

Canyon Creek

Rules & Regulations – Part 2: Architectural Procedures and Standards

Canyon Creek Homeowners Association

www.CanyonCreekHOA.com

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REVISED AND APPROVED BY THE CANYON CREEK BOARD OF DIRECTORS
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1. Introduction

We sincerely hope you enjoy living in Canyon Creek. Please review this *Architectural Procedures and Standards* document for important information pertaining to the Canyon Creek Homeowners Association (the “Association”). Please refer to and save the *Architectural Procedures and Standards* document for future reference. This document and additional information is available on the Canyon Creek website (www.canyoncreekhoa.com).

This *Rules & Regulations – Part 2: Architectural Standards and Guidelines* document is an extension of the Rules and Regulations (in the separate *Rules & Regulations: Part 1* document). This document provides important information about the type of changes to the exterior of your home that require approval by the Architectural Control Committee (ACC), the submission and approval process, as well as the standards and guidelines that help you understand what is and is not acceptable.

Two separate documents provide additional information:

- ***Resident Handbook***: Provides helpful information that new and existing residents can refer to for things such as obtaining keys, operation of the phone entry system, trash collection, etc.
- ***Rules & Regulations – Part 1: General***: Addresses the Rules & Regulations (other than Architectural) that relate to the Association, Homeowner properties and the Common Area.

This document and the two listed above are available in the “Documents” section of the Canyon Creek website (www.CanyonCreekHOA.com).

Living in close proximity to others requires thoughtful consideration about how your actions may affect others. We encourage open communication, cooperation and respect between neighbors so we can maintain a friendly environment that maximizes everyone’s enjoyment of their homes.

Unless otherwise defined herein, capitalized terms used in this document shall have the same meaning ascribed to them in the Canyon Creek Declaration of Restrictions (the “CC&Rs”).

2. Architectural Approval: General Information

2.1. INTRODUCTION

To maintain the architectural/landscape character and aesthetics of Canyon Creek, and preserve and improve the value of homes, Homeowners must obtain prior Architectural Control Committee (ACC) approval prior to commencing any exterior modifications to your home, additions or changes to structures, materials, certain landscape and paint colors (hereafter referred to as “Improvements”). There are Home Improvement forms for this purpose, and the procedure and standards are more fully described in this document.

When considering a home improvement project, you will save a lot of time, expense and disappointment by carefully reviewing the information in this chapter to understand the types of projects that require approval and to familiarize yourself with the approval process.

Since submitting a new or revised application can delay your project, careful consideration should be given to the entire project before submitting an application. It may not make sense to rush into a major project until you have had time to consider all the possibilities. While planning an Improvement, it may be advantageous to arrange a meeting with the ACC to review the procedures and standards. A pre-approval meeting may also reduce the time needed for approval since questions about your planned Improvements the project can be answered ahead of time. Providing the document to architects and contractors during the initial planning phases can help ensure they design a project that can be readily approved and reduce delays and re-work costs.

Although the actual application approval process can take up to 30 days, the elapsed time between your decision to make an Improvement and when it may begin will be longer. For example, the process may take two or three months for simple projects such as doors, windows and painting when you consider the time required to plan the project, get estimates, obtain neighbor signatures, submit the application and obtain final ACC approval. Bigger projects, such as major landscaping projects, structure changes, room additions, exterior remodels or alterations, may require many months (or even a year) of elapsed time considering the amount of planning that needs to occur, contractor meetings and design work, and that professional plans/drawings/renderings may be required prior to submitting your application. Then there is the ACC approval process, which may take up to 30 days. The ACC review may require changes be made and an application be resubmitted, with another 30-day review. Depending on the project, after ACC approval, plans may need to be submitted to the city for approval. If the city requires changes that affect the exterior appearance of the home or change the plan submitted and approved by the ACC, then the application must be re-submitted to the ACC for final approval.

You should consult the relevant sections of this document so you are aware of the requirements associated with various types of Improvements. Providing this document to architects and contractors during the initial planning phases can help ensure they design a project that can be readily approved, potentially avoiding potential delays and additional costs to re-work plans.

Any proposed modification to Association property (e.g., modification to a perimeter wall) is solely within the purview and authority of the Board of Directors acting on behalf of the Association. Therefore, requests for approval of any modification to Association property must be addressed directly to the Board clearly describing the modification and location. Review of such a request is not subject to the normal 30-day architectural approval process and may take

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longer. Approval by the ACC of any Improvement application for modifications to a homeowner's property does not convey approval of any modification to Association property that may be part of the Improvement. A separate approval beyond that of the ACC is required from the Board in such cases.

The following sections provide **general guidelines** for Homeowners, so that they can more effectively plan their Improvement projects and comply with Architectural Rules and Regulations. The guidelines also provide the foundation for reviewing and approving Home Improvement Applications on a consistent basis. The ACC will use these guidelines when making approval decisions; however, even if an Improvement complies with the general guidelines, the ACC reserves the right to deny approval based on **AESTHETIC REASONS**. Additionally, even if an Improvement complies with the guidelines, it does not release the Homeowner from submitting a Home Improvement Application if one is required for the type of Improvement being made. Regardless of whether or not a proposed Improvement is described in these guidelines, if the Improvement meets any of the criteria listed in section 2.2 *Improvements That Need Approval* on page 3, a Home Improvement Application and prior approval from the ACC is required before commencement of any Improvement.

For additional information, please refer to Article VII, Sections 9 and 16 of the CC&Rs (available in the "Documents" section of the Canyon Creek website). If there are any questions about the guidelines, what does and does not require prior approval, or approval procedures, please consult the ACC or the property management company (refer to the periodically distributed community phone list or the website for ACC members and property management company information). **Home Improvement Applications are available from the property management company or in the "Documents" section of the website.**

Homeowners must bear all costs associated with surveying, research to determine property lines and ownership rights, engineering/technical studies, drawings, plans, permits, inspections, property tax assessments, legal fees, and any other costs associated with the Improvement.

The ACC, Board of Directors, all Association members and property management company shall not be responsible or liable to anyone, in any way, for any defect in any Improvements constructed in accordance with plans, specifications and/or applications approved by the ACC, or for any reason or mistake in judgment, negligence or nonfeasance arising out of the approval, disapproval or failure to approve any plans and/or applications.

Any legal and professional expenses incurred by the Association in connection with processing a Home Improvement Application—whether approved or not—shall be reimbursed to the Association by the Homeowner. If not paid within thirty (30) days of notification of such charges, the charges may become an assessment against the property.

2.2. IMPROVEMENTS THAT NEED APPROVAL

Submission of a Home Improvement Application and approval from the ACC are required **prior** to the commencement of any Improvement that meets any of the following criteria:

1. Any action that changes or alters the exterior look of the home, including, but not limited to:
 - Changes to any exterior paint color, except that no permission or approval shall be required to repaint with identical colors already on your home.
 - Changes to, additions of and/or removal of wood siding, wood shingles, stucco, exterior doors, garage doors, windows, lighting, roofline, roof surface.
 - Architectural changes (room additions, structure modifications, exterior remodels, etc.).
2. Removal/replacement of or changes to more than 50% of the landscape planting (softscape) square footage visible from the Common Area.
3. Removal/installation of artificial turf grass.

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4. Landscape planting (softscape) such as trees or hedges (regardless of location) that, when mature, will be higher than six (6) feet above ground level of the Homeowner's lot. You and your neighbors need to be aware of the impact that the addition of tall landscape material may have on sun exposure, leaf/berry/fruit dropping, wall/fence stability, drainage, etc.
5. Removal (without replacement in like kind) of any landscape planting such as trees or hedges (regardless of location) that are currently higher than six (6) feet above the ground level of the Homeowner's lot. You and your neighbors need to be aware of the impact that removal of tall landscape material may have on privacy, sun exposure, etc.
6. Changes to, additions of and/or removal of hardscape (such as planters, retaining walls, walkways, drive-ways, etc.) in the front yard and/or side yards that are visible from the Common Area.
7. All Improvements, regardless of location including front, side and back yards, that exceed six (6) feet above ground level of the Homeowner's lot, visible from the Common Area and/or extend above the height of the closest fence or wall, including, but not limited to, patio covers, arbors/trellises, play structures, storage sheds, outdoor fireplaces, walls, fences, etc.
8. All equipment to be placed outside of a house regardless of location, including, but not limited to, air conditioners (other than replacement of same size in existing location); spa/swimming pool equipment; fountains/waterfalls; water heaters (unless enclosed in the original structure provided for such); water softener equipment; water storage tanks; solar equipment; etc. Refer to the specific section for more information.

A Home Improvement Application is NOT required when performing maintenance or replacement of existing items if being repaired or replaced with "like kind" materials, texture, color and design that do not change the appearance or design of the item being repaired or replaced.

Various types of Improvements are described in the guidelines documented in chapter 3 and, for your convenience, each type of Improvement indicates whether or not and which type of Home Improvement Application is required. If an Improvement type is not specifically covered in chapter 3, the criteria above will be used to determine when a Home Improvement Application is required.

Alterations (including attaching any objects) to Common Area or Exclusive Use Common Area property, including buildings and structures, landscaping, perimeter fences, walls or gates, are not permitted.

FAILURE TO OBTAIN THE NECESSARY APPROVALS PRIOR TO COMMENCEMENT OF CONSTRUCTION OR INSTALLATION, OR MAKING MODIFICATIONS, ADDITIONS OR DELETIONS TO AN APPROVED HOME IMPROVEMENT PROJECT WITHOUT PRIOR APPROVAL SHALL CONSTITUTE A VIOLATION OF THE GOVERNING DOCUMENTS, AND MAY ENTAIL VIOLATION FINES, CEASE AND DESIST NOTICES OR ORDERS, LEGAL ACTION, AND/OR REQUIRE MODIFICATION OR REMOVAL OF UNAUTHORIZED WORK AT THE HOMEOWNER'S EXPENSE. FINES FOR FAILURE TO SUBMIT REQUIRED HOME IMPROVEMENT APPLICATIONS CAN BE SUBSTANTIAL. Refer to the chapter "Rules Enforcement Policy" in the *Rules & Regulations* document for more information.

FUTURE OWNERS OF ANY HOME THAT HAS BEEN SUBJECT TO AN IMPROVEMENT ARE BOUND BY ANY CONDITIONS ASSOCIATED WITH THE APPROVAL (E.G., MAINTENANCE REQUIREMENTS STIPULATED AS A CONDITION OF APPROVAL). The Association may require that a Homeowner enter into a Covenant Agreement that will be recorded against the property, which confirms the parties' rights and responsibilities regarding the Improvement. The Association may require that the Homeowner pay the costs for the Association's preparation and recording of the Covenant Agreement as a condition of approval.

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When meeting with an architect or builder, it is strongly advised that the Homeowner provides them with a copy of this document so they understand the procedures and standards before beginning the plans. Complying with the standards can save the Homeowner a significant amount of time and money through the planning and approval process.

Homeowners/contractors may have to provide a separate set of plans to the City of Irvine for building approval, permits and inspections. In addition to the plans, the Homeowner should include manufacturer's brochures or samples of exterior fixtures, windows, doors, roofing, materials and paint choices.

IMPORTANT NOTE: Approval of a Home Improvement Application and plans does not constitute acceptance of any technical or engineering specifications, and/or permits and inspections that may be required by government agencies. The Canyon Creek Homeowners Association and its representatives assume no responsibility or liability for such. The function of the ACC is to review applications and plans as to aesthetics and conformance to the Association's Architectural Guidelines. All technical/engineering matters and government permits/inspections are the responsibility of the Homeowner and service providers performing work on behalf of the Homeowner. Approval of applications and plans by the ACC does not constitute approval by the regulations and building codes set forth by the City of Irvine or other regulatory agencies. Furthermore, approval of plans by the City of Irvine does not eliminate the need for approval by the ACC before any Improvement is initiated.

2.3. APPROVAL REQUESTS

All requests for ACC approval for Improvements that require prior approval (see section 2.2 *Improvements That Need Approval* on page 3) must be made on the proper Home Improvement Application form (available in the "Documents" section of the Canyon Creek website). **There are separate forms for alterations/improvement to windows, doors, facades, and garage doors, painting and a general-purpose form for all other types of improvements/alterations.**

Separate applications must be submitted if the Improvement is going to be accomplished in several phases with anticipated completion dates more than thirty (30) days apart. The applications should include samples or manufacturer's brochures, showing the style and color of materials. Depending on the type of Improvement, plans and drawings may be required (refer to section 2.4 *Plans and Drawings* on page 6).

Approval of Improvements shall apply only to the property for which approval is granted and is not authorization to proceed with similar Improvements on any other property without submitting the required application and plans.

2.3.1. Minor Improvements: Step-by-Step Approval Process

For minor Improvements (painting, doors/windows, roofing, adding/removing trees, etc.), follow these steps:

1. Complete the appropriate application form.
2. Obtain neighbor signatures (refer to section 2.5 *Neighbor Awareness* on page 8).
3. Include the following information depending on the type of Improvement:

For door and garage door applications: The Homeowner must include the manufacturer's brochure showing the proposed style and color.

For painting applications: The Homeowner must provide the manufacturer's brochure with paint samples for each paint color being proposed. You must paint three-foot square samples on the front and sides of the home using the proposed main color of the home to review how the color will look on different surfaces and at different times of the day. The samples must be painted on the home by the time the application is submitted to avoid approval delays. Refer to section 3.22 *Exterior Painting* on page 18 for additional information.

For roofing applications: The Homeowner must provide a brochure of the roofing material to be installed along with specifications from the manufacturer stating that the product does not develop efflorescence. Including a sample of the material to be used is appreciated. Refer to section 3.54 *Roofing* on page 30 for additional information.

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For window applications: The Homeowner must include the manufacturer's brochure showing the proposed style and frame color, as well as a diagram showing the location of the windows being replaced or added. Refer to section 3.85 *Windows* on page 38 for more information.

4. Submit the application.
5. Upon approval by the ACC, begin and end the project (refer to section 2.12 *Project Completion Time Limit* on page 10).

2.3.2. Major Improvements: Step-by-Step Approval Process

For major Improvements, including, but not limited to, *major landscaping changes* (hardscape, landscape that affects more than half of the front yard area or artificial turf grass regardless of amount visible from the Common Area) and *architectural changes* (room additions, structure modifications, exterior remodels, etc.), follow these steps:

1. Consider arranging a pre-application meeting with the ACC to review the intended Improvement, understand the Architectural and Landscaping Standards that may apply to the project, and discuss the approval process.
2. Complete the appropriate application form.
3. Obtain neighbor signatures (refer to section 2.5 *Neighbor Awareness* on page 8).
4. Include two (2) sets of plans or drawings (refer to section 2.4 *Plans and Drawings* on page 6). One set will be retained on permanent file with the Association, while the second set will be returned along with the application decision within thirty (30) days of receipt of a complete application.
5. Submit the application.
6. Upon ACC approval, submit any required plans and permits to the city.
7. If the city requires changes that modify exterior appearance of the home as it was originally approved by the ACC, request a meeting with the ACC to review the required changes and determine if a new application with neighbor signatures is required.
8. Begin and end the project (refer to section 2.12 *Project Completion Time Limit* on page 10).

2.4. PLANS AND DRAWINGS

Although preferred, drawings/plans do not have to be professionally prepared for minor Improvements, unless otherwise required by the city or contractor. However, if not professionally prepared, such working drawings must be clear and concise, and conform to requirements described below, or the application may be rejected.

Professionally prepared plans conforming to the requirements described below are **required** for all major Improvements including, but not limited to, hardscape changes, landscaping changes (artificial turf or landscape that affects more than half of the front yard area visible from the Common Area) and architectural changes (room additions, structure modifications, exterior remodels, etc.).

2.4.1. General Plan Requirements

Two (2) copies of plans or drawings must be submitted with the Home Improvement Application. Legible plans must be provided on paper. In addition, digital files on CD-ROM/flash memory with scanned images of the plans as well as a copy of the plans printed to fit on 8.5"x11 paper are appreciated for filing purposes.

The drawings must be to a scale no smaller than 1/8 inch per actual foot with the scale indicated on the drawing. Actual dimensions should be noted. Plans must be current and show all changes being made.

Plans must indicate all exterior materials, finishes, paint colors with color samples and plant materials.

See the following sections regarding specific requirements for Construction Plans and Landscaping Plans.

2.4.2. Construction Plans

All major Improvements including, but not limited to, hardscape changes, landscaping changes (artificial turf or landscape that affects more than half of the front yard area visible from the Common Area) and architectural changes (room additions, structure modifications, exterior remodels, etc.) **require professionally drawn plans. Architectural changes (room additions, structure modifications, exterior remodels, etc.) must also include computer-generated color renderings showing what all exteriors will look like using the proposed materials. Working drawing or sketches are not sufficient.**

PLANS FOR ARCHITECTURAL CHANGES REQUIRING CITY OF IRVINE APPROVAL MUST FIRST BE SUBMITTED ALONG WITH A COMPLETED HOME IMPROVEMENT APPLICATION TO THE PROPERTY MANAGEMENT COMPANY. ONCE ACC APPROVAL IS OBTAINED, THE PLANS MUST BE SUBMITTED TO THE CITY (IF REQUIRED) FOR BUILDING APPROVAL, PERMITS AND INSPECTIONS. IF THE CITY REQUIRES MODIFICATIONS OR ANY CHANGES ARE MADE TO THE PLANS APPROVED BY THE ACC, THE PLANS WITH THE CHANGES MUST BE RE-SUBMITTED AND RE-APPROVED BY THE ACC BEFORE THE IMPROVEMENT COMMENCES.

Construction plans must show:

1. **Site/Plot Plan:** A view from above, showing the home as existing and proposed, and the plot on which it stands including all property lines. Give existing and proposed dimensions (width and depth) and set back distances from property lines. Indicate all exterior or Common Area-visible materials to be used. For all major architectural changes (room additions, structure modifications, exterior remodels, etc.), the site/plot plan must also include a drawing of the wall(s) of adjacent homes on both sides and behind (as applicable) showing positions of windows and doors in relation to the windows and doors that will be present on your home upon project completion. Consideration should be made on the placement of doors/windows to provide privacy to adjacent neighbors.
2. **Roof Plan:** If the project involves roofing, show all existing and proposed roofs with dimensions, overhangs and slope/pitch notations and materials to be used.
3. **Floor Plan:** Another view from above showing all walls, columns, windows, openings and any condition(s) that will affect the exterior design of the home. If the improvement involves two stories, floor plans must be provided for each floor.
4. **Elevations:** A view of each side of the home (front, sides, rear) that is affected by construction, showing all exterior dimensions (heights and widths) on existing and new proposed work, noting all windows, doors, finish materials, textures, colors, paint colors, lighting fixtures and other and details. For fences, walls and/or gates, show the height from the ground level at all points along the length. Consideration should be made on the placement of doors/windows to provide privacy to adjacent neighbors.
5. **Details:** Fences, walls, driveways and any small exterior modifications, such as windows, garage doors, entry doors and patio covers. These must include a list of materials and other specifications to clearly locate and define their addition to the home. Use manufacturer specifications and information brochures to help explain the drawings.
6. **Photos:** Including photos of the existing area(s) and/or structure(s) to be modified are helpful in visualizing the proposed Improvements.

2.4.3. Landscaping Plans

Plans for landscaping (softscape and hardscape) projects must include:

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1. A reasonable balance of hardscape and softscape materials. Refer to the section 3.7 *Artificial Turf Grass* on page 14 if the project includes artificial turf.
2. Identification of dimensions and materials for all hardscape elements, including walkways, driveways, planters, retaining walls, etc.
3. Identification of all plants and ground cover by botanical/common name.
4. Show all tree and shrub locations and indicate overall diameter and height to scale at five (5) years' growth and at maturity. Homeowners should use care in selecting trees that are not "messy" (i.e., fruit or berry droppings or involving highly allergenic pollen) and will not have invasive root structures since Homeowners are responsible for any damage to the Common Area or neighbors' property or injuries to others caused by the trees and shrubs they plant. Consideration should be given to the overall diameter of trees and shrubs so that, when mature, they do not result in excess or unwanted overhang onto neighbors' or Common Area property. In no case should growth impede the free movement of people using Common Area (such as sidewalks or streets) or property.
5. Show location of new and existing patios, patio covers, walls, fences, barbecues, pools, spas, mechanical and electrical equipment (such as air conditioners, pumps, filters, heaters, etc.). For patio covers, fences, barbecues and equipment, show the top view noting dimensions and property line setbacks, and elevation side views showing width and height.
6. Show the contour and height of any mounded or elevated areas.
7. Identification of drainage system plumbing, and drainage path for your yard and your neighbor's yard.

2.5. NEIGHBOR AWARENESS

The intent of neighbor awareness is to advise neighbors who own adjacent property of the proposed Improvements by requiring their address and signature on the Home Improvement Application.

Signatures must be obtained from the Homeowners on each side (or one side if home is on a corner lot), as well as homes directly across the street and/or adjacent to the rear of the property that have a clear view of the proposed Improvements.

The Home Improvement Application must include original signatures signed and dated in ink. Photocopied signature pages are not acceptable. The property management company is responsible for reviewing Home Improvement Applications for completeness, and applications submitted without the required signatures will be deemed incomplete and will be returned as unapproved.

Neighbor awareness is for advisory/informational purposes only and does not constitute approval, which can only be granted by the ACC. Your neighbors need not approve of your plans for the ACC to approve them. By signing your Home Improvement Application, your neighbors are simply indicating they are aware of the details of the Improvement(s). If a neighbor has concerns or comments regarding the Improvement(s), they should note them in the space provided on the form. Neighbor comments provided on the Home Improvement Application will be evaluated and the ACC may contact neighbors for more information. Home Improvement Applications will be considered incomplete until the affected neighbor(s) have signed the application.

If the application is for any hardscape changes, landscaping changes (artificial turf or landscape that affects more than half of the front yard area visible from the Common Area) and major architectural changes (room additions, structure modifications, exterior remodels, etc.), the neighbors signing the form must be given an opportunity to see the plans or drawings so they can visualize the impact the changes may have on their view, privacy, etc.

Signatures must be obtained from the authorized Homeowners; tenant signatures are not accepted. Please allow adequate time in your scheduling of the Improvement to obtain the required Homeowners' signatures. If the Homeowners of any of the homes for which signatures are required do not live in the home (absentee owner), it may take

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some time to obtain their signatures. If the neighbor is a tenant and not a Homeowner, indicate that on the application and the property management company can assist in contacting the absentee owner.

If a neighboring Homeowner is unwilling to sign the form or they are infrequently home, prior to submitting the application, the Homeowner making the Improvement must mail a copy of the application to the neighboring Homeowner (not a tenant) by Certified Mail along with a letter that advises the neighboring Homeowner that they have fourteen (14) days to review the application, sign and return it to the Homeowner making the Improvement or to the property management company. If the application is for any **architectural changes**, the letter should also indicate that the neighboring Homeowner may review and comment on the plans if they would like. If the Homeowner making the Improvement does not get a response with a signature from the neighbor within sixteen (16) days of sending the Certified Mail, the Homeowner making the Improvement must submit a copy of the letter sent to the neighbor and a copy of the Certified Mail receipt along with the application to show that neighbor notification was attempted in good faith.

The time periods referenced above are to occur PRIOR to submitting a complete Home Improvement Application, and are not included in the thirty (30) day application processing period.

If one of the neighboring properties is a new neighbor that has not moved in yet, the Homeowner should note that on the Home Improvement Application.

Home Improvement Applications that do not include signatures from the required neighboring Homeowners (see above) will be considered incomplete, will be returned and will not be acted on for possible approval until all such signatures are obtained and submitted with the application.

2.6. HOMEOWNER PROTECTIONS

To protect your rights and investment, for Improvement projects involving major exterior architectural changes (such as room additions, structure modifications, etc.), the Association strongly recommends that the Homeowner utilize a licensed and bonded contractor with worker's compensation coverage. Homeowners can check the credentials of contractors at the website for the Contractors State License Board <http://www.cslb.ca.gov/consumers>. For projects over \$50,000, it is also recommended that Homeowners demand the contractor purchase a contractor performance (surety) bond to guarantee that the contractor will complete the project in a timely manner per the approved plans.

2.7. FRAMING AND PERIODIC INSPECTION

For major architectural changes (such as room additions, structure modifications, etc.), after framing has been completed and before siding, shingles, stucco or roofing is added, the Homeowner must notify (by phone) a member of the ACC, and allow inspection of the changes/additions to ensure they comply with the approved plans. The ACC will have two (2) business days to conduct this review. Unless the ACC raises concerns and/or requires modifications, construction may precede after the two (2) business days' notice.

During the construction process, the ACC may additionally request periodic inspection of the Improvement to ensure the project complies with the approved Home Improvement Application.

2.8. MODIFICATIONS AFTER APPROVAL

The Association realizes that ideas or needs for changes may be necessary during an Improvement project, and it is tempting to go forward with the modification without seeking ACC approval. However, only the Improvements that have been documented in an approved Home Improvement Application are permitted. Any Improvements not described in the Home Improvement Application or accompanying plans are NOT APPROVED.

If you want to make changes to an approved project for Improvement, contact the ACC for approval before proceeding. The ACC will respond within five (5) business days. The ACC will determine if

the Homeowner must provide additional information and if a revised Home Improvement Application with new neighbor notification signatures is required. You may not proceed with the changes until ACC approval is granted.

Every effort will be taken to ensure prompt review and response. However, Homeowners need to make a value judgment whether the additional changes are worth the delay involved in obtaining approval.

MAKING MODIFICATIONS, ADDITIONS OR DELETIONS TO AN APPROVED HOME IMPROVEMENT PROJECT WITHOUT PRIOR ACC APPROVAL SHALL CONSTITUTE A VIOLATION OF THE GOVERNING DOCUMENTS, AND MAY ENTAIL VIOLATION FINES, CEASE AND DESIST NOTICE OR ORDERS, LEGAL ACTION, AND/OR REQUIRE MODIFICATION OR REMOVAL OF UNAUTHORIZED WORK AT THE HOMEOWNER'S EXPENSE. FINES FOR FAILURE TO SUBMIT REQUIRED HOME IMPROVEMENT APPLICATIONS CAN BE SUBSTANTIAL. Refer to the chapter "Rules Enforcement Policy and Fines" in the *Rules & Regulations* document.

2.9. APPLICATION PROCESSING TIME

Please allow adequate time for Home Improvement Application approval. The CC&Rs provide the ACC up to for a maximum of thirty (30) days from the date of receipt of a complete Home Improvement Application to process the application. If an absentee owner has not signed the neighbor awareness section of the application, the application cannot be considered complete and will not be forwarded to the ACC for ten (10) days after the application is received. This additional time is required for the Association to attempt to contact the absentee owner to comment on the Home Improvement Application. Therefore, when a Home Improvement Application must be sent to an absentee owner, ten (10) days will be added to the 30-day review period.

Home Improvement Applications that are incomplete will be returned to the Homeowner and the request will be closed. If a completed Home Improvement Application is resubmitted, the file will be reopened for the ACC to review.

All Homeowners submitting a Home Improvement Application will be provided a written decision for approval, disapproval or request for additional information within the time periods described above.

If an emergency repair or replacement is required for something that normally requires an application and prior ACC approval, and a thirty (30) day approval process may cause personal injury or, loss or damage to the property, the Homeowner may directly contact a member of the ACC for expedited approval.

2.10. DENIED APPLICATIONS

Refer to chapter 4 *Home Improvement Application Review Procedure* on page 41.

2.11. WITHDRAWING OR CANCELLING AN APPLICATION

If you decide not to proceed with an Improvement project, you must notify the property management company as soon as possible. All pending or approved applications will be cancelled and the Home Improvement Application will be considered denied. If you later decide to execute the project, you must resubmit a new Home Improvement Application(s) and new plans (where required) along with new neighbor awareness signatures.

2.12. PROJECT COMPLETION TIME LIMIT

Improvement projects that remain uncompleted for long periods may be visually objectionable, negatively impact property values and can be a nuisance and safety hazard for residents and the Project. All Home Improvement Applications must include estimated start and completion dates. If the dates are considered unreasonable, the ACC may deny the application.

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In any event, unless the ACC specifically authorizes a different time schedule:

1. All major Improvements, including, but not limited to, hardscape changes, landscaping changes (artificial turf or landscape that affects more than half of the front yard area visible from the Common Area) and architectural changes (room additions, structure modifications, exterior remodels, etc.), must be started within four (4) months of Home Improvement Application approval and must be completed within nine (9) months after start of the project.
2. All other Improvements projects must be started within two (2) months of Home Improvement Application approval, and must be completed within four (4) months after start of the project.

If you find that you need additional time to start and/or complete an Improvement project, you may request an extension by writing to the ACC in care of the property management company. If not completed within these time periods and an extension has not been granted, the Association may request a hearing and levy fines for non-compliance. Refer to the chapter “Rules Enforcement Policy” in the *Rules & Regulations* document for more information.

2.13. FINAL INSPECTION AND NOTICE OF COMPLETION

When the ACC observes that an approved Improvement has been completed or upon expiration of the project completion time limit (refer to section 2.12 *Project Completion Time Limit* on page 10), a member of the ACC shall inspect the approved Improvements. If such inspection requires access to the Homeowner’s property, the ACC shall coordinate a visit at the parties’ mutual convenience. If the Improvements have been completed as approved, one or more ACC members shall complete and sign a Notice of Completion form and deliver it to the property management company for the property file. Once inspection determines project completion, no other changes may be made without submitting a new application.

If there are substantial deviations from the approved Home Improvement Applications, the ACC shall notify the property management company and the property management company will notify the Homeowner of the non-compliance within sixty (60) days of completing the inspection. The Homeowner will then be responsible for making any necessary changes. Non-compliance may result in hearings, fines and/or legal action by the Association. Refer to the chapter “Rules Enforcement Policy and Fines” in the *Rules & Regulations* document for more information.

NOTE: The function of the inspection is to review conformance with the approved Home Improvement Application and conformance to the Association’s architectural and landscape standards. Completion of an inspection and approval of the Notice of Completion does not constitute completion of any inspections that may be required by governmental agencies or other required inspections.

2.14. ACCESS TO COMMON AREA DURING CONSTRUCTION

If construction work requires temporary storage of materials, dumpsters and/or equipment required for the project on the Common Area (such as which includes streets, and sidewalks, etc.), the Homeowner must notify the property management company and obtain prior approval. Refer to the chapter “Service Provider Guidelines” in the *Rules & Regulations* document for more information.

**2.15. ADDITIONS, AMENDMENTS OR REPEAL OF ARCHITECTURAL PROCEDURE,
AND ARCHITECTURAL AND LANDSCAPING STANDARDS**

From time to time, the ACC may recommend to the Board of Directors additions, amendments or repeal of the procedures, and architectural and landscaping standards contained herein. Such changes are subject to specific Homeowner notice procedures. Refer to the chapter “Adoption, Amendment or Repeal of Rules and Regulations” in the *Rules and Regulations* document for more information.

2.16. ENFORCEMENT OF ARCHITECTURAL/LANDSCAPE STANDARDS

Refer to the chapter “Rules Enforcement Policy and Fines” in the *Rules & Regulations* document.

3. Architectural and Landscape Standards

3.1. OBJECTIVE

The Architectural and Landscape Standards are provided so that Homeowners are aware of the standards and requirements for some of the more common Improvements, such as modifications or additions of structures/materials, landscape/hardscape changes and exterior painting.

When considering a home improvement project, you will save a lot of time, expense and disappointment by carefully reviewing the information in this chapter so you fully understand the requirements associated with the type of improvement(s) you are contemplating. Additionally, you should read chapter 2 *Architectural Approval: General Information* starting on page 2 so you fully understand the types of projects that require approval and are completely familiar with the approval process. Providing this *Architectural Procedures and Standards* document to architects and contractors during the initial planning phases can help ensure they design a project that may be readily approved avoiding potential delays and additional costs to re-work plans.

The following sections provide general standards and guidelines for Homeowners so that they can more effectively plan their Improvement projects and comply with Architectural Rules and Regulations. The standards also provide the foundation for reviewing and approving Home Improvement Applications on a consistent basis. The Architectural Control Committee (hereafter referred to as “ACC”) will use these guidelines when making approval decisions; however, even if an Improvement complies with the general guidelines, the ACC reserves the right, as provided in the CC&Rs, to deny approval based on AESTHETIC REASONS.

Additionally, even if an Improvement complies with the guidelines below, it does not release the Homeowner from submitting a Home Improvement Application if one is required (as indicated in the sections below) for the type of Improvement being made. Regardless of whether or not a proposed Improvement is described in these guidelines, if the Improvement meets any of the criteria listed in section 2.2 *Improvements That Need Approval* on page 3, a Home Improvement Application and prior approval from the ACC is required before commencement of any Improvement. Failure to submit an application and/or implementing Improvements that require prior approval constitute a violation of the Governing Documents subject to cease-and-desist notices or orders, hearings, fines and legal action.

As a guide to helping you locate the guidelines and standards that may apply to the Improvement you are considering, please refer to the Table of Contents to find the appropriate page(s). Many of the items listed are combined with other items in a single topic section, but are listed individually and by multiple names for ease of use. Each section indicates which application form to use (forms are available in the “Documents” section of the Canyon Creek website).

3.2. AIR CONDITIONERS

Changing the location of an existing external air conditioning compressor or adding additional external air conditioning compressor(s) requires prior ACC approval. Submit:

- General Home Improvement Application form
- A sketch showing the location of the equipment in relation to the home and adjacent fences/walls

Relocated or additional compressors must be located a minimum of two (2) feet from the property line and may not be visible from the Common Area. Portable interior air conditioning units that connect by exhaust tube to a small, non-obtrusive window- or wall-mounted exhaust vent are permitted on a temporary, seasonal basis. Replacing an air conditioning compressor in its current location does not require prior ACC approval. Window or exterior wall-mounted air conditioning units are not permitted.

3.3. ALARM SYSTEMS

Changing or installing a new alarm system if there will be any kind of external alarm box visible from the Common Area requires prior ACC approval. Submit:

- General Home Improvement Application form
- A sketch showing the location of the equipment

The ACC may require that the equipment be painted to match the adjacent surface. Refer to the chapter “Sign Regulations” in the *Rules and Regulations* document for more information about permitted alarm signs.

3.4. ANIMAL PENS

Refer to section 3.40 *Outbuildings, Pet Pens, Play Structures, Playhouses, and Storage Sheds* on page 28.

3.5. ANTENNAS AND SATELLITE DISHES

The following guidelines and specifications were designed to allow Homeowners within the Project to install satellite (parabolic) dishes on their property consistent with State and Federal Laws (which still allow community homeowner associations to regulate certain aspects of the appearance, location and installation of these devices to preserve the aesthetic value and beauty of the community).

Prior ACC approval is not *required* if the satellite dish installation complies with all the following standards. However, it is *recommended* that a Home Improvement Application (accompanied by a sketch showing the proposed dish and cable mounting location) be submitted to allow the ACC to review and provide advice regarding the proposed installation, which could save the Homeowner the expense and inconvenience of relocating a satellite dish later found to be out of compliance.

1. Externally mounted antennas (e.g., ones with a post and multiple “arms”) for receiving local, over-the-air (non-satellite/non-cable) broadcast programming are not permitted since local programming is readily available via cable or satellite services. Homeowners who that would like to use such an antenna to receive over-the-air signals may mount the antenna in an enclosed attic, garage or storage area. Flat, low-profile antennas that mount to a wall, fascia board or under the eaves (and painted to match the surface attached to) may be permitted, subject to prior ACC approval.
2. Satellite dishes diameter must not to exceed twenty-two (22) inches.
3. Satellite dishes must be mounted so that they are not visible from the Common Area. Homeowners should also take into consideration the view from neighboring homes and minimize visual impact wherever possible. If, due to reception limitations, it is not possible to mount the satellite dish so it is not visible from the Common Area, then it must be screened wherever possible to minimize its visual impact. The Board or ACC may require the Homeowner to paint the satellite dish or antenna to match surrounding structures.
4. All wires and cables used to connect the satellite dish to power, TV, etc. must be painted to match the surface over which they are installed. Wires and cables should enter the home on the side or rear of the home, not on the front of the home. Exterior cable runs must not be visible from the Common Area.

5. The Homeowner is responsible for all maintenance of the satellite dish and any significant damage caused to the Common Area or other components by installing, removing or maintenance of the satellite dish.

3.6. ARBORS, GAZEBOS, PATIO COVERS, PERGOLAS AND TRELLISES

The construction of new or replacement arbors, gazebos, patio covers, pergolas and trellises that are higher than six (6) feet above ground level requires prior ACC approval if visible from the Common Area. Submit:

- General Home Improvement Application form
- Construction plans/drawings (refer to section 2.4 *Plans and Drawings* on page 6)

Arbors, gazebos, patio covers, pergolas and trellises shall meet all City requirements and be painted to an approved color, usually one that matches the home's stucco, wood siding or trim. Size, design and scale must be compatible with the Lot and the neighborhood, and proportional to the available open space. These structures may not be appropriate on the front of the home or front yard; however, the ACC will consider Home Improvement Applications for such structures on a case-by-case basis.

The sides of these structures shall not be enclosed except where the wall of the main house forms a natural side. The minimum setback from the property line to vertical posts is three (3) feet. The minimum setback from the property line to any overhanging horizontal structures is two (2) feet. The overhang may extend as close as one (1) foot to the property line if the property line is adjacent to Common Area.

Arbors, gazebos, patio covers, pergolas and trellises may be constructed of wood, Alumawood®, vinyl or other materials as approved by the ACC. Materials such as straw, bamboo, palm fronds, plastic, Fiberglass, Plexiglas®, reed or other temporary materials are not permitted.

Arbors, gazebos, patio covers, pergolas and trellises may not be used to house or shield (from the weather or view from the Common Area or other property) a boat, recreational vehicle, car, truck, motorcycle, trailer, storage, pet enclosures, construction materials, trash, equipment, wood supplies and/or any other item(s) not otherwise permitted to remain outside or visible from the Common Area or other property.

3.7. ARTIFICIAL TURF GRASS

Artificial turf visible from the Common Area (such as streets, walkways, etc.) will be permitted on a case-by-case basis and always requires prior ACC approval. Submit:

- General Home Improvement Application form
- Sample of the artificial turf product to be used
- Professionally prepared landscape plans/drawings (refer to section 2.4 *Plans and Drawings* on page 6)

Approval is not required for installation of artificial turf in a Homeowner's fenced-in area that is not visible from the Common Area.

The use of artificial turf in landscape visible from the Common Area must to be balanced with hardscape and softscape to provide a natural, pleasing look. This can be accomplished with an appropriate mix of shrubbery, annuals, perennials, flowers and trees. The Homeowner must provide a landscape rendering as to where the artificial turf, hardscape and softscape will be placed indicating the plant species for each (refer to section 2.4 *Plans and Drawings* on page 6). The ACC may specify the brand or quality of the artificial turf material that is acceptable. Artificial turf may need periodic replacement to maintain an acceptable appearance as required by the Association.

The balance of the natural and artificial materials will be approved accordingly by the ACC based on aesthetic characteristics, such as not having an area that is dominated by artificial turf that leads to an unnatural look. There must be clear separation between adjacent properties using a concrete mow strip or other hardscape so that there is not a continuous stretch of artificial turf from one property to another. Each yard layout is unique and the balance of plant, artificial turf and hardscape materials will be unique to each yard.

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Homeowners who that wish to reduce irrigation water use may choose to replace natural grass turf with drought-resistant, low-water use plant materials. Available rebate amounts may be the same per square foot regardless of the material used. Since the cost of artificial turf grass may be many times the cost of low water using native plants, you may get more cost-saving benefits from the rebate by choosing low-water requirement plant materials.

The Irvine Ranch Water District web site (www.irwd.com) provides information that may be helpful in your water conservation efforts including information on setting the proper watering schedule, choosing the right plant materials, planting guides and any available rebates.

3.8. AWNINGS AND SUNSHADES

Changing or installing new awnings or sunshades visible from the Common Area requires ACC approval. Submit:

- General Home Improvement Application form
- A sketch showing the location of proposed awnings or sunshades
- Brochure or photo showing the style and color(s) of the proposed awnings or sunshades

The use of awnings or sunshades over doors and windows will be reviewed on a case-by-case basis. Awnings or sunshades must be compatible with the architectural character of the home in terms of color (solid colors are preferred), material and design. If approved, Homeowners must keep awnings and sunshades well-maintained. Frayed, torn or faded awning materials must be replaced in a timely manner.

Non-fabric exterior awnings or sunshades (such as aluminum, Fiberglass, bamboo or reed) attached to front or side windows, patio covers, arbors or gazebos visible from the Common Area or adjacent homes are not permitted.

3.9. BALCONIES

Construction of any new or alterations to existing balconies (covered or uncovered, second floor outdoor areas) require prior ACC approval. Submit:

- General Home Improvement Application form
- Professionally prepared construction plans/drawings (refer to section 2.4 *Plans and Drawings* on page 6)

The location, material, design and color shall be compatible with the existing home. Setback requirements follow those for room additions (refer to section 3.55 *Room Additions and Home Remodels* on page 31).

3.10. BASKETBALL BACKBOARDS

Basketball backboards mounted to a house, regardless of material (including clear acrylic), are not permitted. Also refer to the chapter “Miscellaneous Rules and Regulations” in the *Rules & Regulations* document.

3.11. BARBEQUES

Refer to section 3.46 *Permanent Outdoor BBQs, Ovens, Fireplaces* on page 29.

3.12. CALIFORNIA ROOMS

The addition of a “California Room” (i.e., roofed room with one or more open sides) requires prior ACC approval. Submit:

- General Home Improvement Application form
- Professionally prepared construction plans/drawings (refer to section 2.4 *Plans and Drawings* on page 6)

“California rooms” shall meet all City requirements and be painted to an approved color, usually one that matches the home’s stucco, wood siding or trim. Size, design and scale must be compatible with the Lot and the neighborhood, and proportional to the available open space. These structures may not be appropriate on the front of the home or front yard; however, the ACC will consider Home Improvement Applications on a case-by-case basis.

The sides of these structures shall not be enclosed except where the wall of the main house forms a natural side. The minimum setback from the property line to vertical posts is three (3) feet. The minimum setback from the property

line to any overhanging horizontal structures is two (2) feet. The overhang may extend as close as one (1) foot to the property line if the property line is adjacent to Common Area.

“California Rooms” may not be used to house or shield (from the weather or view from the Common Area or other property) a boat, recreational vehicle, car, truck, motorcycle, trailer, storage, pet enclosures, construction materials, trash, equipment, wood supplies and/or any other item(s) not otherwise permitted to remain outside or visible from the Common Area or other property.

3.13. CANOPIES, SHADE STRUCTURES AND SUN SAILS

Canopies, shade structures and sun sails ten (10) feet or less in height intended for temporary use up to six (6) months during a calendar year located within the fenced in backyard of a property do not require ACC approval. These items, if left in place for longer than six (6) month during a calendar year or that exceed ten (10) feet in height will be a violation. If you desire to keep such a structure in place for more than six (6) months, it will be considered a permanent structure, requiring a Home Improvement Application and ACC approval according to the guidelines in section 3.6 *Arbors, Gazebos, Patio Covers, Pergolas and Trellises* on page 14.

The overall size and setback requirements are the same as for patio covers (refer to section 3.6 *Arbors, Gazebos, Patio Covers, Pergolas and Trellises* on page 14). A minimum clearance of three (3) feet must be provided from any exterior barbeque, oven, fireplace or fire pit. Canopies, shade structures and sun sails may be attached to the house and/or poles securely anchored for sail attachment. However, attachment to any wall or fence (or poles attached to walls or fences) is not permitted.

Canopies, shade structures and sun sails fabric should be of neutral color intended for outdoor use (e.g., Sunbrella® brand) and shall not display advertising or endorsements if visible from above a fence/wall or from the Common Area. Cover materials such as corrugated metal, straw, bamboo, palm fronds, plastic, Fiberglass, Plexiglas, reed, lath or trellis-like wood products are not permitted. The fabric and supporting structure shall be maintained in an aesthetically acceptable condition.

Canopies, shade structures and sun sails may not be used to house or shield (from the weather or view from the Common Area) a boat, recreational vehicle, car, truck, motorcycle, trailer, storage, pet enclosures, construction materials, trash, equipment, wood supplies and/or any other item(s) not otherwise permitted to remain outside or visible from the Common Area or other property.

3.14. CHIMNEYS

Changing the appearance of an existing chimney (e.g., painting or applying stucco or stone over existing brick) requires prior ACC approval. Submit:

- General Home Improvement Application form
- Sketch describing the changes to be made to an existing chimney

Refer to section 3.55 *Room Additions and Home Remodels* on page 31 if adding a new chimney.

3.15. CISTERNS

Refer to section 3.80 *Water Storage Tanks* on page 37.

3.16. CLOTHESLINES AND DRYING RACKS

Clotheslines for drying of laundry must be no higher than six (6) feet above ground level and must not be visible from the Common Area.

3.17. DECORATIVE ELEMENTS

Adding or changing decorative elements such as the following visible from the Common Area requires prior ACC approval:

- Fountains

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- Birdbaths
- Statuary
- Mirrors
- Ornamental metalwork
- Patio-like furnishings
- Shutters
- Name, address, welcome, beware-of-dog and other signs/plaques
- Decorative lighting (other than temporary holiday lighting, which is discussed in the chapter “Miscellaneous Rules and Regulations” in the *Rules & Regulations* document)

When adding or changing decorative elements listed above, submit:

- General Home Improvement Application form
- Sketch showing the location of the decorative element(s)
- Brochure or photo showing the decorative element(s)

The following items do not require prior ACC approval, but are subject to these Rules and Regulations:

- All ornamental pots and planters must be constructed of pottery or metal material (not plastic), should be limited to no more than six (6) in an area visible from the Common Area and must conform to the scale and style of the house and lot.
- Dead or overgrown potted plants shall be removed and replaced as needed.
- Exterior furniture (e.g., benches, chairs, small tables, etc.) are to be maintained to an acceptable appearance and should be complementary to the style of the home.
- All decorative items should be compatible with the style of the home.
- One seasonal, school or American flag may be mounted to the front of the residence, using a fixture that allows the flag to be removed when not in use. Such flags must not exceed three (3) feet in width and five (5) feet in length. The highest part of the flagpole shall be no higher than twelve (12) feet above the adjacent ground level. Seasonal or school flags must be changed to reflect then-current season. Flagpoles mounted to the residence must be removed if there is no flag present. Standalone flagpoles are not permitted (refer to section 3.25 *Flagpoles and Weathervanes* on page 23).

The ACC shall have the right to periodically review the decorative elements for neatness and taste.

Also refer to the chapters “Sign Regulations” and “Miscellaneous Rules and Regulations” in the *Rules & Regulations* document regarding holiday decorations and lighting.

3.18. DRAINAGE SYSTEMS

Each Homeowner must maintain the correct grading of lots so that water drainage does not flow onto adjoining properties or the Common Area, or does not prevent off-flow from the same.

Adding/changing/removing any drainage system and/or curb coring requires prior ACC approval. Submit:

- General Home Improvement Application form
- Sketch showing the details of the drainage system

Drainage pipes must be buried or otherwise positioned and/or covered so as not to be visible from the Common Area.

3.19. DUMPSTERS

Refer to the chapter “Service Provider Guidelines” in the *Rules & Regulations* document.

3.20. ENTRY DOORS

Replacement or changing the color of entry doors requires prior ACC approval. Submit:

- Doors/Garage Doors Improvement Application form
- Brochure or photo showing the design and color of entry door (for replacement doors)

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- Color swatch (for color changes)

Original oak doors may be stained and finished with a satin, semi-gloss or gloss clear or natural wood color urethane finish.

If painted a solid color, the color must be approved and complement the exterior house paint. The finish for solid color doors must be eggshell, low sheen, semi-gloss or gloss.

Replacement doors must be solid wood, Fiberglass, steel or composite wood-like construction, with or without glass pane(s). Also refer to section 3.82 *Window Coverings* on page 37, section 3.83 *Window Screens* on page 38 and section 3.84 *Window Tinting* on page 38.

3.21. ETCHED GLASS

Refer to section 3.85 *Windows* on page 38.

3.22. EXTERIOR PAINTING

Painting a home, trim and/or fencing requires prior ACC approval unless the surfaces being painted are re-painted the **exact** same color/shade/tint/finish as previously approved. When changing color(s), you must paint sample(s) of the color(s) on the home (as described below) and submit:

- Exterior Painting Improvement Application form
- Color swatch (for color changes)

An application and prior ACC approval are not required if repainting with the EXACT same shade of the same color(s) and color placement previously approved by the ACC for that home. However, it is recommended that you submit an application (you need not wait for approval) so that the color match may be verified, your property file is updated, and ACC and adjacent Homeowners are aware of the project and its impact.

With painting applications, please include paint chips indicating the color name/number, type of finish (flat, eggshell, semi-gloss, gloss, etc.) and the paint manufacturer for each paint color chosen. The samples you submit will be what you are expected to use, if approved.

You must paint three-foot square samples on the front and sides of the home using the proposed main color of the home to review how the color will look on different surfaces and at different times of the day. The samples must be painted on the home by the time the application is submitted to avoid approval delays. Colors look surprisingly different on a large area and under different lighting conditions than a small swatch suggests. Doing so will help assure that you are happy with the result and avoid costly repainting.

The ACC reviews applications for exterior painting to determine that the color choices are compatible with the overall architectural style and color palette of the neighborhood, and are not visibly objectionable. Homes directly across the street from each other shall not be painted similar colors. There shall be a minimum two-house separation left and right between homes painted similar colors. Darker colors shall be limited to use as trim or accent colors.

The paint scheme may not exceed a maximum of four (4) contrasting/complementary colors that blend and harmonize well together from the approved paint colors. Indicate on the paint application where each color will be used and the type of finish (gloss level).

Deviation from any approved exterior painting application will require repainting with the approved color(s) within thirty (30) days of completion of the painting at the Homeowner's expense.

3.22.1. Choosing Paint Colors and Finishes

In general, natural, earth-tone colors are appropriate choices for the architecture of homes within the Project. The following guidelines may help you choose appropriate colors and finishes (gloss level) for submission to the ACC and help speed the approval process.

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Your roof is the largest color element of your home and not easily changed. You should pick colors for siding, shingles, stucco and trim that complement each other and your roof color as follows:

Spanish tile roof: For the main house colors, choose tan, beige, sand, cream, peach, yellow or light brown colors. Avoid white, gray, blue or green.

Brown/gray shake or concrete tile roof: For the main house colors, choose tan, gray, beige, sand, cream, blue, green, light to medium brown, or light to medium gray. If you choose blue, it should be a light to medium shade. Be careful with green. You do not want it to compete with your landscaping.

Colors not to choose: Reds, pinks, purples, black, very dark and very bright colors. Avoid bright white as the main color for wood siding, shingles or stucco, since it may look like a primer coat.

When choosing a color, consider how it will blend with hardscape elements such as brick. If there is a lot of red brick, choose colors as for Spanish tile roofs above.

Consider the look as a whole. Will the colors of the stucco, siding/shingles, garage door, eaves, and trim complement the roof, landscape and hardscape? Also consider how your home will blend with adjacent homes. You do not want to choose the same or very similar colors. On the other hand, you should avoid stark differences like blue house next to a yellow one.

If the predominant color on the house is a light color, a darker shade of the same color or white should be used for a secondary trim color, such as decorative designs on the original fold-up garage doors or other architectural element of the home. If the predominant color is dark, a lighter shade or white should be used as a secondary trim color.

If you see a home in the neighborhood with a color you like, you can contact the property management company with the address to see if they have a painting application on file to get the paint manufacturer and color number/name. However, since the information on file may be incorrect or out of date or the paint color name has changed, you must paint three-foot square samples on the front and sides of the home using the proposed main color of the home to review how the color will look on different surfaces and at different times of the day. The samples must be painted on the home by the time the application is submitted to avoid approval delays. Painting sample swatches of several color choices on multiple sections that get different daylight exposure is always a good idea. You will be surprised how various colors take on different tints in an actual application. This can help you choose the right color, prevent undesirable outcomes and costly changes, and minimize delays.

Need help with color selection? Paint manufacturers' web sites have a wealth of useful information and suggestions. Most offer brochures in their showrooms that have pre-selected color combinations matched to different home styles. Some may offer the services of a color consultant that will meet with you to make recommendations with a reduced or waived fee if you use their products. Some may offer tools where you can upload a picture of your home and visualize it with different color schemes. You might also look in the Yellow Pages or web search for local architectural, color or painting consultants. The ACC can provide some guidance too.

Acceptable finishes (gloss level) by surface type:

Surface	Acceptable Finish
Chimneys	Flat or Velvet
Eaves	Velvet or Eggshell
Fences and Gates, natural wood	Satin or Semi-Gloss clear or natural wood color urethane
Fences and Gates, painted solid color	Eggshell, Low Sheen or Semi-Gloss
Front Entry Doors, natural stained wood	Satin, Semi-Gloss or Gloss clear or natural wood color urethane

Surface	Acceptable Finish
Front Entry Doors, painted solid color	Eggshell, Low Sheen, Semi-Gloss or Gloss
Garage Doors, natural stained wood	Satin or Semi-Gloss clear or natural wood color urethane
Garage Doors, painted solid color	Eggshell, Low Sheen or Semi-Gloss
Patio Covers, Arbors, Trellises and Gazebos	Eggshell, Low Sheen or Semi-Gloss
Secondary Doors (side entry garage door, water heater doors, etc.), painted solid color	Eggshell, Low Sheen or Semi-Gloss
Stucco	Flat or Velvet
Trim	Velvet or Eggshell (high-traffic door trim may be Low Sheen or Semi-Gloss)
Wood Shingles	Velvet or Eggshell
Wood Siding	Velvet or Eggshell
Wrought Iron	Semi-Gloss or Gloss

Your house color is something you (and your neighbors!) must live with for many years. Take the time to consider the best options.

3.22.2. Wood Shingles, Siding and Stucco Painting

Wood siding and shingles must be painted with a velvet or eggshell finish. This low-gloss finish is preferable because it stands up better to the elements and may look better longer than flat finishes. Stucco must be painted with flat or velvet finish paint. If your home has not been painted in five (5) years or more, **we highly recommend a primer coat on siding and shingles**, especially if choosing a darker color, which, without primer, tends to get absorbed into the wood over time, leaving a spotty appearance. Primer and two coats of paint on shingles and siding will provides the best protection and lasts longer, possibly saving you money in the long run by limiting the frequency of repainting.

If you are considering replacing wood shingles or siding, please refer to section 3.61 *Shingles, Siding and Stucco* on page 35.

3.22.3. Eaves and Trim Painting

Eaves and trim around windows and doors usually looks best in shades of white or lighter/darker hues of the main house color. Whites or lighter hues of the main house color work best against darker colors. Darker color hues of the main house color (e.g., brown) can be a good complement to lighter home colors. Eaves and trim must not be the same color as the house. Eaves, trim around windows and doors, and secondary trim colors must be a velvet or eggshell finish that will stand up better to the elements and may look better longer and flat or velvet finished. High-traffic areas like door trim may be painted in low sheen or semi-gloss finish.

3.22.4. Chimney Painting

Chimneys can remain unpainted if constructed of brick, stone or rock, or may be painted and/or stucco finished using a color that matches the home’s stucco or wood siding color. Chimney paint must be a flat or velvet finish.

3.22.5. Electrical Box Painting

Electrical, cable, telephone, DSL and other wire connection and fuse boxes attached to a home must be painted to match the color and finish of the surrounding surface.

3.22.6. Front Entry Door Painting

Refer to section 3.20 *Entry Doors* on page 17 for more information about door painting.

3.22.7. Garage Door Painting

Garage doors (or replacements) may be natural wood protected with a satin, semi-gloss or high-gloss polyurethane finish in a clear or natural wood stain; or an approved eggshell, low sheen or semi-gloss paint color matching or complementing the home's stucco, wood siding or trim color.

Since garage doors make up a large area of the front of the home, **the trend with garage doors is to paint them the same color as the front of the home** to make the door blend in as opposed to white garage doors that call attention to the door. All garage doors on the home must be painted identically.

For new garage doors: If you are replacing your garage door(s), you must have the door painted a single color to match the existing main color of the home or the existing surrounding garage door trim color. The default white factory-finish will likely be a different color or shade than other colors of the home and it is not acceptable to introduce a different color or shade for the garage door(s).

For original, builder-supplied, single-piece, tilt-up garage doors: The garage door(s) may be painted a single color to match the existing main color of the home or the existing garage door trim color. A single accent color may be painted on the decorative raised panels or trim molding on original tilt-up garage door(s) if the color matches an approved color used on the trim or accent colors of the home.

3.22.8. Holiday Decoration Hook Painting

If visible from the Common Area, hooks and other devices used for the installation of holiday lighting and/or decorations are to be removed upon removal of the lighting and/or decorations, or shall be of a color (or painted) to match the surface to which they are attached.

3.22.9. Metal Flashing, Roof-Top Vents and Spark Arrestor Painting

Metal roof flashing shall be painted using a color that matches an adjacent surface or the color of the roof. All rooftop vents shall be painted to match the surrounding roof color. Rotating "turbine" rooftop vents are not permitted. Spark arrestors mounted atop chimneys shall be painted black or a color matching the chimney.

3.22.10. Secondary Doors, Patio Covers, Arbors, Trellises and Gazebo Painting

Secondary doors (e.g., side-entry garage door, water heater doors, etc.), patio covers, arbors, trellises and gazebos shall be painted an approved color, matching the home's stucco, wood siding or trim color, using an eggshell, low sheen or semi-gloss finish.

3.22.11. Wood Fence Painting

Refer to section 3.23 *Fences, Gates, Walls and Planters* on page 21 for more information.

3.22.12. Wrought Iron Railings and Fence Painting

Refer to section 3.23 *Fences, Gates, Walls and Planters* on page 21 for more information.

3.23. FENCES, GATES, WALLS AND PLANTERS

The Association is responsible for the appearance, maintenance and repair of block walls and wrought iron fencing along the perimeter and entrances of the community.

Any proposed modification to Association property (e.g., modification to a perimeter wall) is solely within the purview and authority of the Board of Directors acting on behalf of the Association. Therefore, requests for approval of any modification to Association property must be addressed directly to the Board clearly describing the modification and location. Review of such a request is not subject to the normal 30-day architectural approval process and may take longer. Approval by the ACC of any Improvement application for modifications to a homeowner's property does not convey approval of any modification to Association property that may be part of the Improvement. A separate approval beyond that of the ACC is required from the Board in such cases.

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Block walls and fences on the property line between adjacent homes are the responsibility of those Homeowners to maintain, repair and replace, as needed.

Block walls and walls made up of a combination of block and wrought iron fences dividing the Homeowner's property from the Common Area are owned by the Homeowner and it is their responsibility to maintain, repair/replace and periodically paint the wrought iron fences so that they remain stable and in good visible condition. Refer to section 3.22.12 *Wrought Iron Railings and Fence Painting* on page 21 for painting information.

Adding/changing/removing fences, walls and gates, or extensions thereof require prior ACC approval. Submit:

- General Home Improvement Application form
- Construction plans/drawings (refer to section 2.4 *Plans and Drawings* on page 6)
- Brochure, photo or other information describing/showing the construction materials to be used
- Color swatch(es) showing the color(s) to be used

Existing fences, walls and gates shall remain in place unless being repaired or replaced. An application and prior ACC approval are not required when repairing or replacing an existing fence, wall or gate with essentially the same materials and finishes.

Fences and walls between properties may not be placed within sixteen (16) feet of the front property line and must be no higher than two (2) feet in height as measured from the level of the ground on which it is built. At the point perpendicular to the nearest front face of the home, the height may then rise to a maximum of six (6) feet. Fences, walls and gates shall be no higher than six (6) feet in height as measured from the level of the ground on which it is built. Extensions to fences, walls or gates shall be of a complementary style and shall be no higher than six (6) feet in total height as measured from the level of the ground on which it is built. Tops of all fences and walls on level ground shall be generally level. Those installed on slopes may be parallel with the slope or may be stepped. Spike designs on the top rail are not permitted.

Garden walls/planters as part of the hardscape must not exceed twenty-four (24) inches in height above the adjacent grade. Corner pilasters in garden walls/planter must be no larger than twenty (20) inches square and must not exceed thirty (30) inches in height above the adjacent grade. Minimum setback between the edge of the Common Area sidewalk closest to the home and the garden wall/planter is 12 (twelve) inches.

Gates, including wood and wrought iron, will be considered for compatibility with the home in terms of design and color.

Unfinished sides of fences, walls and gates shall not be exposed to the Common Area or neighboring Lots. Double fences and walls (building a fence or wall parallel to existing) are not permitted.

Subject to prior ACC approval, acceptable materials for fences, walls, gates and planters include:

- Rough sawn cedar or redwood *
- Stucco
- Wrought iron (bars at four (4)-inch maximum spread) *
- Vinyl
- Brick
- Stone
- Masonry comprised of slump block, split-faced block or a combination of these materials

* *These materials typically require on-going maintenance and eventual replacement, so you may wish to consider long-lasting products such as vinyl, brick, stone or masonry that may be more cost-effective in the long run.*

Subject to prior ACC approval, acceptable finishes for fences, walls, gates and planters are:

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- Wood: Must be a natural (weathered) wood color; protected with a satin or semi-gloss polyurethane finish in a clear or natural wood stain color; or an approved eggshell, low sheen or semi-gloss paint color matching the home's stucco, wood siding or trim. Top rail and posts may be painted a contrasting color matching the home's trim elements.
- Stucco: Must be an approved color that matches the home's stucco color.
- Wrought Iron: Wrought iron railings and fences shall be painted with a semi-gloss or high-gloss paint. The color must be black or match the color of the Project perimeter fence (currently, Dunn-Edwards "Cocoa," but subject to change; check with the property management company for the current color).
- Vinyl: Must be a molded-in color (not painted) in an approved color that matches or complements the home's stucco, wood siding or trim color
- Brick or stone veneer
- Masonry: Must be the approved natural color of the material or painted an approved color that matches or complements the home's stucco or wood siding.
- As used above, "approved color" means a color as approved in advance by the ACC.

Unacceptable materials for fences, walls, gates and planters include, but are not limited to:

- Aluminum
- Metal or plastic chain link
- Sheet metal
- Chicken wire or mesh
- Grape stake wood
- Metal or plastic webbing
- Woven wire
- Bamboo, reed or straw-like materials
- Corrugated or flat plastic or Fiberglass panels
- Glass block
- Rope or other fibrous strand elements
- Picket
- Split-rail
- Barbed wire
- Miniature decorative fences
- Temporary child or pet gates

Construction plans as described in section 2.4 *Plans and Drawings* on 6 are required.

Alterations (including attaching objects) to Common Area or Exclusive Use Area perimeter fences or walls are not permitted.

3.24. FIREPLACES AND FIRE PITS

Refer to section 3.46 *Permanent Outdoor BBQs, Ovens, Fireplaces* on page 29.

3.25. FLAGPOLES AND WEATHERVANES

Changing or installing new flagpoles and/or weathervanes requires prior ACC approval. Submit:

- General Home Improvement Application form
- Sketch or other drawing showing the proposed location and height of the flagpole/weathervane including distances from the home structure and property lines (refer to section 2.4 *Plans and Drawings* on 6)

For seasonal, school and American flags mounted to the front of the home, refer to section 3.17 *Decorative Elements* on page 16.

3.26. FOUNTAINS, WATERFALLS AND MECHANICAL EQUIPMENT

Changing or installing new fountains, waterfalls and all other exterior- located mechanical/electrical equipment, including but not limited to air conditioners (unless a replacement in the existing location), fountain/waterfall pumps,

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water heaters (unless enclosed in the original structure provided for such) and water softening units requires prior ACC approval. Submit:

- General Home Improvement Application form
- Sketch or other drawing showing the proposed location of the fountain/waterfall and/or equipment with distances from the home structure and property lines (refer to section 2.4 *Plans and Drawings* on 6)

Equipment other than approved solar panels is not permitted to be installed on the roof. Refer to section 3.64 *Solar Energy Equipment* on page 36 for more information about solar equipment. Refer to section 3.50 *Pools and Spas* on page 30 for more information about pools, spas and related equipment.

All proposed equipment shall be placed away from neighboring properties, and all pumps, blowers and other noise-emitting equipment must be enclosed or buried to mitigate noise. Depending on the noise output, which should not be unreasonable, Homeowners may be required to control the hours of operation of such equipment. Minimum setback from the property line is two (2) feet for electrical/mechanical equipment.

3.27. GARAGE DOORS

Replacement of garage doors requires prior ACC approval. Submit:

- Garage Door Home Improvement Application form
- Brochure, photo or other information describing the style and material
- Color swatch(es) showing the color(s) to be used

Replacement garage doors must meet the following specifications:

1. Must be either tilt- up or sectional roll-up with wood, Masonite®, aluminum, steel or fiberglass construction. If made of steel or fiberglass, it must have a simulated wood pattern exterior. Full-glass contemporary garage doors, if approved, MUST have obscure glass (e.g., frosted) panels.
2. The design of the garage door(s) and hardware must be compatible with the architecture of the home.
3. All replacement garage doors for the home must be the same color, style, design and materials.
4. Color and finish must meet garage door painting standards. The garage doors should be painted to match the primary color or trim of the home, not left in the manufacturer's default white color that does not match other colors on the home. Refer to section 3.22.7 *Garage Door Painting* on page 21 for more details about garage door colors.
5. Garage window style, if any, should complement the style of other windows on the front of the home. For example, if all front windows are rectangular, then square/rectangular garage door windows should be used and arched windows should be avoided. If the front of the home has rounded/arched windows, then the garage windows should be arched, square or rectangular.
6. Windows in garage doors, if present, are subject to the same regulations regarding window coverings and tinting as for other windows (refer to section 3.82 *Window Coverings* on page 37, section 3.83 *Window Screens* on page 38 and section 3.84 *Window Tinting* on page 38).
7. Obscure (e.g., frosted) glass is recommended for garage door windows so that the interior of the garage and items stored inside are not visible from the street.
8. Treatments that draw attention to the garage door, such as ornate decoration on or around the garage door, are not permitted. Garage door lighting (if present) must conform to the guidelines and requirements listed in section 3.42 *Outdoor Lighting* on page 28.
9. Existing garage door header height may not be changed.

3.28. GATES

Refer to section 3.23 *Fences, Gates, Walls and Planters* on page 21.

3.29. GAZEBOS

Refer to section 3.6 *Arbors, Gazebos, Patio Covers, Pergolas and Trellises* on page 14.

3.30. HOLIDAY LIGHTING AND HOLIDAY DECORATIONS

Refer to the chapter “Miscellaneous Rules and Regulations” in the *Rules & Regulations* document for more information.

3.31. HOME REMODELS

Refer to section 3.55 *Room Additions and Home Remodels* on page 31.

3.32. HOUSE NUMBER SIGNS

Every home must have an externally visible house number to allow emergency personnel to identify the address. Installation of a new or replacement house number sign, if it differs in size, design or color from the original, builder-installed house number sign requires prior ACC approval. Submit:

- General Home Improvement Application form
- Brochure, photo or other information describing the style, color and material

Low-wattage illuminated house number signs were originally installed on each house and are required to be maintained by each Homeowner. House number signs must conform to the following standards.

House number signs shall be no larger than six (6) inches high by eight (8) inches wide with the preferred location being on the wall on either side of the garage door. For illuminated house number signs, the background (light cover lens) may be:

- White with black or brown numbers, or
- Brown or black with white numbers

Contact the ACC or refer to the Canyon Creek website “Resources” section for a list of approved suppliers.

Other types of name and/or address signs or plaques also require prior ACC approval.

3.33. LANDSCAPE/WALKWAY LIGHTING

Refer to section 3.42 *Outdoor Lighting* on page 28.

3.34. LANDSCAPING

Landscaping is a major element that contributes to the beauty of your home and the community. Proper design of the layout and selection of plant material suitable for the soil, climate and light conditions are very important. You should strongly consider enlisting the help of a landscape designer when planning any major landscape renovation project. Some landscaping companies offer free or reduced charges for consultations and plan drawings if the plant material and/or entire project are completed by their company.

The following **major landscape projects** (if visible from the Common Area) require prior ACC approval:

1. Removal/replacement/installation/changes to **more than 50% of the front/side yard area**
2. Removal/replacement/installation/changes to **artificial turf grass**
3. Removal/replacement/installation/changes to **hardscape** (such as planters, retaining walls, walkways, drive-ways, etc.) in the front/side yard

Submit:

- General Home Improvement Application form
- Professionally prepared landscape plans/drawings (refer to section 2.4 *Plans and Drawings* on page 6)

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The following **minor landscape project** requires prior ACC approval:

Landscape planting (softscape), such as trees or hedges in the front yard and/or side yards that will be visible from the Common Area that, when mature, will be higher than six (6) feet above ground level of the Homeowner's lot.

Submit:

- General Home Improvement Application form
- Sketch or professionally prepared landscape plans/drawings (refer to section 2.4 *Plans and Drawings* on page 6)

Hardscape and softscape landscaping in side yards and back yards not visible from the Common Areas does not require prior ACC approval, but is still subject to the additional Rules and Regulations noted below. Other structures to be added or changed in side and back yards (such as pools, spas, permanent BBQs, etc.) as noted in this chapter must conform to the application submission, approval and standards listed in the appropriate section.

Landscaping (hard and soft) should present an attractive appearance for the property and include a reasonable combination of lawn and/or ground cover, shrubs, trees, flowers and hardscape. Thematic landscape features with distinctive colors, form or materials that establish an independent theme that conflicts with the overall street scene and style of the homes, such as mirror balls, statues, sculptures, rock gardens, are not permitted.

Homeowners should use care in selecting trees that are not "messy" (e.g., causing fruit or berry droppings), and will not have invasive root structures since Homeowners are responsible for any damage to the Common Area or neighbors' property. Consideration should be given to the diameter of tree foliage so that, when mature, it does not unreasonably overhang the property line or any part of Common Area, such as sidewalks. If there is a solar energy system installed on an adjacent property, the location, type and future height of any tree or shrub may be subject to limitations consistent with California's Solar Shade Control Act.

All areas subject to soil erosion from natural rainfall or sprinkler irrigation require adequate foliage and drainage.

A few decorative rocks with an average diameter less than twelve (12) inches may be used on a sporadic basis as part of the landscape. However, decorative rock, colored rock or rock-like substances larger than this (e.g., boulders) are considered hardscape elements that are subject to prior ACC approval.

The following landscaping materials are not permitted in the front yard and/or side yards that are visible from the Common Area:

- Sand, pebbles, gravel, glass, decorative rock, colored rock or any rock-like substance used as a ground cover
- Painted concrete
- Uncovered concrete blocks (slump stone may be acceptable)
- Plastic plants
- Non-plant materials may not be used as a substitution for lawn and/or ground cover

Although permitted by California Civil Code, planting of food crops visible from the Common Area is discouraged since fruit/vegetable plants are generally not attractive and are unsuitable as landscape material.

The following additional Rules and Regulations have been established regarding general landscaping:

- All landscaping must be kept trimmed and managed, and not be allowed to get overgrown.
- Landscaping shall not be permitted to grow in a manner that obstructs pedestrian use of Common Area sidewalks.
- Trees must not overhang property lines or the Common Area by more than thirty-three (33%) percent 33% of the total diameter of the widest area of the foliage.

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- Front yard trees must be placed at least thirty-six (36) inches from the Common Area sidewalk, and include a root barrier device.
- Turf (natural or artificial) visible from the Common Area must not extend up to the walls of the home. Shrubs and/or flowers must be planted at the base of the house, garden and patio walls visible to the Common Area.
- Similar ground cover, shrubs or both should be utilized on both sides of driveways and/or entry walkways.
- Vertical shrubs should be utilized against blank wall elevations.
- Dead or overgrown plants, trees or potted plants shall be removed and replaced as needed.
- Weeds must be removed and bare areas replanted.
- Borders and mow strips, if used, must be of a consistent material viewed from the Common Area, may not be used to correct drainage issues, must be maintained in good condition, and be in a style/color that complements the home and landscaping. Preferred materials include concrete, brick, redwood and terra cotta tile.
- All ornamental pots and planters must be constructed of pottery, fiberglass or metal material (not plastic), should be limited to no more than six (6) in an area visible from the Common Area and must conform to the scale and style of the house and lot.
- If stepping stones are used, they must form a logical path and not placed in a random fashion as a method of covering bare spots.
- Trees near sidewalks, if secured, are to be done so by stakes, and not guide wires.
- Encroachment of roots and limbs into utilities or Common Area, such as sidewalks, is not permitted.
- Excessive dropping of seeds, berries, pods and/or fruit in Common Areas is not permitted.
- Vines and plants shall not be allowed to attach to or obstruct Association-owned mailboxes.
- Planter areas must remain planted (not left bare).
- Hoses and hose reels shall be placed in an area least visible from the street whenever possible and shall be kept neat at all times.
- Gardening equipment is to be stored in a location not visible from the Common Area.
- No one may trim or alter any Association-owned landscaping without prior written approval of Board of Directors.
- Homeowners are required to control the spread and height of their trees, shrubs, hedges, vines and bushes so that they:
 - Do not become attached to any Common Area property including perimeter walls and fences
 - Do not grow close to or touch fences or walls in a manner that may lead to damage
 - Do not become intertwined with any Association-owned landscaping

The Association assumes no responsibility or liability for damage to Homeowner's or residents' property or plants that violate these standards.

Landscaping plans as described in section 2.4.3 *Landscaping Plans* on page 7 must be submitted with the application if required.

3.35. LEADED GLASS

Refer to section 3.85 *Windows* on page 38.

3.36. LIGHTING

Refer to section 3.42 *Outdoor Lighting* on page 28 regarding landscape, walkway or other exterior lighting, and chapter "Miscellaneous Rules and Regulations" in the *Rules & Regulations* document regarding holiday decorations and lighting.

3.37. MAILBOXES

Mailboxes and mailbox numbers are the property of the Association, and may not be replaced, painted, obscured or altered by Homeowners or residents. If a mailbox needs repair, please contact the property management company.

3.38. MECHANICAL EQUIPMENT

Refer to sections 3.2 *Air Conditioners* on page 13 and 3.50 *Pools and Spas* on page 30.

3.39. MOLDING

Refer to section 3.74 *Trim and Molding* on page 37.

3.40. OUTBUILDINGS, PET PENS, PLAY STRUCTURES, PLAYHOUSES, AND STORAGE SHEDS

Installation of new or replacement outbuildings, pet pens, play structures (e.g., swing sets, jungle gyms, etc.), playhouses or storage sheds that may be visible from the Common Area require prior ACC approval. Submit:

- General Home Improvement Application form
- Drawing/plan that shows the site/plot plan, elevations and details of the proposed structure (refer to section 2.4 *Plans and Drawings* on page 6)
- Brochure, photo or other information describing the style, color and material

These structures, if approved, may only be placed in the back or side yard within the Homeowner's fenced in area. If not visible from the Common Area, an application and prior ACC approval are not required. However, if the structure will be visible from an adjacent neighbor's property, the affected neighbor should be notified in advance and the structure must still comply with the following guidelines.

Such structures shall be constructed, located and screened to minimize the impact on adjacent neighbors' privacy, any existing structure or the Common Area. The ACC may require that the Homeowner screen such structures from view of the Common Area using hedges or other appropriate plant material so that the structure is screened from view upon installation. These structures should blend with the architectural characteristics of the home and neighborhood.

Play structures and playhouses shall be no closer than twenty-four (24) inches from any fence or wall. Outbuildings, play structures, playhouses and storage sheds shall not exceed twenty-four (24) inches above the nearest adjacent wall or fence (maximum height above ground level would be ninety-six (96) inches). Enclosed structure openings (e.g., windows, doorways, etc.) shall be no higher than the adjacent wall or fence if the opening is visible from any neighboring home. Any openings that extend above the wall or fence shall be oriented facing the home of the applicant.

Animal pens shall not exceed the height of the nearest adjacent wall or fence. Furthermore, the keeping of any animal(s) is subject to further restrictions as described in the chapter "Miscellaneous Rules and Regulations" in the *Rules & Regulations* document, CC&Rs and applicable city/county ordinances.

3.41. OUTDOOR ROOMS

Refer to section 3.12 *California Rooms* on page 15.

3.42. OUTDOOR LIGHTING

Installation of new or replacement (if different in design/size/style/color from that already installed) requires prior ACC approval. Submit:

- General Home Improvement Application form
- Description or sketch showing the location of the lighting fixture(s)
- Brochure, photo or other information describing the style, color and material

New or replacement exterior lighting must conform to the following standards:

- Lighting fixtures must complement and be compatible with the design of the home. They must be simple in design and color. Overly ornate light fixtures (such as Victorian globes) or commercial fixtures that establish an independent conflicting theme are not permitted.
- Fixture lenses must be clear, frosted, amber, gray or bronze tinted. Lenses in other colors are not permitted.
- Lighting shall not, in any way, cause adjacent residents to experience unwanted direct glare from light rays.
- All wiring shall be placed so that it is not visible from the Common Area.

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- Any exposed wiring or conduit must be painted to match the surface to which it is attached.
- If the light bulb is visible in the fixture, compact florescent lights (CFL), if used, must be of enclosed “globe” style that do not show a spiral tube.
- Bulb brightness must not exceed 1000 lumens (roughly equivalent to a 65W traditional incandescent bulb) and light appearance (color temperature) warm or soft white. Refer to the Lighting Facts label and retain the bulb packaging.
- Colored bulbs are not allowed.
- High-intensity “security” lights, whether motion sensing or not, are not permitted.
- Mercury vapor lamps or lamps that emit light of a similar nature, fluorescent lamps with bulbs longer than six (6) inches, flashing lights, color lights, unshielded exterior lights and light fixtures that result in excessive glare are not permitted.
- Paper lanterns are not permitted.
- All exterior and landscape lighting shall be maintained at all times. Non-functioning fixtures shall be removed, repaired or replaced in a timely fashion.

Installation of low-voltage (e.g., “Malibu”) or solar landscape/walkway lighting does not require prior ACC approval, but must conform to the same standards as other exterior lighting described above.

3.43. OVENS

Refer to section 3.46 *Permanent Outdoor BBQs, Ovens, Fireplaces* on page 29.

3.44. PAINTING

Refer to section 3.22 *Exterior Painting* on page 18.

3.45. PATIO COVERS

Refer to section 3.6 *Arbors, Gazebos, Patio Covers, Pergolas and Trellises* on page 14.

3.46. PERMANENT OUTDOOR BBQS, OVENS, FIREPLACES AND FIRE PITS

Installation of new or replacement permanent (built-in) outdoor BBQs, ovens, fireplaces and/or fire pits requires prior ACC approval. Submit:

- General Home Improvement Application form
- Drawing/plan that shows the site/plot plan, elevations and details of the proposed structure (refer to section 2.4 *Plans and Drawings* on page 6)
- Brochure, photo or other information describing the style, color and material

Permanent outdoor BBQs, ovens, fireplaces and/or fire pits must be constructed, located and screened to minimize the impact on adjacent neighbors’ privacy and any existing structure or the Common Area. Consideration must be made with respect to impact of smoke and odors on adjacent properties. These structures, if approved, must comply with all applicable ordinances (including fire arresters and minimum setback) and may only be placed in the back yard within the Homeowner’s fenced in area. The structure should blend with the Architectural characteristics of the house and neighborhood, and shall not exceed three (3) feet above the nearest adjacent wall or fence (maximum height above ground level would be nine (9) feet). Minimum setback from the property line is three (3) feet for fireplaces and two (2) feet for BBQs, ovens and fire pits. Regardless of height, an outdoor BBQ, oven, fireplace or fire pit may not be attached to any boundary fence or wall.

Wood- or briquette-burning ovens, including pizza ovens, are not permitted due to smoke and odor concerns, since the venting is at a lower height than wood-burning fireplace chimneys.

3.47. PET PENS

Refer to section 3.40 *Outbuildings, Pet Pens, Play Structures, Playhouses, and Storage Sheds* on page 28.

3.48. PLANTERS

Refer to section *Fences, Gates, Walls and Planters* on page 21.

3.49. PLAY STRUCTURES AND PLAYHOUSES

Refer to section 3.40 *Outbuildings, Pet Pens, Play Structures, Playhouses, and Storage Sheds* on page 28.

3.50. POOLS AND SPAS

Changing or installing new pools and/or spas, pool/spa pumps, pool/spa heaters, and related electrical/mechanical equipment requires prior ACC approval. Submit:

- General Home Improvement Application form
- Professionally prepared construction plans/drawings (refer to section 2.4 *Plans and Drawings* on page 6)
- Brochure, photo or other information describing the style, color and materials

Equipment other than approved solar panels is not permitted to be installed on the roof.

All proposed equipment shall be placed away from neighboring properties, and all pumps, blowers and other noise-emitting equipment must be enclosed or buried to mitigate noise. Depending on the noise output, which should not be unreasonable, Homeowners may be required to control the hours of operation of such equipment. Minimum setback from the property line is two (2) feet for pool, spa and related electrical/ mechanical equipment.

3.51. RAIN BARRELS

Refer to section 3.80 *Water Storage Tanks* on page 37.

3.52. RAIN GUTTERS

Installation of new or replacement rain gutters requires prior ACC approval. Submit:

- General Home Improvement Application form
- Sketch/drawing showing the location of the rain gutters
- Brochure, photo or other information describing the style, color and material

Rain gutters must be solid metal (galvanized steel, aluminum, copper, etc.). Plastic/vinyl rain gutters are not permitted. Water discharge shall be through in-ground drainage pipes to the curb discharging in the street or on concrete splash blocks, not onto the ground or lawn. All metal rain gutters and downspouts (other than copper) must be painted or finished to match the immediate background surface.

Also refer to section 3.18 *Drainage Systems* on page 17 and 3.80 *Water Storage Tanks* on page 37.

3.53. RETAINING WALLS

Installation of new or changes to existing retaining walls, regardless of where located, requires prior ACC approval. Submit:

- General Home Improvement Application form
- Professionally prepared construction plans/drawings (refer to section 2.4 *Plans and Drawings* on page 6)
- Brochure, photo or other information describing the style, color and materials

Consideration must be given to proper drainage not only of your property, but of adjacent properties as well.

Refer to sections 3.18 *Drainage Systems* on page 17 and 3.23 *Fences, Gates, Walls and Planters* on page 21 for more information.

3.54. ROOFING

Changing or installing new home or patio roofing material requires prior ACC approval. Submit:

- Roof Application form
- Brochure, photo or other information describing the style, color and material

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Roofs must be maintained in an attractive appearance. Missing shingles, tiles and ridge caps must be replaced in a timely manner. Repairs of existing installed roofing (such as patching shake or tile roofs) do not require prior ACC approval, but materials used to repair damaged or missing roofing must match the existing materials in color and composition.

Subject to ACC approval, acceptable roofing materials include:

- Wood shake or clay tile matching existing roof
- Slate tile
- Cement-based artificial shake, clay tile or slate tile that may include a lightweight cement/fiber material

Approved roofing colors:

- All roofing material must be of color-thru production, not slurry or color-coated
- All shake or artificial shake must be a natural wood color
- All clay tile or artificial clay tile must be of a natural earth tone (rusts, browns, tans or beiges)
- All slate tile or artificial slate must be a natural stone color (gray, gray-green, browns, tans)

Unacceptable roofing materials include:

- Metal sheeting, panels or tiles
- Asphalt composition
- Products that look like metal or asphalt composition roofing products regardless of the material used.

Other roofing considerations:

- Cement-based products may develop a white residue (a phenomenon known as efflorescence), which is calcification from the lime in the cement. Homeowners need to furnish specifications from the manufacturer stating that the product does not develop this white residue. If efflorescence should occur, it will be the Homeowner's responsibility to remove it.
- When replacing wood shake with cement-based artificial shake, clay tile or slate tile, consideration must be given to the additional weight such products will place onto the structure. Lightweight tiles specifically designed for wood shake retrofits should be considered for use. The roofing contractor should certify that the structure can accommodate the additional weight of the selected product.
- Re-roofing without alteration to the roofline does not require submission of plans or drawings. If the existing roofline is to be altered in any way, such as the addition of skylights, dormers, solar panels or vents, these changes need to be described on a separate General Home Improvement Application accompanied by the appropriate plans (refer to section 2.4 *Plans and Drawings* on page 6).
- Metal roof flashing, vents and spark arrestors atop chimneys shall be painted according to the guidelines in section 3.22.9 *Metal Flashing, Roof-Top Vents and Spark Arrestor Painting* on page 21.
- All rooftop vents shall be painted to match the surrounding roof color.
- Roofing materials must be installed in accordance with the manufacturer's specifications. Some specifications require use of solid sheathing to comply with the manufacturer's warranty and pass city inspection.
- For architectural changes (room additions, structure modifications, exterior remodels, etc.), multiple rooflines (similar to existing homes) must be included and roof edges must overhang the structure below by at least eight (8) inches measured horizontally from the structure below. Roof edges flush or nearly flush with the structure are not permitted.

3.55. ROOM ADDITIONS AND HOME REMODELS

Room additions, structural changes and any home remodeling projects that change the exterior appearance of the home requires prior ACC approval. Submit:

- General Home Improvement Application form
- Professionally prepared construction plans/drawings including computer-generated color renderings (refer to section 2.4 *Plans and Drawings* on page 6)

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- Brochure, photo or other information describing the style, color and materials

Since projects of this nature can be quite involved, expensive and time consuming, you should carefully review and share with your contractor all the information in this document that describes the procedure, requirements and standards for each element included in the project. Pay particular attention to sections:

- 2.3.2 *Major Improvements: Step-by-Step Approval Process* on page 6
- 2.4 *Plans and Drawings* on page 6
- 2.6 *Homeowner Protections* on page 9
- 2.7 *Framing and Periodic Inspection* on page 9
- 2.8 *Modifications After Approval* on page 9
- 2.12 *Project Completion Time Limit* on page 10

The ACC will review home addition and remodel plans for the aesthetic suitability of the design and materials with the home, neighboring residences as well as the overall design, purpose and character of the community. Plans will be reviewed for compliance with all the guidelines and standards in this chapter. Plans will also be reviewed to assess the effect on neighboring properties and Common Areas. Changes and additions to the home shall confirm to materials, design and construction techniques as established on the existing and other adjacent homes.

The material, color and texture of new exterior walls shall be compatible with existing house walls. Any new fascia, trim and moldings must match existing fascia, trim and moldings. Exterior finishes, such as brick or stone, must be designed to wrap corners to appear integral to the house design, rather than as an applied decoration or façade. New building features must be compatible with the color and design of the existing and surrounding homes. Blank walls shall have architectural features (e.g., depth variations, trim, varied surface textures/materials) to mitigate starkness.

Enclosing an existing second story balcony is considered a room addition subject to the requirements in this section. Changing the half wall of an existing second story balcony (e.g., replacing it with wrought iron) is considered a home remodel subject to the requirements in this section.

The Homeowner is responsible for obtaining the proper city permits and must ensure that all such matters of construction are in accordance with all federal, state, and local government or standards and agency requirements. **Obtaining a city permit does not alleviate the Homeowner's responsibility of submitting a Home Improvement Application and plans and obtaining prior for prior written approval by the ACC before commencing work.**

The following sections describe guidelines and standards related to specific elements of room addition and home remodel projects.

3.55.1. Roof

The ACC may limit the overall height of all new additions to the maximum height of developer constructed two-story homes within Canyon Creek.

Roof pitch, overhang and design must not deviate from that which exists in the neighborhood for homes with the same number of stories. A variety of roof setbacks (as on existing homes) and multiple rooflines (similar to existing homes) must be included in the design. Roof edges must overhang the structure below by at least eight (8) inches measured horizontally from the structure below. Roof edges flush or nearly flush with the structure are not permitted.

Roof materials must match the existing materials on the original house (unless the entire roof is being replaced). Any change in roof materials requires the submission and ACC approval of a Home Improvement Application to change all roofing material on the entire house. Refer to sections 3.54 *Roofing* on page 30 and 3.63 *Skylights* on page 35 for more information.

3.55.2. Mass

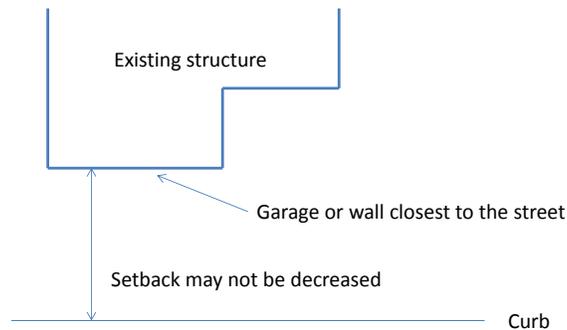
New additions or remodels should be planned to minimize mass on front elevations to integrate more appropriately with the house and adjacent homes. This can be achieved by employing setbacks to add variety (as on existing homes).

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Homeowners on corner lots must also consider the mass from side elevations due to visibility from the Common Area, and may be required to incorporate architectural style and materials on the front and Common Area side elevation(s) to reduce the negative impact on open space and adjacent homes. Elevations that are determined to propose an unacceptable massing effect may be required to provide additional setbacks and/or incorporate alternative architectural styles (such as hip roofs and/or alternative materials or design).

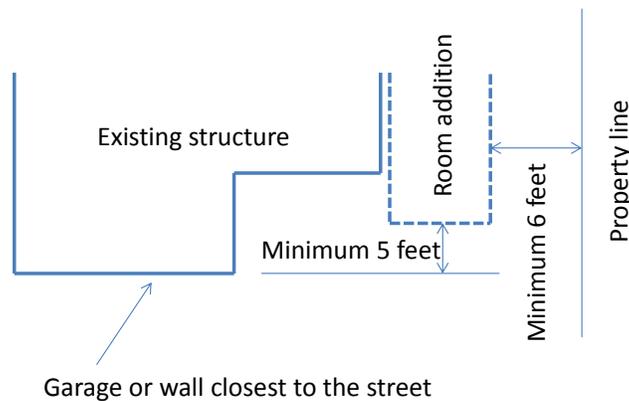
3.55.3. Setbacks: General

The minimum setback from the face of the street curb to the face of the garage wall or nearest wall to the street shall not be reduced.



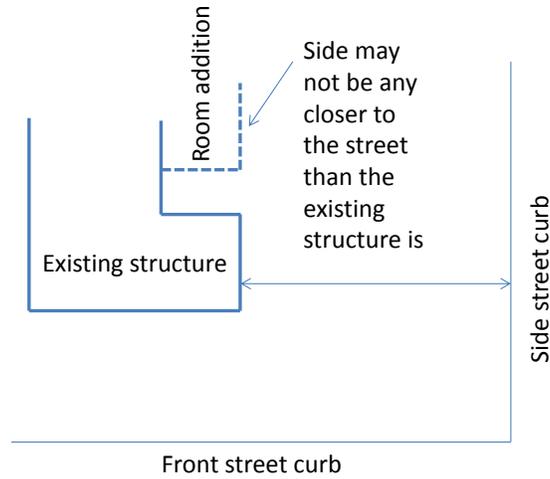
3.55.4. Setbacks: Single Story Room Additions

The minimum setback of a first story room addition shall be five (5) feet behind the face of the garage wall or other building structure closest to the front property line and six (6) feet from the side property line.

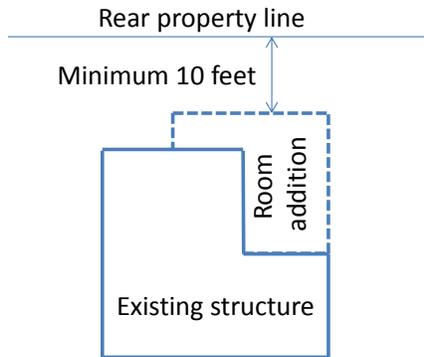


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The minimum setback of a first story room addition in a side yard at a corner lot shall be the existing house wall closest to the side street.

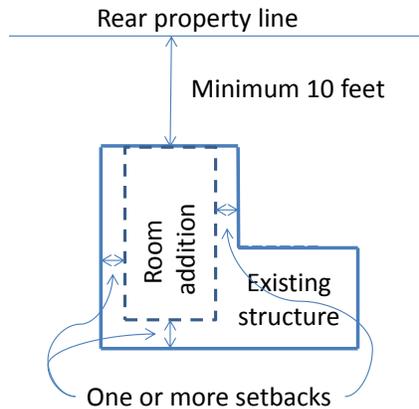


The minimum setback from the rear property line to the face of a first story room addition shall be ten (10) feet.



3.55.5. Setbacks: Second Story Room Additions

A second story room addition should use one or more setbacks from front, back or sides as shown below to avoid massing effect.



In addition, on a case-by-case basis, additional setback may be required for a second story room addition depending on the proximity of the home to the street and/or neighboring homes. Setback distances for additions over the garage must be consistent with the setbacks over garages on similar models of existing Canyon Creek homes.

3.56. SATELLITE DISHES

Refer to section 3.5 *Antennas and Satellite Dishes* on page 13.

3.57. SCREENS AND SECURITY DOORS/BARS

Screen doors on front (main) entry doors require prior ACC approval. Submit:

- General Home Improvement Application form
- Brochure, photo or other information describing the style, color and material

Screen doors of the roll-up/disappearing style are the only type allowed on front (main) entry doors. Other types of screen doors, other than heavy metal security doors, are permitted on side and rear doors without prior ACC approval. Security bars on windows and heavy metal security doors are not permitted on any window or door.

3.58. SECURITY CAMERAS

Refer to section 3.71 *Surveillance Systems/Cameras* on page 36.

3.59. SHADES

Refer to section 3.8 *Awnings and Sunshades* on page 15.

3.60. SHADE STRUCTURES

Refer to section 3.13 *Canopies, Shade Structures and Sun Sails* on page 16.

3.61. SHINGLES, SIDING AND STUCCO

Changing the appearance of the façade of your home in any manner (such as replacing shingles or siding with stucco) other than like-kind repair/replacement requires prior ACC approval. Submit:

- Exterior Shingles, Siding and Stucco Application form
- Professionally prepared construction plans/drawings (refer to section 2.4 *Plans and Drawings* on page 6)
- Brochure, photo or other information describing the style, color and materials

The Association is responsible for preserving the aesthetic character of the neighborhood, which includes a balanced mix of homes with shingle, siding and stucco façades. Converting a shingle or siding home to stucco completely changes the look of the home and many other expensive changes (e.g., window changes, window frame molding, application of stone façade, roofline, etc.) may be required to ensure an attractive outcome.

To maintain that balance, there may not be more than three adjacent homes with facades of the same material. Your application to change the appearance from wood siding or shingles may be denied and you will be required to utilize new shingle or siding products on your home's façade to maintain its existing architectural style.

As an alternative to replacing wood shingles or siding with stucco, consider use of new products such as fiber cement and composite materials (e.g., HardiPlank® and HardiShingle®) that have a wood-like appearance but require no painting, minimal maintenance and are more durable and termite resistant than traditional wood products.

3.62. SIDING

Refer to section 3.61 *Shingles, Siding and Stucco* on page 35.

3.63. SKYLIGHTS

Changing or installing new skylights or exterior skylight covers requires prior ACC approval. Submit:

- General Home Improvement Application
- Professionally prepared construction plans/drawings (refer to section 2.4 *Plans and Drawings* on page 6)

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- Brochure, photo or other information describing the style, color and materials

Skylights may be acceptable based on the location, number and size of skylights being proposed. Skylights must utilize flat clear or bronze glass similar to developer-installed skylights. Curved, white plastic skylights are not permitted.

All metal framing and flashing must be painted or finished in a dark or neutral color to blend with the roof color. Unfinished metal is not permitted.

3.64. SOLAR ENERGY EQUIPMENT

Changing or installing new solar energy equipment including systems for water heating and electrical power requires ACC approval. Submit:

- General Home Improvement Application form
- Professionally prepared construction plans/drawings showing location, description and size of all panels, collectors and other equipment, including visible wiring, piping, attachments, flashing, pumps, electrical panels, hardware, etc. (refer to section 2.4 *Plans and Drawings* on page 6)
- Brochure, photo or other information describing the style, color and materials

Panels and collectors must be mounted directly on the roof with standoffs not to exceed six (6) inches and should be located, if possible, so they are not visible from the Common Area. Angled panels where one edge of the panel is higher than six (6) inches above the roof surface are not permitted.

Pipes and wiring must penetrate through the roof rather than being installed along the face of the roof or house. Visible components, such as control/electrical panels, conduit, plumbing, wiring, battery equipment, etc. must be painted to match adjacent surfaces.

3.65. SPAS

Refer to section 3.50 *Pools and Spas* on page 30.

3.66. SPORTS EQUIPMENT

Refer to section 3.10 *Basketball Backboards* on page 15 and the chapter “Miscellaneous Rules and Regulations in the Rules & Regulations document.

3.67. STAINED GLASS

Refer to section 3.85 *Windows* on page 38.

3.68. STORAGE SHEDS

Refer to section 3.40 *Outbuildings, Pet Pens, Play Structures, Playhouses, and Storage Sheds* on page 28.

3.69. STUCCO

Refer to section 3.61 *Shingles, Siding and Stucco* on page 35.

3.70. SUN SAILS

Refer to section 3.13 *Canopies, Shade Structures and Sun Sails* on page 16.

3.71. SURVEILLANCE SYSTEMS/CAMERAS

Changing or installing a home surveillance system with equipment visible from the Common Area requires prior ACC approval. Submit:

- General Home Improvement Application form
- Sketch/drawing showing the location of the cameras and other equipment
- Brochure, photo or other information describing the camera(s)

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All cameras mounted to the exterior of the home must be positioned such that the recorded/monitored view does not include a view of or into neighbors' properties that would not otherwise be visible. Cameras that pan and/or zoom into neighbors' properties are not permitted.

All cables and conduit mounted to the exterior of the home must be run parallel or perpendicular to the ground (not run at angles) and cables, conduit and any electrical boxes must be painted to match the surface to which they are affixed.

3.72. TREES

Refer to section 3.34 *Landscaping* on page 25.

3.73. TRELLISES

Refer to section 3.6 *Arbors, Gazebos, Patio Covers, Pergolas and Trellises* on page 14.

3.74. TRIM AND MOLDING

Adding or changing trim or moldings around windows, doors, posts, etc. if visible from Common Areas or, above a wall or fence, requires prior ACC approval. Submit:

- General Home Improvement Application form
- Sketch/drawing showing the dimensions and location of the trim/molding
- Brochure, photo or other information describing the style, color and material

Refer to section 3.22.3 *Eaves and Trim Painting* on page 20 for more information.

3.75. WALKWAY LIGHTING

Refer to section 3.42 *Outdoor Lighting* on page 28.

3.76. WALLS

Refer to section 3.23 *Fences, Gates, Walls and Planters* on page 21.

3.77. WATERFALLS

Refer to section 3.50 *Pools and Spas* on page 30.

3.78. WATER HEATERS

Refer to section 3.50 *Pools and Spas* on page 30.

3.79. WATER SOFTENING EQUIPMENT

Refer to section 3.50 *Pools and Spas* on page 30.

3.80. WATER STORAGE TANKS

Tanks or other vessels for the storage of water, such as rain runoff, are permitted without prior ACC approval provided they are at a height not to exceed six (6) feet from the ground, and are not visible from the Common Area.

3.81. WEATHERVANES

Refer to section 3.25 *Flagpoles and Weathervanes* on page 23.

3.82. WINDOW COVERINGS

Changes or addition of exterior window/skylight coverings (e.g., awnings, blinds, shades, etc.) requires prior ACC approval. Submit:

- General Home Improvement Application form
- A sketch showing the location of proposed exterior window coverings
- Brochure or photo showing the style and color(s) of the proposed exterior window coverings

Interior window coverings do not require ACC approval, but must comply with the following standards:

Window coverings must use materials/products designed for window covering including drapes, shades, shutters, vertical/horizontal blinds, etc. Any window covering appearing as a temporary covering shall not be permitted. Unacceptable materials include, but are not limited to, sheeting (i.e., bed linens), newspaper, poster board, cardboard, butcher paper, aluminum foil, plywood, paper blinds, etc. Interior and exterior window bars and grills are not permitted. Refer to sections 3.8 *Awnings and Sunshades* on page 15, 3.83 *Window Screens* on page 38 and 3.84 *Window Tinting* on page 38 for more information.

3.83. WINDOW SCREENS

All window screen material must be constructed of a light gray colored plastic material. Window screens must fit entirely within the glass-framed section of the window and must not obscure or extend onto the window frame, window trim, wood siding, shingles or stucco. Window screens must only cover the section of the window that opens. Window screen density must be such that the glass window behind the screen is clearly visible through the screen. Dark window screens that obscure the glass window or window frames are not permitted.

Refer to sections 3.82 *Window Coverings* on page 37 and 3.84 *Window Tinting* on page 38 for more information.

3.84. WINDOW TINTING

Interior window tinting (including garage door windows, if applicable) does not require prior ACC approval, but must comply with the following standards:

Window tinting must not be opaque. Reflective material applied to a window (other than window manufacturer's factory-applied low emissivity or low-e coatings) that creates a "mirror" effect on windows, contact paper or tinting that shows colors other than gray or bronze/brown from the outside is prohibited. All windowpanes within the same window unit and all windows on the same side of the home must be tinted using the same material and color. Window tinting shall be kept in good order. Peeling, wrinkled, discolored or bubbled areas shall be repaired or removed.

Refer to sections 3.82 *Window Coverings* on page 37 and 3.83 *Window Screens* on page 38 for more information.

3.85. WINDOWS

Installing new or replacement windows, including changes in size, materials, location and/or color, requires prior ACC approval. Submit:

- Windows Home Improvement Application form
- A sketch of each side of the home where windows are being replaced/added/removed. Indicate which windows are remaining "as is" and which are being replaced/added/removed. For each window, indicate the type (solid glass, single-hung, double-hung, horizontal sliding, casement, awning, garden or bay windows; see descriptions below) and whether the window will have divided panes or not.
- Brochure or photo showing the window style, color and material

Window design and materials must be complementary and consistent with other windows on the same side of the house. Replacement windows may be either full replacement or retrofit windows constructed of wood, vinyl or aluminum that has been color treated (baked on powder finish or anodized). Replacement windows may be solid glass (aka picture window), single-hung (top fixed and bottom slides up and down), double-hung (top and bottom slide up and down), horizontal sliding (left and/or right slides side to side), casement (cranks out and opens from the left or right), awning (cranks out and opens from the bottom), garden or bay window styles, with or without real or simulated divided panes. Glass block windows are typically unacceptable if visible from the Common Area.

Since manufacturers often change window design (or go out of business), it is a good idea to replace all exterior-facing windows (or at least the ones on the same side) of the house at the same time for a consistent look.

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Single-hung, double-hung, and casement windows are usually used for vertically oriented windows where the height is greater than the width. Horizontal sliding, awning, garden and bay windows are usually used for horizontally oriented windows where the width is greater than the height. Generally, the most prominent windows on a particular side of the home should dictate the type/orientation of other windows on that side, and mixing window styles on the same side of the house should be avoided.

Double-hung windows can feature windowpanes that tilt inward to allow cleaning both sides from indoors, but like single-hung and horizontal sliders, only half the window opening allows airflow. Casement and awning windows offer maximum airflow since the entire window opens, plus casement windows can catch and redirect breezes. Casement and awning windows usually allow both sides of the window to be cleaned from indoors. Interior mounted screens stay cleaner and the single pane of glass admits more light with a cleaner, less cluttered look. However, casement and awning windows may only appropriate in areas such as second floors where the outward opened windowpane will not interfere with people walking nearby.

Window frame color must be approved by the ACC and match or complement the surrounding wood trim, stucco or siding. If there will be no surrounding wood trim, stucco or siding, the window frame flange must be between two (2) to four (4) inches in width and present a clear contrast in color between the frame and the surrounding surface. Natural (silver) aluminum frames are not permitted.

Canyon Creek homes were built including one or more stained glass windows. If your stained glass window(s) are in need of repair, several local firms can repair such windows. (Consult the Suggested Vendor page in the Resources section of the Canyon Creek website). The ACC must approve the removal of any stained glass window (being covered over by a wall) or replacement of a stained glass window with a standard window. The ACC must also approve any new stained, etched and/or leaded glass window colors and designs as well.

Window screens, if present, must be kept in good condition at all times, and window screen frames shall be in a color that matches the window frame.

In order to provide a consistent appearance, the following window guidelines apply according to the type of window(s) being replaced and there are three window types based on its position on the home:

- Front Windows and Front-Adjacent Windows
- Common Area-Facing Windows
- Other Windows

Please refer to the following sections for descriptions and guidelines associated with each type of window. If changing window trim or molding, also refer to section 3.74 *Trim and Molding* on page 37.

3.85.1. Front Windows and Front-Adjacent Windows

All **Front Windows** together with any **Front-Adjacent Windows** must be replaced at the same time using similar style products and colors. If some windows are not replaced, the new windows must have the same grid style, size and number of panes as the existing windows not being replaced. If some windows are not replaced, the exterior frames of the existing windows not being replaced must be painted to match the new/replacement windows, regardless of which floors the windows are on.

*A **Front Window** is defined as a window facing the street that the driveway exits to and is located on the front façade of the home. If a garage includes corner windows, the garage windows must be replaced (or exterior frames painted to match) at the same time as the Front Window(s).*

*A **Front-Adjacent Window** is any side-facing window whose center is within twelve (12) horizontal linear feet from the corner of a front façade. This means if a home has a corner window where one of the windows is a Front Window, all the corner windows must be replaced (or exterior frames painted to match) at the same time as the Front Window(s). This also means that a side-facing window that is close to the front façade of the home (such as the front-most*

window in Bedroom 4 in floor plan F–Reprise) would also have to be replaced (or exterior frames painted to match) if the Front Window(s) are being replaced.

3.85.2. Common Area-Facing Windows

All **Common Area-Facing Windows** must be replaced at the same time using similar style products and colors. If some windows are not replaced, the new windows must have the same grid style, size and number of panes as the existing windows not being replaced. If some windows are not replaced, the exterior frames of the existing windows not being replaced must be painted to match the new/replacement windows, regardless of which floors the windows are on.

*A **Common Area-Facing Window** is defined as a Clearly Visible side or rear window where a majority of the side or rear of the home faces a Common Area (such as a street, walkway or greenbelt), a public street (such as Hicks Canyon Avenue or Yale Avenue), public area (such as a public walkway, paseo, trail, etc.) or a neighboring community of homes.*

Clearly Visible means more than 50% of the window area is viewable (with existing fences, walls and/or landscaping in place) by a person standing on the ground in a portion of the Common Area facing the window. If existing fences, walls and/or landscaping obscure more than 50% of the window area, then it is not considered a Common Area-Facing Window. If a later change in fences, walls and/or landscaping makes a previously obscured window become a Common Area-Facing Window, then it would be subject to replacement (or exterior frames painted) to match other Common Area-Facing windows on the same side of the home.

Examples of Common Area-Facing Windows would be windows on the side of a corner lot home; or windows on the side or rear of a home where a majority of the side or rear faces a greenbelt, walkway or street.

3.85.3. Other Windows

Windows that do not fit the above descriptions of Front Windows, Front-Adjacent Windows, or Common Area-Facing Windows can be replaced without matching the style or color of existing windows; however, a Home Improvement Application and prior ACC approval are still required. Examples of windows that can be replaced without matching the style and color of existing windows include but are not limited to:

- Side windows that face another home instead of a Common Area, are not part of a front corner window set and are not within twelve (12) feet from the front façade of the home
- Rear or side windows that face another home inside Canyon Creek, and are not clearly visible from a Common Area

Also refer to sections 3.56 *Screens and Security Doors/Bars* on page 35, 3.82 *Window Coverings* on page 37, 3.83 *Window Screens* on page 38 and 3.84 *Window Tinting* on page 38.

4. Home Improvement Application Review Procedure

The following steps shall be followed for Home Improvement Application reviews:

1. Homeowner reviews the requirements associated with the proposed Improvement by reviewing the appropriate information in the preceding chapters. This will assist the Homeowner in understanding what is and is not acceptable, whether an application must be submitted prior to the Improvement, which form to use, the submission process and what information/drawings/materials must be provided with the form.
2. Homeowner submits the proper and fully completed Home Improvement Application to the property management company. Forms may be accessed, completed and printed online at the Canyon Creek website (www.CanyonCreekHOA.com, in the Documents section). However, since the forms require Homeowner and neighbor signatures, and may require plans/drawings/sample materials, etc., the forms cannot be submitted online and must be printed and mailed or delivered. If required based on the type of improvement, some applications must also be accompanied by plans/drawings showing the nature, kind, shape, color, size, and materials of the proposed improvements or modifications (refer to section 2.4 *Plans and Drawings* on page 6).
3. The application (along with plans, material/paint samples, brochures, and other required information) may be submitted by mail or personally delivered to the property management company during normal business hours. The Home Improvement Application must include sufficient detail to describe the dimensions, and assess the aesthetic, functional and environmental characteristics, of the proposed improvement or modifications. Refer to chapters 2 and 3 for more information.
4. The property management company will log the request and verify that the application is complete including Homeowner awareness signatures (refer to section 2.5 *Neighbor Awareness* on page 8), plans (if required; refer to section 2.4 *Plans and Drawings* on page 6) and other required information/samples.
5. If the application is complete, the property management company will forward the Home Improvement Application and materials to the ACC.
6. The ACC will review the application, and plans and specifications, with respect to esthetics and adherence to the Association's Architectural and Landscaping Standards, design, and harmony of external design with existing structures, and as to location in relation to surrounding structures, topography and finished grade elevation. The ACC may contact the Homeowner for further clarification of the application. The ACC shall issue a decision in writing approving or disapproving the proposed improvements or modifications along with any conditions associated with the approval. A majority of the ACC members must agree with the proposed improvements or modifications in order for the Home Improvement Application to be approved. If disapproved, the ACC will provide an explanation of the reason(s) for the disapproval. The property management company or the ACC may reject applications that are incomplete or contain insufficient, inadequate or unclear details.
7. An ACC member will then return the approved or disapproved Home Improvement Application to the property management company, which will retain it in the Homeowner's file. The ACC must respond within 30 days after receipt of the Home Improvement Application, or the request will be deemed approved.
8. The property management company will forward a copy of the approved or disapproved Home Improvement Application, plans and any conditions to the Homeowner. Steps 2 through 5 must be completed within thirty (30) days of receiving a complete Home Improvement Application. Ten (10) additional days will be added if signatures from absentee owners have not been provided (refer to section 2.9 *Application Processing Time* on page 10).

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9. If disapproved, Homeowner may appeal to the Board of Directors as follows:
 - a) Appeal must be in writing requesting a hearing at the next Board meeting. Requested hearing will be scheduled at the first regular meeting following one week after receipt of the appeal.
 - b) Appellant will receive a maximum of fifteen (15) minutes to present his/her position. The Appellant may request that the Board of Directors conduct the appeal during the open session or executive session of the meeting. Failure of the applicant to attend the scheduled hearing without 24 hours or more prior notification or request for delay may result in automatic retention of prior disapproval disposition of the ACC. The Board of Directors will take no action on the matter at the hearing.
 - c) The Board will discuss the matter in Executive Session and will respond in writing as to its determination within thirty (30) days of the Board meeting. Board decision is final with no further recourse available through the Association.
10. A member of the ACC will inspect the completed Improvement and complete a Notice of Completion form (refer to section 2.13 *Final Inspection and Notice of Completion* on page 11).
11. The ACC member performing the inspection will indicate on the Notice of Completion whether the Improvement was completed in substantial accordance with the approved application and plans.
12. The ACC will deliver the signed Notice of Completion to the property management company for filing and a copy will be mailed to the Homeowner.
13. If the inspection shows substantial deviations from the approved Improvements, the ACC shall notify the property management company who will notify the Homeowner of the non-compliance and the steps needed to resolve the non-compliance within sixty (60) days of completing the inspection. Continued non-compliance beyond sixty (60) days may result in hearings, fines, and/or legal action by the Association.

NOTE: If an emergency repair or replacement is required for something that normally requires an application and prior ACC approval, and a thirty (30) day approval process may cause personal injury, loss or damage to the property, the Homeowner may directly contact a member of the ACC for expedited approval.

*Canyon
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