

DESIGN GUIDELINES AND GENERAL RULES
ELM PARK COMMUNITY ASSOCIATION

**Questions Regarding the Content of These Guidelines
Should be Directed to:**

KEYSTONE PACIFIC PROPERTY MANAGEMENT, INC.
41593 WINCHESTER RD, SUITE 113
TEMECULA, CA 92590
(951) 491-6866
(951) 491-6864 Fax
www.keystonepacific.com

ADOPTED: 3/14/07

Dear Homeowner:

Welcome to your new home in the Elm Park community! These Design Guidelines are designed with the goal of maintaining the aesthetic beauty of the community. Exterior improvements to your Lot must be approved by the Design Review Committee (DRC) prior to beginning any construction activity. Homeowners may not make any alteration, removal, relocation, repainting, demolition, addition, installation, modification, decoration, redecoration or reconstruction of any Improvements, including landscaping, in the Properties, until the plans and specifications showing the **nature, kind, shape, height, width, color, materials and location of the same shall have been submitted to the DRC and approved in writing by the DRC.**

Please review these Design Guidelines prior to completing your application form to ensure your submittal is complete. If at any time you have any questions regarding the review process, please contact your management representative at (951) 491-6866.

I. PURPOSE AND POLICIES

The DRC shall approve plans and specifications submitted for its approval only if it deems that the construction, alterations, or additions contemplated in the locations indicated will; (a) not be detrimental to the appearance of the surrounding area of the Properties as a whole, (b) will not unreasonably restrict or impair an Owner's use of his property (as determined solely by the DRC), (c) will not unreasonably interfere with an Owner's privacy, as determined solely by the DRC, (d) that the appearance of any structure affected will be in harmony with the surrounding structures, (e) that the construction will not detract from the beauty, wholesomeness or attractiveness of the Association Maintenance Areas or the enjoyment by the Members, and (f) that the upkeep and maintenance will not become a burden on the Association.

Any change not specifically addressed or outlined in these Guidelines will become a matter of reasonable discretion on the part of the DRC. In the event of a conflict between this document and the Declaration of Covenants, Conditions, Restrictions and Reservation of Easements (CC&R's), the CC&R's shall prevail. The CC&R's reference "Design Review Committee" under Article V. Please review this section entirely prior to plan submission and work commencement. It is suggested that specific attention be paid to the punitive references if work is completed outside the scope of these provisions.

II. COMMITTEE ROLE

Scope: All exterior alterations, additions or changes to any structure or to the landscape of any Lot, must be submitted to the DRC for approval prior to any installation or commencement of construction.

The above mentioned changes include, but are not limited to, walls, arbors, decks, gazebos, fences, pools, spas, landscaping, room additions, etc.

Failure: Work commenced before architectural plan approval is subject to removal at the cost of the homeowner if subsequently deemed unacceptable by the DRC.

Deviation: If landscape or any Improvements (hereinafter collectively referred to as "Improvements") have been constructed or installed in a manner which deviates from the plans

that were approved, the DRC may make recommendations for changes. If those changes are not complete within sixty (60) days the matter will be turned over to the Board of Directors to take appropriate remedial action in accordance with the CC&R's.

III. SUBMISSION OF YOUR ARCHITECTURAL APPLICATION: Please submit your application and support documentation package to the DRC as follows:

**ELM PARK COMMUNITY ASSOCIATION - DRC
41593 WINCHESTER RD, SUITE 105
TEMECULA, CA 92590**

When Should I Submit My Architectural Application?

The CC&R's require the DRC respond to all written requests within forty-five (45) days of their receipt by the DRC. We therefore recommend that plans are submitted with a complete application at least forty-five (45) days prior to the scheduled commencement of construction to allow the DRC ample time to complete their review. The proposed improvements are deemed to be approved should the DRC fail to transmit a decision in writing within forty-five (45) days. Only complete submittals will be considered, and will be accepted after Close of Escrow.

Appeal: During the period in time in which the Developer possesses the authority to appoint and remove a majority of the members of the DRC, decisions of the DRC shall be final. No appeal process will be adopted during this period, unless determined otherwise by the Developer. Following conveyance of the duties and authority from Developer to homeowner control, the Board may establish an appeal process in accordance with the CC&R's.

Submittal to the City/County:

Upon obtaining the written approval from the DRC, the Owner shall thereafter submit plans and specifications to the City/County if the proposed Improvements require the issuance of a building permit or other City/County approval. In the event of a discrepancy between this document and City/County requirements, the most restrictive standard shall prevail. The Elm Park Community Association will not be responsible for actions taken by governmental agencies.

How Soon Must I Install My Yard?

Owners must complete the installation of landscaping on the side and rear yard of the Lot in accordance with a plan approved by the DRC no later than twelve (12) months after the close of escrow. Applications must be submitted to the DRC within six (6) months after close of escrow.

Best Management Practices

Any exterior modifications to your home will impact the environment. Homeowners are now accountable to the California laws that are now in place to protect our water resources and local environment. Erosion control during your landscaping installation to prevent dirt and debris from entering storm drains is particularly important. Please review the blue pamphlet inserted in your Homeowner's Manual for your specific responsibilities to protect the environment.

Trash bins cannot be placed on streets or other areas of the property that are exposed to the public for more than twelve (12) hours before and after schedule trash collection hours unless otherwise approved in writing by the DRC. See Article II, Paragraph 2.11 of the CC&R's.

Parking restrictions are detailed in Article II, Paragraph 2.8 of the CC&R's. Restricted vehicles are motorhomes, travel trailers, camper vans, boats, stakebed trucks, tank trucks, dump trucks, step vans, concrete trucks, limousines, buses or vans designed to accommodate more than ten (10) people, vehicles having more than two (2) axles, trailers, inoperable vehicles or parts of vehicles, aircraft, any vehicle or vehicular equipment not deemed a nuisance by the Board. Boats, motorhomes and trailers may be parked adjacent to the homeowner's home for 2 hours or less in any 24-hour period for loading and unloading purposes only.

The property owner is financially responsible for any equipment removal and repairs the HOA deems needed to comply with these restrictions.

Hours of Operation

Construction is only permitted between the following hours or as the local agency allows:

Monday through Friday	Between 7:00 a.m. and 5:00 p.m.
Saturday	Between 8:00 a.m. and 4:00 p.m.
Sunday	No work permitted
Federal holidays	No work permitted

Notice of Completion:

After completing installation, please submit a completed "Notice of Completion Form" (NOC) to the Management Office.

Upon the DRC's receipt of the NOC form, the Committee shall have sixty (60) days to inspect those improvements completed upon the Owner's lot and shall notify the Owner in writing of failure to comply within sixty (60) days from the inspection, specifying the particulars of noncompliance, if any. The Owner shall remedy such noncompliance or remove the same within a period of not more than forty-five (45) days from the date that notice of the DRC ruling is given to the Owner.

If the DRC fails to notify the Owner of any noncompliance with previously submitted and approved plans within sixty (60) days after receipt of the NOC form, or the improvement was not inspected within sixty (60) days from the date the DRC received the NOC, the Improvements shall be deemed to be in accordance with the approved plans.

What Should My Plan Include:

Plans may be drawn on an 8-1/2 x 11 sheet of paper, or a formal plan may be submitted. The plan should detail all proposed improvements. The following are examples of items your plan should include. You may wish to review the list below as you are drawing your plan and detail those items as applicable to your individual Improvement proposals. All submissions must be made in triplicate.

1. Plot Plan:
 - a. Show lot lines accurately as to length, angles and amount of curve. Show all existing and proposed buildings, structures, fences, walls, sidewalks and other improvements; indicate all required setbacks, easements, and top or toe of slopes.
 - b. Show all dimensions on work to be considered, distances between existing and

proposed work and distances between proposed work and property lines, setback lines and slopes.

- c. When proposed improvements involve changing existing grades by more than 1.00' or changing existing drainage, show contours or spot elevations, flow lines, finish grades and proposed drainage systems. Drawings for proposed improvements changing existing drainage shall be prepared by a registered civil engineer or licensed landscape architect. All drainage changes shall maintain drainage on homeowner's lot.

2. Landscape Plan: (may be included as part of Plot Plan)

- a. Include proposed walkways and other hardscape, planting areas and plant names, decks, fences and walls, stairs, trellises, arbors, gazebos, spas, ponds, fountains, ornamental rocks, barbecues, play equipment, apparatus and yard lighting. Call out all easements on or over property. PLEASE SEE EXHIBIT F AS APPROVED TREES, SHRUBS, VINES, AND GROUND COVER FOR THIS COMMUNITY:
- b. For proposed fences and walls, drawings shall note materials, colors and heights. Heights shall be noted in relation to the immediate ground elevations showing existing and proposed grades.

3. Exterior Elevations:

- a. Provide exterior elevations of all proposed structures including trellises, gazebos, and shade structures. When the proposed improvements are attached to the existing home, show the existing elevation in relation to the proposed improvements.
- b. Note all finish materials, colors and textures of proposed work. Note if proposed finishes and material are to match existing finishes and materials.
- c. If the proposed finish materials or colors are to be different than those of the existing structure, a color and material board must be included clearly depicting the materials and/or color that are to differ.

IV. GENERAL GUIDELINES:

- Building Heights.** The maximum building heights of all improvements shall be consistent with agency regulations.
- Setbacks.** All work performed by homeowner shall comply with local building and zoning codes and requirements.
- Post Tension Slabs.** The concrete slab for your home has been reinforced with grid of steel cables installed in the concrete slab and then tightened to increase extremely high tension. Homeowner agrees not to cut into, or permit anyone to cut into or otherwise

tamper with, the slab.

- Painting and Exterior Color.** All painting requires approval from the DRC regardless of whether the color scheme to be painted is original or if it is proposed to be changed.
- Roofing.** Any roof modifications shall be identical to the existing roofing material. Color changes must be reviewed by the DRC and must also specify the material and style of the product. All changes must comply with the style of the home and applicable agency standards.
- Chimneys and Fireplaces.** Outdoor fireplaces are subject to review and approval by the DRC. Fireplaces that exceed the height of perimeter walls or are visible from streets or common areas shall be designed to be compatible with the main residence. Outdoor fireplaces shall be restricted to private rear yards only. Fireplaces that reflect an independent design theme as well as overly ornate designs or commercial looking designs are prohibited.

If a nuisance results from the use of a fireplace, such as smoke, odor, etc., it shall be the responsibility of the homeowner to resolve the nuisance. It is strongly encouraged that fireplaces should be designed to use natural gas.

All fireplace improvements are subject to applicable City and Fire codes.

- Garage Doors.** Changes to the garage door must be compatible with design and color of home. Garage door should be simple in design and color.
- Landscaping.** Paving materials must be compatible with the home color and style.

Modifications of the association maintained landscaping, if any, between the sidewalk and street curb is not permitted.

- Drainage.** There shall be no interference with the established drainage pattern over any part of the lot unless an adequate alternative provision is submitted to and approved in writing by the DRC. For the purpose hereof, "established" drainage is defined as the drainage which exists at the time your close of escrow, which may include drainage from the Association Properties over any Lot or Association Maintenance Areas in the Properties.

Additional drainage shall tie into existing drainage whenever practical. Drain lines must be extended through the front yard area and curb cored though to the street. All improvements are to slope towards drains and drains are to be mounted flush with improvements. Improvements may settle over time and level of drains must be adjusted accordingly.

Your lot has been graded in accordance with the requirements of local agencies for the purpose of directing the flow and drainage of surface water. If the existing drainage is altered in any way as a result of, (a) the alteration of swales or drainage courses, (b) a change in grading, or (c) any landscaping or other improvements that are installed in such a way so as to alter the drainage flow on your property, you should consult with a licensed

civil engineer. Developer shall not be responsible for such drainage of water or any damage to persons or property resulting there from. This applies both to drainage from your property onto other property as well as drainage within your property. Maintenance of catch basins and drain lines located on your property are "individual homeowner" responsibility.

If your lot is located adjacent to a landscape common area lot, there may be run-off from this lot. The Developer has installed a drainage system that has been tied into the area drain system on several of the residential lots to handle the run-off. If your lot contains a drainage system designed to handle this run-off, it is your responsibility to maintain the integrity of, and to perform routine periodic maintenance on these drainage systems.

You are advised to properly maintain all irrigation systems and to promptly repair any leaks in pipe systems and valves. Water management includes the proper setting of irrigation cycle time for the season of the year. You are advised not to over-water. Over-watering can result in significant damage to the home and lot improvements and cause damage to adjoining properties. Over-watering can result in water passing through near surface soils that can impact adjacent improvements and lots. The Developer will not be responsible for damage that results from over-watering, failure to maintain pipe systems or valves, and/or damage or alteration to developer installed drainage pipes and systems. Please refer to the drainage section in your Homeowner's Manual and share this information with your design professionals when planning and installing your yard.

- Shrubs, Ground Cover and Turf.** Submit botanical and common names of the proposed plant material consistent with the approved plant palate. Show plant sizes and locations on the plans. Plant material must be appropriate selection based upon ground space, horizontal and vertical clearance at reasonable level of maturity. Plant material does not consist of exotics such as cactus, etc. Corner lot side yard area between fence/wall and walk to be planted with lawn, ground cover, shrubs and/or vines, if applicable.
- Patio Covers, Gazebos, Trellis and Sundecks.** Provide exterior elevations of all proposed structures including trellises, gazebos and shade structures. When proposed improvement is attached to the existing home, show the existing elevation in relation to the proposed improvement. Square footage is in proportion to the yard. Design, color, finish and detailing must be consistent with the existing house. Any design features incorporated into the patio cover, gazebo, trellis and/or sundeck must be compatible in appearance with the existing home and the surrounding community. Side elevation not enclosed, except for a portion of existing dwelling. The patio cover cannot be metal or aluminum. All wood is to be painted to match the house trim, fascia or white. Stucco finishes are to match the home in color and finish texture.
- Garden Wall and Planters.** In yards visible to the street, the material, color and texture of new garden walls, planters and retaining walls must be compatible with the existing walls and architecture of the home. Stucco finishes to match the home in color and finish texture. Fences, walls and gates are to be six feet or less in height.

Soil shall not be retained against any existing wall unless the wall is design for that purpose. Waterproof subwalls must be provided between raised planter areas and

existing walls and fences.

- Irrigation Installation Standards.** All irrigation systems should be designed by a licensed landscape architect or an irrigation designer to ensure efficient water management and plant growth. Irrigation systems shall be designed to prevent water from spraying across property lines.
- Pools and Spas.** Noise should be controlled to minimize the impact on neighbors and to comply with the agency's noise regulations. Installation must not damage existing walls or fences. All equipment must be screened from offsite view. All equipment noise impact on neighbors must be minimized with sound screening (i.e., masonry walls, metal enclosures, etc.) and reasonable hours of duration. All solar collectors must be designed and located to be unobtrusive. Colors must be compatible with the home. All supports and piping must be enclosed or screened from view. Construction must not disturb the neighbors' yards, property or improvements. Construction must not disturb the Homeowner's Association, sub or master, property or improvements. All applicable permits by homeowner.
- Window Tinting.** Window tinting requests will be considered by the DRC. However, mirror finishes will not be approved. NOTE: Most failures of dual-glazed units are due to "moisture" condensation that can be traced to the presence of tinted film on the inside of the glass. The deflection caused by the tinted film creates heat build-up and consequent expansion within the airspace of the dual unit, and destroys the butyl seal. Water vapor is thus admitted, and condenses between the planes. In addition, cracking of the windowpanes may occur.

Neither the window manufacturer, nor the Developer will be responsible for replacement of dual glazed windows should window tinting be applied.

- Basketball Backboards.** If compatible with the house design, permanent basketball backboards may be attached to the house. The backboard and all attachments must be of reasonable size and painted to match adjacent surfaces to reduce their prominence on the building elevation and must be maintained continually in good repair. Clear backboards are also permitted.

Portable, free-standing basketball backboards are permitted provided they are removed when not in use. In no event shall free-standing basketball backboards be permitted to remain overnight in a location visible from any street, sidewalk, or property owned or maintained by the HOA, or be stored in a location visible from any street, sidewalk or HOA property. Portable, free-standing basketball backboards must only be located and used on the residential lots and are not permitted on any public property or HOA property.

- Flags of the United States.** Display of the flag of the United States is permitted on the Owner's Lot pursuant to California Civil Code Section 1353.5, so long as the flag and flag pole are located solely within, on and over the Owner's Lot. However, no Owner is permitted to display the flag of the United States where (a) any portion of the flag or flag pole extends onto or over the Common Area owned in fee by the Association, without the permission of the DRC, or (b) the flag or flag pole creates an unsafe condition,

including without limitation, obstructing the vision or pathway of any pedestrian or motorist. No flags are allowed to be hanging if they are torn or tattered, flag must be in good condition.

Owners are required to submit the proposed location of any flag and flagpole to the DRC to determine compliance with the foregoing requirements. The Owner shall be solely responsible for any damage or injury to persons or property resulting from the placement of the flag or flagpole.

- Decorative Flags.** Decorative flags, including seasonal flags, are permitted only in the backyard of an Owner's Lot, subject to DRC approval. Owner must submit drawings or plans showing the proposed location of the flagpole to the DRC. Owner may not install any flagpole until Owner receives written approval of such drawings or plans.

Decorative flags must be of a subject matter that is commonly acceptable. For example, seasonal flags that display typical holiday or weather season representations are permitted, while flags that display offensive subject matter such as a swastika or depictions of nude people are prohibited. The DRC reserves the right to require any Owner to remove a decorative flag that the DRC deems offensive. The Owner shall be solely responsible for any damage or injury to persons or property resulting from the placement of the flag or flagpole. No flags are allowed to be hanging if they are torn or tattered, all flags must be in good condition.

- Seasonal Decorations.** The temporary display of seasonal decorations, other than decorative flags, is permitted on Owner's Lot and Residence. No prior approval from the DRC is required; provided, however, that seasonal decorations (a) must not be placed in Common Areas in a manner that would interfere with the landscape maintenance performed by the Association, and (b) are only permitted during the time period designated by the Association. The Association will inform Owner of the acceptable time period for display of seasonal decorations in an Association newsletter. No seasonal decorations are permitted before or after the time period designated by the Association. The Owner shall be solely responsible for any damage or injury to persons or property resulting from the placement of any seasonal decorations.

- Potted Plants.** Potted plants are only permitted on Owner's Homesite. Owner may not place any potted plants in the Common Area. Prior approval from the DRC is required to place potted plants on Owner's front porch and backyard; and the DRC may require the removal of any potted plant that it determines is a nuisance (for example, plants with diseases or insect infestation).

- Signs.** No signs shall be displayed on any residence other than a sign advertising the property for sale, a sign advising the existence of security services and/or as permitted by the CC&R's. This includes tradesmen, contractor and installer signs of any type.

- Awnings.** Awnings must be compatible in color and design with the home. Designs should be simple and size, location and form in scale with the window.

- Temporary Structures.** No structure of temporary character, trailer, tent, shack, shed, barn or other temporary building improvements or structure shall be placed upon any portion of the property at any time. Refer to your CC&R's for complete restrictions.

- Outdoor Storage.** All items stored outside (such as garden hoses, yard equipment, trash cans and recycling bins) must be completely screened from streets, greenbelts and adjacent homes. The appearance of the items as seen from second floors should be considered.
- Antennae.** All satellite dishes are subject to review and approval by the DRC. All exterior antennae that are visible from any common area or other lot, or that have a diameter exceeding the measure allowed by California and federal laws must be approved by the DRC. Please refer to your CC&R's for specific requirements for your community.
- Mechanical and Solar Energy Plans.** Show all mechanical devices exposed to the exterior including solar collectors, storage tanks, piping and other distribution and collection components. Ensure devices are integrated into the roof design and flush with existing roof slope. Frames must be colored to complement roof (no unfinished aluminum frames). All mechanical equipment must be screened.
- Play Structures.** Swings, playhouses and other playground equipment will be considered on an individual basis and permitted if located unobtrusively, as determined by the DRC. Bright colored elements, including primary colors, will be prohibited if they are above the height of the perimeter wall and not compatible with the existing colors of the house.
- Gutters and Downspouts.** Gutters and downspouts to be painted to match the house color or trim.
- Mailboxes.** Modifications to existing mailbox are not allowed.
- Exterior Lighting.** New exterior light fixtures must be compatible with the design of the home. They must be simple in design and color.