

## **CALIFORNIA SUNSET HOA**

### **ARCHITECTURAL CONTROL COMMITTEE GUIDELINES**

#### **PREAMBLE**

In order to maintain the architectural character and integrity of the community as well as preserve the value of the homes situated therein, it is necessary to enact and enforce the following Architectural Control Guidelines. The authority for the Architectural Committee to enact and enforce architectural control guidelines is provided by the Declaration of Covenants, Conditions, and Restrictions pursuant to Article 9, Section 5. A copy of said Declaration (hereinafter referred to as “the Declaration”) was given to each owner at the time of purchase of their home. If there is any conflict between the Declaration and these Guidelines, the provisions of the Declaration shall prevail. Strict observance and adherence to these Guidelines is required.

#### **A. PURPOSE**

Pursuant to Article 9 of the Declaration of Restrictions for the California Sunset HOA, Architectural Control Committee approval must be obtained by the homeowner before any improvements may be constructed or landscaping installed.

This review is in no way intended to approve architectural requests for structural engineering or in lieu of required governmental permits or inspections, including all City/County building code requirements for setbacks.

#### **B. APPLICATION AND REQUIRED COPIES**

At least forty-five (45) days before work begins, homeowners shall present drawings of any proposed fence, structure, exterior addition, or alteration to the Architectural Committee for study and approval. The Committee must respond within forty-five (45) days of receipt of all plans and specifications required under the Declaration.

Two copies of drawings, specifications and color samples, if any, shall be submitted to the Architectural Control Committee (hereinafter referred to as “the ACC”). One (1) copy will be retained by the ACC; the second will be returned to the homeowner.

All drawings shall be prepared in accordance with the ACC’s requirements which follow. All plans and drawings shall be submitted to:

California Sunset HOA  
c/o Avalon Management Group  
43529 Ridge Park Drive  
Temecula, Ca. 92590

#### **C. DRAWINGS**

##### **1. Plot Plan**

- a. Show all lot lines accurately as lengths, angles, and curves.
- b. Show all dimensions on the work to be considered and distances between existing new work and property lines.

- c. Plans must show the facing side- walls of adjacent units. This is required so that the ACC has a clean definition of the placements of party walls with respect to adjacent neighbors.
  - d. Your submittal must show the location of the bottom or toe of any slope and the top of any slope.
  - e. Show the plotted locations of sprinklers, drains, trees, shrubs, fences, patio cover, walls, spas and associated equipment, and all other structures.
  - f. All yard drainage must include showing the direction of water flow and location of drainage swale yard drain.
  - g. The ACC reserves the right to request a plant list on a case-by-case basis.
2. **Roof Plan (Structural Additions Only)**
- a. Show plan of all existing and new roof with pitches noted.
  - b. Show material of all existing and new roofs.
3. **Floor Plan**
- a. Indicate all walls, columns, openings and any condition or feature that will affect the exterior design of the building.
  - b. Indicate exterior landscape or other details affected.

Drawings shall, in any case show the nature, kind, shape, dimensions, materials, and location of improvements to be considered.

#### **D. GENERAL**

- 1. Color samples of all paint or stain are required when they deviate from the original color scheme. The ACC reserves the right to approve or disapprove color changes.
- 2. When construction work requires the use of adjoining property, the applicant shall obtain written permission from the adjoining property owner. A copy of said permit shall be filed with the request for ACC approval.
- 3. All work must be performed in a manner consistent with the general dwelling construction and appearance of the community. All work considered to be of an unsightly-finished nature or of lesser quality than the prevailing community standards shall be reworked to acceptable appearance.
- 4. Failure to obtain necessary approval from the ACC shall constitute a violation of the Declaration and may require modifications or removal at the homeowner's expense.
- 5. With respect to the approval process, the ACC reserves the right to an on-site inspection before rendering a decision.

6. In sections of the following detailed standards appear lists of acceptable and unacceptable materials. These lists may not be all-inclusive and the ACC reserves the right to approve or disapprove any material not listed in a homeowner's submittal.

### **E. ARCHITECTURAL MATERIAL STANDARDS**

#### 1. Fences

- a. For construction of private walls and fence, you are encouraged to use:
- Substantial wood posts, beams, and planks.
  - Materials used in combination such as wood above masonry or stucco.
  - Partial or total screening, as appropriate to private exterior spaces.
  - Finished side of fence to face the public side.
- b. Unacceptable materials for fencing are:
- Aluminum or sheet metal
  - Chicken wire
  - Metal or plastic chain
  - Plastic or fiberglass panels
  - Plastic webbing, weeded, or straw-like materials
  - Wood grapestake
  - Glass block
  - Unfinished or uncoated cement or cinder block
- c. No double fences shall be constructed.
- d. Fencing shall not be constructed higher than six (6) feet. Existing fences may be modified to six (6) feet, only with: 1) prior Architectural Committee Approval, 2) Notification of adjoining neighbors, and 3) full agreement by adjoining neighbors. Walls or fences built on top of a retaining wall will be considered separately from this restriction, with particular consideration for adjacent neighbors.
- e. Acceptable materials for the extension and repair of any wall or fencing shall be the original material and color only.
- f. Generally, party walls should not extend beyond the front of the home set farthest back from the street. Walls extending beyond this point will be considered on a case-by-case basis, with strong consideration for adjacent neighbor impact.

#### Individual Product Interior Wall/Fence Criteria

- a. Product Theme Solid Wall Base Requirements.

A uniform solid wall designed to reinforce the architectural setting while remaining compatible with the perimeter wall program is encouraged and should be utilized at selected lots. The visual integrity of the overall neighborhood street scene will, therefore, be protected. These uniform thematic solid walls may be constructed of masonry or wood materials or a combination of masonry pilasters with wood fence panels. A split faced block wad concrete cap is presented herein as an acceptable alternative guideline, which is compatible with the Architectural Guidelines.

b. Open View Wall Base Application.

Where interior lot view opportunities exist without a privacy conflict, an open view fence or wall may be appropriate. Such a view fence shall be compatible with the architectural setting. An alternative tubular steel fence is presented herein as an acceptable alternative guideline compatible with the Architectural Guidelines.

c. Fence Base Application

Three acceptable alternative wood fence designs compatible with the architectural setting are presented herein as guidelines. Paint color selection shall be restricted to white. Owner wood fence features a board-on-board technique with appropriate cap, bracing and posts to present an identical appearance on both sides.

2. Patios, Awnings, Walkways, Courtyards, Decking, Mow Strips

a. Materials which are acceptable for patio slabs, walkways, courtyards, decking, and mow strips are stone, concrete, brick, raised redwood, and ceramic tile.

b. In all cases, colors must be clearly specified on plans.

c. Structures will be of wood construction with the exception of vertical supports.

d. Horizontal covers shall be constructed of wood or match the roof of existing dwelling.

e. Exposed surfaces shall match or harmonize with the existing colors and materials of the main dwelling.

f. Unacceptable construction materials for patio and awning structures shall be:

- Metal structures
- Corrugate plastic and fiberglass
- Plastic webbing, reeded, or straw-like materials.

3. Screen doors

Screen doors may be installed, provide the screen door meets the following requirements:

a. Screen door to be made of wood or metal with white finish or door may be painted exact color of house trim.

b. Screen door design is to be compatible with the general architectural design of the house and must be consistent with the general appearance of the Community.

c. Screen door design must conform to one of the models approved by the Architectural Control Committee.

Failure to conform to architectural requirements shall constitute a violation of the Declaration and may require modification and/or removal at the homeowners' expense.

4. Storage Sheds

Storage sheds may be approved by the Architectural Control Committee, provided the shed meets the following requirements:

- a. Shed to be a completely enclosed structure with entry doors(s).
- b. Shed design and construction are to be compatible with the architectural design of the house and must be consistent with the general dwelling construction and appearance of the community.
- c. Paint of shed ***should resemble*** house in color and proportions (i.e., body color and trim color to match).
- d. Shed may not exceed six feet in height at eaves and no more than eight feet at highest point of roof.
- e. Shall conform to County City Building codes.
- f. The Architectural Control Committee reserves the right to perform an on-site inspection before rendering a decision as to approval.
- g. Failure to obtain necessary approval from the Architectural Control Committee shall constitute a violation of the Declaration and may require notification and/or removal at the homeowner's expense.

5. Miscellaneous

- a. Plans for dog runs along fence or property lines require adjacent-neighbor notification. Neighbor input will be strongly considered.
- b. Security bars visible from the exterior on windows and doors are not allowed.
- c. Decking which overhangs the slope areas will not be allowed.
- d. Blinds, rolled shutters, or sun shades are not permitted on the exterior of the front windows.
- e. Exterior landscape/walkway lighting must be low voltage (12V). Higher voltage lighting will be approved if it is not directed, or if it is placed so that it does not create an annoyance to the neighbors.
- f. Pools, spas, and unrelated equipment will be considered on an individual basis and require adjacent-neighbor notification.
- g. Rooftop appliances will not be permitted except solar panels as approved. No person shall be precluded from developing, installing, or operating a solar device on his or her own property. However, in order to maintain the character and integrity of the community, owners should attempt to see to it that their solar energy systems be mounted directly on the roof and be of a color, size, and shape consistent with the roofline. The solar energy system should be as unobtrusive as possible.
  1. Rooftop appliances will not be permitted except solar panels as approved.

2. All such systems require neighbor notification and Architectural Control Committee approval. Recordable indemnification agreements are also required to be completed and recorded (recommended for condominium projects only).
  3. Passive systems are prohibited in favor of active systems due to the unsightly nature of the roof mounted water holding tanks.
  4. Solar panels should be placed so as to be as unobtrusive as possible and should not cover more than 25% of the roof space on the side of the pitch where they are installed, or in the case of a built up roof, 25% of the built up roof area.
- h. There shall be no provision in any plan for the permanent parking (48 hours or more) of any commercial or recreational vehicle on common or residential areas visible to any other homeowners. Such vehicles include, but are not limited to; boats, trailers, motor-homes, campers, and trucks. Parking of recreational vehicles may be allowed in rear yards only after Architectural Control Committee review and written approval is received. Each request will be reviewed on a case-by-case basis with strong consideration for adjacent neighbor impact and visibility from the front street. Neighbor notification is required.
  - i. Any portions of the property, which are visible from the street, shall not be modified or defaced, i.e., basketball backboards or such similar items. Basketball standards are permitted in rear yards; each request will be reviewed by the ACC on a case-by-case basis to evaluate aesthetic and noise impacts on neighbors. Neighbor notification signatures are required.
  - j. Access to slopes is permitted only for authorized reasons such as maintenance and repair.
  - k. Pets must be confined to fenced areas or kept in the housing structure or garage.
  - l. No radio station or short wave operators of any kind shall operate from any Lot, unless approved by the Architectural Committee. No exterior radio antenna, earth receiving station, or other similar electronic receiving or broadcasting device of any type shall be erected or maintained in the Project without prior approval of the ACC. All satellite dishes 39" in diameter or less must be approved by the ACC prior to installation. The ACC will respond within five (5) days upon receipt of the completed application. All satellite dishes 39" in diameter or less must be installed in a professional manner and the dish should not be clearly visible from the street. No dishes over 39" will be allowed.
6. Landscaping
- a. All landscaping work, plantings, and installation of permanent irrigation systems in front, side, or rear yards require ACC approval only if the plantings involved exceed 5' in height, or due to growth habits of the plants involved, will grow to exceed 5' in height. Other such work is permitted without ACC approval.
  - b. Trees, hedges, and shrubs, which restrict sight lines for vehicular traffic shall be cut back or removed.
  - c. Landscaping of front yards, other than walkways, planter walls, or fences shall consist primarily of live plants.

- d. Placement of shrubs, hedges, or trees which restrict neighbors enjoyment of their lots, or which has root systems that may damage neighbors residence, require adjacent-neighbor notification.
- e. Trash must be located out of view from any street except when it is put out for collection. Trash should not be put out until the evening before pickup and shall be removed within twenty-four (24) hours.
- f. Driveways and walks are to be swept and kept clean and free of oil stains.

7. Drainage

- a. All drainage from improvements shall be constructed to return drainage to the front street. No drainage pattern shall be altered to cause drainage to flow over neighbors property or on any slope. All drainage must be cored through the curb, and may not run over the sidewalk. Sidewalks may not be broken to lay drainage.

8. Signs

- a. No sign, poster, display, billboard, or other advertising device of any kind shall be displayed to the public view or any portion of the properties or any lot without prior written consent of the ACC, except one (1) sign for each lot advertising the dwelling for sale or lease, not larger than eighteen (18) inches by thirty (30) inches. A second exception is granted for signs indicating the presence of an alarm or security system.

9. Neighbor Notification

It is the intent of the ACC to consult neighbors on any improvements, which may impact on their use and enjoyment of their property. Neighbor approval or disapproval of a particular improvement shall be advisory only and shall not be binding in any way on the ACC.

- a. Adjacent-neighbor means the home or homes, which share a common property line.
- b. The following improvements require an adjacent-neighbor notification statement with the submission of plans:
  - Fences and walls
  - Patio covers and gazebos
  - Dog runs
  - Pools and spas
  - Storage and shed or utility buildings
  - Any other exterior improvements that may impact neighbors and the community.
- c. Objections from neighbors and other interested parties should be voiced in writing or in person to the ACC. Any objections received after approval will not be considered by the ACC regardless of the reason for the delay.

10. Improvements Not Requiring Approval

- a. Repainting or restaining the exterior surfaces of any structure, including the dwelling, in the original colors does not require prior approval. Screen doors do not require approval so long as they conform to the guidelines.
- b. ACC approval is not required for installation of rain gutters so long as they closely match the color of the trim and all downspouts closely match the stucco or siding color.
- c. Architectural Approval of cement slabs and walkways is not required where the cement slab or walkway is located in the rear or side yard behind the owner's fencing. Owners are responsible for ensuring proper drainage to the street. Cement work in front of the fence line requires ACC approval.

11. Appeal Procedure

In the event that plans and specifications submitted to the ACC are disapproved, the owner filing such application may appeal in writing to the Board of Directors. The request must be received by the Board not more than thirty (30) days following the final decision of the committee for review, whose written recommendations will be submitted to the Board. Within forty-five (45) days following receipt of the request for appeal, the Board shall render its written decision. The Board may agree with the ACC and uphold disapproval, or the Board may disagree with the ACC and approve the plans and specifications. The failure of the Board to render a decision within forty-five (45) days shall be deemed a decision in favor of the owner filing the appeal.

12. Remedies

If, upon the expiration of thirty (30) days from the date on which an owner is notified of a violation of these Guidelines, said owner has failed to remedy the non-compliance, the Board of Directors shall notice the offending party on a date and time for a hearing in writing. After affording such owner notice and hearing, the Board shall determine whether there is a noncompliance of the Declaration and, if so, the nature thereof. If a noncompliance exists, the owner shall remedy or remove the same within a period of not more than forty-five (45) days from the date of announcement of the Board ruling of noncompliance. If the owner does not comply, the Board will initiate reasonable and appropriate actions, including fines, to see that noncomplying improvements are removed.

13. Variance

The Architectural Committee may authorize variances from compliance with any architectural provision contained in the Guidelines on height, size, floor area, or placement of structures, or similar restrictions when circumstances such as a topography, natural obstructions, hardship, aesthetic, or environmental consideration may require such variances.