

***ENCINITAS RANCH  
COMMUNITY ASSOCIATION  
ARCHITECTURAL STANDARDS***

February, 2021

REPLACING ALL PRIOR VERSIONS

*This document incorporates all the architectural standards and design guidelines documented in the CC&Rs, Encinitas Ranch Architectural Guidelines 2002, Encinitas Ranch Architectural Guidelines and Procedures 2010, various Checklists and Guidelines adopted by the Community Board between 2012 and 2018, and best practices implemented by the Architectural Committee and Consulting Architect between 2007 and 2018. In the event an existing previously approved improvement conforms to any of these prior standards but does not meet a standard published herein, that improvement shall be grandfathered as an approved improvement.*

**Management Company**

Curtis Management Company, Inc., 5050 Avenida Encina Suite 160, Carlsbad, CA. 92009. Tel.: (760) 643-2200.  
The contents and forms referred to in this document are all available at [www.encinitasranch.org](http://www.encinitasranch.org).

# **TABLE OF CONTENTS**

## **CHAPTER 1: GENERAL INFORMATION**

**Page**

1.1	Purpose	3
1.2	Objectives and Philosophy	3
1.3	Covenants, Conditions, and Restrictions (CC&Rs)	4
1.4	Changes to the Architectural Standards	4
1.5	Architectural Committee	4
1.6	Things to Know Before You Start	5

## **CHAPTER 2: SUMMARY OF APPLICATIONS REQUIRED BY LEVEL OF IMPROVEMENT**

2.1	No application required	6
2.2	Application required	6
2.3	Application Processing	7
2.4	Appendices	7

## **CHAPTER 3: ARCHITECTURAL DESIGN STANDARDS**

3.1	Residence	8
3.2	Setback Restrictions	8
3.3	Additions	8
3.4	Roofs	8
3.5	Exterior Painting	8
3.6	Mechanical Equipment	9
3.7	Roof-Mounted Solar Thermal Panels (Pool Heating Systems)	9
3.8	Satellite Dish Installation	9
3.9	Garage Overhead Door Replacement	9
3.10	Garage Conversion	9
3.11	Balcony Decks	9
3.12	Roof-Mounted Photo-Voltaic (PV) Solar Electric Array	9
3.13	Window and Exterior Door Replacements	10
3.14	Awnings	10
3.15	Home Maintenance	10

## **CHAPTER 4: LANDSCAPE DESIGN STANDARDS**

4.1	Grading and Drainage	11
4.2	Slope Restrictions	11
4.3	Landscape View Impairment Guidelines	11
4.4	Landscape Planters and Root Barriers	11
4.5	Commonly Used and Prohibited Plants	11
4.6	Trees, Shrubs, Hedges, and other Plant Material	12
4.7	Synthetic Turf	12
4.8	Drought-Tolerant Landscaping	12
4.9	Irrigation	13
4.10	Groundcover	13
4.11	Hardscape/Paving	13
4.12	Built-in Landscape Structures	13

4.13	Exterior Barbeque Grills, Fireplaces, Fire Pits, and Fire Rings	14
4.14	Swimming Pools/Spas/Fountains	14
4.15	Walls, Fencing, Gates, and Pilasters	16
4.16	Outdoor Lighting	16
4.17	Driveway Replacement or Modification	16
4.18	Basketball Hoops and Fixed Sports Apparatus	17
4.19	Landscape Maintenance	17

## **CHAPTER 5: SUBMITTAL REQUIREMENTS**

**Page**

5.1	Submittal Package	18
5.2	Application Review Fee	18
5.3	Neighbor Notification	18
5.4	Submittal Methods	18
5.5	Application Required by Level of Improvement	18

## **CHAPTER 6: APPLICATION REVIEW PROCESS**

6.1	Process Overview	19
6.2	Application Review Period	19
6.3	Incomplete Applications	20
6.4	Decision Protocol	20
6.5	Meaning of Approval	20
6.6	Appeal Procedure	20
6.7	Owner Responsibilities	21

## **CHAPTER 7: BUILD OUT AND COMPLETION**

7.1	Commencement of Work	22
7.2	Construction Period	22
7.3	Noise Control and Refuse Disposal	22
7.4	Commercial Trucks & Construction Toilet	22
7.5	Owner Liability	22
7.6	Notice of Completion	23
7.7	Inspection of the Work	23
7.8	Acceptance of Work	23
7.9	Failure to Comply	23
7.10	Right of Entry	23
7.11	Installations Without Approval	23
7.12	Community Association Limitations of Liability	23
7.13	No Waiver of Future Approval	24

## **CHAPTER 1**

### **GENERAL INFORMATION**

#### **1.1 Purpose**

These Architectural Standards have been promulgated by the Community Board for implementation by the Architectural Committee (“AC”) to ensure that design principles and criteria are in effect which will promote Encinitas Ranch to retain its quality, character, and overall value.

#### **1.2 Objectives and Philosophy**

##### *Architectural Objectives*

- Encourage well maintained and attractive homes and front yards
- Encourage homes that take advantage of current design trends and technologies
- Develop and implement Architectural Standards and Guidelines that are easy to access and understand
- Motivate homeowners to understand and follow the Architectural Standards and Guidelines
- Ensure that any new exterior improvement will have a neutral or positive impact on the use, value and enjoyment of neighboring properties and Community Common Areas
- Minimize traffic and parking impacts

##### *Architectural Philosophy*

- Develop and implement Architectural Standards that promote well maintained and attractive homes
- Simplify processes, complexity and fees associated with making home improvements
- Encourage Owners to make improvements that incorporate current design trends and technologies
- Front Yards – Requires applications with detailed description, general dimensions and materials for significant hardscape or landscape improvements, e.g. drought tolerant landscaping; initial review of the application may necessitate additional details
- Back Yards – Require applications only for such improvements that could impair views or are of such scale that they could affect neighboring properties in a negative manner; including any improvements requiring a city permit; if there is any such potential impact a detailed description, general dimensions and materials must be submitted for review as part of the application
- Paint – Require applications if the Owner is planning on changing their exterior color scheme
- Remodels – Require applications for any home remodel impacting the exterior of the home

##### *Permits*

It is up to the owner to ensure that they meet all local building code requirements and secure any necessary building permits as outlined in the Encinitas Ranch Covenants, Conditions, and Restrictions (CC&Rs).

### **1.3 Covenants, Conditions, and Restrictions (CC&Rs)**

These Architectural Standards are intended to supplement and clarify the Declaration of Covenants, Conditions and Restrictions of Encinitas Ranch (“CC&Rs”), as amended from time to time, and any Supplemental Declarations. These Architectural Standards shall be subordinate to the CC&Rs and Supplemental Declarations and are not intended to replace or supersede them. Capitalized terms in these Architectural Standards are intended to have the same meaning as those terms in the CC&Rs if they are capitalized therein, unless specifically defined as having a different meaning in these Architectural Standards.

### **1.4 Changes to the Architectural Standards**

The Architectural Standards are intended to be flexible since it is difficult to anticipate every circumstance. Any change or improvement in design or construction not specifically addressed or outlined in this document will become a matter of reasonable discretion on the part of the AC as provided in the CC&Rs. These Architectural Standards can be modified from time to time by vote of the Community Association Board after notice to the Members of the Community as provided in Civil Code Section 4360.

### **1.5 Architectural Committee**

Article 7 of the CC&Rs requires the establishment of an AC whose members shall be appointed by the Community Board to administer the Architectural Standards adopted by the Board. By resolution the Board has directed that the AC shall consist of five (5) or seven (7) Members of the Community Association at the discretion of the Board. At least one AC member shall be a current Community Board member who will act as a liaison with the Community Board. A quorum shall be no fewer than three (3) members of the AC who are entitled to vote on AC business. The address of the AC shall be the principal office of the Community Association as designated by the Community Board pursuant to the Bylaws.

The Community Board has established the following roles to facilitate the Architectural Review Process. One primary objective is to provide Owners with the information and guidance necessary to achieve timely and cost-effective approval of applications for exterior improvements.

<b>Community Board</b>	<b>Management Company</b>	<b>Architectural Committee</b>	<b>Consulting Architect</b>	<b>Owner</b>
<ul style="list-style-type: none"> <li>• Establish and adopt Architectural Standards, including the review process</li> <li>• Appoint/remove members of the AC</li> <li>• Consider Member Appeals</li> </ul>	<ul style="list-style-type: none"> <li>• Accept all submittal of applications, process documents, and keep records of all applications, and Notices of Completion</li> <li>• Provide for Neighbor notification</li> <li>• Track status of applications</li> </ul>	<ul style="list-style-type: none"> <li>• Propose modifications to the Architectural Standards for Community Board consideration</li> <li>• Review and approve applications and Notices of Completion as needed</li> <li>• Provide direction and guidance to the Consulting Architect</li> <li>• Solicit input from the community</li> </ul>	<ul style="list-style-type: none"> <li>• Serve as the Subject Matter Expert and provide advice concerning architecture and landscape design</li> <li>• Review and make recommendations to the AC regarding applications at the request of the AC</li> <li>• Perform compliance inspections at the request of the AC</li> </ul>	<ul style="list-style-type: none"> <li>• Become familiar with the Architectural Standards</li> <li>• Submit complete applications</li> </ul>

Each proposed project shall be reviewed using the following criteria:

1. Ensure that the proposed exterior improvements conform to the Architectural Objectives, Philosophy and Standards;
2. Ensure architectural and aesthetic design compatibility with neighboring properties and overall community;
3. Ensure that any new exterior improvement will have a neutral or positive impact on the use, value and enjoyment of neighboring properties and Community Common Areas.

## **1.6 Things to Know Before You Start**

These Architectural Standards and the CC&Rs are two important sources of information. In addition, please refer to your title documents to verify if any easements, community restrictions or Supplemental Declarations apply to your particular Lot.

Improvements to an Owner's property are also subject to the jurisdiction of the City of Encinitas, its ordinances, regulations, building codes, permits, and processes. It's important to check with the City of Encinitas Planning & Building and Fire Department for assistance in understanding any restrictions that may apply to your Lot. Each Owner is hereby advised that portions of Encinitas Ranch are adjacent to and included in a Brush Management Program. That program imposes certain obligations and restrictions on Owners in the management of their Lots. Refer to **CC&Rs Article 6.1.14 Brush Management Areas**, the City of Encinitas and the Fire Department for more information.

Approval by the AC of any exterior improvement does not waive the Owner's responsibility to obtain any required City permits, nor does obtaining City permits waive the need for AC approval.

**The obligation to acquire all permits and to assure proper installation and future maintenance of planned improvements in accordance with the CC&Rs, these Architectural Standards, City permits and codes, fire codes, county regulations, manufacturer's installation guidelines, etc. are, and shall remain, the sole duty of the Owner and the Owner's successors and assigns and no review or approval of plans relieves the Owner and the Owner's successors and assigns of that duty.**

## CHAPTER 2

### SUMMARY OF APPLICATIONS REQUIRED BY LEVEL OF IMPROVEMENT

#### **2.1 No Application Required – Routine Maintenance (Minor Enhancements)**

- Exterior Repainting with existing color scheme (Section 3.5)
- New or replacement of Ground-Mounted Mechanical Equipment (Section 3.6)
- Satellite Dish Installation (Section 3.8)
- Garage Overhead Door Replacement without altered appearance (Section 3.9)
- Window and Door Replacement without altered appearance (Section 3.13)
- New awnings or new awning colors (Section 3.14)
- Fence Replacement in cooperation with an adjoining Owner (Section 4.15)
- Fence Repainting with same color scheme (Section 4.15)
- Landscape maintenance and minor improvements, e.g. replacement of greenery (Section 4.19)
- Any other repair or maintenance provided herein which states approval is not required and/or those resulting in no substantial change in the exterior appearance of the residence.

#### **2.2 Application Required – Maintenance/Improvements (Significant enhancements)**

- Exterior Painting - Required for any new color scheme (Section 3.5)
- Minor Improvement – for example:
  - New Roof-Mounted Solar Thermal Panels (Section 3.7)
  - Garage Overhead Door Replacement with modifications in color or design (Section 3.9)
  - New or full replacement of Balcony Decks in back yards (Section 3.11)
  - Roof-Mounted Photo-Voltaic (PV) Solar Electric Array (Section 3.12)
  - Window and Door Replacement with no change in size or location (Section 3.13)
  - Synthetic Turf Front Yard (Section 4.7)
  - Glass walls in the back yard (Section 4.15)
  - Exterior Barbeque Grills, Fire Pits and Fire Rings in back yards that are not built in (Section 4.13)
  - Landscape structures in the back yard that are not built in (Section 4.12)
  - Driveway Replacement or Modification (Section 4.17)
- Major Improvement – for example:
  - **Any improvement that requires a permit with the exception of solar panels**
  - Built-in Landscape Structures in back yards including elevated decks (Section 4.12)
  - Built-in Exterior Barbeque Grills, Fireplaces, Fire Pits, and Fire Rings in back yards (Section 4.13)
  - Window and Door Replacement with change in size or location (Section 3.13)
  - Swimming Pools/Spas/Fountains (Section 4.14)
  - Walls, Fencing, Gates and Pilasters (Section 4.15)
  - New or full replacement of Balcony Decks in front yards (Section 3.11)
  - Landscape Improvements substantially (>50%) altering the appearance of the front of the residence (Section 4.19)

- Any major exterior architectural improvements that increases the habitable area of the Owner's residence
- Any major exterior architectural remodels or multiple or complex improvements.

**NOTE: A landscape structure is any structure with a solid sloped roof or open-beam flat roof, e.g. trellis, pergola or gazebo**

### **2.3 Application Processing**

For *No Application Required* Maintenance and Improvement Projects – It is appropriate to proceed without submitting an application. It is understood that the Owner has determined that there will be no impact on the external appearance of the home, and that prior to proceeding with the project, that the appropriate guidelines have been followed as outlined in the CC&Rs.

For the *Application Required* Maintenance and Improvement Projects – An application and fee must be submitted. The ERCA AC will conduct a preliminary review. If it is reasonable to provide approval based on the collective experience, knowledge and judgment of the AC, then expedited approval will be sanctioned. If, however, the AC considers the project to be of a scope or magnitude that is beyond the ability and/or expertise of the AC to approve it, then it will need to be evaluated by the ERCA Consulting Architect. This review will incur additional review fees.

The AC reserves the right to determine, in its reasonable discretion, whether the application(s) will require a “Major Exterior Improvement” review. If so, the Owner will be notified and the additional review fees must be received prior to the start of the AC review period. (Management Processing Fees – Appendix A – Section D: Fee Schedule)

### **2.4 Appendices**

The Appendices A thru K referenced herein are maintained as separate documents. These may be obtained from Management or on the Encinitas Ranch Community Association website; [www.encinitasranch.org](http://www.encinitasranch.org)



## CHAPTER 3

### ARCHITECTURAL DESIGN STANDARDS

Size, design, material, height, location, and color of all improvements shall be harmonious with the Owner's residence and surrounding properties. Improvement drawings, plans, and details must be submitted along with the Exterior Improvement Application. All installations must be done in a workmanlike, professional manner. For improvements requiring skilled labor, and for all electrical, plumbing or mechanical work performed, Owners shall utilize contractors and craftsmen holding all required licenses and insurance. Licenses and insurance certificates must be made available on demand.

#### **3.1 Residence**

Residences are limited to no more than two stories. Total permitted height measured in feet shall not be greater than that allowed by the City of Encinitas. No projections of any type may be placed or permitted to remain above the roof of any residence except one or more chimneys and vent stacks originally installed by the Declarant or a Merchant Builder, without the prior approval of the AC. Skylights do not require AC approval. Satellite dishes are covered under Section 3.8. All maintenance and repairs to the residence shall be in the same style, color, and detail as existing.

#### **3.2 Setback Restrictions**

Minimum setbacks are established by the development plan for each neighborhood and by the City of Encinitas. Setbacks are determined based on the type of improvement and location of the Lot.

#### **3.3 Additions**

Additions shall be in the scale and proportion of the existing residence. Style and materials shall be compatible with the existing residence and surrounding properties.

#### **3.4 Roofs**

Roofs shall be installed, repaired or replaced with material that is fire retardant and the roof finish material must be substantially the same as the prior roof or compatible with the rest of the residence.

#### **3.5 Exterior Repainting**

**A. Maintenance - Repainting with existing color scheme.** Repainting all or portions of the Owner's home or property line/courtyard wall or fence with the same color as existing is considered maintenance. If repainting only a portion of the house or fence, new paint must be extended to at least an inside or outside corner where colors naturally change shade so slight changes in shade due to age will not be noticeable.

**B. Repainting with a new color scheme.** Approval of any new color scheme for an individual house whether the color combination is entirely new or already exists elsewhere in the community will be at the discretion of the AC. For convenience, the AC maintains catalogues of existing Community Color Schemes by neighborhood. Please see Frequently Asked Questions (Appendix J) for more information. Selection of an existing Community Color Scheme does not guarantee approval if the AC determines it is too similar to or not compatible with the surrounding properties.

### **3.6 Mechanical Equipment**

Ground-mounted mechanical/air-conditioning equipment shall not be visible from the street or Community Common Areas. Roof-mounted or window-mounted mechanical equipment is not allowed.

### **3.7 Roof-Mounted Solar Thermal Panels (Pool Water Heating Systems)**

The location of the solar panels should attempt to minimize placement on the front of the house. All exposed water supply piping must be painted to match the adjacent surface it crosses over or it must be concealed.

### **3.8 Satellite Dish Installation**

Certain amendments to the Telecommunications Act of 1996 remove the requirement for Owners to submit an application for the installation of one (1) satellite dish of one (1) meter or less in diameter. However, the ACT does permit the Community Association to direct the Owner to install equipment in the least obtrusive location practical that does not interfere with the appliance's reception. Also allowed are any Community Association safety requirements. The following order of preference for locating the equipment takes into consideration aesthetics, property values, and safety requirements. Instruct your installer to follow the following protocol.

- Roof installations on the rear facing roof slopes below the ridgeline are preferred. Satellite dishes must be installed a minimum of two (2) feet below the top of the chimney cap.
- Well-concealed wall mount locations are the next best location option.
- A ground-mounted tripod installation below the rear side yard fence line of the Lot and well concealed is a third option.
- All exterior-mounted cable lines should be installed in appropriate conduit painted to match the adjacent surface it crosses over or they must be concealed.
- The FCC successor statues and laws modify **CC&Rs Article 6.1.20.**

### **3.9 Garage Overhead Door Replacement**

Overhead garage doors may not be permanently removed or reduced in size. Roll-up doors are encouraged. Finish color shall attempt to match the primary exterior wall color or trim color of the house. Replacement with the same material, style, and color is considered maintenance and does not require an application. Adding windows or changing the material, style or color will require an application.

### **3.10 Garage Conversion**

No Owner shall convert his or her garage to any use that prevents its use for vehicular parking. Please refer to **CC&Rs Article 6.1.7 (a)** for more information.

### **3.11 Balcony Decks**

Balcony decks shall be in the scale and proportion of the existing residence. Style and materials shall be compatible with the existing residence and surrounding properties. Minimizing intrusion upon neighbors' privacy is strongly encouraged.

### **3.12 Roof-Mounted Photo-Voltaic (PV) Solar Electric Array**

Location of the solar electric array should attempt to minimize visibility from the front of the house. Refer to **CC&Rs Article 7.9.6 Approval of Solar Energy Systems** for more detail.

### **3.13 Window and Exterior Door Replacements**

Replacement of windows and doors of the same size, style, material, and color is considered maintenance and shall not require submittal to the AC. Any change in size, style, material or color will require a Minor Application to the AC. Note that any change in window style or color may require replacement of all windows on that elevation or the entire residence to maintain architectural aesthetics and consistency. Windows and doors must comply with applicable building codes for structural, energy, fire, and safety standards. Visible patches to any surface of the residence are not allowed.

### **3.14 Fabric Awnings**

Awnings shall be installed in a professional manner, be constructed of an appropriate exterior grade, durable, stretch-resistant, fade-resistant, fire-retardant awning material, and be well maintained (no tearing, sagging or fading). Colors shall be harmonious with the color scheme of the residence. All awnings on a single residence shall be of the same fabric and color. See **Frequently Asked Questions (Appendix J)**

### **3.15 Home Maintenance**

Each Owner shall maintain the exterior of the Owner's dwelling and/or other improvements on the Owner's Lot in good condition and repair and in accordance with the CC&Rs and these Architectural Standards. Surfaces shall be kept clean. Painted and stained surfaces shall be well maintained. Trash containers shall be exposed only when set out for collection (not to exceed twelve (12) hours) before and after scheduled trash collection hours. Unsightly items are prohibited under **CC&Rs Article 6.1.11**. Refer to **CC&Rs Article 9.2 Repair and Maintenance by Owner and CC&Rs Article 9.3 Standards for Maintenance and Repair** for more information on maintenance requirements.

## **CHAPTER 4**

### **LANDSCAPE DESIGN STANDARDS**

Size, design, material, height, location, and color of all improvements shall be harmonious with the Owner's residence and surrounding properties. Most landscape improvements will require an **Exterior Improvement Application (Appendix A)** with certain exceptions noted below. All installations must be done in a workmanlike, professional manner. For improvements requiring skilled labor or electrical, plumbing or mechanical work, Owners shall utilize contractors and craftsmen holding all required licenses and insurance. Licenses and insurance certificates must be available on demand.

#### **4.1 Grading and Drainage**

The AC is not responsible for review of the design or installation of proper drainage. The improvements shall not interfere with the natural or established drainage (as defined in the CC&Rs) over Owner's Lot or over any other Lot or Community Common Area or cause flooding or over-saturation of any other Lot or Community Common Area. Refer to **CC&Rs Article 6.1.25 Drainage** for additional information.

#### **4.2 Slope Restrictions**

Each Owner will properly maintain slope banks located on the Owner's Lot, other than the designated Common Maintenance Areas. Proper slope maintenance objectives are 1) to prevent erosion, 2) to control brush in accordance with the requirements of the City, and 3) to create an attractive appearance. Slope banks situated within the Owner's Lot that have been designated Common Maintenance Areas shall not be changed in any manner by the Owner. For more detail, please refer to the **CC&Rs Article 6.1.21 Slope Maintenance Areas**.

#### **4.3 Landscape View Impairment Guidelines**

Refer to **(Appendix I) Landscape View Impairment Guidelines** and **CC&Rs Article 6.1.23 View Impairment** for additional information.

#### **4.4 Landscape Planters and Root Barriers**

- Waterproof membranes and drainage systems are encouraged between retained dirt and concrete block property walls.
- Root barriers are encouraged for planting materials along property lines and planters should be surrounded by borders.

#### **4.5 Commonly Used Plants and Prohibited Plants**

There shall be a minimum of 40% plant material in any front yard landscape design. **The Commonly Used Plant List (Appendix C)** and **Prohibited Plant List (Appendix D)** were developed after consideration of general appropriateness within the community.

#### **4.6 Trees, Shrubs, Hedges, and other Plant Material**

- Owners must consider and minimize the potential for encroachment of roots, branches, falling leaves, and invasive vines on adjacent properties and/or Community Common Areas in the selection and installation of landscape material.
- The growth and root system of trees, shrubs, and hedges installed on an Owner's Lot must not disturb foundations, walls, fences or sidewalks of either an adjacent property or Community Common Area. Owners may be responsible for any damage and subsequent repairs caused by their trees, shrubs, or hedges.
- Irrespective of any approval granted, the Community Association reserves the right to require an Owner to trim and/or remove any tree(s), branch(s), shrub(s), plant(s) or root(s) of any kind on the Owner's Lot that is determined by the AC and/or the Community Board to materially encroach in any way on an adjacent property, community sidewalk, Community Common Areas, or any other pedestrian way.
- Street trees are maintained by the Community Association and may only be trimmed, removed, and replaced by the Community Association.
- Removal of an existing tree that is causing damage or has the potential to cause damage on an Owner's Lot or an adjacent property is considered maintenance and no application is required. Replacement of that tree is not required. Refer to **Section 4.19 Landscape Maintenance**.
- Removal with replacement of any existing tree, shrub, hedge or other plant material is also considered maintenance so long as the changes do not materially alter the appearance of the Owner's Lot. No application is required. Refer to **Section 4.19 Landscape Maintenance**.
- Refer to the **Prohibited Plant List (Appendix D)** for certain restrictions.
- Refer to the **Commonly Used Plant List (Appendix C)** for certain recommendations.
- Refer to **CC&Rs Article 6.1.14 Brush Management Areas** for additional information.

#### **4.7 Synthetic Turf**

Owners who wish to install synthetic turf in their front yards shall submit a completed **Synthetic Turf Installations for Front Yards Checklist and Certificate (Appendix H)** along with their application. Installation or replacement of synthetic turf in side and back yards does not require AC review. All synthetic turf in the side and back yards shall be installed in a workmanlike manner and have an authentic look. Only green shades of turf are allowed. Please see **Appendix H** for more guidance.

#### **4.8 Drought-Tolerant Landscaping**

In any front yard design, there shall be a minimum of forty (40) percent plant material in any front yard, there shall be a maximum of thirty (30) percent inert ground cover, including synthetic turf, and there shall be a maximum of thirty (30) percent hardscape, excluding the driveway.

- All lawns, trees, and plant material must be irrigated sufficiently to maintain a healthy appearance. Irrigation systems as described under **Section 4.9 Irrigation** below are required.
- Rain barrels, if used, must be placed in side or rear yards only and shall not be visible to the streets, walkways or Community Common Areas.
- All other Landscape Design Standards as described herein will apply.

#### **4.9 Irrigation**

- All trees and shrubs must be provided with a fully automatic watering system. Drip emitters instead of spray heads or bubblers are strongly encouraged.
- Irrigation systems must be concealed by ground cover or landscaping.
- The irrigation system should be designed with the ability to control different water zones.
- Sprinkler heads must be placed so that they do not spray upon the residence, adjacent properties, property line walls/fences or Community Common Areas.
- Advisement: Drip irrigation should be installed in any location near fences, walls or foundations to prevent costly damage from irrigation over-spray.

#### **4.10 Ground Cover**

- Ground cover shall not cover more than thirty (30) percent of the total front yard area (excluding driveway but including synthetic turf). Large areas of ground cover material affect drainage where there are no root systems to prevent soil erosion.
- Decorative gravel (one-half (1/2) inch), cobble stones, natural rock, ground or chipped hardwood mulch or other inert ground covering materials may be used as an accent to plantings.
- Large rocks should be used judiciously and be positioned as focal features.
- Beach sand, colored glass mulch, nutshells and husks, red or black lava rocks, construction gravel and desert-look rock gardens are not permitted. Rubber mulch is permitted in backyards around play areas only.
- Inert ground cover colors are limited to natural earth tones, such as, beige, gray, brown or taupe.

#### **4.11 Hardscape/Paving**

- Hardscape/solid paving materials, such as poured decorative concrete, paver stones, and flagstone, shall not cover more than forty (40) percent of the total front yard area, including the driveway.
- Advisement: All paving should be a minimum of two (2) inches below the stucco screed to allow moisture in the stucco or on the exterior wall water vapor barrier to exit. A minimum two (2) percent slope away from the house should be maintained.

#### **4.12 Built-in Landscape Structures**

All landscape structures including, but not limited to, patio covers, trellises, gazebos, elevated decks, etc., shall be consistent in detail and color with the architecture of the residence to which they are associated. A landscape structure is any structure with a solid sloped roof or open-beam roof.

- Built-in landscape structures shall comply with all applicable building/municipal building codes and setback restrictions.
- It is the responsibility of the Owner to understand and comply with all applicable Fire Zone requirements.
- The maximum height of all freestanding landscape structures shall not exceed twelve (12) feet from finish grade.
- Major Improvements Applications are only required for built-in landscape structures in the front yard or in the back yard where such improvements could impair views from neighboring properties, of such scale that they could affect neighboring homes in a negative manner or any improvements requiring a city permit. Otherwise, an Application for Minor Improvements is required.

#### **4.13 Exterior Barbeque Grills, Fireplaces, Fire Pits, and Fire Rings**

Outdoor kitchens, grill islands, fireplaces, fire pits, and fire rings shall be consistent in detail and color with the architecture of the residence to which they are associated.

- Combustible material fires are not permitted. This includes but is not limited to wood, pressed logs, landscape debris, paper, pinecones, trash, etc. Only controlled natural gas or propane gas-fueled fires are allowable and must be supervised at all times. **Refer to CC&Rs Article 6.1.14 Brush Management Areas and CC&Rs Article 6.1.15 Burning** for more information.
- Gas barbecues must be UL listed and installed in accordance with the manufacturer's specifications. Gas barbecues shall not be installed under combustible construction materials.
- Open Flame Decorative Appliances whether permanently installed or not shall be UL listed and installed in accordance with the manufacturer's specifications.
- Permanent fire pits or fireplace installations shall comply with all applicable City of Encinitas building/municipal/fire codes and setback restrictions.
- A copy of the manufacturer's specifications and installation clearance diagrams for any proposed fire burner assembly, fire ring, log lighter or BBQ must be submitted with the application.
- All exposed sides of the fire pit or fireplace must be finished in a non-combustible material. Fireplace flues shall not exceed twelve (12) feet in height from the adjacent finished ground surface and a spark arrester (if required by the manufacturer) must be installed. All associated gas, electrical, and water line installments shall be placed underground and installed by a licensed professional.
- Major Improvements Applications are only required for back yard kitchens, grill islands, fireplaces, fire pits and fire rings where such improvements could impair views or are of such scale that they could affect neighboring homes in a negative manner or any improvements requiring a city permit. Otherwise, an Application for Minor Improvements is required.

#### **4.14 Swimming Pools / Spas / Fountains**

- Permanent in-ground pools and/or spas shall comply with all applicable building/municipal/safety codes and established city and/or Association setback restrictions.
- Pool and/or spa equipment shall be screened from view (e.g., by plants, fences or walls) and the noise and view disturbances on adjacent properties substantially eliminated.
- Permanent natural gas, water, and electric service lines must be placed underground and installed by a licensed and qualified professionals.
- Above ground pools are not permitted.
- Above ground spas may be permitted subject to AC approval but shall not exceed a total area of 100 square feet (sf).
- Permanent in-ground pool and/or spa installations may not exceed two (2) feet in height above the adjacent finished surface.
- Fountains and water features may not exceed the height of the adjacent property line fence or wall.

#### 4.15 **Walls, Fencing, Gates, and Pilasters**

- The Community Association maintains the exterior of all perimeter walls, pilasters or fences bordering Community Common Areas and designated in the Supplementary Declaration. Owners cannot deny or delay Community Association access to these perimeter walls over the Owner's Lot to perform any required maintenance. Refer to **CC&Rs Article 9.1.7 Exterior Walls** and Fences for more information.
- Modifications to Community Association maintained perimeter walls, pilasters or fences are not allowed unless a Permissive Maintenance Agreement (PMA) (Contact Management for the current PMA) has been properly executed between the Owner and the Association. The Owner executed PMA must be returned with the application for improvement for consideration by the AC.
- Unfinished sides of fences or walls shall not be visible to the street, adjacent properties or Community Common Areas.
- Stepped fencing and walls are permissible where the adjacent grade slopes.
- Owners shall not hang or attach any item (especially combustible materials) on or over any perimeter walls, pilasters or fences or Community Association fences or walls. Many homes within Encinitas Ranch area located within the Very High Fire Hazard Severity Zone (VHFHSZ) designation. It the Owner's responsibility to understand and comply with all applicable fire safety requirements and restrictions.
- Side or rear fence/wall height shall match the height installed by the Declarant or Merchant Builder. Any new or replacement gate shall be consistent with the architecture of the residence and meet City requirements for operation and height.
- Both property Owners must authorize the repair or replacement of all joint property line walls or fences. No application is required for the repair/replacement of these walls or fences if there is no change in size, color or material. Refer to **CC&Rs Article 9.2.4 Interior Walls** for additional detail.

##### **A. Exposed Masonry or Stucco Finished Walls and Pilasters:**

- Retaining walls and landscape walls must be constructed out of stone, brick or concrete masonry units consistent in detail and color with the residence to which they are associated.
- Stucco finish must match the primary color of the Owners' residence.
- Front Yard Masonry Walls - Masonry wall height (including cap) should not exceed thirty (30) inches above the adjacent finish grade and unfinished exposed wall surfaces. Exceptions will be considered when the function warrants increased height. However, all wall installations must also meet any City building code requirements.
- Pilasters shall be scaled appropriately to the architectural design of the residence and the associated design purpose subject to any City of Encinitas requirements.
- All walls retaining any dirt must comply with City of Encinitas requirements including heights, reinforcement, waterproofing, and drainage. Owner is responsible for obtaining all necessary permits.

##### **B. Glass View Panels at Rear Fences:**

Owners who wish to replace the existing rear metal view fence with a new glass replacement wall shall complete the **Glass Wall for Rear Yard Installation Checklist and Certificate (Appendix F)** and **Permissive Maintenance Agreement ("PMA")**. Contact Management for the current PMA and return it with the Exterior Improvement Application.



### **C. Metal Fences:**

- Metal fences cannot be structurally altered without the prior approval of the AC and the execution of a **Permissive Maintenance Agreement (“PMA”)**. Contact Management for the current PMA.
- Metal fences must be painted in a semi-gloss finish to match the common community fence color. Please see **Perimeter Fence Specifications (Appendix E)**.
- Metal fences shall not be exposed to any irrigation overspray. Drip systems are highly recommended adjacent to metal fences.

### **D. Wood Fences:**

- Wood fences must match the existing vertical plank design of the wood fences commonly installed within the Association. Gaps between planks may not exceed ½” in width. For detailed drawings see **Perimeter Fence Specifications (Appendix E)**.
- Wood fences must match the common Community fence color. Please see **Perimeter Fence Specifications (Appendix E)**.
- Dirt must be maintained a minimum one (1) inch below any wood fence.
- Wood fences shall not be exposed to any irrigation overspray. Drip systems are highly recommended adjacent to wood fences.

### **4.16 Outdoor Lighting**

Outdoor lighting shall be directed onto the Owner’s property and shall be adjusted, hooded, shaded, or screened to prevent light from being cast upon any other Owner’s Lot or residence or public right of way.

- These lights shall have hoods or other mechanisms to control light, direct the light downward, and minimize light intrusion on neighboring properties.
- Lighting used to emphasize architectural features or landscaping must be adjusted so as to cause no light to be directed toward another Owner’s residence.
- Holiday lighting may be installed and operated only within thirty (30) days of either side of the holiday.
- No application for installation/repair/replacement of low voltage/low wattage landscape lighting is required.

### **4.17 Driveway Replacement or Modification**

It is the responsibility of the Owner to verify the location of the street right-of-way, established city setbacks and all property lines, including the front yard property line. Driveway replacements or modifications must comply with all applicable building/municipal codes and established city and/or Association setback restrictions, including requirements for sight line protection at driveways.

- New or remodeled concrete driveway installations must be installed in a professional manner, with structural reinforcing and expansion joint connections to prevent differential settlement, separation cracking and/or premature deterioration.
- Driveway expansions must comply with the rules under **Section 4.11 Hardscape/Paving** and are subject to AC review. Design and maintenance of a planting or turf area between Lots along the front property line is strongly encouraged.
- Driveway size, materials, and colors shall be compatible with the established neighborhood.
- Modifications to the existing driveway apron, sidewalk, gutters or street right-of-way areas may require a city-issued permit.
- Geometric patterns, names, slogans, logos, images or symbols are not allowed.

#### **4.18 Basketball Hoops and Fixed Sports Apparatus**

Permanent installation of basketball hoops and other similar sports/play apparatus in the front or sides of a Lot are subject to the approval of the AC. No apparatus may be attached to the perimeter fences. AC will consider basketball hoop installations adjacent to the driveway provided the location does not encourage play on any street or otherwise adversely affect adjacent properties. Backyard installations do not require an application provided the following design guidelines are met: maintain a minimum ten (10) foot setback from all perimeter fences and the residence, conform to all building code requirements, and do not exceed twelve (12) feet in height. Any variance from these guidelines will require an application.

#### **4.19 Landscape Maintenance**

Owners are responsible for properly maintaining their residential exterior landscaping to maintain a healthy and attractive appearance at all times. Refer to **Prohibited Plant List (Appendix D)** for certain restrictions, **Commonly Used Plant List (Appendix C)** for certain recommendations **CC&Rs Article 6.1.14 Brush Management Areas**, **CC&Rs Article 9.2 Repair and Maintenance by Owner** and **CC&Rs Article 9.3 Standards for Maintenance and Repair** for more information. Landscape maintenance does not require submission to the AC so long as there is no material change in appearance of the Owner's Lot.

- Front and backyard landscaping, including lawn areas, must be neatly trimmed and kept free of weeds, dead and diseased plants, trees or grass, trash or debris, and other unsightly materials.
- Ground covers, especially organic mulch, must be refreshed as needed and kept free of weeds.
- Edging must be kept neat and in good condition.
- Proper drainage must be maintained.
- Ground cover, shrubs, and grass shall not encroach into community sidewalks or driveways.
- Replacement of existing grass, trees, shrubs, and flowers with new grass, trees, shrubs, and flowers in approximately the same location and quantity is considered maintenance.
- Installation of additional trees in the front yard over 20 feet in height at maturity must be submitted to the AC for review as a Minor Exterior Improvement Application.
- The root system of trees, shrubs, and hedges installed on an Owner's Lot must not disturb foundations, walls, fences or sidewalks of either an adjacent property or Common Area.
- Irrespective of any approval granted, the Community Association reserves the right to require an Owner to trim and/or remove any tree(s), branch(s), shrub(s), plant(s) or root(s) of any kind on the Owner's Lot that is determined by the AC and/or the Community Board to materially encroach in any way on an adjacent property, community sidewalk, Community Common Areas, or any other pedestrian way.
- Street trees in the Community Common Area are maintained by the Community Association and may only be removed and replaced by the Community Association.
- Removal of an existing tree on an Owner's Lot that is causing damage or has the potential to cause damage to an Owner's Lot or adjacent property is considered maintenance. Replacement of that tree is not required. Tree stumps must be ground down to below sod level and covered.
- Synthetic turf in any location of the Lot shall be kept clean, sanitary, and in good repair. Periodic infill may be required to maintain proper drainage. Synthetic turf shall not be allowed to exceed its useful life or become faded or discolored.

## **CHAPTER 5**

### **SUBMITTAL REQUIREMENTS**

Other than as specified in these Architectural Standards and the CC&Rs, exterior alterations, additions or renovations to any house, yard, landscaping or paved area, wall or fence shall not be commenced until approved in writing by the AC. **Failure to obtain the required approval of the AC prior to the commencement of the improvement is a violation of the CC&Rs and may require modification or removal of unauthorized work or improvements at the Owner's expense.**

#### **5.1 Submittal Package**

The complete submittal package shall include the appropriate application for improvement, all checklists, samples, plans, specifications, material details, agreements, fees, and such additional information as the AC may reasonably require to define the proposed project and to make its findings. The application review period will not commence until the AC receives all necessary materials, and the AC deems the submittal package complete. For more detail see **Chapter 6, Application Review Process**.

#### **5.2 Application Review Fee**

Review fees are set based on average historic costs for processing and reviewing the different levels of applications for exterior improvements. The fee schedule will change from time to time. Owners can keep fees lower by providing clear and complete submittal packages for improvements. Refer to **Application Review Fee Schedule (Appendix A Section D)** for all fee requirements.

#### **5.3 Neighbor Notification**

Neighbor notification is a courtesy extended by the AC. This notification is simply to make immediate neighbors aware of an impending improvement project; not for any approvals. Some applications for Minor Improvements and all applications for Major Exterior Improvements will trigger the need for neighbor notification. The Management Company will send notifications via First Class Mail to the immediate neighbors at the start of the review period.

#### **5.4 Submittal Methods**

All exterior improvement applications must be submitted to the AC through the Management Company. The improvement application and supporting documents (Submittal Package) may be emailed (recommended method), mailed or hand-delivered to the Management Company. The Management Company will forward the completed Submittal Package to the AC for review, as appropriate.

**5.5 Application Required by Level of Improvement** Please refer to **Chapter 2, Sections 2.1 and 2.2 for a list of common improvements and if they require an application** (This list is not all inclusive. Please contact Management with any questions about the appropriate type of application and any fees.)

- **Application for Major Improvements (Appendix A)**

Major exterior architectural improvements include any project that increases the existing habitable area of the Owner's residence, any project that remodels an exterior portion of the Owner's residence, or any project that involves multiple or complex improvements, such as, whole yard remodels. The AC reserves the right to determine, in its reasonable discretion, whether the application(s) will require a "Major Exterior Improvement" review. If so, the Owner will be notified, and the additional review fees must be received prior to the start of the AC review period.

## CHAPTER 6

### APPLICATION REVIEW PROCESS

#### **6.1 Process Overview**

This chart represents target time frames for review excluding any time Owner may need to provide additional required submittals. These target time frames do not override the provisions under **CC&Rs Article 7.10 Time Period for Review of Plans and Specifications**. At any time in the process, Management can provide Owner with a status of the application.

<b>Step</b>	<b>Activity</b>	<b>Minor</b>	<b>Major</b>
<b>1</b>	Management Company receives Application and Submittal Package and forwards a letter/email confirming receipt to Owner. Management Company forwards neighbor notification letters as appropriate. Minor Applications and Applications are sent to the AC. Major Applications are forwarded to both the AC and the Association's Consulting Architect.	3 Days	3 Days
<b>2</b>	The AC and/or the Association's Consulting Architect conducts a preliminary review of each Application to determine if the submittal package provides the detail necessary to complete a review for approval. If not, the Owner will be contacted and the Application Review Process will be placed on hold until the additional submittals are received.	2-5 Days	4-10 Days
<b>3</b>	AC will complete review for approval of Minor Applications . This may require an on-site inspection.	5-10 Days	N/A
<b>4</b>	Minor Improvement Applicants will receive a notice of the AC's determination.	3 Days	N/A
<b>6</b>	Association's Consulting Architect will complete review of Applications and provide AC with his/her recommendation for approval. This may require an on-site inspection.	NA	10-15 Days
<b>7</b>	Management Company shall forward notice to Owner of AC's determination based on Consulting Architects recommendation.	N/A	5 Days
	<b>TARGET APPROVAL PROCESS TIMELINE</b>	<b>13-21 Days</b>	<b>22-33 Days</b>

#### **6.2 Application Review Period**

The AC will make every reasonable effort to meet the time frames in the chart above. However, if the AC fails to approve or disapprove an improvement application within forty-five (45) days after the complete submittal package has been submitted and all additional detail that the AC may reasonably request have been received, the Owner may submit a written notice to the AC advising the AC of its failure to act.

If the AC fails to approve or disapprove the improvement application within fifteen (15) days after receipt of the Owner's notice, the improvement application shall be deemed approved. Please refer to **CC&Rs Article 7.10 Time Period for Review of Plans and Specifications** for additional information.

### **6.3 Incomplete Applications**

Submittal plans that do not include all required applications, checklists, plans, specifications, city permits and fees will be considered INCOMPLETE, and Owner will be notified. The time period for review will be halted until a complete submittal package is received. In addition, the AC reserves the right to request additional information, as it deems necessary to fully delineate the proposed improvements. Additional review fees may be applicable when additional submittals are required due to the increased review and processing time.

### **6.4 Decision Protocol**

AC will make one of the following determinations and the management company will notify the applicant as follows:

- **Approved:** An approval letter from the AC will be issued to the Owner. All use restrictions contained in these Architectural Standards and the CC&Rs shall be in full force and effect and shall control the improvement activities of the Owner.
- **Approved with Conditions:** An approval letter from the AC will be issued to the Owner. The review letter will contain recommended changes or stipulations that shall become a part of the review documents and shall represent Conditions of Approval to be satisfied by the Owner. All use restrictions contained in these Architectural Standards and the CC&Rs shall be in full force and effect and shall control the improvement activities of the Owner.
- **Denied:** If the application is denied, the Owners will be advised of the reasons for the denial and will be provided with information or direction needed for resubmittal. The AC may withhold its approval due to an incomplete application, a reasonable dissatisfaction with the plans, color scheme, finish, design, proportions, architectural shape, height, style, and/or appropriateness of the proposed plans, the materials, or things which render the proposed plans inharmonious with the general plan of the community. Owners shall have the right to appeal an AC denial upon written request to the Community Board through the Management Company.

### **6.5 Meaning of Approval**

Approval by the AC does not constitute approval by the City of Encinitas nor does approval by the City equal approval by the AC. "Approval" by the AC means only that the proposed exterior improvement identified on the submittal documents is deemed to meet the requirements and obligations of these Architectural Standards and the CC&Rs and is consistent and in harmony with the general plan of the Association.

### **6.6 Appeal Procedure**

In the event of an adverse decision by the AC with respect to all or part of the proposed improvements, the Owner may submit a written appeal to the Community Board. An appeal by an Owner must be filed within thirty (30) calendar days of receipt of the AC denial. The appeal, including specific reasons for reconsideration, must be submitted to the Community Board through the Management Company. The Community Board shall submit the appeal to the AC and request a written recommendation. Within forty-five days of the receipt of the Owner's written appeal request, the Community Board shall render its written decision.

If the Community Board fails to render a written decision within the required time period (45 days), the appealing Owner shall provide a written request to the Community Board for a decision. If the Community

Board fails to render a decision within fifteen (15) days of receipt of the request for a decision, the proposed improvement(s) shall be deemed approved. The decision of the Community Board on any appealed matter will be deemed final and conclusive. Refer to **CC&Rs Article 7.11 Appeal** for more information.

**6.7 Owner Responsibilities**

AC approval of an improvement shall not be deemed approval of any plan or design from the standpoint of structural safety or conformance with building or fire codes, city ordinances other governmental agency regulations.

**The obligation to acquire all permits and to assure proper installation and future maintenance of planned improvements in accordance with the CC&Rs, these Architectural Standards, City permits and codes, fire codes, county regulations, manufacturer's installation guidelines, etc. are the sole duty of - and will remain that of - the Owner and no review or approval of plans relieves the Owner of that duty.**

## Chapter 7

### BUILD OUT AND COMPLETION

#### **7.1 Commencement of Work**

Failure to commence the project within the time period will automatically void the approval and the Application for Improvements must be resubmitted, unless Owner seeks, and the AC grants an extension. Additional Review Fees may be required.

- Minor Exterior Improvements must be commenced within sixty (60) days and be completed within four (4) months of the date of AC approval.
- Major Exterior Improvements must be commenced within six (6) months and be completed within twelve (12) months of the date of AC approval.

Prior to the start of construction of any **Major Exterior Improvements**, the AC will require copies of building permits submitted. If all applicable building permits are not received prior to the start of construction, the Community Board shall cause such construction to stop until copies of building permits have been submitted together with a Notice of Commencement.

#### **7.2 Construction Period**

Installation of improvements must be completed within the time specified for the type of improvement as specified in **Section 6.1 Commencement of Work** above. If additional construction or installation time is needed, the Owner must notify the AC of the new estimated installation and/or completion date. Failure to timely request and obtain an extension will VOID the existing approval and a new improvement application must be submitted to the AC for review. Additional review fees will apply.

#### **7.3 Noise Control and Refuse Disposal**

Unightly articles such as refuse, garbage, and trash shall at all times be kept in covered sanitary containers. Noise and dust generated by the demolition/construction of your proposed improvements must be controlled. Construction/demolition noise must be limited to weekdays and Saturdays between 8:00 AM and 4:30 PM. No construction work of any kind is allowed on Sundays.

All construction debris such as building materials or excess dirt must be removed immediately from the site or stored in an approved construction dumpster. A dumpster located entirely on the Owner's property will be allowed to remain for a period of no longer than two (2) weeks during demolition/construction unless otherwise approved by the AC. The dumpster may not block any part of the adjacent street or sidewalk.

#### **7.4 Commercial Trucks & Construction Toilet**

Construction/service trucks may not be left parked on the community streets overnight. Should a construction toilet be required, it must be located outside of the front yard setback area (including the driveway) and may not be installed on the community street or sidewalk.

#### **7.5 Owner Liability**

Owners will be held responsible for any damage, including but not limited to Community Common Areas, streets or neighboring properties, which may occur during the installation of the improvement or as a consequence thereof.

## **7.6 Notice of Completion**

Within thirty (30) calendar days of completion of the approved improvements, the Owner must submit a completed Notice of Completion form (**Appendix B**) to the AC through the Management Company.

## **7.7 Inspection of the Work**

The AC or the Community Board shall have the right to inspect the completed installation to determine whether the improvements were constructed, reconstructed, altered or refinished in substantial compliance with the approved Application, Plans, and Specifications. For Exterior Painting and Minor Applications, the AC will either accept the improvements with the Notice of Completion or elect to follow the inspection protocol used for Standard Improvements. For all Standard and Major Improvements, the AC will schedule an on-site compliance inspection within thirty (30) days of receipt of the Notice of Completion. An acceptance or noncompliance notice will be sent to the Owner within five (5) days of the inspection.

## **7.8 Acceptance of Work**

In addition to any letter from the AC accepting the improvements as compliant with the approved application, the Owner may require the AC to record an estoppel certificate. Refer to **CC&Rs Article 7.13 Estoppel Certificate** for more information.

## **7.9 Failure to Comply**

In the event the improvements are found to be noncompliant with the approved application, the Owner shall have thirty (30) days to remedy. If the Owner fails to remedy the noncompliance within thirty (30) days from the date of any notice of noncompliance, the Owner will be so notified. At any time following, the AC may record the Notice of Noncompliance pursuant to **CC&Rs Article 7.9.3 Conformity of Plans and Specifications**. In addition, the Community Board may pursue any and all enforcement actions as permitted under the CC&Rs and California Law.

## **7.10 Right of Entry**

If construction work requires the use of Community Common Areas, or access from property not owned by the applicant for purposes of transporting labor or materials, or for the temporary storage of materials for the proposed work, the applicant shall obtain written permission from the Association and/or the property Owner for the right to enter during construction.

## **7.11 Installations Without Approval**

Improvements that are installed without the necessary approval from the AC will constitute a violation of the CC&Rs and may require modifications or removal of work at the expense of the Owner, including but not limited to any legal fees incurred. Remedies will be pursued to the fullest extent permitted by the CC&Rs and California law.

## **7.12 Community Association Limitations of Liability**

*THE AC, THE COMMUNITY BOARD AND ITS MEMBERS, THE ASSOCIATION, THE MANAGING AGENT, AND THE MEMBERS OF THE ASSOCIATION SHALL NOT BE LIABLE OR RESPONSIBLE TO ANYONE IN ANY WAY FOR ANY DEFECT IN ANY IMPROVEMENT CONSTRUCTED IN ACCORDANCE WITH PLANS AND SPECIFICATIONS APPROVED BY THE AC, OR FOR ANY REASON OF MISTAKE IN JUDGMENT, NEGLIGENCE, OR NONFEASANCE ARISING OUT OF OR IN CONNECTION WITH THE APPROVAL, DISAPPROVAL, OR FAILURE TO APPROVE OR DISAPPROVE ANY PLANS. THESE LIMITATIONS ON LIABILITY ARE IN ADDITION TO THOSE CONTAINED IN THE CC&RS.*



### **7.13 No Waiver of Future Approvals**

The approval, conditional approval, or disapproval by the AC of any submittal, plan, drawing, specification, application or color scheme will not bind the AC to approve or disapprove the same or similar improvement or matter in the future. The AC specifically reserves the right to reject the same or similar submittal, plan, drawing, specification, application or color scheme subsequently submitted by the same or other party.