

LA VIÑA HOMEOWNERS ASSOCIATION

ARCHITECTURAL AND LANDSCAPING GUIDELINES

INTRODUCTION

THE PURPOSE of these Guidelines is to provide guidance during the design phase by establishing parameters within which residential architectural features and landscaping are to be designed. The Guidelines will endeavor to maintain and enhance the value of the residences and to establish a sense of community.

THE VALUE of the community is greatly enhanced by its natural scenic beauty. The maintenance of these values in the design character of all improvements shall be the primary consideration in design development.

THE DESIGN STANDARDS are not established to stifle the imagination of creative desires of the future residents of La Viña but rather to insure them that certain disciplines will be in effect which will cause the development of the community to grow in an integrated, harmonious, and compatible manner.

IN THE EVENT THE DESIGN GUIDELINES DO NOT SPECIFICALLY COVER A PROPOSED IMPROVEMENT, THE GENERAL CRITERIA FOR DESIGN SHOULD BE:

IS the improvement compatible with the established, high quality image of La Viña?

WILL the item proposed maintain or enhance the existing character of La Viña?

DOES the item seem appropriate to the spirit and identity of La Viña?

PURPOSE AND POLICIES

The purpose of these Guidelines is to preserve and enhance the beauty of the La Viña Homeowners Association (the Association) and to assist the members of the Association (homeowners) with the design of their plans in an effort to conform with community standards. The Architectural Review Committee (hereinafter referred to as ARC) shall make decisions regarding any external change or alteration on behalf of and for the good of the community as a whole. Any change not specifically addressed or outlined in the Guidelines will become a matter of reasonable discretion on the part of the ARC. In the event of a conflict between this document and the CC&Rs, the CC&Rs shall take precedence.

SCOPE. Front and Backyard Landscaping must be approved and fully installed within one hundred eighty (180) days from close of escrow. All exterior alterations, additions or changes to any structure or to the landscape of any lot must be submitted to the ARC for approval PRIOR to any installation or commencement of construction.

FAILURE. Homeowners who commence work prior to receiving ARC approval will be fined. Further, improvements completed prior to architectural approval are subject to removal at the homeowners expense if they are subsequently deemed unacceptable by the ARC.

DEVIATION. If architectural improvements have been constructed or installed in a manner which materially deviates from the plans that were approved, the ARC will make recommendations for changes. If those changes are not completed within forty-five (45) days, the matter will be referred to the Board of Directors (the Board) to proceed with appropriate remedial action in accordance with the CC&Rs.

SUBMISSION OF PLANS

ALL PLANS MUST BE SUBMITTED AS OUTLINED BELOW AND MUST BE APPROVED IN WRITING PRIOR TO COMMENCEMENT OF WORK. Plans must be submitted in their entirety. Plans that do not contain all required information will be returned to the homeowner for additional information and must be resubmitted in triplicate. All plans must be approved in writing.

WHERE TO SUBMIT PLANS. Mail your plans to the Association's Management Company, as follows:

**LA VIÑA PROPERTY MANAGER
EUCLID MANAGEMENT COMPANY
195 N. EUCLID AVE, SUITE 100,
UPLAND, CA 91785-1510**

The Management Company will record receipt of your application and forward copies to the ARC.

WHAT TO SUBMIT. All applications must be in writing and accompanied by a plot plan depicting all architectural and landscape features drawn to scale of not less than 1 inch = 10 feet. The plot plan must show the name of applicant, address, lot and tract numbers. Three complete sets of the application are to be submitted. One of the set of plans must be reduced to 8½ by 11; the other two sets **MUST** be to minimum scale. Plans should include a self-addressed stamped envelope with sufficient postage for return of plans to you. Plans submitted without a return envelope will not be considered. (See attached application form.)

Plans must show complete dimensions, including height of the proposed improvement, as well as outline of lot and residence, location of perimeter wall and fences, existing drives and walks, direction of existing slopes and existing trees. Label these items and describe all materials to be used. **BOTH FRONT AND REAR YARD LANDSCAPES ARE TO BE SHOWN.**

PROVIDE A PLANTING PLAN indicating plant names, individual plant locations and sizes. Provide at least one 24” box tree in the front yard. Half (50%) of the shrubs in the front yard must be 5 gallon minimum. Indicate groundcovers, both living and non-living. Gravel and desert themes are not acceptable, except when used for an accent.

PROVIDE A DRAINAGE PLAN showing location of drain inlets evenly distributed throughout the yard. Drains should be shown in all enclosed planters and at the top and bottom of slopes and behind retaining walls.

PROVIDE AN IRRIGATION PLAN showing location of all valves and heads, type of heads and radius of heads. Head coverage is to overlap 50% and should not overthrow onto walls or hardscape. Lawn, shrub and bubblers are to be on separate valves. Sun and shade areas are to be on separate valves.

SHOW DETAILS and/or sectional views of pools, trellises, play equipment, pilasters, walls, fireplaces, BBQ’s, etc. Indicate colors, sizes and dimensions. Any proposed items that will be taller than existing privacy walls or wrought iron fences, and may be visible from the street, must be screened from view with plantings.

SHOW LOCATION of lighting to be installed. (Lighting is not required.) Show heights and picture of pole lights.

SUBMITTAL/REVIEW FEES

At the time of submittal a \$300 review fee/deposit is required. A portion of this fee (\$200) is required for the independent review of the Architectural/Landscape submittal package. The balance of (\$100) is a refundable deposit upon satisfactory completion of the improvements. There are three possible scenarios and outcomes in regard to the collection and refund of the review fees as follows:

- (1) If the homeowner submits landscaping plans *and* the plans *include* the front *and* back yards, \$100 of the \$300 review fee/deposit is refunded upon satisfactory completion of the landscaping.

- (2) If the homeowner submits landscaping plans *but* the plans *exclude* the front *or* back yards, \$100 of the \$300 review fee/deposit is refunded upon satisfactory completion of the planned landscaping. When the homeowner submits new plans for completion of the non-landscaped portion of their property, an additional \$300 deposit will be required. Upon satisfactory completion of additional landscaping, the \$100 deposit is refunded. In this scenario, a total of \$600 will have been collected from the homeowner and \$200 refunded.
- (3) If the homeowner has completed approved landscaping per original plans and wishes to make substantial alterations to the completed landscaping, a new set of plans is required and an additional deposit of \$300 is required. Upon satisfactory completion of the alteration(s), \$100 of the \$300 review fee/deposit for alterations will be refunded.

APPROVAL TIMEFRAME

The ARC will have forty-five (45) days after receipt to approve or disapprove plans. No work shall commence until written notice of approval is received.

INSTALLATION OF LANDSCAPING

INSTALLATION TIMEFRAME. Installation of improvements must be made within one hundred eighty (180) days from close of escrow.

IMPROVEMENTS REQUIRING PLAN APPROVAL

Landscaping and landscaping improvements, land alterations by grading, driveways, walls, walkways, and all of the following items will require ARC approval:

GAZEBOS AND PATIO COVERS AND AWNINGS. All appurtenant structures shall be designed to continue and/or complement the architectural features of the building.

FENCES. No custom fencing shall be constructed without prior written approval of the ARC. No double fencing will be approved. Acceptable fencing materials are wood (must meet fire department requirements), stucco, wrought iron, or other material approved by the ARC. The structure must be painted either the color of the exterior stucco or exterior fascia trim. **The following fencing materials will not be approved:** aluminum, metal, plastic, fiberglass, cloth, composition, shingle, chain link, poultry wire or other types of woven wire, plastic coated wire, reed or straw like materials, rope or other fibrous strand elements, picket fences and barbed wire.

EXTERIOR LIGHTING. Exterior lighting for safety and functional use of exterior spaces is encouraged. Outdoor lighting shall be shaded and adjusted so the light falls only on the lot on which the lighting is located and does not fall or reflect on other lots. Lighting

should not be placed so as to interfere with the neighbors' quality of life. Exterior lighting must be low voltage (12V). Higher voltage lighting will only be approved if it is placed so as not to create an annoyance to neighbors, as determined by the ARC.

WATER FEATURES. Pool, spas, and related equipment will be considered on an individual basis and permitted, if located unobtrusively, as determined by the ARC.

PLAYGROUND EQUIPMENT will be considered on an individual basis and permitted if located unobtrusively, as determined by the ARC.

THE FOLLOWING ITEMS MUST BE REQUESTED AND APPROVED IN WRITING BUT DO NOT REQUIRE 3 FULL SETS OF PLANS OR A REVIEW FEE:

GLASS TINTING. Requests will be considered on an individual basis. Mirror finishes in excess of 60% will not be approved.

TREE REMOVAL. Positively no existing trees, shrubs, planting or irrigation which were installed or are to be installed by the developer may be removed without first obtaining permission by the ARC.

ROOFTOP APPLIANCES are not permitted, with the exception of solar panels, which must be approved by the ARC. Solar panels must be mounted directly on the roof. Size and shape must be consistent with the roof line. Color shall be as unobtrusive as possible.

RAIN GUTTERS. Gutters and down spouts shall be of metal construction. Color must match adjacent exterior fascia. Metal gutters shall be maintained in condition that will not detract from the exterior appearance of the home and should follow the architectural lines of the home.

RAISED PLANTERS may be brick, block stucco or other material as approved by the ARC.

NON-SIGNIFICANT STRUCTURAL ADDITIONS, DECORATIONS OR MODIFICATIONS. All non-significant structural additions, decorations or modifications must be consistent with neighborhood architecture, CC&Rs and Guidelines.

MISCELLANEOUS

WINDOW COVERINGS. All garage windows, other than those on the garage doors themselves, must have appropriate and tasteful window coverings within 90 days from close of escrow. Windows may not be covered with aluminum foil, newspapers or other material not designed for use as a window cover.

DISH TYPE RECEIVING ANTENNAS. Effective January 1, 1996, Civil Code 1376 permits the installation of a video or television antenna, including a satellite dish which has a

diameter or diagonal measurement of 36 inches or less and which upon installation is not visible from any street or common area. However, Civil Code 1376 specifically permits the Association to impose reasonable restrictions on the installation of such antennas and satellite dishes. Upon installation, the antennas and/or satellite dish should not be visible from any street.

SCREEN DOORS. The ARC has the authority to control the design of screen doors and to request their removal if inappropriate. Screens on the front door should be in harmony with the design of the home.

REPAINTING. Repainting or re-staining of the exterior surfaces of any structure, including the dwelling, in the original colors shall not require ARC approval. Any change in the original color scheme will require approval.

PREVIOUSLY APPROVED ITEMS. Replacement or reconstruction of previously approved improvements does not require subsequent approval, *provided such replacement or reconstruction does not deviate from the originally approved improvement.*

MAILBOXES. No alteration to the exterior mailboxes or the posts to which they are affixed will be approved.

HOUSE NUMBERS. Alteration to house numbering will not be approved.

SECURITY BARS. Security bars visible from the exterior windows and doors are not allowed.

HOLIDAY LIGHTING. Holiday lighting and decorations must be removed within thirty-one (31) days after the holiday.

APPROVAL

MEANING OF APPROVAL. Approval by the ARC does not constitute approval by the County of Los Angeles, nor does approval by the County of Los Angeles constitute approval by the ARC. Arc approval means only that the plans have been reviewed for consistency and compliance with ARC Guidelines.

NO LIABILITY. The ARC, the Board of Directors, all members of the Association, homeowner or developer, shall not be responsible or liable to anyone in any way for any defect in any improvements constructed in accordance with plans and specifications approved by the ARC, or for any reason of mistake in judgment, negligence or nonfeasance arising out of the approval or disapproval or failure to approve any plans.

DISAPPROVAL. Approval of any plans or portions thereof may be withheld due to noncompliance with the CC&Rs or reasonable dissatisfaction of the ARC with the plan, color scheme, finish, design, proportions, shape, height, style of the proposed plans and/or the materials used therein or any other matter or thing which, in the opinion of the ARC, renders the proposed plans inconsistent with the Guidelines.

REMEDY. If a homeowner fails to remedy any noncompliance within sixty (60) days from the date of notification, the Management Company shall notify the Board in writing of

such failure. Upon Notice of Hearing, the Board shall determine whether there is a noncompliance and, if so, the nature thereof and the estimated costs of correcting or removing the same. If a noncompliance exists, the homeowner shall remedy or remove the same within a period of not more than forty-five (45) days from the date that notice of the Board ruling is given to the homeowner.

APPEAL PROCEDURE

In the event of an adverse decision, the applicant may request an appeal to the Board. The appeal must be submitted in writing to the Board through the Management Company within thirty (30) days of the decision. The Board shall consider such appeal in the executive session of its next regularly scheduled meeting and shall render a written decision within thirty (30) days following such meeting. Failure of the Board to render a decision within the above time frame is deemed a decision in favor of the applicant.

MAINTENANCE AND REPAIR

EXTERIOR STRUCTURES. All exterior surfaces of all structures including the dwelling must be maintained structurally and be kept well painted and/or stained. Peeling, flaking or deteriorating paint must be attended to promptly.

DRIVEWAYS. Driveways are to be swept and kept clean and free of oil and rust stains. No oil pans, cardboard or carpet may be placed on the driveway.

UNSIGHTLY MATTERS. All weeds, dead plant material, rubbish, debris and unsightly objects or material of any kind shall be regularly removed from the property and shall not be permitted to accumulate upon the property. Trash, garbage, rubbish and other waste shall be kept only in sanitary containers. All service yards or storage piles on any portion of the property shall be enclosed or fenced in such manner that such yards, areas, containers and piles will not be visible from any neighboring property or street.

TRASH CONTAINERS. Trash containers must be located out of view from any street except when put out for pick up. Trash receptacles shall not be placed curbside until the evening, not earlier than twelve (12) hours before pick up. Containers shall be promptly removed from the curb within twelve (12) hours after pick up.

SIGNS

Alarm/security system signs, provided by security company, are permitted, provided they are placed to limit public view (adjacent to approach or entryway) and are unobtrusive from street or adjacent lots. For Sale and For Lease signs shall be placed on the front landscaped area of the home. The sign shall state For Sale or For Lease with broker name

and phone number, or For Sale By Owner or Lease By Owner and phone number. No more than two sign riders may be added to the sign. Open House signs are permitted during open house activity. No other signs are allowed.

DAMAGE TO ASSOCIATION PROPERTY

The Association may directly invoice a homeowner for any damage that the homeowner or guest thereof cause to any portion of the common area. Any unpaid invoice may lead to an assessment lien against the homeowner. In the event the damage is caused by an individual or group that does not reside in the community, appropriate steps will be taken by the Association to obtain reimbursement from the responsible party.

Each case will be dealt with on an individual basis and the Board may elect to prosecute or seek other legal remedies in addition to the remedies granted to them by the Governing Documents.

MODIFICATION OF COMMON AREAS

No homeowner may modify or repair any portion of the common areas without written approval from the Board. Any such Board approved modification to the common area will become the sole responsibility of the homeowner with concern for, but not limited to, appearance, slope ratios, and drainage unless such concerns are specifically assumed by the Association in writing.