



VICTORIA ESTATES

MASTER

ASSOCIATION

ARCHITECTURAL GUIDELINES

REVISION3/APPROVED
June 12, 2012

ARCHITECTURAL GUIDELINES TABLE OF CONTENTS

Introduction	4
--------------	---

Part 1 – Architectural Review Procedures

1. Purpose and Policies	5
2. The Architectural Review Application	5
2.1 Attachment	5
2.2 Scope	5
2.3 Failure	5
2.4 Deviation	6
2.5 Submission address	6
2.6 When should I submit my Application?	6
2.7 What my plan should include	6
2.8 Review Fee	7
2.9 Committee Role	8
2.10 Appeal	8
2.11 Submittal to the City/County	8
2.12 How soon must I install my yard?	8
2.13 Notice of Completion	8
2.14 Correction of Defects	8
3. Architectural Application Form	10
4. Notice of Completion Form	11
5. Neighbor Awareness Form	12

Part II – General Guidelines

1. Introduction	13
2. General: Construction and Maintenance	13
a. Structural Alterations	13
b. Hours of Operation	13
c. Streets, Driveways, and Walkways during Construction	13
d. Maintenance of Improvements	13
e. Landscape Maintenance	13
f. Trees	13
g. Street (Developer Provided) Trees	14
h. Air Conditioner Replacement	14
i. Trash Container Screens	14
j. Drainage	14
k. Gutters, Downspouts, and Scuppers	14
l. Rooftop Installations	14
m. Solar Energy Systems	14
n. Inside and Outside Installations	15
o. Height Restrictions	15
p. Perimeter/Wall Fence	15
q. Rights of Handicapped	15
r. Damage and Destruction to Dwelling Units and	

Other Large Construction Projects	15
s. Inspection	15
3. Front Yards	15
a. Hardscape vs. Landscape	15
b. Choice of Materials	15
c. Tree Choice and Spacing	16
d. Fences and Gate	16
e. Driveways	16
f. Art and Other Landscape Features	16
g. Water Features	16
h. Walls and Pilasters	16
i. Exterior Lighting	16
j. Parkway Strip	17
k. Side parkway Strip	17
l. Drainage	17
4. Rear Yards and Side Yards	17
a. Must be Landscaped	17
b. Drainage	17
c. Exterior Lighting	17
d. Trees	17
e. Water Features	17
F. Pool and Accessory Equipment	17
g. Gas Fired Heaters	17
h. Exterior Fires	17
i. Walls/Fences	17
5. Auxiliary Structures	18
a. Definition	18
b. Location	18
c. Height Limits	18
d. Play-sets, Swing-sets, and Playhouses	18
e. Sports Apparatus	18
f. Patio and Spa Sun Shades, Arbors, and Trellis Structures	18
g. Animal Enclosures	19
6. Miscellaneous	19
a. Antennas	19
b. Signs	19
c. Decorative Flags	19
d. Window Awnings and Doors	19
e. Outdoor Furniture	20
f. Water Supply or Water Softener Systems	20
g. House Numbers	20
h. Front Screen Doors	20
i. View Obstructions	20
7. Cautions and Reminders	20
a. Owner's Responsibilities	20
b. No-liability	20
c. Limitations on Architectural Approval	20
d. Revisions to these Guidelines	21

ARCHITECTURAL GUIDELINES

Introduction

These Architectural Guidelines are designed with the goal of maintaining the aesthetic beauty of the community. As set forth in Article IV of the Declaration of Covenants, Conditions, & Restrictions (CC&R's) of the Victoria Estates Master Association (VEMA), the Victoria Estates Architectural Committee (hereinafter called the "Committee" or abbreviated the "AC") is vested with the responsibility for preservation of the Architectural standards, aesthetics, and character of Victoria Estates. This duty and responsibility of the Committee is aimed towards maintaining and enhancing the desirability and attractiveness of the entire Victoria Estates community.

All Victoria Estates Homeowners were provided a copy and acknowledged receipt of the Association's CC&R's during the escrow process. All provisions of these CC&R's, without limitation, are imposed and burden or benefit the Property as the case may be, and all persons having any right, title, or interest in the property. These burdens are imposed on the Homeowner by the Davis-Sterling Development Act (Civil Code Sections 1350 -1378) for the purpose of enhancing the value, desirability, and attractiveness of all our properties. To administer and oversee the CC&R's, specific responsibilities are assigned to the Board of Directors and the Architectural Committee. Responsibilities assigned to the Architectural Committee include:

- (1) The development of procedures for submission and review of homeowner's requests for building and landscaping installation, construction, and alteration, and,
- (2) Revising and submitting Architectural Guidelines to the Board of Directors.

Accordingly, these Architectural Guidelines are divided into two parts:

- (1) Architectural Review Procedures
- (2) General Guidelines.

These Guidelines are approved by the Board of Directors with the purpose of further clarifying the provisions set forth in Article IV of the CC&R's. Any change not specifically addressed or outlined in these Guidelines will become a matter of reasonable discretion on the part of the AC or the appropriate Government Agencies. If any differences between these "Architectural Guidelines" and government code or the CC&R's are determined to exist, government regulations prevail over the CC&R's which prevail over these "Architectural Guidelines".

These Architectural Review Procedures constitute a portion of the Association's Rules and Regulations and are, accordingly, constituted in our governing documents. In the event an Owner does not comply with the provisions outlined in this document or the CC&R's, the Violation Policy will be enforced. The responsibility of the homeowner is directly with the cognizant government agency for complying with applicable government codes and regulations.

ARCHITECTURAL GUIDELINES

Part 1.

ARCHITECTURAL REVIEW PROCEDURES

Exterior improvements (new installations, modifications, and repairs which change the appearance) to your Lot must be approved by the Architectural Committee (AC) 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, to their Lot until the plans and specifications showing the **nature, kind, shape, height, width, color, materials, specification brochures and location of the same shall have been approved in writing by the AC. If applicable, City and County Agency permit/approval is required. All communications to the Association must be addressed to the Management Company.**

Please review these “Guidelines” prior to completing your application form to ensure your submittal is complete. **“General Guidelines, Part II”, to this document provide the general rules for improvements and for architectural review criteria for submitted Applications. Homeowners are required to conform to the applicable portion of these general rules. While the listing of the general rules is comprehensive, it is not complete as not all possible situations can be predetermined ahead of time. In such cases the AC will make reasonable assessment and rule on the Application per the terms of this document and the CC&Rs. Judgment of the AC is final subject to Homeowner’s appeal and Board review.** If at any time you have any questions regarding the review process, or desire comments in advance of your Application submission, please contact our management representative at the phone number on the cover of this document or on your billing statement.

1. PURPOSE AND POLICIES

1. The AC 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 not be detrimental to the appearance of the surrounding area of the Community as a whole, will not unreasonably restrict or impair an Owner’s use of his property, or will not unreasonably interfere with an Owner’s privacy, that the appearance of any structure affected will be in harmony with the surrounding structures, that the construction will not detract from the beauty, wholesomeness or attractiveness of the Community Common Areas or the enjoyment by the Members, and that the upkeep and maintenance will not become a burden on the Association.

2. THE ARCHITECTURAL REVIEW APPLICATION

2.1. Attachment:

A sample Architectural Review Application is attached (copy also available on the VEMA web-site).

2.2. Scope: All exterior alterations, additions or changes to any structure or to the landscape of any lot, must be submitted to the AC and where necessary to the applicable Government Agency for approval **prior** to any installation or commencement of construction. These changes, alterations and additions include, but are not limited to, walls, arbors, decks, gazebos, fences, pools, spas, landscaping, hardscape, room additions, buildings, patio, balconies, antennae, gates, light fixtures, animal enclosures, exterior painting, etc. No building material for exterior improvements will be permitted onto the Association property without an approved Architectural Application.

2.3. Failure: Work commenced before Architectural plan approval subjects the Owner to fines, recovery of administrative costs, and removal costs if subsequently deemed unacceptable by the AC.

2.4. 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 AC may make recommendations for changes. Your installation could be subject to an audit by the AC or its appointee. Any deviations from plans submitted and approved could cause the items in question to be removed at the homeowner’s expense.

2.5. Submission address: Please mail your submittal package to the Architectural Committee in care of the Management Company. Mailing by first class registered mail, return receipt requested, ensures that the Application is forwarded to the correct address and that the applicant holds a receipt in event such is required per paragraph 2.6 below. The address of the Management Company may be obtained from the Association Newsletter, the VEMA website, or your monthly billing statement.

2.6. When Should I submit My Architectural Application?

The CC&R’s require the AC to respond to all written requests within a maximum of forty-five (45) days of their receipt.

Landscaping for new yard installations must be installed within one hundred twenty (120) days from close of escrow. It is therefore recommended that you submit your completed application for new yards as soon as possible prior to scheduled commencement of construction to allow the AC ample time to complete the review. Submittals for new yards will be accepted after Close of Escrow only.

Applications for modification to existing yards and other exterior improvements should be submitted 45 days in advance of the desired time for making the modification. Any Application not acted upon by the Architectural Committee ninety (90) days after date of mailing will be deemed approved. The homeowner must provide a receipt of mailing to claim an approval based on the passage of time. All approvals must be by affirmative written action of the Committee to be effective.

2.7. What My Plan Should Include: Plan must show compliance with Part II.

1. Plot Plan, where required:
 - a. Show Lot lines and Lot boundaries 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 where applicable.**
 - 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 one foot, show contours or spot elevations, flow lines, finish grades and proposed drainage systems. It is required that a registered civil engineer or licensed landscape Architect prepare scaled drawings for proposed improvements changing existing drainage.
2. Landscape Plan, where required: (may be included as part of Plot Plan.)
 - a. Include proposed walkways and other hardscape, planting areas including plant names, size at installation and maximum height at maturity, decks, fences and walls, stairs, trellises, arbors, gazebos, pools, fountains, ornamental rocks, barbecues, play equipment, apparatus and yard lighting. Call out all easements on or over Lot (if applicable).
 - b. For proposed fences and walls, drawings shall note materials, colors and heights. Heights shall be noted in relation to the immediate ground elevations.
 - c. All sprinkler and drainage devices must be noted on plans.

3. Exterior Elevations, where required:

- a. Provide exterior elevations of all proposed structures including trellises, gazebos, and shade structures. When the proposed improvement(s) is attached to the existing home, show the existing elevation in relation to the proposed improvement(s). Trellises (e.g., patio covers, pergolas, etc.) designed with less than fifty percent (50%) open area require a variance from the Board. The AC has no authority to approve variances.
- 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 an/or color that are to differ. The color board should also show existing color of the house and hardscape features.
- d. Additional gutters and downspouts also require AC review and application submission prior to installation.
- e. Include copy of building permit (if required).

4. Neighbor Awareness, always required:

- a. Neighbor awareness forms, sample attached, are considered a courtesy notification of proposed improvements to directly impacted neighbors. These forms are also available on the VEMA website. Each owner is required to endeavor to obtain signatures from each neighbor that could be directly impacted from the proposed improvements. For example, if the plan proposes a patio cover in the rear yard, the owner would be required to obtain the left, right, and rear neighbor signatures. If the plan proposes a new front and back yard, signatures are required from the left, right, and rear neighbors as well as the neighbor directly across the street. If your home is located in such a manner to have more than one contiguous neighbor in the rear or across the street from your home, you will need to have all signatures included. Neighbors do not have the ability to approve or disapprove your plans. Their signature represents that they had an opportunity to review the plans and provide comments. Even if your neighbor has an objection to the plans, it does not mean that your plans will be denied. Or, likewise, if your neighbor has no objection to the plans, it does not necessarily mean that your plans will be approved.
- b. If you have a home next to you that is vacant, you will need to note this on the neighbor awareness form. If you turn in your application and neighbor awareness form with missing information, it will be returned as incomplete.
- c. If any neighbor refuses to sign the neighbor awareness form, or is never home to sign it, you must then send a letter to your neighbor summarizing the improvements proposed. The letter shall be sent by certified first class mail. You will receive either a return receipt or, if the homeowner refused to sign for the letter, the original certified letter unopened back to you. A copy of the letter, along with a copy of the return receipt or unopened certified mail may be sent along with your application to prove that you attempted to obtain the signatures of your neighbor(s).
- d. Material changes to plans, as previously approved by the AC, must have the Neighbor Awareness form re-signed prior to submitting to the AC.

2.8. Review Fee. In accordance with the CC&R's Article IV, Section 4.2, a check from the homeowner payable to the Victoria Estates Master Association will be required with each submittal for Applications of new yard landscaping. Fees are \$150.00 per submission for third party costs incurred for review of new yard plans. These fees are payment for a licensed Landscape Architect. For other installations, application fees will be based on extent of services rendered. If plans for new yards are resubmitted without the requested changes and require additional Landscape Architect review, there will be an additional fee of \$150.00 per submission.

2.9. Committee Role:

The Committee shall review and approve acceptable proposals or plans and specifications submitted for its approval only in writing and only if it deems that the construction, alterations, or additions contemplated thereby in the locations indicated will not be detrimental to the appearance of the surrounding area of the community as a whole. This includes that the appearance of any structure affected thereby will be in harmony with the surrounding structures, that the construction thereof will not detract from the beauty, wholesomeness and attractiveness of the community or the enjoyment thereof by the homeowners, and that the upkeep and maintenance thereof will not become a burden on the Association.

2.10. Appeal:

The Board of Directors may hear requests for appeals. The submitting party may appeal a decision by the AC in writing to the Board within thirty (30) days of receiving final notice from the AC. The Board of Directors will have forty-five (45) days following receipt of the request for appeal to render its written decision. If the Board of Directors does not act on the appeal within forty-five (45) days, the appeal will be deemed approved.

2.11. Submittal to the City/County:

Before obtaining the written approval from the AC, the Owner shall submit plans and specifications to the City/County if the proposed Improvements require the issuance of a building permit or other City/County approval. Copy of permits must be provided to the AC prior to commencement of work. The Victoria Estates Master Association will not be responsible for actions taken by governmental agencies.

2.12. How Soon Must I Install My New Yard?

For new yard installations, it shall be the responsibility of each Owner to install landscaping and irrigation within the front, side, and rear yards, of Owner's Lot within ninety (90) days following such Owner's escrow closing for the Residence located on the Lot.

2.13. Notice of Completion:

In the event the intended work is not completed within one year of approval of the Application, the owner must request an extension of time for completing the work. Otherwise, the Application will be considered revoked and a new Application will be required.

The form for a Notice of Completion is attached and is also available on the VEMA website. Within forty-five (45) days following the completion of the landscaping improvements as indicated on the "Approved" copy of the plans and specifications, the owner/applicant shall send a completed "Notice of Completion" (NOC) form to the Management Office along with the pictures of the improvements.

2.14. Correction of Defects:

The Committee or its duly authorized representative has the right to inspect any Improvement during the period from start of installation to 120 days after receipt of a Notice of Completion provided due notice is given by USPS first class mail to the homeowner. If the Committee finds that the Improvement was done without obtaining approval of the plans or was not done in substantial compliance with the plans approved by the Committee, it shall notify the homeowner in writing of the failure to comply within thirty (30) days from the date of the inspection with copy provided to the Board. The Committee shall have the authority to require the homeowner to take such action as may be necessary to remedy the non-compliance.

Within sixty (60) days of such notice, if the homeowner has failed to remedy the non-compliance, the Committee shall notify the Board in writing of such failure. Upon due hearing, if the Board determines a non-compliance exists, the homeowner will be provided forty-five (45) days to comply with the Board ruling. If the non-compliance is not corrected within this time, the Board will proceed with legal remedies as authorized by the CC&R's and By-laws.

If the AC fails to notify the Owner of any noncompliance with previously submitted and approved plans within one hundred and fifty (150) days after receipt of the NOC form, the Improvements shall be deemed to be in accordance with the approved plans. Please note, silty or discolored runoff, or illegal discharge of

any fluid or refuse made into the storm drain water system could result in assessments against your property. A fine imposed by any governmental agency for illegal runoff into the storm drain water system, will be passed in full to the responsible property owner. **Please note that fines from any government agency may amount anywhere from \$1,000 to over \$100,000 and are given without prior warning or notice.**

Victoria Estates Master Association
ARCHITECTURAL APPLICATION FORM

NAME OF OWNER _____ Tract & Lot # _____
PROPERTY ADDRESS _____
DAY PHONE _____ HOME PHONE _____
EMAIL ADDRESS (optional) _____

Note: It is recommended that the Application to the Architectural Committee (AC) be submitted at least forty-five (45) days prior to scheduling your construction. Questions should be directed to the Management Company.

Description of improvement being requested (no more than 50 words):

The following items are to be included in your Application submittal packet:

- Three (3) sets of plans no less than 8 ½ x 11 in size & three (3) sets of this application.
- Completed Neighbor Awareness Statements.
- Check for submittal fee in the amount of \$150.00 made payable to the Association only for first time landscaped yards.
- For a detailed listing of items to be included, see Section 2.14 of the Architectural Guidelines.
- Copy of Building Permit if applicable.

NOTE: No construction of any kind is permitted until written approval from the AC is received.

I UNDERSTAND AND AGREE THAT, no work on this request shall commence until the AC has granted written approval. I agree to complete all Improvements and maintain my Lot in accordance with my approved plans and the Association's Architectural Guidelines. I understand construction of approved Improvements shall be completed within one (1) year after receipt of approval from the AC and that a Notice of Completion (NOC) is required to be forwarded to the Architectural Committee within 45 days of completion of the construction.

Owner Signature

Owner Signature

Date

Date

The following portion is for ARC use only:

☐ Approved

☐ Approved with the following conditions:

1. _____
2. _____
3. _____
4. _____

☐ Disapproved, Proposed Improvement Violates Architectural Guidelines section _____

☐ Application incomplete and returned. Lacks: _____

☐ Other Architectural Committee comments:

This application was reviewed this _____ day of _____, 200 _ by:

Name/Signature/Title

Victoria Estates Master Association
NOTICE OF COMPLETION FORM

NAME OF OWNER _____ Tract & Lot # _____
PROPERTY ADDRESS _____
DAY PHONE _____ HOME PHONE _____
E-MAIL ADDRESS (optional) _____
Description of Improvement made (as stated on Application).

Date Construction Completed _____

Add Photos Here

The following portion is for AC use only:

Date Received:	Date Inspected:
Date File Closed	Mgmt Rep:

VICTORIA ESTATES MASTER ASSOCIATION
NEIGHBOR AWARENESS FORM

(One copy to be submitted for each neighbor – See Architectural Guidelines, Section 2.14.4)

Please note that this form is a courtesy notification to neighbors. Neighbors do not have the ability to approve or disapprove plans. The neighbor's statement below only indicates that they have been given the opportunity to review the plans and make a comment if desired.

Homeowner/Applicant Name: Phone:	Address:	Daytime
-------------------------------------	----------	---------

Lot Number:	Date Submitted:
-------------	-----------------

Description of improvement as appearing on Application:

--

I have reviewed the attached plans and I understand that the Owner/Applicant(s) is/are submitting the plans for architectural approval.

Neighbor's Name:	Address:	Daytime Phone:
------------------	----------	----------------

Location of neighbor's home relative to Applicant's home; i.e. next door, across street etc. _____
Date Submitted: _____

Neighbor's statement (check item that pertains):

- ☐ I/we have no objection.
- ☐ I/we have concerns. (Please explain)

- ☐ I/we have no comment.

NEIGHBOR'S SIGNATURE: _____

HOMEOWNER'S SIGNATURE: _____

ARCHITECTURAL GUIDELINES Part II

GENERAL GUIDELINES

1. Introduction.

The fundamental purpose of these General Guidelines is to contribute to maintaining the character and quality, and therefore value of the Victoria Estates community for the benefit of the residents of the community. The General Guidelines take into consideration the aesthetic aspects of the architectural design, placement of buildings, landscaping, color schemes, exterior finishes and materials and similar features. Towards these ends, the Guidelines are intended to maintain consistency in architectural standards across the community. However there are several developments within the Association and various type styles of homes in each of these developments. An architectural feature that adapts well to one style home may be incompatible with another style. Additionally, because sizes of yards and heights of homes differ, scaling of features may require variations in application of architectural standards. Further, there is no guaranty of any protected view and no home is guaranteed the existence or unobstructed continuation of any particular view.

2. General: Construction and Maintenance.

a. Structural Alterations: Any structural alterations or modifications to a lot or the exterior portion of an owner's home, within the boundaries of their lot, are subject to prior written approval by the Architectural Committee.

b. Hours of operation: Contractor operations on the exterior of the home shall be carried on between the hours of 7:00 a.m. and 5:00 p.m. on Monday thru Friday and 9:00 a.m. and 1:00 p.m. on Saturdays. Work is not permitted on Sundays or holidays except for emergencies. Routine landscaping maintenance is excluded from this restriction. In the event City/County ordinances are more restrictive, the City/County ordinances shall prevail.

c. Streets, Driveways, and Walkways during Construction: No construction debris or materials such as sand or bricks may be permitted to remain on the streets, walkways, curbs or driveways. All items of such nature must be stored on the owner's property and excess removed when the job is completed. In the event that any materials are delivered and deposited on the streets or Community Common Areas, the owner will be held responsible for the costs involved in cleaning and/or restoring the Community Common Areas, streets, and walkways. The owner is responsible for cleanup of grass clippings, leaves, and drainage stains on the sidewalks and streets gutters in the front of the owner's home and oil and rust stains on the owner's driveway.

d. Maintenance of Improvements: All buildings and other structures or improvements upon a Lot shall at all times be maintained in good condition, repair, and properly painted. Re-painting of homes or any part of a home and outside structures to match the original color is pre-approved and does not require an Application. Any change to house color (stucco or other wall coverings and trim) will be disapproved except for front doors which will be considered. Applications for any change in color to any other outside feature such as driveways and patio structures must include a color photo of the item as existing (showing surrounding area) and a color swatch of the new color desired.

e. Landscape Maintenance: All landscaping of every kind and character, including shrubs, trees, grass, and other plantings shall be neatly trimmed, properly cultivated and maintained continuously by the Owner thereof in a neat and orderly condition and in a manner to enhance its appearance.

f. Trees: If an owner is not experienced in pruning trees it is suggested to hire a professional to do the job. If trees are overly trimmed or neglected and create an adverse impact on the community, corrective action may be taken by the Association by pruning the trees and charging the owner for the

costs. Trees that have become a nuisance because of size, incurable disease, or unsightly droppings, shall be removed or pruned when so deemed by the Architectural Committee at the owner's expense. An example of a tree that becomes a nuisance because of size is a tree that grows to a height greater than 35 feet.

g. Street (Developer provided) trees: The homeowner is responsible for the pruning, maintenance, and irrigation of the street trees, whether planted in the front yard or in the parkway strip. Trees that require replacement and/or maintenance will be replaced and/or maintained at the homeowner's expense. Street trees will neither be removed nor relocated.

h. Air Conditioner Replacement: Replacement air conditioner installations are subject to prior written approval from the Architectural Committee except as follows. Replacement air conditioners of the same physical size, of similar output capacity, and located in the same position are pre-approved and an Architectural Application is not required.

Replacement air conditioners should be of similar quality of the original unit. Location and noise factors are primary considerations of the Architectural Committee.

i. Trash container screens. All service yards or service areas, sanitary containers, and storage areas on any Lot shall be enclosed or fenced in such a manner that such yards, areas or containers will not be visible from any neighboring Lot or from any street. Developer installed fences that screen trash storage areas will not be removed nor relocated. See para. 3.d for fence restrictions.

j. Drainage: There shall be no interference with the established drainage pattern over any part of the Community common Area so as to affect any Lot inside or outside of the Community. For the purpose hereof, "established" drainage is defined as the drainage which exists at the time the overall grading of any part of the Community is completed by the Developer and, which may include drainage from the Community Common Area over any Lot in the Community.

(1) Each Owner shall maintain proper drainage over the Owner's respective Lot. Failure to maintain proper drainage could cause major problems including undermining the foundation of the residential dwelling and/or neighboring residential dwellings. The Owner shall be fully liable and responsible for any and all drainage caused by such Owner's failure to maintain proper drainage. There shall be no lot-to-lot drainage after installation of landscaping. Curb coring to permit drainage runoff to the street curb will not be approved.

(2) For the record, applications for landscaping and auxiliary structures must indicate detail of drainage run-off.

(3) Approval of plans and specifications for a proposed Improvement does not include authorization to change the original drainage plan submitted by the Builder and approved by the City.

k. Gutters, Down spouts, and Scuppers: No gutters, down spouts or scuppers to control water shed from roofs shall be installed without approval of the Architectural Committee. Such improvements shall be primed and painted to be consistent with the surface color of the residential dwelling.

l. Rooftop Installations: Rooftop appliances or installations are not permitted. No projections of any type shall be placed above the roof of any residential dwelling, except one or more chimneys and vent stacks as originally installed by the Builder or approved by the Architectural Committee. Skylights with minimum projection above the roof line may be approved upon application to the Architectural Committee. (Refer to paragraph 2m for roof-top solar energy systems and paragraph 6a for roof-top antennas.)

m. Solar Energy Systems: Each Owner may install a solar energy system on Owner's Lot which serves Owner's Dwelling Unit so long as (a) the design and location of the solar energy system meets the requirements of applicable zoning district ordinances and the California Building Code associated ordinances. An Architectural Application is required for the installation of solar energy systems and will be reviewed with the same urgency as all other Architectural Applications. In particular, the review shall be conducted so as to ensure that the review would not significantly increase the cost or decrease the efficiency beyond the limits established by Civil Code 714.

n. Inside and Outside Installations: No balcony, patio or deck covers or enclosures, wiring, air conditioner, water softeners, or other machines or fixtures shall be installed on the exterior of the buildings or be allowed to protrude through the walls or roofs of the buildings (with the exception of those items installed during the original construction of the Project), unless the prior written approval of the Architectural Committee is secured.

o. Height Restrictions: No structure or building, including, without limitation, the Dwelling Unit, within a project shall exceed two (2) stories, or a height of thirty (30) feet, excluding certain permitted roof structures such as chimneys.

p. Perimeter Wall/Fence. The perimeter wall/fence shall not be removed, reconstructed or modified (whether as to structure, finish, or color) without the prior approval of the Board of Directors and any applicable governmental entity with jurisdiction. Upon any damage or destruction to the wall/fence the Association shall restore it to the original condition. Costs of repair for any damage caused by an Owner, or family member, guests, or agents will be charged to the Owner. For definition of the perimeter wall/fence, refer to Section 1.43 and Exhibit "B" to the CC&Rs.

q. Rights of Handicapped. Exceptions to these Architectural Guidelines may be made for Applications submitted to modify the Dwelling Unit and facilitate the route over the Lot leading to the front door for handicapped persons. Applications so submitted shall be clearly marked "For Handicapped Access" and the appropriate government handicap certification will be attached to the Application.

r. Damage and Destruction to Dwelling Units and other Large Construction Projects. If all or any portion an any Dwelling Unit is damaged or destroyed by fire or other casualty, it shall be the duty of the Owner to rebuild, repair, or reconstruct the same in a manner which will restore it substantially to its appearance and condition immediately prior to the casualty. An Application is required before any construction visible to the outside is conducted. Photos of the damage or pre-existing structure should be attached. Depending on the extent of the construction, an architectural fee may be assessed to cover the cost of a licensed architect retained to assist the AC in the review of the Application. Security fencing surrounding the work and storage area will be required for construction of this magnitude. The fence is to be locked when not in use and must remain in place until final sign-off and removed immediately thereafter. The Application must clearly indicate the location, dimensions, and type of this fencing. For further detail concerning timing and other Owner responsibilities, refer to Article 8.14 of the CC&Rs. Owners are encouraged to work closely with the AC in the planning for such construction.

s. Inspection: During reasonable hours and after reasonable notice, the Association shall have the right to enter upon and inspect any Lot and the improvements thereon for the purpose of ascertaining whether or not the provisions of the CC&Rs and Architectural Guidelines are being honored. The Association shall not be liable for or deemed guilty of trespass by reason of the exercise of such power of entry and right of inspection. "Reasonable hours" is defined to be between 8:00 AM and 8:00 PM, and "reasonable notice" is defined to be USPS first class mail. Every attempt will be made to conduct the inspection at a time mutually agreeable to Owner and the Inspecting Party.

3. Front Yards.

a. Hardscape Versus Landscape: No more than 50% of the front yard may be hardscape. The calculation of hardscape shall include, but not be limited to, the existing driveway, driveway extensions, side walks, patios exposed to public view, walkways, walls, pilasters, fountains, and other non-vegetative areas. Courtyards, sidewalks, and parkways (the area between the sidewalk and curb) where applicable are excluded from this computation. The area of the front yard not hardscaped will be landscaped primarily with turf. The remainder portion of the landscape may be shrubs, ground cover, and trees.

b. Choice of Materials: Hardscape may include brick, stone, cast stone, colored and/or textured or regular concrete. Free stone, of natural river-stone or neutral earth-tone color (or faithful reproductions) and not less than one inch in diameter, may be used in the front yard not to exceed a total of 10% of the

total front yard. Gravel, vibrant colored stone, white rock, and lava rock will not be permitted in the front yard. Planter edging materials must be approved by the Architectural Committee prior to installation. Wire edging and miniature picket fence may not be used.

c. Tree Choice and Spacing: Trees characterized with tubular roots will not be installed. Trees, other than small ornamental trees, will not be planted closer to each other than 80% of their span at maturity.

d. Fences and Gate: Developer-installed fences and gates are an architectural feature of the Victoria Estates community and are not to be removed (except temporarily as needed during construction projects) nor relocated. Fences and gates will be wood, wrought iron, or other approved quality material that will faithfully reproduce wrought iron or wood. Wrought iron fences and gates shall be black in color. Note that perforated or solid panels on front side gates that block the view of Trash receptacles are required. Developer-installed fences and gates which separate the front yard from the side yards and are parallel to the front façade, may only be replaced within terms of the foregoing. No additional walls or fences will be installed directly in front of these developer installed fences. Wood fences and gates adjoining property line slump stone walls will be painted to match the adjacent property line wall. Wood rail fences and wood picket fences may be allowed where such will complement the architectural character of the house. Any fence/gate installation or replacement or change in either composition or color requires the submission of an Architectural Application.

e. Driveways: Extensions to driveways may not be more than two feet on either side of the original developer constructed driveway (i.e., no wider than the curb apron) nor come within two feet of side property lines. A walkway to connect the driveway to the side yard may be approved. Extensions of driveways which would appear to be designed for the parking of additional cars will not be permitted. Driveway extensions should complement the original driveway. Changes in colors to driveway, whether by paint or glazing, require approval of an Architectural Application.

f. Art and other landscape features: Decorative art, statues, and other such landscape features, shall be subdued and limited, and when placed on the visible portions of a residence or yard, shall be installed so as not to dominate the landscaping or detract from the character of the home or of the overall community or local streetscape.

g. Water Features: Water features shall be placed on automatic timers; exceptions will only be made by the Architectural Committee. Water features can not exceed the height of the property line slump walls. Reminder: compliance with City codes with respect to electrical grounding, water depth, and other safety related matters for front yard water features is essential and the responsibility of the owner.

h. Walls and pilasters. Decorative walls, pilasters, and columns covered with stucco to match the house stucco color and trim/cap to match the house trim and the home's architectural character will be permitted. Walls, pilasters, and columns with stone facings will match the stone facings of the house façade. No walls, pilasters, or columns will be permitted within eighteen inches of the frontage line. Walls, excluding property line side walls, less than ten feet from the frontage line will be no more than 18 inches tall and walls between the ten foot setback and the façade will be no more than 36 inches tall. Property line walls installed by the developer shall not be extended into the front yards, with the sole exception that a three inch high concrete mow strip may be installed on the front yard side property line. Property line walls installed by the Developer will not be extended in height at any location. Pilasters, including cap, may be up to six inches higher than the adjacent wall and ornaments in good taste (including lights) on the pilaster or columns will not exceed an additional 14 inches. Pilasters and columns in each front yard will be allowed to a total limit of four.

i. Exterior Lighting: Lighting must be low voltage and a maximum of 25 watt. Higher wattage lighting may be approved upon application if it is not directed or if it is placed so that it does not create an annoyance to the neighbors as determined by the Architectural Committee. Exterior lights must be installed with care and with baffles or shields to protect the light beam from intruding and causing objectionable glare in neighbors' property. Front yard accent lighting (such as that typically used at

Christmas) placed in shrubs, on trees, or on the outside of houses will not be allowed except during holiday seasons. (See Rules and Regulations, Holiday Decorations.) Only developer installed lights will be used for security lighting.

j. Parkway strip: The parkway strip is defined as the strip of land between the sidewalk and the street curb. Only turf will be planted in the parkway strip. Plants, flowers, or hardscape additions will not be permitted. Street (developer-provided) trees will neither be removed nor relocated.

k. Side parkway strip: The side parkway is defined as the strip of land between the slump stone side wall and the sidewalk for homes with a side or rear yard facing a street. The homeowner is responsible for the planting, maintenance, and irrigation of the side parkway strip unless the strip has been designated Community Property.

l. Drainage: Unless an Application is approved by the Architectural Committee, existing drainage systems shall be maintained. Existing drainage discharges shall not be directed under the sidewalk where applicable and curbs shall not be cored. Reminder: This is another area where the following of City Codes is important and the responsibility of the owner. Also see paragraph 2.r

4. Rear Yards and Side Yards.

a. Must be Landscaped: Rear yards and side yards will either be landscaped or hardscaped throughout.

b. Drainage: Drainage will be designed to drain to the front yards only, to either pop-up discharges or through natural grade swales installed by the developer. Paragraphs 2.r and 3.l. are also applicable to rear and side yards.

c. Exterior lighting: Lighting must be low voltage and a maximum of 25 watt. Higher wattage lighting may be approved upon application if it is not directed or if it is placed so that it does not create an annoyance to the neighbors as determined by the Architectural Committee. Exterior lights must be installed with care and with baffles or shields to protect the light beam from intruding and causing objectionable glare in neighbors' property. Lighting on patio overheads must be subdued. Other accent lighting (of the type typically used for Christmas decorations) in back and side yards and placed on structures other than patio covers and in trees or in shrubs at a height above the property line walls/fences will not be permitted. (Also see Rules and Regulations, Holiday Decorations.) Only developer installed lighting will be used for security lighting.

d. Trees: characterized with tubular roots will not be installed. Paragraph 3.c is applicable to rear and side yards.

e. Water features: Water features are to be placed on timers. Paragraph 3g is applicable to rear and side yards.

f. Pool and Spa Accessory Equipment: All pool/spa accessory equipment shall (a) be screened from the view of any adjoining Lot, Community Common Area and from the public view from any public or private street, with acceptable fence or wall material; (b) be located or sound attenuated per local codes; and (c) setbacks and all other pool/spa related items shall conform to all laws and regulations of applicable Public Agencies.

g. Gas Fire Heaters: Gas fire heaters shall be stackless or low profile in configuration.

h. Exterior Fires: There shall be no exterior fires except barbecue fires and gas fires contained within receptacles in the enclosed yard designed in such a manner that they do not create a fire hazard, subject to Architectural Committee approval. Only gas outdoor fireplaces are allowed.

i. Walls/fences: Property line walls/fences shall not be extended in height at any location. Free standing structures are not to be attached to the walls. Raised flower beds adjacent to property line slump walls require impervious (waterproof) membranes fixed to the walls.

- j. For regulations concerning the installation of auxiliary structures in rear yards, see paragraph 5.

5. Auxiliary structures.

a. Definition: Auxiliary structures are defined to be those non-developer installed structures, temporary or permanent, fixed to the home or freestanding which would include, but are not limited to: outbuildings, tents, shacks, sheds, trailers, trash dumpsters, children's play sets to include swing sets and playhouses, installed sports apparatus to include basketball backboards and trampolines, patio sunshades, spas, arbors, greenhouses, gazebos, and trellis structures.

b. Location: Auxiliary structures are to be installed only in the back yards within the restrictions set forth below. Installation of any auxiliary structure, except as provided below, requires the submission and approval of an Architectural Application. For installations of these structures which require City/County approval, see part I of these Guidelines. Proposed auxiliary structures will be stained or painted to match or be complimentary with colors used for the residential building. Applications for such must include elevation drawings, a color swatch for the intended colors, and a statement of type of materials to be used.

c. Height limits: No outbuildings, tents, shacks, sheds, trailers, trash dumpsters, or other such structures exceeding the height of the wall or fence enclosing the Lot and visible from neighboring lots or Community Common Areas are permitted

d. Play sets, swing-sets, and playhouses. It is recognized that a significant number of homeowners have small children and that the installation of play-sets in the back yards is in keeping with Victoria Estates all-age homeownership status. Some swing-sets/play sets have large "play-forts" or structures that tower above the height of the bar supporting the swings and could constitute an eye sore and loss of privacy to the owners of adjacent properties. It is the intent of the following to provide the basis for selecting reasonably sized swing-set/play sets that will be acceptable to neighbors. In order to minimize the view from neighboring lots, play structures should be located centrally in the yard and at least (nearest foot) no closer than ten (10) feet to the property line. The crossbar/beam supporting the swings or other apparatus may have a maximum height above grade of eight (8) feet. Fixtures attached to swing sets, such as playhouses (or "play-forts" and slides) are restricted to the 8 feet height of the swing crossbar/beam. Separately standing playhouses/play-forts or playhouses/play-forts in trees must be entirely below the height of the surrounding wall/fence. To verify that play sets are installed per these guidelines, an Architectural Application submission and approval is required.

e. Sports Apparatus: Sports apparatus including basketball backboards, courts, and trampolines. Basketball backboards, trampolines, and other sports apparatus can be installed in rear-yard setbacks only. The height of temporary basketball backboards as constructed by the factory is satisfactory. No part of trampolines or other sports apparatus can exceed the height of the surrounding block wall or fence. Sports apparatus of any type is not permitted in front yards or driveways, the streets, or other Common Property areas. All portable sports apparatus must be stored out of sight, so as not to be visible from any Community Common Area or adjacent Owner's property when not in use. Applications are required for the permanent installation of any sports apparatus or court.

f. Patio, and spa sun shades, arbors, trellis and other similar structures: Structures of this type shall be constructed of wood or vinyl (wood simulation) only, with the exception of vertical supports which may be of stucco or masonry. The overall construction and color of these structures must complement the house/landscaping scheme. Overheads for such structures, if solid, should match the house roof tile in color and texture or complement the landscape architecture. Side trellis construction, where used, shall be designed to provide a minimum of 50% open area on each side for penetration of light and air. The vertical projection of the overhead plane to the ground of the total of such structures will not exceed 50% of the total back yard area. These

structures must conform to City/County Building Code. Applications for structures requiring City/County building permit approval will not be reviewed until an approved City/County approved building permit is provided. The highest point of these structures must not exceed eleven (11) feet above grade. No aluminum, metal, plastic, fiberglass, composition, or asphalt shingles may be used. Samples of the construction materials and product specifications should be provided with the Application.

g. Animal enclosures. Animal enclosures (to include bird aviaries) can only be erected in the back yard (not the side yard or front yard). All points of the enclosure must be located at least ten (10) feet from the nearest property line wall or fence and must be of a height less than that of the surrounding property line wall or fence. The enclosure is not to exceed forty (40) square feet in the horizontal plane. An Application is required for installation. Architectural Applications for bird aviaries must include a specific statement indicating the number and type of birds and an authorization from the appropriate health authorities. The Application will additionally be reviewed by the Rules and Regulations Committee for assessment of potential noise problems. All animal enclosures are to be maintained clean and nuisance free.

h. Above-ground swimming pools. With the exception of children's wading pools, defined to have a maximum capacity of 750 gallons, all above ground swimming pools are not permitted.

6. Miscellaneous

a. Antennas: No exterior radio antenna, "C.B." antenna, television antenna, receiving station, satellite dish (see exception below), or other antenna of any type shall be erected or maintained anywhere in the Property without approval of the Architectural Committee. In considering whether to approve any such application and what conditions, if any, to be imposed thereon, the Committee may consider any clearly defined safety objective, the impact of any such antenna upon Association aesthetics and uniformity of appearance, and any potential structural damage arising from such antenna, provided that any restriction imposed by the Committee shall be reasonable, as required by California Civil code Section 1376 and rules and regulations promulgated by the Federal Communications Commission pursuant Section 207 of the Telecommunications Act of 1996. In no event shall the Committee impose any requirement in violation of the Antennas Statutes that would unreasonably increase the cost of installation, maintenance or use, or prevent reception of an acceptable quality signal. In reviewing an application for approval to install such antennas, the committee shall apply the same standards, criteria and guidelines to such application as applicable to any other proposed exterior improvement to any Lot and shall not impose any differential or discriminatory requirements applicable to installation of such antennas. Exception: Installation of a TV satellite antenna (one meter in diameter or less) is pre-approved and an application is not required. It is preferable that such satellite antennas should be located to eliminate or minimize visibility from the street. Wiring for any antenna is required to be run inside the walls and not be exposed to the outside.

b. Signs: No contractor's sign, poster, billboard, advertising device, or other display of any kind, either temporary or permanent, shall be displayed so as to be visible from outside the Community. Contractors performing work on the individual lots may not post their company's signs upon the owner's lot.

c. Decorative Flags: One decorative flag is permitted. The flag may not exceed three (3) feet in width and five (5) feet in length. It must have no commercial content or objectionable message; and must be maintained continually in good repair. The flagpole holding the decorative flag must be no longer than six (6) feet in length. The pole must be removed when a flag is not displayed.

d. Window Awnings and Doors: Installation of permanent or retractable awnings require an architectural approval prior to installation. Plan drawings specifying awning location and size as well as a swatch of color and material are to be included in the Application. Owners are responsible for the

cleanliness and maintenance of their awnings. Replacement of doors and installation of outside window shutters require submission of Applications. Security fixtures such as window and door bars, if to be used, must be installed on the inside of doors or windows. Applications for installation of security doors require a picture of the door to be installed. Review of the Application will include an assessment of the impact of the appearance of the door on the community as a whole. Window awnings will not be allowed on the front of homes.

e. Outdoor Furniture: Outdoor furniture visible from other Lots or Community Common Area shall be complementary to the exterior color scheme of the residential dwellings. Visible furniture in a state of disrepair, (i.e. torn cushions, rusting frames, faded or torn umbrellas), is prohibited.

f. Water Supply or Water Softener Systems: No individual water supply or water softener system shall be permitted in any Lot unless such system is designed, located, constructed, and equipped in accordance with the requirements, standards, and recommendations of any applicable water district, the City/County in which the Community is located, and all other applicable Public Agencies. Water softener systems must be installed inside the garage or house. Outside systems are not acceptable.

g. House numbers: House numbers shall be uniform. House numbers other than those originally installed by the Developer, or those approved for the entire association by the Board of Directors, will not be permitted.

h. Front Screen Doors: Retractable screen doors are pre-approved, requiring no submission to the Architectural Committee provided that the frame around the screen door matches the existing door frame. The retractable screen door is virtually invisible and cannot be seen from the street. When not in use, the screen retracts in its framing leaving your front door visible. Any other type of non-retractable screen door must be reviewed and approved by the Architectural Committee. Sample pictures of literature must accompany any screen door submission.

i. View Obstructions. The Architectural Committee may consider the impact of views from other Lots, or homes thereon, and reasonable privacy interests as factors in reviewing, approving, or disapproving any proposed landscaping, construction, or other improvements. However, there is no guaranty of any protected views within the community and no Lot, or home thereon, is guaranteed the existence or unobstructed continuation of any particular view.

7. Cautions and Reminders

a. Owners Responsibilities concerning City Codes and Law: It is the responsibility of the home owner to obtain any permits required by the City and for compliance of improvements and maintenance replacements with City and State Laws and Codes.

b. No-liability: No member of the Architectural Committee, nor the Architectural Committee's duly authorized representative, shall be liable to the Association or to any Owner for any loss, damage or injury arising out of or in any way connected with the performance of Architectural Committee duties as contained in the CC&R's. The Architectural Committee shall review and approve or disapprove all plans submitted to it for any proposed Improvement, alteration or addition, solely on the basis of aesthetic considerations and the overall benefit or detriment which would result to the immediate vicinity and the Community generally.

c. Limitations on Architectural Approvals: Pursuant to the CC&R's, plans and specifications submitted by the property owners are not approved for engineering design, soils suitability, drainage or set backs even though such plans and specifications may include such. Neither Declarant, the Association, the Architectural committee, nor the members or designated representatives or agents thereof shall be liable in damages to anyone submitting plans or specifications to them for approval, or to any Owner of a Lot by reason of mistake in judgment, negligence, or nonfeasance arising out of or in connection with the approval or disapproval or failure to approve or disapprove any such plans and specifications, or for any defect in any structure constructed from such plans and specifications. Every person who submits plans or specifications to the Architectural Committee for approval agrees, by submission of such plans and

specifications, and every Owner of any Lot agrees that Owner shall not bring any action or suit against Declarant, the Association, the Architectural Committee, or any of the Members or designated representatives or agents thereof to recover any such damages.

d. Revisions to these General Guidelines: The Architectural Committee may, from time to time, revise, adopt, and promulgate Rules and Regulations to supplement these Architectural Guidelines. Copies of these Architectural Guidelines, together with any Rules and Regulations, "Architectural Guidelines", as approved by the Board, shall be on file at the office of the property management representative. All new homeowners will be provided a copy during the escrow closing process and additional copies are available on request at any time from the Management Company at cost.