

LANDSCAPING AND ARCHITECTURAL CONTROL
COMMITTEE (LACC)

GUIDELINES FOR TURTLE ROCK HILLS COMMUNITY
ASSOCIATION

Adopted 06/14//2011

SECTION A

Approval and Enforcement Procedures

I. General Purpose:

In order to maintain the architectural character of the community, it is necessary that any architectural or landscape modifications, include materials and colors be submitted to the Board for approval by the Landscaping and Architectural Control Committee, (hereafter designated LACC). The LACC, by setting and enforcing standards and approving proposed additions and alterations, does not desire to stifle creativity but to assure a continuity of design which will help maintain the community's pleasant appearance and enhance the overall value of everyone's property.

Approvals must be obtained from the Association's LACC for additions or alterations to be exposed to public view or that encroach on adjoining property. In addition, a permit may be required by the City of Irvine's Building Department. Failure to obtain the necessary approvals may constitute a violation of the Declaration of the Covenants, Conditions and Restrictions (CC & R's) and may require modification or removal at the expense of the homeowner. Failure may also cause the homeowner to be subjected to a monetary penalty according to the Monetary Fine Policy adopted by the Board of Directors in March, 2009.

II. Authority:

The authority for the procedures set forth herein is to be found in Article VII, Section 1 of the CC & R's which reads in part:

“No building, fence, wall, or other structure shall be commenced, erected or maintained upon the properties, nor shall any exterior addition to or change or alteration therein, including patio covers and satellite dishes/antennas be made until the plans and specifications showing the nature, kind, shape, height, materials and location of same shall have been submitted to and approved in writing as to harmony of external design and location in relation to surrounding structures and topography .”

III. Procedure:

A. Preliminary plans and drawings

1. This step shall be optional.
2. LACC may study and give tentative approval to preliminary plans and drawings.
3. The intent of this step shall be nothing more than a tentative approval in order to minimize member's expense in the event a proposed alteration or modification is unacceptable.
4. Nothing in this section shall be construed to mean that tentative approval is equivalent to final approval. Final approval can be given only after paragraph 3 (below) of this section has been fully complied with.

B. Construction drawings and specifications should be clear, complete and generally consistent with the requirements of the City of Irvine's Building Department. It is recommended that work involving major alterations be checked at the preliminary stage with the City of Irvine's Building Department.

C. Number of copies required: Two copies of final plans, drawings, specifications and color and material samples shall be submitted to LACC for study and approval. Upon approval, these copies shall be distributed as follows:

1. One copy shall be retained by the Association.
2. One copy shall be approved by the LACC and will be returned to the homeowner, who will be responsible for the maintenance, in good condition, of this copy at the job site so long as there is any work in progress.

D. Checklist for submittals:

1. Drawings to scale, except as noted (they need not be professionally prepared).
 - a. Plot (required in all submittals, except exterior paints, stains, or window/door replacements see 4(c) below) should include:

- (1) Legal description, street address, name of owner, north arrow, scale of drawings and a brief description of work.
 - b. Lot lines, accurately drawn as to length of lines, angles at corners, and amount of curve.
 - c. All buildings, fences and other improvements, existing and new or proposed.
 - d. Dimensions of proposed work, distances to existing buildings and property lines
 - e. The approximate location of existing structures on contiguous lots. This part need not be drawn precisely but should be as accurate as possible.
2. Roof Plan (required only when additional or modification changes the shape or slope of the original roof). Required for all patio covers, and room additions the drawings should show:
 - a. Existing and new roofs with pitches and overhang dimensions noted;
 - b. Materials used in existing and proposed roofs.
 - c. Acceptable roofing materials should meet the City of Irvine's requirement which is pressured treated and fire retarded, meeting Class B standards at a minimum. The City defines "Re-roofing a roof is considered to be a replacement of 10% or more of the total roof area, while a roof "repair" involves replacing less than 10% of the total roof area. Wood singles do not meet the minimum standard of Class B. Sheet or laminated composition material is also not acceptable.
 - d. Any unusual condition(s) or new construction resulting from the work.
3. Floor Plan (required only when proposed work changes the original Floor Plan).

- a. Indicate all walls, columns, openings and features, details, condition that will effect the exterior design of the home.
 - b. Indicate how existing exterior landscape and other details will be affected.
 - c. Accurately describe the dimensions of all new elements of the Floor Plan.
 - d. Note all items on the exterior alterations or changes that are not clearly indicated on the elevations.
 - e. The LACC may require the placement of temporary story poles to show any change to roof height and/or structures in order to illustrate the potential impact to surrounding neighbors.
4. Elevations:
- a. Indicate all exterior elevations of existing home (photographs, sized 4" x 6" or larger may be substituted);
 - b. Indicate how these elevations will be changed by the submittal (be sure these are drawn to scale showing the principal dimensions). Note: If a similar alteration has already been approved for a similar home within the Association, then 4" x 6" photographs may be used in lieu of elevations showing the proposed work.
 - c. Indicate and identify all finish materials, textures, and colors on existing and proposed new work.
5. Perspective, isometric or rendered (drawings) are not required, but they may be substituted for elevations if the dimensions and materials are shown.
6. Sections and Details
- a. Provide Building Sections and/or details that illustrate proposed construction and connections to existing structure.
7. Specifications

- a. List of materials, quality, and finishes.
 - b. Description of any uncommon materials (i.e., weight, color, texture, thickness, etc.)
8. Color (Including paints, or stains and the manufacturer name and Color/stain number)
- a. Color schemes be approved by the LACC prior to beginning construction, remodeling or refinishing work. Any exterior color not previously approved by the LACC must have a sample of the new color painted on the front of the home (at least 3' x 3' in size) in order for the LACC to preview *the color prior to painting the entire structure*. In *keeping with current color trends, the LACC at times may not approve outdated color schemes*.
 - b. Color samples will not be required when colors are indicated "color to match existing" and the existing color is that of the current structure. Even when colors are to match existing, the current brand name and name or code number of the color should be included, when known.
 - c. Color samples of all paint and stain and stucco amendments are required when the proposed color deviates from the color that is currently being used on the exterior of existing improvements.
 - d. All samples submitted in compliance with the above shall be:
 - (1) Submitted in duplicate.
 - (2) Identified by manufacturer or brand name and color code or name.
 - e. The repainting of any and all exterior walls shall be subject to the approval, in writing, of the LACC and no such coloring or repainting shall be performed without the written approval of said Committee.
9. Concurrences

- a. While not generally required, concurrences from members whose lots are contiguous to that upon which work is proposed, or lots which will have any view of the proposed work, will greatly speed the work of the committee.
- b. The failure to submit concurrences with a submittal shall not be prime facie grounds for disapproval by the committee.
- c. Concurrences are intended only to demonstrate to LACC (and the Board in the event of appeal or variance) that those members most directly affected by the submittal know of its existence and do not generally disapprove.
- d. Concurrences will also be considered for the purpose of evaluating the impact of matters pertaining to privacy of the contiguous homeowner(s). The LACC reserves the right to require modifications in order to protect/adhere to privacy concerns.

10. Right of Entry:

- a. When construction or other work requires the use of adjoining property for purposes of transporting labor and materials or access, or for the temporary storage of materials, the applicant shall obtain written permission (in triplicate) from the adjoining property owner for a “right of entry” during the course of construction. In the event that access requires crossing of areas maintained by the Association, the applicant must obtain written approval in advance from the LACC.
- b. Applicants are advised that any damage done to the areas maintained by the Association must be immediately repaired at the homeowners’ expense. In the event prolonged maintenance is required, the homeowner will be required to compensate the Association for such expense.

E. Approval and Appeal Procedure:

- 1. While the LACC is appointed by the Board of Directors, it is ultimately responsible to all of the members of the Association. In its deliberations, the LACC should consider

not only the interests of the member submitting plans, but also other members who may be affected, either directly or indirectly, by the landscaping and/or architectural alterations.

2. The LACC shall consider each submittal to insure its conformity. Variances may be granted in conformity with paragraph 6, below.
3. When considering a submittal, LACC shall give special consideration to:
 - (a) The general aesthetic impact,
 - (b) The preservation of views, and
 - (c) Each member's right to privacy. The issue to privacy of a homeowner that may be impacted will be carefully evaluated prior to the rendering of an approval.
4. The LACC shall not knowingly approve any submittal which violates either Article VII or Article X of the CC & R's. In the event an approval violates these Articles, it shall not be used by the homeowner in violation, as a defense of his acts. The ultimate responsibility for guarding against all such violation must rest with each member of the Association.
5. The LACC shall approve or disapprove a submittal within thirty (30) days of receipt of submittal by the Association's Management Company.
 - (a) If a submittal is incomplete, the LACC may either return it with a general disapproval, or request whatever materials are needed in order to complete the submittal.
 - (b) In the event LACC requests additional information before action can be taken, the submittal will be considered incomplete. The thirty day period will not begin until a submittal is complete.
 - (c) If a submittal is not approved, LACC shall notify the member making the submittal. An explanation shall accompany each disapproval. All disapprovals shall be sent by certified mail, return receipt requested, with all postage and fees prepaid. Materials included within the

submittal may be returned by mail or hand carried.

6. If the LACC fails to approve, disapprove, or recommend a variance, within thirty (30) days, further approval will not be required and the homeowner's obligation to obtain same under Article VII, Section 1 of the CC & R's will be fully discharged. Such waiver of approval does not constitute a waiver of each homeowner's responsibility to conform to these Guidelines and/or the CC & R's upon which they are based.
7. Appeals:
 - (a) All members shall have the right to appeal the decision of the LACC to the Board of Directors.
 - (b) All appeals must be sent in writing to the Management Company and must include all of the materials submitted to LACC, together with LACC's letter of disapproval. The Management Company will be responsible for delivery of the appeal to the Board of Directors.
 - (c) For an appeal to be considered, the appeal must be in the hands of the Association's President no later than two weeks prior to a Board meeting. Appeals received closer than two weeks to a Board meeting may, at the option of the Board be postponed until the second Board meeting following receipt of the appeal request.
 - (d) The Board must consider an appeal within fifty (50) days of receipt by the Association President.
 - (e) In the event of extraordinary or extenuating circumstances, the Board may postpone action on an appeal for no more than thirty-one (31) days after it is initially considered in compliance with g(3), above.
 - (f) Members making appeals shall be represented at the Board meeting at which the appeal is being considered. Failure to attend shall result in the automatic termination of the appeal, with the result that LACC's disapproval shall stand. Appeals terminated in this manner may be reinstated upon resubmission to the President of the Association.
 - (g) Consideration of any appeal may be delayed, once

submitted if it is at the request of and for the convenience of the homeowner making the appeal. Such requests for delay must be sent to the President of the Association in sufficient time to permit removal of the appeal from the agenda of the Board. Requests for a delay must be in submitted in writing.

- (h) Appeals will not be considered when a majority of the Board of Directors have already voted disapproval as members of LACC.

8. Variances:

- a. All variances must be granted by Board action and follow the same general timetable established in the appeals procedure set forth above.
- b. When considering a variance, the Board will ensure that each homeowner who might be affected is given an opportunity to protest, either in writing directed to the President, or in person at a Board Meeting.
- c. All variances approved by Board action must be included in the minutes of the meeting at which the variance was granted.

9. Changes During Construction:

A change involving the exterior appearance of a submittal will require additional approval by LACC prior to commencement of construction of the change(s).

10. Time Period for Which Approval is Granted:

- a. The purpose of this section shall be to ensure that the general inconvenience to the community is held to a minimum by reducing the period of time during which unsightly equipment, building materials, noise and unfinished work is exposed to public view.
- b. Unless written approval is given to the contrary, all work should begin within one hundred twenty (120) days of approval by the LACC.

If work has not commenced within this period or any other period agreed to by LACC, the LACC may void

approval, necessitating a new application and resubmitting of the required documents.

c. The proposed date of completion of work shall be determined prior to onset of work to be performed and homeowner must make all reasonable effort must be made to adhere to the timeline given to the Board. Example: A complete tear down and rebuild of home may be allocated a timeline of 12 - 18 months upon the start of the job. The intent is to minimize the inconvenience to the adjoining neighbors. Delays (work stoppage) longer than 30 day require a notification, written explanation and restart date. Failure to comply may mean a forfeit of the required monetary deposit. Exceptions are: Work stoppage due to Acts of God,” such as rain, earthquakes, mud slides, or other naturally occurring conditions.

d. Unless approved in writing to the contrary, work which has been halted for a period of thirty (30) days may become the subject of further Board action.

11. Workmanship:

All work should be completed in a manner consistent with the standards of the general construction and the appearance of the community. If any work is considered to be unsightly when finished or of lesser quality than that generally prevailing in the community, the LACC may require further additions, reworking or modifications in order to raise the work to an acceptable standard.

12. Inspection:

Upon completion of the work indicated on the “approved” copy of the drawings and specifications, LACC shall be notified so that a final inspection may be made to ensure that the completed work is consistent with existing community standards.

13. Enforcement:

The authority for enforcement is to be found in Article XI, Section 1 of the CC & R’s, which states in part:

“The Association, Declarant, or any owner or the successor in interest of an owner, shall have the right to enforce by proceedings at law or in equity, all restrictions,

conditions, covenants, reservations, liens and charges now or hereafter imposed by the provisions of this Declaration or any amendment thereto, including the right to prevent the violation and the right to recover damages. Failure by the Association or by any owner to enforce any covenant, condition or restriction herein contained shall in no event be deemed a waiver of the right to do so thereafter.”

14 Additional Homeowner Responsibilities:

- a. Homeowner must advise workers that no loud radios or other avoidable loud noise will not be permitted.
- b. All trash is to be placed in proper receptacles.
- c. No construction debris/materials may be left on the city owned sidewalks or public streets.
- d. The LACC upon reviewing plans may employ an outside independent architect for their professional review.
- e. Portable Potties must be placed in area to diminish as much as possible the visibility from the public.
- f. All major remodels will require the placement of a construction fence with a green screen fence attached for privacy around the perimeter of the property and must be contain a secure lock.
- g. The name and contact number of the General Contractor and his/her license number.
- h. Work hours Mom. - Fri. 7:00 AM to 7:00 P.M.
Saturday 9:00 AM – 6:00 P.M.
- i. No work to be performed by contractors or their subcontractors on Sunday

SECTION B

Architectural and Materials Standards

A. General

1. In an effort to conserve views of adjacent neighbors, to develop a degree of uniformity in material and construction techniques, and to maintain a visual and aesthetic consistency, certain restrictions apply to the erection of fences (including walls) and other architectural modifications and/or additions.

2. A fundamental objective of the LACC and the Board of Directors shall be to enforce the association's policy of preserving and protecting the views of existing homes in the association and protecting a member's right to construct a residence to maximize their enjoyment and use of their property. The hillside orientation and vistas of the community make the views a unique feature that may account for a significant portion of the value of the property. It is recognized, however, that each property owner has a right to construct a residence on his property to the maximum extent deemed consistent with these guidelines.

The LACC and the Board of Directors shall attempt to balance the need to protect the views of other members while not unduly intruding on the rights of construction of each property owner. To implement this policy effectively, it is strongly suggested that when a new construction project, remodel or addition is in the conceptual design phase, the applicant should meet with all immediate neighbors to gather input on potential impact of the proposed structure. When a proposed remodel significantly impacts a neighbor's view, the LACC may require a review meeting with an applicant to develop alternative proposals that may preclude, minimize, or offset undesirable view obstruction.

2. At times, at the LACC's reasonable discretion, it may be

necessary to subordinate the wishes of an applicant in order to preserve neighbors' views and maintain the uniformity set forth in paragraph 1.

3. Materials, colors and construction techniques shall be approved by: The LACC or upon appeal of the Committee's disapproval, by a majority vote association, of the Board of Directors as set forth in Section I, Approval and Enforcement Procedures.

4. Building permits may be required. The burden of proof in determining the need for City approval rests on the applicant prior to performing the work.

B. Fences and Walls

1. General:

- a. All fences and walls, whether perimeter or otherwise, shall be constructed to protect views enjoyed by neighboring lots. Each homeowner or his agent shall confer with and obtain the concurrence of neighboring homeowners before submitting plans for review in those situations where potential view obstruction is likely, and where variances are sought, and/or fences run along property lines.
- b. All fences and walls not submitted for review by and approval of LACC, or not conforming to standards set forth herein, will be considered a violation and subject to correction or removal at the homeowner's expense.
- c. All changes or modifications in fencing or walls other than maintenance are subject to the same review and approval procedures which govern new fences and walls.

2. Authority:

The fence and wall guidelines are intended to provide the means for administering the following provisions of the CC & R's:

- a. Article X, Section 10. "No fence or hedge exceeding three (3) feet in height shall be erected or permitted between street and front setback line."
- b. Article X, Section 16. "The owners of individual lots may construct and install fences and/or walls on the perimeter of each said lot within the tract other than where solid walls are

already situated, provided that said fences and/or walls shall be composed only of redwood grape state, tri-state, board on board cement block, split block, slump stone, or brick. The height of any such fence or wall shall be at least five (5) feet from ground level and shall not exceed six (6) feet from ground level.”

- c. Article X, Section 17. “All fences and walls constructed on any lot other than on the perimeter of a lot shall be composed of the same materials of which fences and walls on the perimeter shall be composed, as set forth herein-before.”

3. Acceptable and Unacceptable Materials:

a. Acceptable materials include:

- (1) Wood
- (2) Wrought iron bars
- (3) Wood louvers
- (4) Wood panels
- (5) Clear glass panels (not fiberglass)
- (6) Shrubs
- (7) Redwood grape stake
- (8) Masonry or stucco are acceptable if materials conform to type, quality, color and character of masonry and stucco used elsewhere in the tracts.

b. Unacceptable materials include:

- (1) Aluminum or sheet metal
- (2) Chicken wire or any similar wire material
- (3) Metal or plastic chain link
- (4) Plastic webbing except for the type that is used as rodent barriers at the bottom of other existing fence(s). This barrier may not be taller than 18 inches in height from the ground up. Barrier to be used on side and the rear yard and should not be visible from the public

street.

- (5) Corrugated plastic, vinyl sheets or panels
 - (6) Rope or other fibrous strand elements
 - (7) Glass block
 - (8) Flat /vinyl/plastic panels (This material may receive approval should the LACC determine that the size, color, design, and placement of the material does not detract from the overall appearance of the property.)
 - (9) Grape stake, except redwood
 - (10) Reeded or straw like materials
 - (11) Slump Stone unless it is finished with stucco
 - (12) Concrete
- c. The lists above are not intended to be completely exclusive or inclusive. Any materials other than those above may be considered for fences and walls such as fiber cement or other alternative composite materials, but must be approved by LACC on a case by case basis. When materials not included in the lists above are proposed, LACC shall apply the general considerations to be found in Section A, above.

4. Heights, colors and materials:

- a. The front yard setback line is defined to be a line drawn from the side yard property line perpendicular to the nearest front corner of a house or garage (refer to Detail No. 4).
- b. Non-view lots (generally those situated at the base of a slope bank)
 - (1) Side yard fences (refer to Detail Nos. 1 and 2)
 - (a) Heights
 - (1) 3'-0" maximum within the required front yard setback area
 - (2) 6'-0" maximum from the front yard setback

line to the toe of the slope in the rear yard

- (3) 5'-0" maximum on the slope banks
- (4) 5'-0" minimum except on slope banks, where there shall be no minimum.

(b) Materials

- (1) See the list of acceptable and unacceptable materials in subsection 3, above.
- (2) Glass panels and redwood grape stake are acceptable only with the concurrence of the owner of the contiguous lot.
- (3) Concrete and/or cement block may not be used within the required front setback area.

(c) Colors and finishes

- (1) Wrought iron is to be galvanized colored Black. Other colors may be approved if Requested and submitted to the LACC.
- (2) Masonry walls may be painted consistent with the colors of the related residence. Other colors may be considered.
- (3) Wood may be stained or painted consistent with the color scheme of the related residence.
- (4) Stucco is to be colored to coordinate with the color scheme of the related residence.

(2) Front yard fences

(a) Height

- (1) 3'-0" maximum within the required front yard setback area.
- (2) 6'-0" maximum along the front yard

setback line from the property line to the residence.

(b) Materials

- (1) See list of acceptable and unacceptable materials in subsection 3, above.
- (2) Cement and/or cement block may not be used within the required front yard set back area.

(a) Colors and finishes, same as those for side yard fences.

(3) Rear yard fences (i.e., fences constructed across the lot at the rear)

(a) See Detail No. 3 for restricted location of rear yard fences on non-view lots.

(b) Heights

- (1) 6'-0" maximum
- (2) There is no minimum.

(c) Materials. Wrought iron only, except at the toe of the slope, where the same materials as side yard fences may be used.

(d) Colors and finishes. Same as for side yard fences.

(e) A gate or other means of access to the slope must be provided in order to permit proper slope maintenance per easement rights.

c. View lots (generally lots situated at the top of a slope bank).

(1) Side yard fences (refer to Detail Nos. 1 and 2).

(a) Heights

- (1) 3'-0" within the required front yard setback

area.

- (2) 6'-0" maximum from the front yard setback line to a point which is 10'-0" from the top of the slope.
- (3) 6'-0" maximum from the top of the slope to a set back point 10'-0" from the top of the slope.
- (4) 5'-0" minimum.

(b) Materials

- (1) Wood, wrought iron, brick, stone masonry with stucco finish within the required front yard setback area.
- (2) Wood, wrought iron, masonry or stucco from the front yard setback line to a point which is 10' 0" from the top of the slope.
- (3) Wrought iron only within 10'-0" of the top of the slope.
- (4) Clear glass panels.

(c) Colors and finishes. Same as non-view lots above.

- (2) Front yard fences. Same as front yard fences for non-view lots (see above).
- (3) Rear yard fences (i.e., generally fences constructed across the lot in the rear).

(a) Heights

- (1) 6'-0" maximum
- (2) There is no minimum.

(b) Materials.

- (1) Wrought iron – galvanized and colored either black, dark green.

(2) Clear tempered glass for yards

(c) Colors and Finishes. Galvanized and colored either black or dark green.

d. Fences adjacent to streets (generally those lots having a side or rear yard adjacent to major vehicular streets, such as Amalfi and Turtle Rock Drive).

(1) Heights

(a) 6'-0" maximum

(b) No minimum

(2) Materials

(a) Masonry, except concrete or cement block with stucco finish

(b) Wrought iron with iron, wood or masonry pilasters
Note: Wood posts to be spaced a minimum of 8'-0" and a minimum 4' x 4' in size.
Masonry pilasters must be a minimum of 12" square and spaced a minimum of 8'-0."

(3) Colors and finishes. Same as non-view lots, described above.

(4) Set back of fence from sidewalk should be a minimum 6 inches to accommodate a planting of screening plants and installation of sprinklers as necessary.

C. Patio Covers, Sunshades, Arbors, Trellises, Gazebos:

1. Structures in this section shall conform to the construction and design standards established in Tracts 6298 and 6328 at the time of initial development.
2. Structures shall generally be of wood construction with the exception of vertical supports which may be either metal or masonry.
3. The following materials shall be used for the roof surfaces of the structures in this section to avoid glare or reflection when viewed from lots above.

- a. Materials which match the existing roof of the dwelling or garage.
 - b. Glass (flat panels)
 - c. Wood
4. All materials used for roof surfaces must be installed to avoid glare or reflection when viewed from lots above.
5. The height and placement of patio covers, sunshades, arbor trellises and gazebos structures in this section shall not obstruct the view from a neighboring lot.
 - a. Neighbor's consent to obstruction of his view is not valid since the Preamble to the CC & R's makes them binding on all parties having or acquiring any right title or interest to the lot.
 - b. The maximum heights shall be:
 - (1) For attached structures: the height of the dwelling or garage to which the structure is joined, or
 - (2) For detached structures with flat roofs: 3'0" from the top of the paving to the highest part of the structure, or
 - (3) For detached structures with shed roofs: 9'-0" from the top of the paving to the highest part of the structure.
7. All exposed surfaces shall be stained or painted to match or harmonize with the colors used on the exterior of the dwelling. Color(s) paint chips must be submitted along with any the application for painting.
8. Roof surfaces must generally match those of the related dwelling and/or garage.
9. The side elevations of structures included in this section shall not be enclosed in any manner, except in cases where:
 - a. A wall or walls of the main dwelling unit and/or garage form a natural enclosure to some or all portions of a side elevation. and/or
 - b. An approved perimeter or screening fence or wall forms a

natural enclosure for some or all parts of a side elevation.

In the latter case, LACC must consider both the structure and the fence or wall when considering the plans for the structure or the subsequent addition of a screening fence or wall. In such cases, the general considerations of Section IIA, above, shall prevail.

10. Unacceptable construction materials in this section shall include but not limited to:
 - a. Metal or prefabricated structures of metal (except as noted in paragraph 3).
 - b. Fiberglass.
 - c. Plastic, reeded or straw like materials.
 - d. Composition rock roofs or shingles.
11. Objects such as urns, pots, planters, statuary, etc., should not be placed on top of the structures in this section. All such adornments should be located under, around, or suspended from the structure.
12. All structures in this section shall be placed in such a manner that they do not interfere with the drainage of the lot upon which they are placed. Furthermore, structures in this section should not be placed in such a way as to affect the drainage of contiguous lots. Any structure which changes the drainage patterns must show, in the submittal, an equally efficient alternate drainage plan.
13. In all cases, structures in this section shall conform to any additional restrictions or requirements set forth by the City of Irvine.

D. Room Additions, Eaves, Balconies, Fascias, Awnings

1. When reviewing plans for the structures in this section, LACC shall first consider the impact of all such structures in terms of the general considerations set forth in Section A, above.
2. Structural or material additions or alterations of the exterior of any building shall conform to materials, colors, character and detailing as established on the existing dwelling.
3. The height and placement of the structures in this section shall

not obstruct or otherwise detract from the view enjoyed by any other lot, contiguous or otherwise.

4. No structure in this section shall be located nearer than three (3) feet to the front lot line (Article X, Section 11, CC & R's). LACC shall not consider this automatically permissive, when considering structures beyond the three foot limit. When considering such structures, the provisions of paragraph 1 of this section shall prevail.
5. All structures in this section shall be placed so as not to interfere with the drainage of the lot upon which placed, or any other lot.
6. The privacy of contiguous homeowners will be considered by the LACC as to how the proposed remodel may impact those homeowners.

E. Detached Dwellings

1. No dwelling shall be erected on any lot in Tracts 6298 and 6329 unless it has at least 1,200 square feet of actual living space, excluding porches and steps. (Article X, Section 9, CC & R's).
2. No structure of a temporary character, trailer, basement, tent, shack, garage, barn, or other out-building shall be used on any lot at any time as a residence, either temporarily or permanently. (Article X, Section 5, CC & R's).
3. The provisions of Sections A and D, above shall apply, as well as all restrictions and requirements of the City of Irvine.

F. Ponds, Swimming Pools, and Other Significant Bodies of Water

1. Pool construction, drainage, and fencing shall, at a minimum, conform to existing community development standards and to all relevant codes and ordinances of the City of Irvine and the County of Orange.
2. Because of the drainage characteristics of the soil within the tracts, all submittals should provide evidence of adequate drainage, so that the pool or pond will not be caused to float in the event of heavy rains or other excessive quantities of water from any source.
3. Submittals must indicate graphically the means of entry and access to the area upon which construction is proposed. Also,

included should be the written approval of all property owners whose property serves as a means of access for workers, and materials of equipment used in connection with the construction. In the event a route of access leads across a slope or other Property maintained by the Association, approval to use same must be given by a majority vote of the Board of Directors.

4. The location and proposed screening of all pool support equipment including, but not limited to, heaters, and filters, etc., must be clearly indicated on all submittals. When approving plans which include support equipment, LACC shall apply the general provisions of Section A, Architectural and Materials Standards, as well as the general provisions of Section A, Landscaping, when determining the adequacy of the submittal.
5. Permanently drained and/or abandoned pools should be covered in an approved manner.
 - a. A permanently drained pool is to be considered as any pool which has not been filled with water and thus not regularly used for the purpose intended, for a period of six months.
 - b. Pools which have been filled with dirt and landscaped will be considered filled within the meaning of this section.
 - c. Other methods of covering the pool must be considered by LACC on the individual merits of the proposal.

G. Miscellaneous

1. Flagpoles

Flagpoles shall be allowed on a property when plans are properly submitted and approved by LACC. In no case shall the height of such a pole exceed the highest point of the residential structure on the same property. Flag dimensions acceptable 3' x 5'.

2. Signs and Billboards

No sign or billboard of any kind shall be displayed to the public view on any portion of the properties on any lot, except one sign for each building site, of not more than (18) inches, by twenty-four (24) inches, advertising the property for sale or rent. (Article X, Section 3, CC & R's).

Construction signs may be used only during the time frame of the work being performed and must contain the contact information of the general contractor. The construction sign must be removed immediately upon completion of the work.

3. Drainage and Erosion Control:

- a. All lots should be maintained in such a manner as to cause the drainage of water to flow into adjacent streets or specifically provided drainage ditches. Neither shall any structure be maintained in such a way as to cause the drainage of water onto adjoining property.
- b. Gutters, downspouts or scuppers which are installed to control water shed from any roof should be primed and painted to match the adjacent surface color. LACC approval is not required for such installations, but violations of this paragraph are subject to corrective action of LACC.
- c. The slopes between contiguous lots should be maintained in such a manner as to provide the maximum possible protection against erosion by wind, water, freezing and thawing.

4. Outdoor Lighting:

- a. Low voltage landscape lighting bearing UL approval is necessary for approval. Every attempt should be made to conceal the source of light.
- b. Flashing, glaring or revolving lights should be avoided, except as a part of Holiday lighting, in which case lights may flash or revolve.
- c. Flood lighting of side and rear yards should be undertaken with care, so as to avoid unsightly installations and to protect neighbor's privacy. In all cases, UL approved materials must be used.
- d. Holiday lighting, in season, is permitted without approval of LACC. Such lighting shall be removed from structures and landscape between seasons. For purposes of administering this paragraph, the Holiday season shall normally be considered as beginning no earlier than November 11 and ending no later than January 15.

- e. All other decorative lighting whether in the an atrium, patio, or any location on the property must be approved by the LACC prior to installation. Homeowner's must submit a complete description and diagram of the exact location of the lighting.
5. Exposed Equipment:
- a. Exposed equipment such as basketball backstops, targets, water softeners and pool equipment are prohibited unless approved by LACC. The LACC shall, when approving any or all of the above, apply the general provisions of Section A, Architectural and Materials Standards, to ensure adequate screening and/or blending with general landscape and/or dwelling. Public view is defined to be visible from a public street or another lot.
 - b. In the case of basketball backstops which are approved, LACC shall grant approval subject to the following conditions:
 - (1) They must be continuously maintained so as not to become an eyesore.
 - (2) They must be removed when no longer in use for a period of one week.
 - c. Air conditioning equipment to be approved as to location and screening by LACC. The LACC will consider the placement of AC, pool and spa equipment to minimize the noise impact to adjacent neighbors.
 - d. Window/portable air conditioning units are not to be placed in windows that are visible from the public street and adjoining properties.
6. Children's Play Equipment (including swings, slides, jungle gyms and other play structures) shall be maintained so as not to become an eye sore to adjoining neighbors.
- a. All are to be considered temporary and shall be removed as soon as all use for them has passed.
 - b. Shall be placed so as to be as inoffensive as possible when viewed from adjacent properties.
 - c. Must be painted and/or stained and otherwise maintained

in good repair.

- d. At the request of LACC, members with such equipment may be required to provide screening with suitable plantings and/or fences.
7. The following changes in exterior appearance of any structure shall not be undertaken without prior written approval of LACC.
- a. Changes in the color of exterior of a residence or ancillary structure.
 - b. Changes in type of roofing materials.
 - c. Garage doors must have prior approval.

H. Conditions Not Defined

Any condition or material not defined within this Guideline shall become a matter of judgment on the part of LACC, with the concurrence of a majority of the Board of Directors.

III

Landscaping

A. General

In order to preserve the natural view which lots are intended to enjoy and to preserve the aesthetic beauty of each lot, no member shall plant or place any tree, bush, shrub or other plant which at maturity and without pruning would exceed the height of the dwelling on the lot without first submitting to LACC in writing and for its approval, proposed plans for the placement of any such tree, bush, shrub, or plant.

B. Authority

Article VII, Section 2. "No trees, bushes, shrubs, or plants which at maturity and without clipping or pruning thereof would exceed the height of the dwelling house or any lot shall be planted or emplaced until the plans and specifications for the placement of any such trees, bushes, shrubs or plants have been submitted to and approved in writing by the Architectural Committee provided for in Section 3 hereof as to the preservation of the natural view and aesthetic beauty which each lot is intended to enjoy. Said plans as submitted shall show in detail the proposed

elevations and locations of said trees, bushes, shrubs or plants, including the location and elevation of same in relation to all other lots subject to these restrictions. Approval of said plans by the Architectural Committee may be withheld if, in the reasonable opinion of the committee, the view of any lot would be impeded by the location of such tree, bush, shrub or plant, or in any other manner. In any event, the Architectural Committee shall have the right to require any member to remove, trim, top, or prune any tree or shrub which in the reasonable belief of the Architectural Committee impedes or detracts from the view of any lot.

C. Privacy

It is recognized that not withstanding the provisions of Article VII, Section 2 of the CC & R's, the owners of lots at the foot of a slope (which generally are without a view) are entitled to privacy. Since LACC retains the right to require members to prune or clip trees, shrubs, bushes or plants which interfere with views, LACC may withhold approval of plantings should the trees, shrubs, bushes or plants at maturity will reach a height which exceeds that of the dwelling by twenty (20) percent. The authority for all such heights shall be the Sunset Western Garden book. *Prior to giving approval the LACC will take into consideration the height of the downhill dwelling as it compares to the overall height of the uphill slope and the possible impact on views of the uphill neighbor(s).*

D. Views

Since the LACC retains the right require homeowners to prune or clip, or remove trees, shrubs, bushes, or plants which interfere with views, the LACC may withhold approval of plantings should the trees, shrubs, bushes or plants at maturity reach a height which exceeds that of the dwelling by twenty percent (20%). The authority for all such heights shall be the Sunset Western Garden book. Prior to giving approval the LACC will take into consideration the height of the downhill dwelling as it compares to the overall height of the uphill slope and the possible impact on views of the uphill neighbor(s).

E. Submittals

Submittals shall include the elements required by the CC & R's (see B, above).

F. Front Hedges

No hedge exceeding three (3) feet in height shall be erected or permitted between the street and the front setback line.

G. Changes in the Common Slopes Maintained at Association Expense

There shall be no change in any slope whose maintenance is the responsibility of the Association, until and unless such changes have been approved by both LACC and a majority of the Board of Directors.

H. Drainage and Erosion Control

1. The provisions of Part II, Architectural and Material Standards, Section G, paragraph 4 will apply.
2. Because improperly maintained slopes may lead to a hazard which endangers the life and property of Association members, all slopes should be planted and regularly cared for in such a way as to minimize the probability of failure. The Board, by its approval of these Guidelines, declares improper maintenance of slopes between contiguous lots to be a nuisance within the meaning of Article XI, Section 8 of the CC & R's. Improper maintenance may be a nuisance because it may violate Article X, Section 4, which states:

“No noxious or offensive trade or activity shall be carried on upon any lot or any part of the properties, nor shall anything be done thereon which may be, or may become, an annoyance or nuisance to the neighborhood, or which shall in any way interfere with the quiet enjoyment of each of the owners of his respective dwelling unit, or which shall in any way increase the rate of insurance“.

I. Screening plants

Plants used for screening shall be a minimum of five (5) gallons in size. If the plant is slow growing, LACC may require the use of larger sizes in order to provide adequate screening in a reasonable period of time.

J. Artificial Material(s)

Any artificial plants/landscape material(s) must be submitted to the LACC prior to installation for the Board's approval. The Board reserves the right to approve or deny requests for artificial plant/landscape material(s).

K. Enforcement

LACC and/or the Board of Directors shall enforce any or all provisions of this section upon written complaint signed by a member of the association.

IV

Use Restrictions

Neither LACC nor the Board of Directors shall knowingly approve any submittal which will lead to a violation of the use restrictions contained in Article X of the CC & R's. Specifically:

1. No trailer, camper, boat, RV, abandoned vehicles or similar equipment shall be permitted to remain upon any property unless placed or maintained within an enclosed garage. No driveway shall be used for the storage of any item, object, or vehicle other than an automobile.(Article X, Section 5.)
2. No structure of a temporary character, trailer, basement, tent, shack, garage, barn, or other out building shall be used on any lot at any time as a residence, either temporarily or permanently. (Article X, Section 5)
3. Clotheslines, refuse containers, woodpiles, storage areas and machinery and equipment shall be prohibited upon any lot, unless obscured from view of adjoining lots and streets by a fence or appropriate screen. (Article X, Section 9.)
4. Trash receptacles that have been emptied by the trash pick-up service are not to be left over night on the public street. Trash receptacles must be stored in an area on the homeowner's property that will prevent them from being visible from the public street.
5. No discarded items are to be left in front of the home for more than 24 hour.
6. No farm animals shall be permitted to be kept in the yard.

V

Routine Property Maintenance and Repairs

It is the responsibility of the LACC to promote, request, and/or require the timely and routine upkeep of the appearance of the neighborhood by notifying members of homes or yards that are in need of repairs and or maintenance. Poorly maintained homes and yards are unsightly as well as they have a negative impact on the property values of the entire association. (Articles V, Section I of the By-Laws reads as follows: “(b) To conduct, manage and control the affairs and business of the Association, and to make and enforced such rules and regulations therefore consistent with law, with the Articles of Incorporation and/or these By-Laws, as the Board may deem necessary or advisable.”

Therefore, the Board may require reasonable maintenance/repairs to properties that need to have work performed in order for the property to be considered neat, clean, attractive and not a detraction to the association. The Board may require such work to be performed in order to maintain the aesthetic appeal and to protect property values within the community. The following is an example of some of the work that the LACC and the Board of Directors may determine that need to be performed by a homeowner:

1. Require a homeowner to maintain the paint on the exterior of the home and repaint entirely if necessary.
2. Re-roof the home when the original wooden shingles have been poorly maintained and plastic tarp or other unsightly measures are being used consistently to protect the home from leakage.
3. Replace broken windows, especially any that may be visible from the public street.
4. Replace buckled driveways.
5. Remove visible oil stains from driveways.
6. Replace/revive dead plantings, landscaping and /or grass in the front of the property.
7. Remove permanently any unsightly debris left in plain view from the public street.
8. Replace or repair broken gates that are visible from the public streets.

9. Remove trash cans from the public street within 24 hours and store them in a location that is out of sight from the public street.
10. Be considerate of neighbors and remove children's toys from driveways, especially large toys.

The above examples may not constitute all of the infractions that occur due to deferred maintenance by homeowners that the LACC may deem as unacceptable to the safety and/or aesthetic appeal to the association. The homeowner will be notified in writing by the Board of the infraction and invited to attend the next Association meeting. The purpose of the invitation is to allow the homeowner an opportunity to hear the complaint and for the Board to work with the homeowner to reach an acceptable resolution .