhood diversity and home variety. The desire is to ensure that the landscape and hardscape Improvements are of the same high quality as the Dwellings and Community facilities and that they are aesthetically and horticulturally compatible.

The Merchant Builder may have installed the front yard landscaping and the Master Association or Sub-Association is responsible for the maintenance thereof. The front yard landscaping may not be modified or removed by the Owner without the approval of the DRC.

1. Grading and Drainage

- a. Grading:
 - 1) The grade adjacent to the property line walls must remain at existing grade for three (3) feet clear of the wall.

- 2) The grade may not be lowered or raised in excess of twelve (12) inches within the lot.

b. Drainage:

- 1) The drainage pattern established with the original grading of the lot must be maintained. No drainage will be permitted onto Association Property slopes, landscaping, or adjacent lots.
- 2) All on-lot construction/hardscape surfaces shall have positive surface drainage of one percent (1%) minimum.
- 3) All landscape areas shall have positive surface drainage of two percent (2%) minimum.
- 4) All surface drainage shall be directed away from building walls, top of slopes and adjoining property lines.
- 5) All rear yard and side yard areas must surface drain to area drains/catch basins which must in-turn tie into the Merchant Builder-installed drain line.
- 6) The roof gutters at the downspouts must connect to the Merchant Builder-installed drain line or inlets.
- 7) All on-lot drainage features and systems must adhere to all applicable codes.

2. Hardscape and Landscape Structuresa. Flatwork:

- 1) Flatwork shall be balanced with landscaping in areas that are visible to the street and Association Property.
- 2) Only minor modifications to the design of the Merchant Builder-installed front yard walkways are permitted. Owners are permitted to change the material of the walkway only. **Increasing the size of**

the walkway or adding pilasters or walls is not permitted. The material must be compatible with the architecture (such as matching the existing concrete, stone, brick, etc.). The DRC must approve all proposed modifications. Any damage to the front yard or parkway landscaping during the course of an Owner's lot Improvements shall be repaired by the Association at the Owner's expense.

- 3) In lots with rear yards that exceed fifteen (15) feet in depth, flatwork must be set back two (2) feet from the property line walls/fence or adjoining Dwellings to provide a planting area.
- 4) All paving materials must be compatible with the architectural style and exterior elevation materials.

b. Walls, Fences and Gates:

- 1) Existing masonry pilasters, walls, fences and gates shall not be removed, reconstructed or modified as to structure, finish or color.
- 2) Fences and walls that will abut any existing wall or fence shall not exceed the height of the existing wall.
- 3) Retaining walls are subject to the approval of the DRC. Such approval shall be based on the aesthetic appearance of the wall only, and shall not be deemed to warrant or approve in any manner the engineering or structural design of the wall. The maximum permitted height of retaining walls is three (3) feet.
- 4) Rear and side yard walls shall not exceed six (6) feet maximum height. Walls parallel to the perimeter wall/fence must be set back three (3) feet from the existing wall/fence.
- 5) Soil level may not be raised against existing perimeter and side yard walls without the addition of

a retaining flash wall, as they are not structurally designed for retaining conditions.

- 6) Exterior veneer materials used on the site walls must be compatible with or match the architectural exterior elevation materials. All sides of walls and fences must be finished.
- 7) All proposed features, equipment, garden art, walls, fences, gates, trellises, or other structures installed adjacent to any tubular steel/aluminum rear perimeter or side yard panels visible from Community view shall be subject to DRC approval. Provide a photo or specification sheet for all proposed features with dimensions.

c. Patio Structures:

- 1) Patio structures may be freestanding or attached to the Dwelling and shall be designed to reinforce the existing architectural style. Materials, finishes, colors and design detail shall be consistent with the existing architecture. Structures shall comply with all governing agency ordinances and requirements.
- 2) Flat-roofed structures shall be open wood beam (or material which simulates the appearance of wood) or wrought iron and shall not exceed eleven (11) feet in height measured from original pad grade to the top of the upper-most construction member. The roof must be fifty percent (50%) open. Elaborate ornamentation is not permitted.
- 3) Open wood beam structures shall be painted to match the Dwelling color or the color of the architectural eaves.
- 4) Pitched-roof or open structures are not permitted.

- 5) All structures shall be set back from adjoining Dwellings and/or perimeter walls/fence three (3) feet as measured from the outermost part of the structure, including the overhang.
 - 6) Columns may be masonry or wood. Wood columns must appear to be substantial, 6 " x 6 " minimum.
 - 7) Generally, the square footage of patio covers will be reviewed in relation with the square footage of the yard. The intent is to retain an attractive community appearance with a balance of buildings and open space. Some yards are not conducive to patio cover construction and will be considered accordingly. All structures will be reviewed on a case-by-case basis by the DRC. The following conditions may be considered:
 - a) Visibility of the structure from the Association Property.
 - b) Screening/softening of the structure with plant material.
 - c) The balance of hardscape to softscape.
 - d) The size and number of structures in relation to the size of the yard.
 - 8) The construction detail and elevation is required for review. Identify all materials, sizes and finishes. Note on the detail that the wood members must be stained/painted to match the Dwelling or the architectural palette of the Dwelling.
- d. Freestanding Vine Trellises:
- 1) Freestanding vine trellises shall not exceed eight (8) feet in height and shall have a one (1) foot planting area between the posts and the perimeter walls/fence for vine planting. The length and width shall be reviewed on a case-by-case basis.
- e. Swimming Pools/Spas:
- 2) Vine trellises shall be ornamental iron or wood construction.
 - 3) The construction detail and elevation is required for review. Note on the detail that the wood members must be stained/painted to match the Dwelling or the architectural eaves of the Dwelling.
 - 4) Prefabricated vine trellises will be considered. Provide a catalog cut or photo.
 - 1) Swimming pools/spas are permitted within private yards. All pools/spas are subject to the Orange County Health Code and the following requirements:
 - a) Swimming pools/spas must be set back a minimum of three (3) feet clear of the rear and side property line. Pools and spas shall be screened from Community views with substantial landscaping.
 - b) Rock formation features associated with pools and spas shall not exceed the perimeter wall/fence height including any associated safety railing. The structure must be screened from Community views with substantial landscaping. All rock formation pools are approved on a case-by case-basis. Material samples and photographs are required for all submittals. The rock formation must be set back a minimum of three (3) feet from the rear and side perimeter walls/fences.
 - c) Prefabricated spas are permitted. They shall meet all built-in swimming pools/spas requirements and any associated trellis/overhead shall be in accordance with the patio structure requirements.

f. Pool/Spa Equipment:

- 1) Pool/spa equipment shall be located a minimum of two (2) feet clear of the rear and side property line per City codes.
- 2) All pool equipment must be screened in such a manner so as not to be visible from Association Property. Sound attenuation shall conform to the standards and details of the City or applicable jurisdictions. Typical screening methods include dense tree/shrub planting or an overhead trellis foliated with evergreen vines.

g. Fountains/Ponds:

- 1) Water features such as reflecting pools, ponds, and fountains are permitted within the rear yard or courtyard with the following requirements:
 - a) Water features located in the front yard are reviewed on a case-by-case basis.
 - b) Water features shall be set back a minimum of two (2) feet clear of adjoining Dwellings and shall be softened from Community views with plant material.
 - c) Fountains shall not exceed the height of the existing perimeter wall/fence.
 - d) All associated equipment must be screened from Community view and must be sound-attenuated.
 - e) Water features must be compatible with existing architecture.
 - f) Any associated statuary shall be approved by the DRC on a case-by-case basis. Submit photos or catalog cuts.

h. Barbecues and Outdoor Kitchens:

- 1) Built-in barbecues and outdoor kitchens shall not exceed the height of the perimeter wall/fence.
- 2) All materials shall be consistent with the residential architecture and in scale with the size of the yard.

i. Fireplaces:

- 1) Freestanding outdoor fireplace chimneys shall not exceed eight (8) foot maximum height. The fireplace must be set back three (3) feet from adjoining Dwellings and the rear and side perimeter wall/fence to provide a planting area for screening. The back of the structure must be finished to match the Dwelling and completely screened from Community views with twenty-four (24) inch box minimum size evergreen trees and shrubs.
- 2) The fireplace must match the architectural style of the Dwelling.
- 3) The height limit of fireplace chimneys attached to patio covers shall not exceed minimum building codes. Fireplaces in excess of eight (8) feet and adjacent to a patio structure shall have a setback of ten (10) feet minimum to any property line or perimeter wall. In no case shall the fireplace exceed thirteen (13) feet in height. Fireplaces attached to a patio structure shall be allowed to enclose forty percent (40%) maximum area of any one side.
- 4) Fireplaces are not permitted in the front yard.

k. Play Equipment:

- 1) All play equipment that exceeds the height of the perimeter wall/fence requires DRC approval prior to installation.
- 2) Basketball backboards are not permitted.
- 3) Play Equipment: All recreation or play equipment shall not exceed twelve (12) feet above original pad grade. All recreation equipment shall be set back three (3) feet clear of the side and rear perimeter wall/fence to provide a planting area for screen trees. Play equipment that extends above the perimeter wall height must be painted to match the Dwelling or trim color and if proposed, only solid canvas roof elements that are compatible with the color and materials of the Dwelling will be permitted. Submit catalogue cuts or photographs with dimensions and colors provided. Mature evergreen landscape screening is required upon installation of the equipment. Prefabricated colored play equipment that does not exceed the height of the perimeter wall/fence is permitted.
- 4) Play equipment is not permitted in the front yard.

l. Garden Art/Statuary:

- 1) Garden art/statuary shall be located in the private yard and shall not exceed six (6) feet above existing grade.
- 2) All garden art/statuary are reviewed and approved by the DRC on an individual case basis. Provide photos, catalog cuts and specifications for DRC review.

3. Irrigation:

The following irrigation standards apply to all lots within the Community:

- a. All landscape areas are to be irrigated by a permanent system with automatic controllers.
- b. Irrigation systems shall be tailored to the specific site and landscape situation. Important considerations of the design are environmental conditions such as sun and shade, soils, terrain, percolation rates, erosion control, and wind.
- c. All above-ground controllers shall be completely screened from Association Property views.
- d. Irrigation systems shall be designed to apply water in an efficient manner and provide adequate coverage without run-off into storm drains or over sidewalks.

4. Planting:

The planting concept for the Community is influenced by the historic landscapes of the California foothills and early agricultural operations. It incorporates plant “layering” in which the ornamental landscape of developed areas works in visual harmony with the character of the natural hillsides, orchards and Eucalyptus windrows. The plant palette features a significant percentage of native and drought-tolerant plants, which provide color, and interesting character while minimizing maintenance and water consumption over time. Planting layers should also be used in areas to soften building mass and to integrate architectural forms.

a. Planting:

- 1) The Association Property and front yard trees, shrubs, groundcover and turf provided by the Merchant Builders are to be protected in-place during any construction and replaced in kind and size by the Master Association at the Owner's expense if damaged. **Note on the landscape improvement plans the following: "All existing front yard and parkway landscape shall be protected in place during all phases of construction."**
- 2) The parkway and Merchant Builder-installed front yard landscaping is maintained by the Master Association or Sub-Association.
- 3) No trees, shrubs, or other plants shall be installed until plans and specifications have been approved by the DRC. The plans must show the proposed locations and installed sizes.
- 4) The DRC shall have the right, but not the obligation, to require the Owner to remove, trim, or prune any tree, shrub, or plant which in the reasonable belief of the DRC unreasonably impedes the passage of light or air of any lot and to shape and thin trees for wind resiliency and appearance.
- 5) In addition to selecting landscape plants based upon aesthetic characteristics, consideration shall be given to relative drought tolerance, solar aspect, and soil type within the Community. Pre-approved trees, shrubs, ground cover, and turf are shown on the attached Exhibit F. In locations where the private yard is less than fifteen (15) feet deep, select trees from the "Small Rear Yard Tree List". Others may be used upon approval by the DRC.
- 6) Trees with invasive root systems and deciduous/flowering/fruited trees that drop excessive litter should not be proposed adjacent to Association Property or another lot.
- 7) All trees planted within five (5) feet of walls, fences, and/or adjoining Dwellings must utilize a root barrier device.
- 8) Owner assumes all liability and responsibility for any root damage from trees planted in their yards (including but not limited to fencing, walls and structures, utility lines, drainage and adjacent neighbor improvements).
- 9) Trees must not overhang into adjacent private or Association Property lots more than forty percent (40%). Trees that overhang the property line must be evergreen.
- 10) Owner agrees to provide routine maintenance for all trees including, but not limited to, annual pruning and lacing. If the DRC deems any trees a nuisance, the Owner shall bear the expense of tree removal.

b. Tree Requirements for Lots at Perimeter Edges:

- 1) All lot side yards that are adjacent to a street or common drive shall be planted with a minimum of one (1) twenty-four (24) inch box size evergreen tree per twenty (20) lineal feet of side-yard property line. Wherever possible, the evergreen tree selection should reinforce the tree species that exist in any common landscape lot beyond the property line. This requirement does not include Palms or Italian Cypress, which are considered vertical accents and shall be in addition to the above tree requirements, if proposed.

c. Tree Requirements for Private Yards:

- 1) If a yard is large enough, trees should be planted to accent the architecture, screen areas of high activity and structures, and to provide neighbor-to-neighbor privacy. Trees shall be planted a minimum of three (3'-0") feet from the perimeter walls or adjoining Dwellings and shall include a root barrier device.

d. Rear Yard Architectural Elevations at Perimeter Edges:

- 1) Rear architectural elevations shall receive vertical evergreen tree, palm, or accent, etc. planting treatments proportionate to the rear architectural elevation. Twenty-four (24) inch box trees are required next to the corners of the Dwelling to visually anchor the Dwelling to the site.
- 2) Additional trees will be required to soften/screen structures and high activity areas visible to the Community.

e. Minimal Shrub and Tree Planting Requirements:

- 1) A combination of shrubs and trees shall be planted to screen all utilities, air conditioning condensers, pool/spa equipment, dog runs, trash storage, play equipment, etc. from all Association Property.
- 2) Shrubs and vines may be planted to screen or visually enhance blank wall areas.

f. Ground Plane Planting Requirements:

- 1) All planting areas visible from the streets and/or Association Property that are not completely covered with shrubs shall receive turf or groundcover.
- 2) Synthetic turf grass is acceptable in private yards.

5. Exterior Lighting:

- a. Landscape lighting shall be low-voltage only.
- b. Mercury vapor lamps or lamps that emit light of a similar character, exposed fluorescent lamps, flashing lights, color lights, unshielded exterior lights, and lights which result in excessive glare are not permitted.
- c. Lights on top of pilasters are approved on a case-by-case basis. If approved, only two (2) pilaster fixtures are permitted. Include the specification sheet for the proposed fixture.
- d. Path lighting should be minimized. Path lights shall cast the light downward.
- e. Area lighting is not permitted.
- f. Post lights are not permitted.
- g. Security lights on motion detectors for security illumination are strongly discouraged but may be allowed subject to specific approval. If allowed, these lights shall not be visible from any neighbor's window and will only be allowed to operate on a motion detector and stay lit for maximum of twenty (20) continuous minutes. The lights shall not be installed higher than twelve (12) feet above existing grade. Security lights must still meet the requirement of shielding of the light sources, and the light source shall not be visible from neighboring property. If problems with these lights occur, the DRC and the Master Association reserve the right to require that the fixtures be disconnected. These lights may not be used for general illumination.

6. Miscellaneous:

- a. Speakers: Loudspeakers shall not be mounted higher than six (6) feet above grade.
- b. Exterior Colors: Exterior colors of fences, walls and structures as originally applied and exterior colors pre-approved by the DRC for new construction, additions, or alterations, shall not be changed or altered without DRC approval.
- c. Flags:
 - 1) Non-commercial flags are permitted with the following requirements:
 - a) The flag brackets shall be compatible with the color and scale of the Dwelling.
 - b) Flags may not exceed fifteen (15) square feet in size.
 - c) Must be maintained continually in good repair.
 - d) House-attached flagpole shall be no longer than six (6) feet in length.
 - e) Flagpoles must be removed when a flag is not displayed.
 - 2) Freestanding flagpoles are not permitted.

d. Outdoor Storage:

- 1) All items stored outside such as trash cans, recycling bins, compost containers, yard equipment, doghouses, etc. must be completely screened from Community views.
- 2) Storage sheds and green houses are only permitted in rear and side yards enclosed by high masonry walls. The top of the structure must be below the top of the wall and screened with landscaping approved by the DRC.

- e. Thematic Landscape Features: Thematic landscape features with overly distinctive colors, forms, or materials that establish an independent theme that detracts from the overall street scene, such as glass block, mirror balls, pink flamingos, rock gardens, gravel yards, boulders in turf areas, cactus, waterfalls, fountains or concrete statues that are incompatible with the architecture, railroad ties, and split rail fencing are not permitted in areas visible from Community views.

**C. DETACHED CONDOMINIUM HOMES
SETBACK & HEIGHT LIMIT TABLE**

IMPROVEMENT	SETBACK	HEIGHT
Fountains / Ponds	2'-0" from adjoining homes. Shall not be attached directly to perimeter wall/fence. Front yard – reviewed on a case by case basis.	May not exceed height of existing perimeter wall/fence.
Pools / Spas / Rock Formations	3'-0" from side and rear property line.	May not exceed height of existing perimeter wall/fence.
Fireplaces (Not permitted in the front yard.)	3'-0" from adjoining Dwellings and side and rear perimeter wall/fence. 10'-0" from side and rear perimeter wall/fence. (attached to covered patio)	Freestanding - 8'-0" max. Attached to covered patio - 13'-0" max.
BBQs.	1" from any perimeter wall/fence	May not exceed height of existing perimeter wall/fence.
Play Equipment (Not permitted in the front yard.)	3'-0" from side and rear property line.	12'-0" max. from original pad grade.
Pool / Spa Equipment	2'-0" from side and rear property line.	May not exceed height of existing property line wall/fence.
Patio Structures (Not permitted in the front yard.)	3'-0" from adjoining Dwelling and/or side or rear perimeter wall/fence measured from outermost edge of fascia, lattice, trim, beams, etc.	11'-0" max. from original pad grade.
Freestanding Vine Trellis's	1'-0" planting area between the posts and the side and rear perimeter wall/fence.	8'-0" max. from original pad grade.
Espaliers	1" from perimeter wall/fence.	May not exceed height of existing perimeter wall/fence.
Side & Rear Yard Walls	Centered on property line. 3'-0" Walls parallel to property line or perimeter wall/fence.	6'-0" max. from original pad grade.
Retaining Walls	3'-0" from perimeter walls.	3'-0" from original pad grade.

Section V:
Single Family Detached Homes
Design Guidelines

Section V: Single Family Detached Homes – Design Guidelines

A. ARCHITECTURE

All architectural Improvements must be compatible with the original architecture of the neighborhood in which the Dwelling is located.

Below are guidelines for building alterations, building materials, colors, and forms which are expressive of the Community's architectural character and which will be used by the Master Association's DRC in reviewing plans and specifications for compatibility with the original design and enforcing these Guidelines.

COMPLIANCE WITH THESE GUIDELINES SHALL NOT BE IN LIEU OF DRC APPROVAL. COMPLIANCE WITH THESE GUIDELINES SHALL BE DETERMINED BY THE DRC AS PART OF THE APPROVAL PROCESS. THESE GUIDELINES MAY BE MODIFIED FROM TIME TO TIME AS SET FORTH IN THE MASTER DECLARATION.

The following neighborhoods in Enclaves I and II are designated as Single Family Detached Homes. All requirements in Section V apply to these neighborhoods:

- Las Colinas / Taylor Woodrow
- Prado / Pardee Homes
- Serra / Standard Pacific

1. Room Additions and Extensions

- a. Additions and extensions must be designed to be compatible with the existing Dwelling's form, scale, proportions, massing, architectural style, finish materials and detailing.
- b. The material, color, and texture of new exterior walls of room additions at Single Family Detached Homes shall be compatible with the existing Dwelling walls.
- c. Any new fascia must match any existing fascia. Enhanced wall finishes, such as brick and stone, must be designed to wrap corners, and appear to be integral to the Dwelling design, rather than as applied decoration.
- d. The roof pitch, detailing, and fenestration must match the existing Dwelling.
- e. New building features—such as planters and pot shelves—must be compatible with the color and design of the existing Dwelling.
- f. Blank two-story high walls at room additions shall not face parks, streets, or other public viewing areas. All new dwelling walls must be softened with trees to minimize the visual massing impact.

Additional requirements are further described herein.

2. Building Heights

- a. Dwellings: Maximum height of any Dwelling shall not exceed the maximum ridge line height of the Dwelling as constructed by the Merchant Builder as set forth in the Master Declaration.

3. Setbacks and Buildable Zone

- a. For minimum setbacks, please refer to the City requirements and the Single Family Detached Home Setback and Height Limit Table.
- b. Special setbacks may be adopted by the Board of Directors and enforced by the DRC.

4. Accessory Buildings

- a. All permissible accessory buildings and uses must be approved by the DRC and must be compatible in design with the architecture. All such permissible accessory buildings must be screened from adjacent lots and Association Property by shrubs and trees. Storage units may be approved if they do not exceed the height of the property line wall and if they are properly screened from off-site views by shrubs and trees. (Refer to the Landscape Section for specific requirements.)

5. Roofs

- a. The slope, material, and color and texture of any new roof at Single Family Detached Homes shall be identical to the existing roof.
- b. Mansard and flat roofs are not permitted.
- c. New roof features—such as skylights, chimneys, or solar equipment—must be compatible with the design of the existing Dwelling.
- d. Roof-mounted equipment must be completely screened.
- e. The color of new roof flashing, diverters, vent stacks, and similar features must match the existing roof color.

6. Garages and Garage Doors

- a. Garages shall at all times be maintained in such a manner so as to be capable of accommodating at least two (2) full-sized automobiles and shall not be used as habitable space except as approved by the City.
- b. Replacements or changes to garage doors must be compatible with the design and color of the existing garage door; or painted or stained a color that is compatible with the exterior color scheme of the Dwelling.
- c. Features to soften the dominance of the garage door on the street scene are encouraged—such as a horizontal trellis above the garage door, trees in the driveway, or vine pockets between garage doors.
- d. Treatments that draw attention to the garage door, such as mirrored glass or ornate decoration on or around the garage door, are not permitted.
- e. Standard white metal garage doors are not permitted.

7. Exterior Building Wall Materials

- a. Exterior veneer materials used on the building walls shall be consistent on all elevations of a Dwelling in order to achieve a uniform appearance.
- b. Predominant veneer materials and accents shall match the original architecture.
- c. Applied materials must wrap to inside corners, wrap back a minimum of thirty-six (36) inches on outside corners or return to a logical termination point.

8. Skylights

- a. Skylights must be designed as an integral part of the roof. Their form, location, and color must be compatible with and relate to the building.
- b. Owners must use bronze-colored glass (white or clear are not permitted).
- c. Bubble skylights are not permitted.

9. Windows and Doors

- a. The size, location, material, and color of new or replacement windows and doors at Single Family Detached Homes shall be compatible with the windows and doors of the existing Dwelling.
- b. Window openings within exterior wall surfaces shall be located in a manner consistent with the existing treatment and design.
- c. Glass tinting or shading must be compatible with the existing treatment. Mirrored glass, reflective glass film and plastic roll-up shades are not permitted.
- d. Recessed window and door openings are encouraged.
- e. New accent windows and doors—such as greenhouse windows or French doors—must be compatible with the color and design of the existing Dwelling.
- f. Post-modern features, such as large areas of glass block, are not permitted.
- g. Decorative front doors must be compatible with the color and design of the existing Dwelling.

10. Screen Doors

- a. All screen doors for front entry doors, with the exception of retractable screens, must be approved by the DRC. Retractable screen door frames shall match the existing color scheme. Submit the specification with a photo for DRC consideration.

11. Chimneys (attached to Dwelling)

- a. Heights: No chimney may extend higher than the minimum height as permitted by the building code of the City.
- b. Exterior Dimensions: The exterior dimensions of chimneys should be minimized.
- c. Flashing: All chimney flashing should be colored to match the integral or applied color of the chimney.
- d. Chimney caps must match the existing chimneys.

12. Overhangs and Other Projections

- a. Cornices, eaves, rakes and windows projecting above the perimeter footing of the Dwelling may not project more than two and one-half (2-1/2) feet into any front, side or rear yard setback or must match existing conditions.

13. Awnings and Shades

- a. Awnings and exterior shades may be approved if they reinforce the architectural style and design of the existing Dwelling. Actual material samples are required for DRC review.
- b. The size, location, and form must be in scale with the window and should not dominate the architecture.

- c. Awnings proposed on front elevations or on side elevations at corner lots will be considered relative to their compatibility with the architecture.
- d. Awnings are not appropriate on certain elevation styles and on certain accent windows.
- e. Temporary sun shades attached to the vertical face of the Dwelling, patio cover, or gazebo, such as rolls of bamboo, fiberglass, or reed, are not permitted.

14. Exterior Colors and Finishes

- a. Color is intended to act as a primary theme-conveying element, and reflective of the architectural styles and the Community setting.
- b. Exterior colors of buildings shall match those applied by the original Merchant Builder and/or comply with the color palette approved by the Board of Directors and available from the property management company.
- c. For any proposed modification of exterior material and any proposed modification of exterior color, the following must be included:
 - 1) A color sample board and an elevation sheet with color chips attached clearly noting where colors are to be used.
 - 2) All samples must be identified with manufacturer's name, color and/or number.
 - 3) Samples of masonry and finish roofing material. Descriptions are acceptable for common materials such as concrete roofing tile.

15. Reflective Finishes

- a. No highly reflective finishes (other than glass, which may not be mirrored) shall be used on exterior surfaces (other than surfaces of hardware fixtures), including the exterior surfaces of any of the following: roofs, all projections above roofs, doors, trim, pipes, solar panels, or equipment.

16. Diverters/Downspouts/Gutters

- a. Diverters, downspouts, and gutters shall match those originally installed by the Merchant Builder.
- b. All downspouts shall be connected to the lot drainage system.

17. Solar Panels/Mechanical Devices

- a. Notwithstanding any provision or restriction contained in the Master Declaration to the contrary, solar panels/mechanical devices may be installed within the Community subject to prior written approval from the DRC. As part of said approval, the DRC will evaluate the appearance of the proposed solar panel/mechanical device to ensure that said device is:
 - 1) Integrated into the roof design of the building and flush with the existing roof slope.
 - 2) Not located on the front roofs; or located on rear or side roofs that are visible from adjacent streets or any Master Association Property and must comply with all applicable zoning regulations.
 - 3) Frames must be colored to complement the roof.
 - 4) Natural aluminum frames are prohibited.
 - 5) Support solar equipment shall be enclosed and screened from view.

- 6) All mechanical equipment exposed to the exterior shall be located in a manner that minimizes visual impact.

18. Antenna and Satellite Dishes

- a. All exterior radio antennae, television antennae, satellite dishes and other transmitting or receiving devices must comply with the Master Declaration.
- b. Communications equipment should be located in less visible areas and not exceed the ridgeline of any roof.
- c. All cables should be installed within the Dwelling wall and be painted to match the adjacent surface where visible on the exterior of the Dwelling.

19. Sunrooms and Solariums

- a. Sunrooms and solariums at Single Family Detached Homes must be designed so that their form and color are compatible with the existing architecture; and must be completely screened with landscaping.
- b. The maximum height is twelve (12) feet, the minimum setback to the side property line is five (5) feet and ten (10) feet to the rear property line.
- c. Roofs shall match the existing architecture, with the roof pitch compatible with the existing roof pitch.
- d. No metal roofs are permitted.
- e. Prefabricated, curved-roof sunrooms and solariums are prohibited.

20. Columns

- a. New columns at Single Family Detached Homes should be integral with the Dwelling design, with a substantial scale (e.g. stout columns and deep recesses).
- b. Pipe columns are not permitted.

21. Balconies

- a. The location, material, and color of new exterior balconies at Single Family Detached Homes shall be compatible with the existing Dwelling.
- b. Balcony railings must be designed to match the materials, color, and design of any existing railing on the Dwelling.
- c. Horizontal pipe railings are not permitted.
- d. Landscape planting enhancements may be required to provide privacy screening on behalf of adjacent lots.

22. Exterior Stairs

- a. The location, material, and color of new exterior stairs at Single Family Detached Homes shall be compatible with the existing Dwelling.
- b. Stair supports must be designed as integral parts of the Dwelling.
- c. Pipe columns are not permitted.
- d. Generic or commercial-looking prefabricated metal stairs are not permitted.
- e. Spiral stairs may be permitted if they are compatible with the Dwelling architecture.

23. Exterior Lighting

- a. New exterior light fixtures, such as decorative wall fixtures must be compatible with the design of the Dwelling. They must be simple in design and color; and should be compatible with the existing light fixtures.
- b. Only full cut-off down-lights or recessed lights are permitted in front yards. All light fixtures must be directed away from adjacent streets and properties to prevent off-site glare.

B. LANDSCAPE

The landscape plays a significant role in establishing the overall Community character and value. The landscape objective for the Community is to create a cohesive community framework, while allowing for neighborhood diversity and home variety. The desire is to ensure that the landscape and hardscape Improvements are of the same high quality as the Dwellings and Community facilities and that they are aesthetically and horticulturally compatible.

1. Grading and Drainage

a. Grading:

- 1) The grade adjacent to the property line walls must remain at existing grade for three (3) feet clear of the wall.
- 2) The grade may not be lowered or raised in excess of twelve (12) inches within the lot.

b. Drainage:

- 1) The drainage pattern established with the original grading of the lot must be maintained. No drainage will be permitted onto Association Property slopes, landscaping, or adjacent lots.
- 2) All on-lot construction / hardscape surfaces shall have positive surface drainage of one percent (1%) minimum.
- 3) All landscape areas shall have positive surface drainage of two percent (2%) minimum.
- 4) All surface drainage shall be directed away from building walls, top of slopes and adjoining property lines.
- 5) Unobstructed front yard areas may surface drain to the sidewalk.

- 6) All rear yard, side yard and obstructed front yard areas must surface drain to area drains/catch basins which must, in turn, outlet by tying into the Merchant Builder-installed drain line. The roof gutters at the downspouts must connect to the Merchant Builder-installed drain line or inlets.
- 7) All on-lot drainage features and systems must adhere to all applicable codes.

2. Hardscape and Landscape Structures

a. Flatwork:

- 1) Flatwork shall be balanced with landscaping in areas that are visible to the street and/or Association Property.
- 2) A two (2) foot maximum expansion of enhanced paving is permitted on each side of the driveway or a three and one half (3 ½) foot expansion on the interior side only. The paving material must accent the driveway and shall not appear as a concrete add-on. A separate pedestrian entry walk is not permitted if the three and a half (3 ½) foot expansion is utilized.
- 3) A balance of landscaping and hardscape is required in all areas visible from the street and/or Association Property. Excessive hardscape is not permitted.
- 4) A thirty (30) inch planting area is required between the driveway and the pedestrian entry walk.
- 5) Flatwork must be set back two (2) feet from the property line walls/fence within the rear yard to provide a planting area between patios and the property line wall/fence. Excessive hardscape in the rear yard will require mitigation with substantial tree canopy as determined by the DRC.

- 6) All exterior paved surfaces exposed to streets and /or Association property must be compatible with the architectural style and exterior elevation materials.

b. Walls, Fences and Gates:

- 1) Existing walls, fences and associated pilasters surrounding the perimeter of the Community consist of the following:
 - a) Exhibit G - Community Standard Fence Detail
 - b) Exhibit H – Integral Color CMU Block Community Wall Detail
 - c) Exhibit I - Community Standard Fence on Wall Detail
- 2) Existing masonry pilasters, walls, and fences shall not be removed, reconstructed or modified as to structure, finish or color.
- 3) Walls, fences and gates located in the Owner-maintained front yard area that were installed by the Merchant Builder may be altered or removed with prior approval by the DRC.
- 4) Fences and walls that will abut any existing wall or fence shall not exceed the height of the existing wall unless otherwise required by building codes for protection of swimming pools or spas and approved by the DRC.
- 5) Retaining walls are subject to the approval of the DRC. Such approval shall be based on the aesthetic appearance of the wall only, and shall not be deemed to warrant or approve in any manner the engineering or structural design of the wall. The maximum permitted height of retaining walls is five (5) feet. Retaining walls shall be located three (3) feet clear of existing property line walls or fences.

- 6) Front yard walls and raised hardscape shall not exceed forty-two (42) inches in height. Front yard pilasters shall not exceed forty-eight (48) inches in height. All new walls and pilasters located in the front yard area shall be set back three (3) feet minimum from the back of walk. The wall must be screened with full size shrubs, five (5) gallon minimum.

- 7) Rear and side yard walls shall not exceed six (6) feet maximum height. Walls parallel to the property line wall must be set back three (3) feet from the existing wall.

- 8) Soil level may not be raised against existing perimeter and side yard walls without the addition of a retaining flash wall as they are not structurally designed for retaining conditions.

- 9) Exterior veneer materials used on the site walls must be compatible with or match the architectural exterior elevation materials. Glass block, railroad tie, or loffel walls are not permitted in the front yard. All sides of walls and fences must be finished. Structural framing and/or unfinished sides of fences or walls shall not be permitted.

- 10) All proposed features, equipment, garden art, walls, fences, gates, trellises, or other structures installed adjacent to any tubular steel/aluminum, glass rear perimeter or side yard panels shall be subject to DRC approval. Provide a photo or specification sheet for all proposed features with dimensions.

c. Fencing and Gates:

- 1) All tubular steel is to be zinc metalized, galvanized or bonderized prior to applying finish color, due to exposure. All tubular steel adjacent to Association Property shall match the Community colors.

Aluminum may be used in lieu of tubular steel but it must match the Community color. The Community color shall match Vista 'Carbon Copy' No 8293 or as manufactured by Ameron Paint Co (877) 800-8283 or its Protech powdercoat equivalent PS411M34.

- a) Side-yard gates that enclose or screen trash, equipment or utility areas must be of solid, opaque construction of metal or wood. Open tubular steel will not be approved where screening function is required.
- b) Custom driveway vehicular access gates are subject to review and approval of the DRC on a case-by-case basis and permitted only at Dwellings with a covered porte-cochere.

d. Patio Structures:

- 1) Patio structures may be freestanding or attached to the Dwelling and shall be designed to reinforce the existing architectural style and overall garden design concept. Materials, finishes, colors and design detail shall be consistent with the existing architecture. Structures shall comply with all governing agency ordinances and requirements.
 - 2) Flat roofed structures shall be open beam or wrought iron and shall not exceed twelve (12) feet in height measured from original pad grade to the top of the upper-most construction member. The roof must be fifty percent (50%) open. Elaborate ornamentation is not permitted.
 - 3) Pitched-roof structures shall be limited to twelve (12) feet in height measured from original pad grade to the top of the upper-most construction member. The pitch of the sloping roof and the roofing material must match the existing architecture. Open wood beam pitched structures are not permitted.
- 4) Side elevations of structures shall not be enclosed in any manner, except in the case where a wall of a Dwelling forms a natural enclosure to some or all portions of a side elevation with the following exceptions:
 - a) Attached fireplace or barbecue shall be allowed to enclose forty percent (40%) maximum area of any one side of a covered patio.
 - b) All structures shall be set back from the side and rear property line four (4) feet as measured from the outermost part of the structure, including the overhang.
 - c) Columns may be masonry, pre-cast or wood. Wood columns must appear to be substantial, 6 "x 6 " minimum.
 - d) Structures in the front yard are not permitted.
 - e) Generally, the size structures are limited to a maximum of three hundred twenty-five (325) square feet measured from centerline of post to centerline of post. All structures will be reviewed on a case-by-case basis by the DRC. The following conditions may be considered :
 1. Visibility of the structure from the Association Property.
 2. Screening/softening of the structure with plant material.
 3. The balance of hardscape to softscape.
 4. The size and number of structures in relation to the size of the yard.

- f) All structures are required to be screened/softened from offsite views with twenty-four (24) inch box minimum size evergreen trees and five (5) gallon minimum size vines.
 - g) Construction details and elevations are required for review. Identify all materials, sizes and finishes. Note that the wood members must be stained/painted to match the architectural palette of the Dwelling.
 - h) Prefabricated gazebos and patio covers must adhere to all of the above requirements. A photograph and catalog specifications sheet is required with the submittal.
- e. Freestanding Vine Trellises:
- 1) Freestanding Vine trellises shall not exceed eight (8) feet in height and shall have a one (1) foot setback from the rear or side property line as measured to the outer most construction member. The length shall be reviewed on a case-by-case basis.
 - 2) Vine trellises shall be ornamental iron or wood construction.
 - 3) The construction detail and elevation is required for review.
 - 4) Prefabricated vine trellises will be considered. Provide a catalog cut sheet or photograph.
- f. Swimming Pools/Spas:
- 1) Swimming pools/spas are permitted within the rear yard, except for pie-shaped lots, where they must be located within the side yard. All pools/spas are subject to the Orange County Health Code and the following requirements:
 - a) Swimming pools/spas must be set back a minimum of three (3) feet clear of the rear and side property line. Pools and spas are high activity areas and shall be screened from Community view with substantial landscaping.
 - b) Rock formation features associated with pools and spas shall not exceed the perimeter wall/fence height including any associated safety railing. The structure must be screened from Community views with substantial landscaping. All rock formation pools are approved on a case-by-case basis. Material samples and photographs are required for all submittals.
 - c) Prefabricated spas are permitted. They shall meet all built-in swimming pools/spas requirements and any associated trellis/overhead shall be in accordance with the patio structure requirements.
- g. Pool/Spa Equipment:
- 1) Pool/spa equipment shall be located a minimum of two (2) feet clear of the rear and side property line per City codes.
 - 2) All pool equipment must be screened from Community view. Typical screening methods include dense tree/shrub planting or an overhead trellis foliated with evergreen vines.
 - 3) Solar collector panels including racks and distribution components shall be subject to DRC approval as to materials and methods of installation and the color must be compatible with the Dwelling. All supports and piping must be enclosed. Solar collector panels shall be located in a manner that minimizes visual impacts.

h. Fountains/Ponds:

- 1) Water features such as reflecting pools, ponds, and fountains located in the front yard are reviewed by the DRC on a case-by-case basis. They must be strongly related to the architectural style of the Dwelling.
- 2) Are permitted within the rear and side yards with the following requirements:
 - a) Fountains shall not exceed the height of the existing property line wall/fence.
 - b) If located adjacent to a view fence, it must be softened with plant material.
 - c) Wall fountains shall not be attached directly to any property line wall.
- 3) All equipment must be screened from Community view.
- 4) Provide photographs or catalog cut sheets with the submittal.

i. Barbecues and Outdoor Kitchens:

- 1) Built-in barbecues and outdoor kitchens shall not exceed the height of the property line wall/fence.
- 2) All materials shall be consistent with the residential architecture and in scale with the size of the yard.
- 3) All structures shall be set back a minimum of three (3) feet from the side or rear property line.

j. Fireplaces:

- 1) Freestanding outdoor fireplace chimneys shall not exceed eight (8) foot maximum height. The fireplace must be set back a minimum of three (3) feet from the rear and side property line to provide a planting area

for screening. The back of the structure must be finished to match the Dwelling and screened from Community and adjoining Dwelling's views with twenty-four (24) inch box minimum size evergreen trees and shrubs.

- 2) The fireplace must match the architectural style of the Dwelling.
- 3) The height limit of fireplace chimneys attached to patio covers shall not exceed minimum building codes. Fireplaces in excess of eight (8) feet and adjacent to a covered patio shall have a setback of ten (10) feet minimum to any side property line or perimeter wall. Fireplaces attached to a patio structure shall be allowed to enclose forty percent (40%) maximum area of any one side.
- 4) Fireplaces are not permitted in the front yard.

k. Play Equipment:

- 1) All play equipment that exceeds the height of the property line wall/fence requires DRC approval prior to installation.
- 2) Basketball backboards: Clear basketball backboards are permitted attached to the Dwelling or in the ground as approved by the DRC. Include a photo or specification sheet of the proposed equipment. Portable backboards are not permitted on the streets. Portable backboards may be located in the front yard but they must be removed and stored out of sight at sunset.
- 3) All recreation play equipment shall not exceed twelve (12) feet above original pad grade and shall be set back five (5) feet clear of the side and rear property line to provide a planting area for screen trees. Play

equipment that extends above the perimeter wall height must be painted to match the Dwelling or trim color and if proposed, only solid canvas roof elements that are compatible with the color and materials of the Dwelling will be permitted. Submit catalogue cuts or photographs with dimensions and colors provided. Mature evergreen landscape screening is required upon installation of the equipment. Prefabricated colored play equipment that does not exceed the height of the property line wall is permitted.

I. Garden Art/Statuary:

- 1) Garden art/statuary shall be located in the private yard and shall not exceed six (6) feet above existing grade.
- 2) All garden art/statuary are reviewed and approved by the DRC on an individual case basis. Provide photos, catalog cuts and specifications for DRC review.

3. Irrigation:

The following irrigation standards apply to all lots within the Community:

- a. All landscape areas are to be irrigated by a permanent system with automatic controllers.
- b. Irrigation systems shall be tailored to the specific site and landscape situation. Important considerations of the design are environmental conditions such as sun and shade, soils, terrain, percolation rates, erosion control, and wind.
- c. All above-ground controllers shall be completely screened from Association Property views.

- d. Irrigation systems shall be designed to apply water in an efficient manner and provide adequate coverage without run-off into storm drains or over sidewalks.

4. Planting:

The planting concept for the Community is influenced by the historic landscapes of the California foothills and early agricultural operations. It incorporates plant “layering” in which the ornamental landscape of developed areas works in visual harmony with the character of the natural hillsides, orchards and Eucalyptus windrows. The plant palette features a significant percentage of native and drought-tolerant plants, which provide color, and interesting character while minimizing maintenance and water consumption over time. Planting layers should also be used in areas to soften building mass and to integrate architectural forms.

a. Planting:

- 1) Where Association Property street trees, shrubs, groundcover, and turf have been provided by the Merchant Builders, they are to be protected in-place during any construction and replaced in kind and size within the adjacent parkway by the Master Association at the Owner’s expense if damaged. Notes and location provided on the plan shall reflect the in-place parkway trees on all landscape submittals. Street trees and their parkways are maintained by the Master Association.
- 2) No trees, shrubs, or other plants shall be installed until plans and specifications have been approved by the DRC. The plans must show the proposed locations and installed sizes.

- 3) The DRC shall have the right, but not the obligation, to require the Owner to remove, trim, or prune any tree, shrub, or plant which in the reasonable belief of the DRC unreasonably impedes the passage of light or air of any lot and to shape and thin trees for wind resiliency and appearance.
 - 4) In addition to selecting landscape plants based upon aesthetic characteristics, consideration must be given to relative drought tolerance, solar aspect, and soil type within the Community. Pre-approved trees, shrubs, ground cover, and turf are shown on the attached Exhibit F. Others may be used upon approval by the DRC.
 - 5) All trees planted within five (5) feet of Association Property hardscape (sidewalk, driveways, etc.) shall have a root barrier device installed adjacent to hardscape areas. Trees with invasive root systems and deciduous/flowering/fruited trees that drop excessive litter should not be proposed adjacent to Association Property or another lot.
 - 6) Many tree varieties grow to proportions that are not compatible with the size of individual lots within the Community or may have specific inherent problems such as invasive roots and will be considered on a case-by-case basis. Such trees may require a fifteen (15) foot setback from the property line and a root barrier will be required.
 - 7) Owner assumes all liability and responsibility for any root damage from trees planted in their yards (including, but not limited to, fencing, walls and structures, utility lines, drainage and adjacent neighbor improvements).
 - 8) Trees must not overhang into adjacent private or Association Property lots more than forty percent (40%). Trees that overhang the property line must be evergreen. Owner agrees to provide routine maintenance for all trees including, but not limited to, annual pruning and lacing. If the DRC deems trees a nuisance, The Owner shall bear the expense of tree removal.
- b. Front Yard Tree Requirements:
- 1) Front yard area shall be considered to be the area from the back of the parkway sidewalk to the side yard enclosure fence, wall or gate.
 - 2) Within the front yard setback area, a minimum of two (2), twenty-four (24) inch box size evergreen or deciduous canopy trees shall be located. The trees should be planted next to the corners of the Dwelling to anchor the Dwelling to the lot. This requirement does not include Palms or Italian Cypress which are considered vertical accents and shall be in addition to the above tree requirements if proposed. At corner lots, three (3) twenty-four (24) inch box trees are required.
- c. Tree Requirements for Side Yards Adjacent to Streets or Common Drives:
- 1) All lot side yards that are adjacent to a street or common drive shall be planted with a minimum of one (1) twenty-four (24) inch box size evergreen tree per twenty (20) lineal feet of side-yard property line. Wherever possible, the evergreen tree selection should reinforce the tree species that exist in any common landscape lot beyond the property line. This requirement does not include Palms or Italian Cypress, which are considered vertical accents and

shall be in addition to the above tree requirements.

d. Internal (Lot to Lot) Side Yard Tree Requirements:

- 1) All internal (lot to lot) side yards shall be planted with the equivalent of a minimum of one (1) fifteen (15) gallon size evergreen tree, per twenty (20) lineal feet of side yard opposite the architectural elevation (Building Footprint). This requirement does not include Palms and Italian Cypress which are considered vertical accents against the Architectural Elevation, and shall be in addition to the above tree requirements, if proposed.

e. Rear Yard Architectural Elevations:

- 1) Rear architectural elevations shall receive vertical, evergreen or deciduous tree planting proportionate to the rear architectural elevation. Twenty-four (24) inch box trees are required at the corners of the Dwelling to anchor the Dwelling to the site.
- 2) Additional trees will be required to soften/screen structures and high activity areas.

f. Minimum Functional Shrub and Tree Planting Requirements:

- 1) A combination of shrubs and trees shall be planted to screen all utilities, air conditioner condensers, pool/spa equipment, dog runs, trash storage, play equipment, etc. from all Association Property, street scenes, and adjacent Dwellings.
- 2) The minimum acceptable size of screen trees is twenty-four (24) inch box size. Evergreen hedges may be installed at fifteen (15) gallon size.
- 3) Shrubs and vines shall be planted to screen or visually modulate walls.

g. Palm Requirements:

- 1) Refer to Exhibit F, the Landscape Palette, for acceptable Palm species.

h. Ground Plane Planting Requirements:

- 1) All planting areas visible from the streets and /or Association Property that are not completely covered with shrubs shall receive turf or groundcover.
- 2) Groundcover and/or annual color in planting areas shall be installed at a minimum of twelve (12) inches on center in the front yard.
- 3) Gravel, decorative rock, and decomposed granite shall not be proposed where visible from the street.

i. Synthetic Turf Grass:

- 1) Acceptable Applications:
 - a) Acceptable applications include rear or side yard putting greens and rear or side yard residential lawn areas.
 - b) Where rear or side yard property line fencing (neighbor-to-neighbor) is transparent (tubular steel fencing), a four (4) foot minimum width planting buffer of shrubs shall be constructed against the property line fence.
 - c) Front yard applications are not permitted.

5. Exterior Lighting

- a. Landscape lighting shall be low-voltage only.
- b. Mercury vapor lamps or lamps that emit light of a similar character, exposed fluorescent lamps, flashing lights, color lights, unshielded exterior lights, and lights which result in excessive glare are not permitted.

- c. Lights on top of pilasters in the front yard are approved on a case-by-case basis. If approved, only two (2) pilaster fixtures are permitted in the front yard. Include a detail of the pilaster at ½" = 1'-0" with the fixture blocked out to scale and the specification sheet for the proposed fixture.
- d. Path lighting should be minimized. Path lights shall cast the light downward.
- e. Area lighting and game court lighting is not permitted.
- f. Post lights are not permitted.
- g. Security lights on motion detectors for security illumination are strongly discouraged but may be allowed subject to specific approval. If allowed, these lights shall not be visible from any neighbor's window and will only be allowed to operate on a motion detector and stay lit for maximum of twenty (20) continuous minutes. The lights shall not be installed higher than twelve (12) feet above existing grade. Security lights must still meet the requirement of shielding of the light sources, and the light source shall not be visible from neighboring property. If problems with these lights occur, the DRC and the Association reserve the right to require that the fixtures be disconnected. These lights may not be used for general illumination.

6. Miscellaneous:

- a. Speakers: Loudspeakers shall not be mounted higher than six (6) feet above grade.
 - b. Thematic landscape features: Thematic landscape features with overly distinctive colors, forms, or materials that establish an independent theme that detracts from the overall street scene, such as glass block, mirror balls, pink flamingos, rock gardens, gravel yards, boulders in turf areas, cactus, waterfalls, fountains or concrete statues that are incompatible with the architecture, railroad ties, and split rail fencing are not permitted in areas visible from Community views.
- c. Exterior Colors: Exterior colors of fences, walls and structures as originally applied and exterior colors pre-approved by the DRC for new construction, additions, or alterations, shall not be changed or altered without DRC approval.
 - d. Flags:
 - 1) Non-commercial flags are permitted with the following requirements:
 - a) The flag brackets shall be compatible with the color and scale of the Dwelling.
 - b) Flags may not exceed fifteen (15) square feet in size.
 - c) Must be maintained continually in good repair.
 - d) House-attached flagpole shall be no longer than six (6) feet in length.
 - e) Flagpoles must be removed when a flag is not displayed.
 - 2) Freestanding flagpoles are not permitted.
 - e. Outdoor Storage:
 - 1) All items stored outside such as trash cans, recycling bins, compost containers, yard equipment, doghouses, etc. must be completely screened from Community views.
 - 2) Storage sheds and green houses are only permitted in rear and side yards enclosed by high masonry walls. The top of the structure must be below the top of the wall and screened with landscaping approved by the DRC.

**C. SINGLE FAMILY DETACHED HOMES
SETBACK & HEIGHT LIMIT TABLE**

IMPROVEMENT	SETBACK	HEIGHT
Flatwork	2'-0" from rear / side property line.	
Fountains / Ponds	Shall not be attached directly to the rear or side property line. Front yard – case-by-case.	Shall not exceed height of property line wall/fence.
BBQ's	3'-0" from rear or side property line.	Shall not exceed height of property line wall/fence.
Pools / Spas / Rock Formations	3'-0" from rear / side property line.	Shall not exceed height of property line wall/fence.
Fireplaces	3'-0" from rear / side property line. (Not permitted in the front yard)	Free standing - 8'-0" max. Attached to covered patio cover - 14'-0" max.
Play Equipment (that exceeds the height of the property line wall/fence)	5'-0" from rear / side property line.	12'-0" max. from original pad grade.
Patio Structures	3'-0" from rear / side property line measured from outermost edge of fascia, lattice, trim, beams, etc.	12'-0" max. from original pad grade.
Walls	Centered on property line. 3'-0" for walls parallel to property line. 3'-0" from the back of sidewalk.	6'-0" in rear or side yard. 3'-6" in front yard.
Vine Trellis	2'-0" from rear or side property line.	8'-0" max. from original pad grade.
Pool /Spa Equipment	2'-0" from rear / side property line.	6'-0" max. from original pad grade.
Retaining Walls	3'-0" from perimeter walls.	3'-0" from original pad grade.

Section VI:

General Conditions of Approval

Section VI: General Conditions of Approval

The following shall be conditions of any architectural approval and shall be deemed incorporated by reference in all plans or DRC letters of approval. It shall be the responsibility of the applying Owner to ensure that these conditions are enforced upon all persons or firms used, engaged or employed in carrying out any operation or trade in conjunction with the Improvement. The DRC 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.

- A. Occupational Safety and Health Act (“OSHA”) Compliance:** All applicable OSHA regulations and guidelines must be strictly observed at all times.
- B. Signs:** No signs shall be displayed on any lot other than a sign advertising the property for sale as permitted by the Master Declaration. (Refer to the Master Association’s Rules and Regulations for specific requirements.) This limitation applies to tradesmen’s, contractors’ and installers’ signs of any type, including the signs identifying the Lot as the site of their activities or operations.
- C. Hours of Operations:** All operations shall be carried on between the hours of 7:00 a.m. and 6:00 p.m. (or dusk) on Monday through Friday and 9:00 a.m. and 4:00 p.m. on Saturday. In the event City ordinances are more restrictive, the City ordinances shall prevail. No construction shall be permitted on Sundays or Federal holidays.
- D. Temporary Structure:** No structure of a temporary character will be permitted to remain on any Lot without the written approval of the DRC.
- E. Sanitary Facilities:** Each Owner and Merchant Builder shall be responsible for providing adequate sanitary facilities for their construction workers. Portable toilets or similar temporary toilet facilities shall be located only on the Lot itself, setback five (5) feet from the side yard property line, or in a location approved by the DRC.
- F. Debris Removal:** Property to be cleaned at least once a day during construction. Debris must be removed from the site or placed in a debris bin. Refer to Section VII, Water Quality Management – Best Management Practice Guidelines.
- G. Unsightly Items:** All rubbish and unsightly material or objects of any kind shall be regularly removed from the Lot and will not be allowed to accumulate thereon. Removal shall be made weekly, preferably on Friday and rubbish will not be allowed to accumulate on streets or Association Property. The Owner will be responsible for the cost of any trash cleanup work performed by the Master Association. Owners are prohibited from dumping, burying, or burning trash anywhere within the Community. Concrete trucks washing out their spill pans before leaving the construction site shall do so only on Owner’s lot and with adherence to Section VII, Water Quality Management – Best Management Practice Guidelines.

- H. Streets and Sidewalks:** No construction debris or material is permitted to remain on the streets or walks. All items of such nature must be stored on the Owner's Lot. In the event that any materials are delivered or deposited on the streets or in Association Property, the Owner will be held responsible for the costs involved in cleaning and/or restoring the affected Association Property, streets and sidewalks.
- I. Street Trees and Parkway Improvements:** Street trees shall be protected in place in a healthy condition during all phases of construction. All parkway irrigation and planting Improvements shall, likewise, be protected in place in a functional and healthy condition during all phases of construction.
- J. Construction Equipment:** Trucks, concrete mixers, trailers, trash bins, compressors, and other types of construction equipment, as well as private vehicles of construction crew members, shall be parked only in designated areas. The Owner shall be financially responsible for any equipment removal or necessary repairs required by the DRC.
- K. Dust and Noise:** The Owner shall be responsible for controlling dust and noise from any construction on his Lot.
- L. Excavation:** Excess excavation materials must be hauled away in a legal manner and must be properly protected with plastic and sand bags so that loose soils will not wash down into the storm drains.
- M. Restoration or Repair of Other Property Damaged:** Damage to other property, including without limitation, other Lots, Association Property, or other Improvements shall be repaired or restored promptly at the expense of the person causing the damage or the Owner of the lot where the construction activity is taking place. Upon completion of construction, each Owner and Merchant Builder shall clean the construction site and repair or restore all damaged property, including without limitation, restoring grades, and repairing streets, curbs, driveways, sidewalks, drains, culverts, ditches, signs, lighting, fencing, irrigation and planting.
- N. Maintenance of Improvements:** The repair and maintenance of any work or Improvements will be the responsibility of the installing Owner and subsequent Owner.
- O. Drainage:** There shall be no interference with the originally installed rain gutters, downspouts, subterranean drain line(s), or other drainage systems (whether surface or subterranean) or any other interference with the established drainage pattern over any of the property. All on-lot drainage systems shall be connected to the existing drain line from the in-street storm drain to one or several roof gutter down spouts. Protect all such existing drain lines in place.
- P. Workmanship:** All Improvements shall be performed in a manner consistent with the existing structures. Any work deemed by the DRC to be of inferior quality shall be reworked or removed and the building restored to its original condition prior to commencement of the work by the Owner. If the Owner refuses to rework or remove and restore as called for above, the DRC shall request the Board of Directors to cause such rework, removal or restoration and the cost thereof shall be a Special Assessment against the Owner as provided in the Master Declaration.

- Q. Front, Side and Rear Yards:** Front, side and rear yard landscape Improvements must be approved by the DRC and shall be installed within three hundred sixty-five (365) days following DRC plan approval.
- R. Enforcement:** Failure to obtain the necessary prior approval from the DRC prior to installation of any Improvement constitutes a violation of the Master Declaration and may require modifications or removal of work at the expense of the Owner.
- S. Violations:** All Owners have the right and the responsibility to bring to the attention of the DRC any violations of the Master Declaration and/or these Guidelines.
- T. Amendments:** These Guidelines, along with the provisions set forth in the Master Declaration for the Community, form the basis and criteria for evaluation of plans and specifications submitted for review and approval by the DRC. The DRC rules may be amended or supplemented from time to time as provided for in the Master Declaration.
- U. Conditions Not Covered:** Any condition or material not defined in the restrictions shall become a matter of discretionary judgment on the part of the DRC acting in good faith on behalf of the best interest of the Master Association as a whole.
- V. Inapplicability to Declarant:** In accordance with the Master Declaration, nothing in these Guidelines shall limit the right of the Declarant to construct Improvements on any Lot, Master Association Property or Maintenance Area.
- W. Contractor BMPs:** See 'Water Quality Management – Best Management Practice Guidelines' in Section VII.

SECTION VII:
WATER QUALITY MANAGEMENT
BEST MANAGEMENT PRACTICE GUIDELINES

VII: WATER QUALITY MANAGEMENT BEST MANAGEMENT PRACTICE GUIDELINES

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In order to mitigate the potential water pollution concerns associated with human habitation, the California Water Quality Management Board have set strict guidelines for Portola Springs' residents regarding the effects of runoff and ground water pollution.

One of the most sensitive and carefully monitored phases of Portola Springs is the construction period. The requirements are not at all restricted to the development and construction managed by the Merchant Builders – construction by Owners will also be scrutinized and subject to very severe fines.

To be certain that you understand and accept responsibility for any violations associated with your proposed Improvements, each Owner is required to make a copy of this section. It must be signed and returned by you as a required part of your architectural submittal. It is recommended that you make a copy for any contractors or consultants which you employ to ensure their compliance and that you make them responsible for any fines which you may incur as a result of their violation. The Master Association will monitor construction activities as well as check on Best Management Practices; however, the Owner will be solely responsible for any fines incurred by the Master Association as a result of infractions initiated at their Dwelling. The Master Association will take whatever legal action is necessary to ensure compliance and collect for infractions charged to the Master Association as a result of Owner or Owner contractor or consultant acts or negligence.

The following requirements are not meant to be all-inclusive of Regional Water Quality Control Board requirements or of any other agency. It should be understood that any applicable agencies rules and requirements may/will be applied and may supersede these Guidelines. All resulting fines to the Master Association or the Owner will be the responsibility of the Owner.

1. No construction materials, chemicals or substances may reach the area drains, street and/or gutter.
2. Area drains should be shielded and/or covered to ensure that construction by-products and/or chemicals are not washed into them.
3. No tools or equipment may be rinsed off on the property causing the water to reach the area drains, street and/or gutter.
4. No unprotected stockpiling of sand, gravel, dirt or other materials in the street is permitted.
5. Any sand, gravel, dirt or other materials piled/stored on the driveway or property must be effectively covered to prevent rain or irrigation water runoff from carrying material residue into the area drains, street and/or gutter.
6. In the event of a runoff event or spill, sandbags must be strategically placed to ensure that no substance makes its way into the area drains and/or storm drains.
7. Hoses and/or irrigation should not be allowed to run causing water or any substance to wash into the area drains, street and/or gutter.

**VII. WATER QUALITY MANAGEMENT
BEST MANAGEMENT PRACTICE GUIDELINES**

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- 8. Containers for hazardous materials such as paint, concrete, chemicals, etc. should be in good condition and not allowed to spill or leak onto the ground or be washed into the area drains, street and/or gutters.
- 9. No products or chemicals should be buried for disposal.
- 10. Trash and debris should be properly contained and disposed of off site.
- 11. No vehicles or equipment should be allowed to leak oil anywhere.
- 12. No portable restroom facility may be allowed in the street and those stored on the Owner's property must be in proper working order so that no waste leaks.
- 13. Pesticides and/or fertilizers must be monitored and properly used and stored.
- 14. No irrigation runoff should reach the street and/or gutter due to the fact that it carries chemicals from pesticides, fertilizers, etc., into the storm drain.

THE BASIC GOAL IS TWO FOLD:

- 1. No materials other than rainwater should be allowed to flow into the area drains and/or storm drains.
- 2. No chemicals or products should be allowed to contaminate the groundwater supply.

I am the homeowner of record for the residence noted below. I have read and understand the Water Quality Management – Best Management Practice Guidelines and agree to inform my contractors and consultants of same and to diligently pursue their compliance with such guidelines. I also understand my liability in the event of an infraction resulting in a fine against me or the Master Association. I understand that I will be held personally responsible for any fines and/or fees levied against me or the Master Association as a result of any infractions initiated at my residence.

Signature

Date

Name

Address

Lot # / Tract #