

Canyon Creek

Resident Handbook

Canyon Creek Homeowners Association

www.canyoncreekhoa.com

NOVEMBER 2005

Revision A

REVISED AND APPROVED BY THE CANYON CREEK BOARD OF DIRECTORS
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Revision A 09NOV10: Collection and Foreclosure information updated

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**CANYON CREEK HOMEOWNERS ASSOCIATION
RESIDENT HANDBOOK**

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General Information

We sincerely hope you enjoy living in Canyon Creek. Please review this *Resident Handbook* for important information pertaining to the Canyon Creek Homeowners Association. Printed copies of the *Resident Handbook* are given to new residents and distributed to existing residents on a periodic basis when updated. Please save it for future reference. This information is also available on the Canyon Creek Web site (www.canyoncreekhoa.com).

This *Resident Handbook* only addresses rules and regulations that relate to the Association, Homeowner properties and the Common Area. Living in close proximity to others requires thoughtful consideration about how your actions may affect others. It is in this spirit that we encourage open communication, cooperation and respect between neighbors so we can maintain a friendly environment that maximizes everyone's enjoyment of their homes.

Here is some important information you may need to know:

WEB SITE

Visit the Canyon Creek Homeowners Association Web site at www.canyoncreekhoa.com where you'll find lots of useful information. Many management requests (such as copies of forms, CC&Rs, etc.) can be quickly handled online. Here's what you'll find:

The home page summarizes site updates and hot news, plus you can register to receive e-mail messages notifying you of important events, meetings, and news. **About Us** provides information about the association and community including photos, floor plans, and maps with door-to-door driving directions. The **Events** section lists dates and locations for meetings, social events, etc. **News** provides the latest community news, newsletters, and North Irvine Village Association (NIVA) meeting minutes. Go to this section for the latest information about the planned middle school and residential development adjacent to Canyon Creek.

The **Resources** area lists help wanted notices, a list of suggested vendors/contractors that others have used and recommend. You'll also find useful links to city/county/state information, weather, shopping, employment, restaurants, local events, entertainment, recreation, sports, movie show times and reviews, traffic, health encyclopedia, tickets, travel, flight times, home improvement, real estate, investing and more! **Documents** provides architectural approval information and forms, automatic payment authorization, articles of incorporation, bylaws, CC&Rs, rules and regulations, and an online rules violation report. Finally, **Contacts** gets you in touch with management, patrol service, board of directors, committee chairpersons, and obtaining replacement keys and transmitters.

We encourage you to sign up for our e-mail list by filling out the form at the bottom of the home page. That way, you'll be notified of updates to the Web site, and important community news and events. We're sure

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you'll find the site useful. Your comments and ideas are always welcome. Click the "Comments" link at the bottom of any page.

CANYON CREEK FACILITIES AND ACTIVITIES

For the enjoyment and recreation of residents, Canyon Creek provides a pool and spa, cabana with restrooms and shower, two lighted tennis courts, a "tot lot" playground, and greenbelts with walkways. For additional privacy, the community features perimeter walls, fences and gates. The Association has provided two dispensers of free "doggie bags" that can be used to clean up after your pet.

During the year, the Social Committee organizes several events for the enjoyment of residents and to provide an opportunity for you to meet your neighbors. Refer to the section *Social Committee* on page 7 for more information.

COMMON AREA

As used in this document, "Common Area" refers to streets, sidewalks, greenbelts, exterior perimeter walls, gates, fences, pool, spa, restrooms, tot lot, tennis courts, and other Canyon Creek property not wholly owned by a single Homeowner.

ASSOCIATION DUES

Homeowners pay monthly dues (assessments) that are used to pay recurring costs to maintain the Common Areas, such as landscaping, tree trimming, pool/spa operation, cleaning services, utilities, etc. Dues are also used to build reserve funds for the maintenance, repair and replacement of major community elements, such as Common Area painting and roofing, streets, walls, fences, gates, lighting, signs, mailboxes, pool/spa equipment, etc.

Assessments are due and payable on the first (1st) of each month and become delinquent if not paid by the fifteenth (15th) day of the month in which they are due. You can arrange for automatic deduction from your bank account by completing and submitting an Automatic Payment Authorization form (available in the "Documents" section of the Canyon Creek Web site). Refer to the section *Assessment Collection Policy* on page 49 for more information.

PROPERTY MANAGEMENT

Canyon Creek has contracted with Total Property Management to handle the day-to-day operational tasks of running the Association. The Community Manager acts as a primary liaison between the Canyon Creek Board of Directors, committees, subcontractors and Homeowners. They handle the accounting and financial business of the Association, arrange for Common Area maintenance, answer Homeowner inquiries, coordinate Board of Directors meetings, etc.

If you notice a problem with any elements of the Common Area, please contact Total Property Management.

2 Corporate Park, Suite 200
Irvine, CA 92606
Office hours: 8:30AM - 5:00PM, Monday-Friday, except holidays
Phone: (949) 261-8282 (24 hours)
Fax: (949) 261-6958
General e-mail: corporate@totalpm.com

For non-critical issues, as an alternative to calling or writing, you may complete and submit a form on the Canyon Creek Web site in the Contacts/Management section. Additionally, you can visit Total Property

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Management's Web site at www.totalpm.com where you can contact Customer Service and Accounting, submit a change of address, and make a payment inquiry.

TENNIS COURT, POOL, SPA AND RESTROOM KEYS

Each home is provided with two keys. One key is an electronic transmitter in the form of a small plastic gray "fob" that can be attached to a key ring. It operates the tennis court and pool gates. Just hold the transmitter next to the reader at the entrance to the facility. If authorized, the gate will unlock. Once inside the pool or tennis court area, press the green button near the door to open the gate to exit. This computer-controlled electronic locking system allows securing these facilities after hours, tracks usage (to identify suspected vandals) and lost key transmitters can be deactivated to prevent misuse of our facilities by non-residents.

The other key is a standard metal key that operates the timer on the spa, unlocks the restrooms at the pool and controls tennis court lights.

If a pool/tennis court transmitter "fob" is lost or stolen, or if you did not receive one from your landlord or the previous Homeowner, it will be replaced at no charge; however, the missing transmitter will be deactivated. If you need additional pool/tennis court "fobs," they can be purchased for \$25 through Carrol Lund. Refer to printed directory for phone number or contact Total Property Management. If your spa/restroom/tennis court light metal key is lost or stolen, if you did not receive one from your landlord or the previous Homeowner, or if you need additional keys, they can be purchased for \$25 each from Jackie Lombardi at 714-730-6492 or contact Total Property Management.

VEHICLE GATE TRANSMITTERS

The vehicle gates use a battery-operated transmitter similar to a garage door opener. If your vehicle gate transmitter is lost or stolen, if you did not receive one from your landlord or the previous Homeowner, or if you need additional transmitters, they can be purchased for \$17 each from Jackie Lombardi at 714-730-6492 or contact Total Property Management. The vehicle gate can also be operated by entering a four-digit master code (refer to the section *Pedestrian and Vehicle Gate* on page 4).

PLACING YOUR NAME AT THE GATE AND ON THE PHONE ROSTER

Please contact Total Property Management to have your name added to the electronic directory at the main entry gate. This information will also be added to the printed phone roster that is periodically mailed to all Canyon Creek residents. Please provide your address, the spelling of your first and last name and your home phone number, and this information will be given to the committee member to program into the entry system within five business days. Once your name appears on the entry system, using directions that appear on the screen, your guests will be able to look up your name, enter the code number that has been assigned to you and your phone will ring. To save your guests time looking up your name on the directory system, you can tell them to press the pound (#) button followed by your personal three-digit code (e.g., #-1-2-3). Once your guests identify themselves over the phone, simply press '9' on your phone, you will hear a buzz and the gate will open for them.

Please remember, the phone roster is provided for the private use of Canyon Creek residents only. To ensure privacy, resident phone numbers and addresses are not published on the Canyon Creek Web site.

TEMPORARY GATE CODE

If you're having a large party and would prefer not having every guest phone you from the guardhouse, a special temporary code can be set up on our phone entry system. Please contact Carrol Lund, 9 Vispera (or use the "Gate Code" e-mail form in the "Contacts" section of the Canyon Creek Web site) at least two weeks in advance of your event. After validating your request, the code will be assigned and you can include the code in your invitations.

PEDESTRIAN AND VEHICLE GATES

The association has chosen to make it easier for residents and repeat visitors, such as gardeners, pool services and delivery personnel, to gain access to the community by providing master codes to gain entry via the pedestrian and vehicle gates. There are six pedestrian gates: one next to each vehicle entry and exit gate at Sonrisa West (main entrance) and Sonrisa East, one exiting to Yale Avenue at the northwest corner of the community, and one exiting to Hicks Canyon wash along La Dera. All pedestrian gates use the same three-digit code, while both vehicle gates use the same four-digit code. Please contact Total Property Management or refer to the printed phone roster for the codes, as the codes will change from time to time. If the codes are updated, you will be notified in advance. Remember to notify personnel that provide services on a recurring basis. **Please remember: The master codes are provided for the private use of Canyon Creek residents only – do not publish the master codes.**

EXTERIOR CHANGES

In order to maintain the architectural character, aesthetics and property values of Canyon Creek, modification of structures, materials, certain landscaping and paint color must be compatible with the house and overall architectural style of the immediate area. The Canyon Creek Architectural Review Committee (ARC) is responsible for review and decisions on all Home Improvement Applications, which must be submitted prior to any additions or alterations to the exterior elements of houses and lots, as more fully described in chapters 6, 7 and 8.

In general, approval by the ARC prior to commencement is required for any changes to the exterior of your home. This includes modification, addition or removal of any structure (whether or not visible from the Common Area), hardscape, and certain landscape visible from the Common Area. Approval by the ARC is in addition to any permits that may be required by the city. Consult the list of improvements beginning on page 19 and read the appropriate section to understand the approval requirements and refer to chapters 6, 7 and 8 for additional information.

Obtaining prior approval for changes is very important. Action including cease and desist orders and/or fines may be taken for noncompliance. Please contact Total Property Management or visit our Web site at to obtain a Home Improvement Application.

BOARD OF DIRECTORS MEETINGS

Unless otherwise notified, the Board of Directors usually meets the second Monday of the even months (e.g., February, April, June, etc.) at 7:00PM. Each month the meeting date, time and location will be printed on the bottom of your assessment statement and can also be found on the Canyon Creek Web site. All Homeowners are welcome!

PATROL SERVICE

Canyon Creek has contracted with a patrol service to monitor our facilities. To report minor questionable activity, please call the patrol service at 949-742-0628. For criminal activity, call 911.

RECURRING EVENTS

Mark your calendars for the following dates that pertain to your Association. You can also check the Events section of the Canyon Creek Web site for the most up-to-date information.

- Trash collection: Mondays (unless it is a holiday, in which case, collection will be on Tuesday)
- Street cleaning: 2nd & 4th Tuesday
- Pool heated: Approximately April 1 - October 15 (spa heated year round)
- Board meetings: Second Monday of the even months (e.g., February, April, June, etc.) at 7:00PM

ADOPTION, AMENDMENT OR REPEAL OF RULES AND REGULATIONS

The Board of Directors may, in its discretion, adopt new Rules and Regulations, and, amend or repeal Rules and Regulations included in this *Resident Handbook* from time to time. Homeowners will receive a written draft of the proposed Rules and Regulations change(s) at least thirty (30) days in advance of a scheduled Board meeting at which the Board will vote on the change(s). Homeowners with comments about the proposed change(s) may attend the Board meeting or submit written comments to the Board prior to the meeting. The Board will make a decision at the meeting after considering all comments. If approved by the Board, the rule change(s) will be mailed or otherwise distributed to the Homeowners within fifteen (15) days after the Board adopts the rule change(s). The approved change(s) will be incorporated into a reprint or as an addendum to this *Resident Handbook*.

The Board may adopt, amend or repeal rules on an emergency basis without providing thirty (30) days' notice if there is an imminent threat to public health or safety, or an imminent risk of substantial economic loss to the Association. If the Board adopts a rule change on an emergency basis, Homeowners will be given notice of the change within fifteen (15) days. The emergency rule change may only be effective for 120 days, but may be re-adopted after following the above notice procedures.

GUEST AND/OR TENANT VIOLATIONS

Homeowners shall be responsible for their guest and tenant's (and Tenant's guests) actions. Homeowners shall provide a copy of the current *Resident Handbook* and ensure that Tenants are aware of its provisions. It is the responsibility of the Homeowner and/or Tenant to advise guests of any Rule or Regulation that may apply (for example, parking restrictions, use of recreational facilities, etc.).

The Homeowner shall be liable for payment of assessments and fines resulting from violations of any provisions of this document and/or any damage caused to Association property or Common Area by the Homeowner's Guests, Tenants and their guests. Refer to the section *Rules Enforcement Policy and Fines* on page 43 for more information.

REPORTING VIOLATIONS

Any resident may report a violation of any provision of the *Resident Handbook* to the Management Company in writing (a fill-in form for this purpose is also available in the "Documents" section of the Canyon Creek Web site). The Management Company, the Architectural Review Committee or a member of the Board of Directors will investigate the complaint. If the complaint is justified, a Notice of Violation will be sent to the Homeowner (refer to the chapter *Rules Enforcement Policy and Fines* on page 43).

For any violation of Pool, Spa or Tennis Court rules or other situations that require attention within less than an hour, residents are encouraged to contact the patrol service (refer to the section *Patrol Service* on page 4) and a patrol officer will be dispatched.

If an emergency or criminal violation is in progress, call the City of Irvine Police department (911 or 949-724-7000). Total Property Management also maintains a 24-hour telephone number (949-261-8282) for emergencies concerning the Common Area property (e.g., broken sprinkler, exposed wiring).

Committees

ARCHITECTURAL REVIEW COMMITTEE

The Architectural Review Committee (ARC) is important in order to preserve the architectural integrity of the community. Its goal is to maintain the appearance and value of the property within the community. The committee reviews and approves or otherwise acts on behalf of the Board on all architectural requests submitted to it for approval by Homeowners. The committee applies the CC&Rs and the Board-approved guidelines and procedures when acting on the request. The committee recommends to the Board any additions and/or revisions to the guidelines. Refer to chapters 6, 7 and 8 for more information.

BUDGET AND FINANCE COMMITTEE

The budget is used by the Board to help control the Association's spending during the entire subsequent year, and guides their spending and allocation of funds for future years. The committee fills a very important and responsible fiduciary role in forecasting expenses and developing a plan that, when used by the Board, ensures a financially sound Association. The committee examines all paid bills and expenditures of previous and current years to extrapolate expected expenditures for subsequent year thus drafting an annual budget along with a recommendation on the corresponding monthly assessments. In the absence of a Budget and Finance Committee, the property management company may fulfill the duty of preparing a budget recommendation based on past spending and expected cost increases. All budgeting and finance decisions are subject to the ultimate discretion of the Board of Directors.

BUILDING AND GROUNDS COMMITTEE

This committee makes periodic assessments of the common facilities within the community and makes recommendations to the Board on what it determines to be desired improvements other than routine maintenance. The committee evaluates the timing and need for scheduled budget-identified major reserves expenditures for maintenance, refurbishment or replacement. The committee periodically monitors (at least once per month) the performance of various contractors and brings noted deficiencies to the attention of the community manager.

ENTRANCE COMMITTEE

This committee oversees the maintenance, decorating and upgrading of the community entrances and the guardhouse at the Sonrisa West main entrance.

EXTERNAL AFFAIRS COMMITTEE

This committee considers external matters affecting the environment of the community. The committee reviews pending legislation to assess the impact on the Association. Subject to Approval by the Board of Directors, and consistent with the Association's governing documents, the committee provides appropriate responses to pending legislation and interfaces with the city, school district, municipal agencies, other Homeowners associations, and governmental agencies on matters affecting the environment and community as a whole.

LANDSCAPE COMMITTEE

This committee makes periodic assessments of the Association's landscaping within the community and makes recommendations to the Board on what it determines to be desired improvements other than routine maintenance. The committee periodically monitors (at least once per month) the performance of various contractors and brings noted deficiencies to the attention of the community manager.

SOCIAL COMMITTEE

This committee initiates, plans and, to a limited degree, coordinates the social activities of the community as a whole and determines methods for funding the activities. The committee secures and designates a chairman for each particular event who will direct, coordinate and acquire a group of volunteers to carry out the arrangements including publicity. The social activities arranged by the committee may include events such as: Spring Party Brunch and Egg Hunt, Tennis Tournament and Barbecue, Summer Picnic, Halloween Party, and Holiday Reception.

WELCOMING COMMITTEE

The committee's primary function is to personally greet new Homeowners into Canyon Creek welcoming them into the community and helping familiarize them with the neighborhood. This initiates the establishment of neighborhood bonds including explaining some of the social events normally held and giving them an Association Welcoming Package and flowers.

Pool and Spa Rules

POOL & SPA HOURS
SUNDAY - THURSDAY: 6:00AM - 10:00PM
FRIDAY AND SATURDAY: 6:00AM - 11:00PM
CAUTION - A LIFEGUARD IS NOT ON DUTY

1. Pool use is reserved for Canyon Creek residents and their invited guests only. A Canyon Creek Homeowner or resident must accompany guests at all times when in the pool area.
2. The pool gate must be kept **CLOSED AND LOCKED** at all times.
3. Children under the age of 14 years must be accompanied at all times by a responsible adult of 18 years or older.
4. The number of guests in the pool area is limited to six (6) per Canyon Creek resident. There will be NO exclusive use of the pool or portion of pool area for private parties.
5. All trash, cigarettes, and all other refuse must be put in provided trash containers or taken with you when leaving.
6. All babies must wear pool-approved diapers if not "potty trained". All others **MUST** wear swimsuits.
7. Any person(s) trespassing in the pool area during hours it is closed will be subject to arrest.
8. The following are not permitted in the pool and spa area (i.e., inside the fenced area):
 - Any activity creating excessive noise or behavior endangering oneself or others, including:
 - Obnoxious or abusive behavior
 - Climbing on the patio cover, trellis, fence or gate
 - Running, pushing, or horseplay
 - Diving in shallow areas
 - Climbing on and diving from any object or structure, including the patio cover
 - Pets
 - Alcoholic beverages
 - Glassware
 - Bikes, skateboards, roller skates, roller blades, or any wheeled toys
 - Chewing gum
 - Surf mats, surfboards, rubber rafts or boogie boards (except teaching aids and life preservers).
 - Use of safety equipment for purposes other than emergency use

During summer months, the Association *MAY* contract for pool monitoring services, but such services would only be for part of each day. Residents are advised to check the schedule for hours.

Refer to the section *Tennis Court, Pool, Spa and Restroom Keys* on page 3 for information regarding access and replacement keys.

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Any infraction of the rules observed by a resident involving safety or vandalism should be immediately reported (refer to the section *Reporting Violations* on page 5 for more information). Other minor questionable activity should be reported in writing to Total Property Management. Non-adherence of the rules by a guest of a resident will be considered the same as an infraction by the host resident. Anyone not adhering to the rules may be asked to immediately vacate the pool area.

Enforcement of all Pool and Spa Rules will be subject to warning letters, fines, and/or legal fees. Violation of any of the rules listed above will be processed through the Association's Violation/Fine Procedure. Refer to the section *Rules Enforcement Policy and Fines* on page 43 for more information.

Tennis Court Rules

TENNIS COURT HOURS
SUNDAY - THURSDAY: 7:00AM - 10:00PM
FRIDAY AND SATURDAY: 7:00AM - 11:00PM

1. Tennis court use is reserved for Canyon Creek residents and their invited guests only. A Canyon Creek resident must accompany guests at all times when in the tennis court area.
2. The tennis court gate must be kept **CLOSED AND LOCKED** at all times.
3. Appropriate attire and white, rubber soled shoes must be worn by all players.
4. All trash, cigarettes, and all other refuse must be put in provided trash containers or taken with you when leaving.
5. The following are not permitted in the Tennis Court area:
 - Pets
 - Alcoholic beverages
 - Glassware
 - Bikes, skateboards, roller skates, roller blades, or any wheeled toys
 - Pool area chairs, lounges, tables or other furniture
 - Any obnoxious or abusive behavior
 - Activity creating excessive noise or behavior that disrupts other players

Courts are open play (no reservation can be made). Play is to be on a first-come, first-served basis. If others are waiting, play is to be limited to one (1) hour for singles, and 1½ hours for doubles. Time is to start when you take the court.

Refer to the section *Tennis Court, Pool, Spa and Restroom Keys* on page 3 for information regarding access and replacement keys.

Any infraction of the rules observed by a resident involving safety or vandalism should be immediately reported (refer to the section *Reporting Violations* on page 5 for more information). Other minor questionable activity should be reported in writing to Total Property Management. Non-adherence of the rules by a guest of a resident will be considered the same as an infraction by the host resident. Anyone not adhering to the rules may be asked to immediately vacate the tennis court area.

Enforcement of all Tennis Court Rules will be subject to warning letters, fines, and/or legal fees. Violation of any of the rules listed above will be processed through the Association's Violation/Fine Procedure. Refer to the section *Rules Enforcement Policy and Fines* on page 43 for more information

Vehicle and Parking Restrictions

All streets in Canyon Creek are private. Nevertheless, the City of Irvine and the Police Department are empowered to enforce the California Vehicle Codes as if the streets were public (Vehicle Code Section 21107.7). Please note that in addition to local ordinances, specific restrictions contained in the CC&Rs and these Rules and Regulations will be enforced.

COMMON STREETS

A driver of a vehicle entering into the Development is to observe the posted speed limit and stop signs, as well as all vehicle codes. There may be children playing in streets, and extreme care and adherence to the rules is necessary. Homeowners are responsible for their guests and tenants adhering to the rules, and advising them of such. Vehicular noise including loud stereo levels must be kept to a minimum.

DRIVEWAYS AND GARAGES

Parking is permitted on individual driveways only where the parked vehicle does not extend over the sidewalk or street. Parking for extended periods of time on any driveway is prohibited. An extended period is defined as over 96 hours. Under no circumstances should residents or guests block the driveway of another resident. Residents and guests are encouraged to use garage and/or driveway parking whenever possible leaving on-street parking available for visitors.

PARKING ON THE STREETS

Vehicles may not be left for an extended period of time on any street. Extended period is defined as 96 hours. All vehicles must be parked in the normal direction of traffic flow. As a courtesy to your neighbors, residents and guests utilizing on-street parking should park in front of their own homes whenever possible.

NO PARKING AREAS

Parking is not permitted at any time in front of fire hydrants, in community entry drives or any area marked "No Parking."

TRAILERS, COMMERCIAL AND RECREATIONAL VEHICLES

No trailer, camper, bus, motor home, house trailer, mobile home, commercial vehicle, truck, (other than standard size pickup truck), or similar vehicle, inoperable automobile, boat or similar equipment shall be parked, stored or permitted to remain upon any area within the Canyon Creek development, other than temporarily (no more than twelve (12) hours in any two (2) week period) or completely within an enclosed garage, without the prior written consent of the Board. Commercial vehicles shall not include sedans or standard size pickup trucks that are used both for business and personal use, provided that any signs or markings of a commercial nature on such vehicles shall be unobtrusive and inoffensive as determined by the Board. No noisy or smoky vehicles shall be operated in the development. Off-road and/or unlicensed vehicles shall not be operated in the development (CC&Rs at Article VII, Section 3.).

MOTOR SCOOTERS, MINI-BIKES AND GO-CARTS

Motor scooters, mini-bikes, go-karts and similar vehicles violate the Use Restrictions of the CC&Rs. (Article VII, Section 2, concerning noise and activities that cause an increased liability risk to the Association).

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Therefore, these types of vehicles are not to be used on any Canyon Creek streets or Common Area (including walkways, greenbelts, recreational facilities) at any time.

STREET SWEEPING

To maximize the benefits of sweeping, it is suggested that parking on the streets be avoided on street sweeping days. Refer to the section *Recurring Events* on page 4 or the Canyon Creek Web site for the street sweeping schedule.

Architectural Approval: General Information

INTRODUCTION

In order to maintain the architectural/landscape character and aesthetics of Canyon Creek, modifications or additions of structures, materials, certain landscape and paint colors (hereafter referred to as “Improvements”) must be compatible with the house and overall architectural style of the immediate area. The Canyon Creek Architectural Review Committee (hereafter referred to as “ARC”) is responsible for the review and decisions on all Home Improvement Applications for Improvements to the exterior elements of houses and lots.

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 ARC will use these guidelines when making approval decisions; however, even if an Improvement complies with the general guidelines, the ARC maintains 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 (as indicated in Chapter 7) 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 the section *Improvements That Need Approval* on page 13, a Home Improvement Application and prior approval from the ARC 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 Web site www.canyoncreekhoa.com). If there are any questions about the guidelines, what does and doesn’t require prior approval, or approval procedures, please consult the ARC or the property management company (see phone list or Web site for ARC members and Management Company information). **Home Improvement Applications are available from ARC members, the Management Company or on the Web site.**

IMPROVEMENTS THAT NEED APPROVAL

Submission of a Home Improvement application and approval from the ARC is required prior to the commencement of any Improvement that meets any of the following criteria:

1. All exterior changes or alterations to the existing house. For example, exterior doors and windows, exterior painting, garage doors, lighting, roofline, roof surface, room additions and alterations, etc.
2. Landscape planting (softscape) 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.
3. Hardscape (such as planters, retaining walls, walkways, etc.) in the front yard and/or side yards that are visible from the Common Area,

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4. All exterior structures or improvements, regardless of location including front, side and back yards, that exceed six (6) feet above ground level of the Homeowner's lot and/or extend above the height of the closest fence or wall. For example, patio covers, arbors/trellises, play structures, storage sheds, outdoor fireplaces, walls, fences, etc.
5. All mechanical equipment to be placed outside of a house regardless of location. For examples, air conditioners (other than replacement in existing location); spa/swimming pool equipment; fountains/waterfalls; water softener equipment, etc. Refer to the specific section for more information.

Various types of Improvements are described in the guidelines documented in Chapter 7 and, for your convenience, each type of Improvement indicates whether or not a Home Improvement Application is required. If an Improvement type is not specifically covered in Chapter 7, 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 SHALL CONSTITUTE A VIOLATION OF THE COVENANTS, CONDITIONS AND RESTRICTIONS, AND MAY ENTAIL VIOLATION FINES, CEASE AND DESIST ORDERS, LEGAL ACTION, AND/OR REQUIRE MODIFICATION OR REMOVAL OF UNAUTHORIZED WORK AT THE HOMEOWNER'S EXPENSE.

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 respecting 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.

APPROVAL REQUESTS

All requests for ARC approval for Improvements that require prior approval (see *Improvements That Need Approval* on page 13) must be made on the proper Home Improvement Application form (available in the "Documents" section of the Canyon Creek Web site www.canyoncreekhoa.com). There are separate forms for windows, doors and garage doors, painting and a general-purpose form for all other types of improvements/alterations.

The application should include samples or manufacturer's brochures showing the style and color of materials may be required as described below.

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 choose from the Approved Color List (refer to page 24) or manufacturer's brochure with paint samples for each paint color being proposed. Refer to the section *Exterior Painting* on page 23 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. See the section *Roofing* on page 31 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.

For architectural changes (room additions, structure modifications, etc.) two (2) sets of plans or drawings (refer to the section *Plans and Drawings* on page 17) must be submitted with the application. 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. 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.

NEIGHBOR AWARENESS

The intent of neighbor awareness is to advise neighbors who own property adjacent to and in close proximity to the lot of the proposed Improvements by requiring their signature to 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.

Signatures must be obtained from the property owners; tenant signatures are not accepted. Please allow adequate time in your scheduling of the Improvement to obtain the required Homeowner's signatures. In particular, if the Homeowners of any of the homes for which signatures are required do not live in the home, it may take some time to obtain their signatures. If the neighbor is not a Homeowner, the Community Manager can assist in contacting the Homeowner. 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.

Neighbor awareness is for advisory/informational purposes only and does not constitute approval, which can only be granted by the ARC. However, neighbor comments provided on the Home Improvement Application will be evaluated and the ARC may contact neighbors for more information. Applications will be considered incomplete until there is evidence that affected neighbor(s) have been made aware of the application.

APPLICATION PROCESSING TIME

Please allow adequate time for application approval. The CC&R guidelines provide for a maximum of thirty (30) days from the date of receipt of a complete Home Improvement Application for processing time. **Home Improvement Applications that are incomplete will be returned to Homeowner and the request will be closed. When all information is submitted, the file will be reopened for the ARC to review.**

All Homeowners submitting an application will be provided a written decision by postal mail or personal delivery 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 ARC 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 ARC for expedited approval.

DENIED APPLICATIONS

Refer to the chapter *Home Improvement Application Review Procedure* on page 36.

PROJECT COMPLETION TIME LIMIT

Improvement projects that remain uncompleted for long periods of time are visually objectionable, and can be a nuisance and safety hazard for neighbors and the community. All applications must include estimated start and completion dates. If the dates are considered unreasonable, the ARC may deny the application.

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

1. All major remodels (additions or improvements of 250 square feet or more) must be commenced within ninety (90) days after ARC approval and must be completed within one-hundred-eighty (180) days after such approval.
2. All other projects must be commenced within sixty (60) days after ARC approval and must be completed within one-hundred-twenty (120) days after such approval.

If you find that you need additional time to start and/or complete a project, you may request an extension by writing to the ARC in care of the Community Manager. If not completed within these time periods and an extension has not been granted, the Association may levy fines for non-compliance with these Rules and Regulations. Refer to the chapter *Rules Enforcement Policy and Fines* on page 43 for more information.

NOTICE OF COMPLETION AND FINAL INSPECTION

When the approved Improvements have been completed, the Homeowner requesting the Improvement must complete and submit to the Community Manager a Notice of Completion within thirty (30) days of completing the Improvement. A form for this purpose is available in the “Documents” section of the Canyon Creek Web site. The ARC will be notified by the Community Manager when the Notice of Completion has been received.

A member of the ARC shall inspect approved Improvements within thirty (30) days after notification. If such inspection requires access to the Homeowner’s property, the ARC shall coordinate a visit at mutual convenience. If the Improvements have been completed as approved, the ARC shall sign the Notice of Completion and deliver it to the Community Manager for the property file. A copy of the approved Notice of Completion shall be mailed to the Homeowner.

If there are substantial deviations from the approved Improvements, the ARC shall notify the Community Manager and the Community Manager will notify the Homeowner of the non-compliance within sixty (60) days of completing the inspection. Non-compliance may result in fines and/or legal action by the Association. Refer to the chapter *Rules Enforcement Policy and Fines* on page 43 for more information.

NOTE: The function of the inspection is to review conformance with the approved application and conformance to the Association’s Architectural Guidelines. 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.

ACCESS TO COMMON AREA DURING CONSTRUCTION

If construction work for an approved Improvement requires use or access to the Common Area (other than streets and sidewalks) for the purpose of transporting labor and materials, or for temporary storage of materials required for the project, the Homeowner must obtain written permission from the Association. A security deposit and/or bond may be required.

PLANS AND DRAWINGS

In addition to a completed Home Improvement Application, plans or drawings must be submitted for construction and landscaping Improvements, as described below. Although preferred, drawings/plans do not have to be professionally prepared, unless otherwise required by the city or contractor, but they must be clear and concise, and conform to the following:

1. Drawn to a scale no smaller than 1/8th inch per actual foot with the scale indicated on the drawings.
2. Indicate all exterior materials, finishes and paint colors with color samples.

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

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, and the Canyon Creek Homeowners Association and its representatives assume no responsibility or liability for such. The function of the ARC 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 contractors performing work on behalf of the Homeowner. Approval of applications and plans by the ARC 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 ARC before any Improvement is initiated.

Construction Plans

Construction projects require plans as submitted to the city; working drawing or sketches are not sufficient. The drawings 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 and set back distances from property lines.
2. **Roof Plan:** Show all existing and proposed roofs with dimensions and slope/pitch notations.
3. **Floor Plan:** Another view from above showing all walls, columns, openings and any condition(s) that will affect the exterior design of the home.
4. **Elevations:** A view of each side of the home that is affected by construction, showing the exterior dimensions noting all finish materials, textures, paint colors and details.
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.

Landscaping Plans

All hardscape projects require ARC approval prior to starting the project. Softscape projects in the front and/or side yards that will be visible from the Common Area and that, when mature, will be higher than six (6) feet above ground level also require ARC approval prior to starting the project. Plans for landscaping (softscape and hardscape) projects must include:

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1. Identification of all plants and ground cover by botanical/common name.
2. Show all shrub locations and indicate diameter and height to scale at five (5) years growth.
3. Show tree locations and indicate diameter and height to scale at five (5) years growth and at maturity. Homeowners should use care in selecting trees that will not have invasive root structures since Homeowners are responsible for any damage to the Common Area or neighbors' property.
4. Show the contour and height of any mounded or elevated areas.
5. Identification of drainage path for your yard and your neighbor's easement.
6. Identification of dimensions and materials for all hardscape elements including walkways, planters, retaining walls, etc.

**ADDITIONS, AMENDMENTS OR REPEAL OF ARCHITECTURAL/LANDSCAPE
GUIDELINES AND STANDARDS**

From time to time, the ARC may recommend to the Board of Directors additions, amendments or repeal of the architectural/landscape guidelines and standards contained herein. Such changes are subject to specific Homeowner notice procedures. Refer to the section *Adoption, Amendment or Repeal of Rules and Regulations* on page 5 for more information.

**ENFORCEMENT OF ARCHITECTURAL/LANDSCAPE GUIDELINES AND
STANDARDS**

Refer to the chapter *Rules Enforcement Policy* on page 43.

Architectural and Landscaping Guidelines and Standards

OBJECTIVE

The Architectural and Landscaping Guidelines and Standards are provided so that Homeowners are aware of the standards and requirements for some of the more common modifications or additions of structures, materials, landscape and paint colors (hereafter referred to as “Improvements”).

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 Architectural Review Committee (hereafter referred to as “ARC”) will use these guidelines when making approval decisions; however, even if an Improvement complies with the general guidelines, the ARC maintains 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 the section *Improvements That Need Approval* on page 13, a Home Improvement Application and prior approval from the ARC is required before commencement of any Improvement.

Based on special circumstances and aesthetics of a proposed Improvement, the ARC may make exceptions to these Guidelines and Standards on an individual, case-by-case basis. If an exception is made, it will be noted by the ARC on the approved Home Improvement Application.

As a guide to helping you locate the guidelines and standards that may apply to the Improvement you are considering, please refer to the section contents below to find the appropriate page(s). Many of the items listed below 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 Web site at www.canyoncreekhoa.com).

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AIR CONDITIONERS

Use the General Home Improvement Application

An application and prior ARC approval are required when changing the location of an existing external air conditioning compressor or adding a second external air conditioning compressor. Replacing an air conditioning compressor in its current location does not require prior ARC approval. Refer to the section *Pools, Spas, Fountains, Waterfalls and Mechanical Equipment* on page 30 for additional information.

Window or wall-mounted air conditioning units are not permitted.

ALARM SYSTEMS

Use the General Home Improvement Application

An application and prior ARC approval are required when changing or installing a new alarm system if there will be any kind of external alarm box visible from the Common Area. The ARC may require that the

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equipment be painted to match the adjacent surface. Refer to the section *Alarm Signs* on page 39 for more information about permitted alarm signs.

ANIMAL PENS

Refer to the section *Outbuildings, Pet Pens, Play Structures, Playhouses, and Storage Sheds* on page 29

ANTENNAS AND SATELLITE DISHES

Use the General Home Improvement Application

The following guidelines and specifications were designed to allow Homeowners within Canyon Creek to install satellite (parabolic) dishes on their property consistent with State and Federal Laws while preserving the aesthetic value and beauty of the community. Prior ARC approval is not required providing that the satellite dish installation complies with all of the following standards. However, it is recommended that a Home Improvement Application be submitted to allow the ARC to review 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 that would like to use such an antenna 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 may be permitted, subject to prior ARC approval.
2. Satellite dishes must be fixed (non-rotating) with a diameter 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 using ARC approved fences, hedges or other appropriate material. The Board or Architectural Review Committee 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 they are installed over. 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. 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.

ARBORS, GAZEBOS, PATIO COVERS AND TRELLISES

Use the General Home Improvement Application

An application and prior ARC approval are required for the construction of new or replacement patio covers, arbors, trellises and gazebos, unless the replacement is essentially the same as the existing structure. Patio covers, arbors, trellises and gazebos 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. 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.

AWNINGS

Use the General Home Improvement Application

An application and prior ARC approval are required when changing or installing new awnings. Please include a brochure or photo showing style and color(s) of the proposed awning. The use of awnings over doors and windows will be reviewed on a case-by-case basis. Awnings 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 well maintained. Frayed, torn or faded awning materials must be replaced in a timely manner.

BASKETBALL BACKBOARDS

Basketball backboards mounted to a house, regardless of material (including clear acrylic) are not permitted. Also refer to the section *Miscellaneous Rules and Regulations* on page 41.

BARBEQUES

Refer to the section *Permanent Outdoor BBQs, Ovens, Fireplaces* on page 30.

DECORATIONS

Use the General Home Improvement Application

Fountains, birdbaths, statuary, ornamental ironwork or patio-like furnishings are not permitted in front yard and/or side yards that are visible from the Common Area without prior ARC approval. Decorative elements attached to homes, including, but not limited to, shutters, awning, decorative metalwork, plaques, balconies, etc. are subject to prior ARC approval. Name/address signs/plaques are also subject to prior ARC approval.

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

- All ornamental pots and planters should be limited in number to conform to the scale 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. 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 the then-current season. Flagpoles mounted to the residence must be removed if there is no flag present. Standalone flagpoles are not permitted (refer to the section *Flagpoles and Weathervanes* on page 26).

The ARC shall have the right to periodically review the application of decorative elements for neatness and taste.

Also refer to the section *Sign Regulations* on page 39 regarding decorative signs and banners and the section *Miscellaneous Rules and Regulations* on page 41 regarding holiday decorations and lighting.

DRAINAGE SYSTEMS

Use the General Home Improvement Application

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

DUMPSTERS

If the nature of an Improvement requires a dumpster for storage and hauling of debris associated with an interior remodeling (which is not subject to prior ARC approval), the use of a dumpster itself does not require prior ARC approval. However, the Homeowner must provide advance verbal or written notice to the Management Company of the dumpster delivery and removal dates.

If the Improvement involves exterior or other modifications requiring ARC approval, the dumpster requirement and delivery/removal dates should be indicated on the appropriate Home Improvement Application.

Dumpsters may only be placed in the driveway (preferred) or street immediately in front of the home where the work is being performed. To prevent damage to driveway or street, please request that wood boards be placed below wheels and other supports. Closed storage containers must remain locked when not in use. Dumpsters must be removed by the Improvement completion date or within fourteen (14) days after delivery, whichever occurs first unless a written extension request is submitted to and approved by the Management Company.

ETCHED GLASS

Refer to the section *Windows and Screens* on page 34.

EXTERIOR PAINTING

Use the Exterior Painting Home Improvement Application

An application and prior ARC approval are required when painting a home. An application and prior ARC approval are not required, however, if repainting a home with the same color(s) and color placement previously approved by the ARC for that home. With painting applications, please include paint chips indicating the color name/number and the paint manufacturer for each paint color chosen.

When your application is reviewed, an ARC member will contact you about obtaining actual sample of the paint on 5x7" white board. You will need to obtain a small can of paint in the actual colors (mixed to the correct ratio) and apply them to a sample board. The samples you submit will be what you are expected to use, if approved.

The ARC reviews applications for exterior painting to determine that the color choices match with approved paint colors, or are compatible with the overall architectural style and color palette of the neighborhood, and are not visibly objectionable.

The paint scheme may not exceed a maximum of three (3) contrasting/complementary colors that blend and harmonize well together from the approved paint colors, or by submitting paint color chip samples with the names and numbers from color brochures of paint manufacturers.

Flat finish paints are acceptable for all exterior elements of the home, unless otherwise specified below. The application of semi-gloss and high-gloss finishes is limited to windows, doors, garage doors and trim elements.

Approved Paint Color List

As an aid in selecting and approving paint colors, the ARC has compiled an Approved Paint Color List. It is not considered a complete list, as many manufacturers are not shown and paint color names/numbers change from time to time. However, it is a complete list of acceptable paint colors. It is not intended to be an endorsement of any manufacturer, nor does it relieve the Homeowner from the requirement to submit a Home Improvement Application and paint samples prior to repainting the home with different paint color(s). Additional paint colors may be approved with the submission of color chips and all required information to the ARC.

Chimneys

Chimneys can remain unpainted if constructed of brick, stone or rock, or may be painted and/or stucco finished using a color from the Approved Paint Color List (see page 24) that matches the home's stucco or wood siding color.

Electrical Boxes

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

Front Entry Doors

The front entry door (or replacement) may be natural wood protected with a semi-gloss or high-gloss polyurethane finish in a clear or natural wood stain; or semi-gloss or high-gloss paint color from the Approved Paint Color List (see page 24) matching the home's stucco, wood siding or trim color.

Garage Doors

Garage doors (or replacements) may be natural wood protected with a semi-gloss or high-gloss polyurethane finish in a clear or natural wood stain; or semi-gloss or high-gloss paint color from the Approved Paint Color List (see page 24) matching the home's stucco, wood siding or trim color. Accent colors may be painted on garage door trim elements if the color matches an approved color used on the trim or accent colors of the home. Also refer to the section *Garage Doors* on page 26.

Holiday Decoration Hooks

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.

Metal Flashing, Roof-Top Vents and Spark Arrestors

Metal roof flashing shall be painted using a color from the Approved Paint Color List (see page 24) 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.

Secondary Doors, Patio Covers, Arbors, Trellises and Gazebos

Secondary doors (e.g., side entry garage door, water heater doors, etc.), patio covers, arbors, trellises and gazebos shall be painted a color from the Approved Paint Color List (see page 24) matching the home's stucco, wood siding or trim color.

Wood Fences

Wood fences between lots may be a natural (weathered) wood color; protected with a semi-gloss or high-gloss polyurethane finish in a clear or natural wood stain color; or flat, semi-gloss or high-gloss paint color from the Approved Paint Color List (see page 24) matching the home's stucco or wood siding. Top rail and

posts may be painted a contrasting color from the Approved Paint Color List (see page 24) matching the home's trim elements.

Wrought Iron Railings and Fences

Wrought iron railings and fences shall be painted with a semi-gloss or high-gloss paint from the Approved Paint Color List (see page 24) or as approved in advance by the ARC.

FENCES, GATES AND WALLS

Use the General Home Improvement Application

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

Fences, walls and gates shall not exceed six (6) feet in height above the highest adjacent grade level and may not be placed within ten (10) feet of the front property line. Extensions to fences, walls or gates shall be of a complementary style and not exceed six (6) feet in height above the highest adjacent grade level. 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.

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.

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

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

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

- Wood: Must be natural (weathered) wood or painted an approved color that matches the home's stucco, wood siding or trim color.
- Stucco: Must be an approved color that matches the home's stucco color.
- Wrought Iron: Must be painted semi-gloss or high-gloss in an approved color.
- Vinyl: Must be a molded-in color (not painted) in white or an approved color that matches the home's stucco, wood siding or trim color
- Masonry: Must be the approved natural color of the material or painted an approved color that matches the home's stucco or wood siding.
- As used above, "approved color" means a color from the Approved Paint Color List (see page 24) or as approved in advance by the ARC.

Unacceptable materials for fences, walls and gates include:

- Aluminum
- Metal or plastic chain link
- Sheet metal

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- Chicken wire or mesh
- Grape stake wood
- Metal or plastic webbing
- Reed or straw-like materials
- Corrugated or flat plastic or Fiberglas panels
- Glass block
- Temporary child or pet gates
- And other materials the ARC may deem unacceptable.

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

FIREPLACES AND FIREPITS

Refer to the section *Permanent Outdoor BBQs, Ovens, Fireplaces* on page 30.

FLAGPOLES AND WEATHERVANES

Use the General Home Improvement Application

An application and prior ARC approval are required when changing or installing new flagpoles and weathervanes. For seasonal, school and American flags mounted to the front of the home, refer to the section *Decorations* on page 22.

FOUNTAINS

Refer to the section *Pools, Spas, Fountains, Waterfalls and Mechanical Equipment* on page 30.

GARAGE DOORS

Use the Garage Door Home Improvement Application

An application and prior ARC approval are required for replacement of garage doors, which must meet the following specifications:

1. Must be wood panel, wood sectional or steel sectional construction. If made out of steel, it must have a simulated wood pattern exterior
2. All garage doors on the home must be the same type.
3. Color and finish must meet garage door painting standards (refer to the section *Garage Doors* on page 24).
4. Architecture, including hardware and inset windows (if any), of door must be compatible with the architecture of house.

GATES

Refer to the section *Fences, Gates and Walls* on page 25.

GAZEBOS

Refer to the section *Arbors, Gazebos, Patio Covers and Trellises* on page 21.

HOLIDAY LIGHTING AND HOLIDAY DECORATIONS

Refer to the section *Miscellaneous Rules and Regulations* on page 41 for more information.

HOME REMODELS

Refer to the section *Room Additions and Home Remodels* on page 32.

HOUSE NUMBER SIGNS

Use the General Home Improvement Application

Low-wattage illuminated house number signs were originally installed on each house and are required to be maintained by each Homeowner. Installation of new or replacement house number signs require prior ARC approval, if it differs in size, design or color from the original, and must conform to the following standards:

Illuminated house number signs shall be no larger than six (6) inches high by eight (8) inches wide. The background (light cover lens) may be:

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

Contact the ARC or refer to the Canyon Creek Web site “Resources” section for a list of approved suppliers.

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

LANDSCAPE/WALKWAY LIGHTING

Refer to the section *Outdoor Lighting* on page 29.

LANDSCAPING

Use the General Home Improvement Application

Submission of a Home Improvement Application and prior ARC approval is required for:

1. All hardscape (e.g., planters, retaining walls, walkways, large rocks, etc.) that will be visible from the Common Area.
2. Landscape planting (softscape) in the front yard and/or side yards that will be visible from the Common Area and that, when mature, will be higher than six (6) feet above ground level of the Homeowner’s lot.

Hardscape and softscape landscaping in side yards and back yards not visible from the Common Areas does not require prior ARC approval (unless it includes a permanent structure that will exceed six (6) feet above ground level), but is still subject to the additional Rules and Regulations noted below.

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. When choosing trees, careful thought must be given to growth pattern and height when mature; whether the tree drops “messy” seed, berries, fruit or flowers; and invasive root structures since Homeowners are responsible for any damage to the Common Area or neighbors’ property. All areas subject to soil erosion from natural rainfall or sprinkler irrigation require adequate foliage and drainage.

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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 ARC approval.

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

- Rock, sand, pebble or gravel gardens
- Sand, pebbles, gravel, glass, decorative rock, colored rock or any rock-like substance used as a ground cover
- Artificial turf
- Painted concrete
- Plastic plants
- Cactus or similar thorned plants
- Non-plant materials may not be used as a substitution for lawn and/or ground cover

The following additional Rules and Regulations have been established with regard to general landscaping:

- All landscaping must be kept trimmed and managed, and not be allowed to get overgrown.
- All dead plants or trees shall be removed and replaced as needed.
- Weeds must be removed and bare areas replanted.
- Trees, if secured, are to be done so by stakes, and not guide wires.
- Encroachment of roots and limbs into a neighbor's yard, utilities, sidewalks, driveway, or Common Areas is not permitted
- Excessive dropping of seeds, berries and/or fruit in a neighbor's yard or Common Areas is not permitted
- Trees and/or shrubs must be trimmed so as not to touch or rub against a neighbor's home, fence, wall or other structure.
- 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 the Board of Directors.
- Homeowners are required to control the spread and height of their trees, shrubs, hedges, vines and bushes to the extent that they do not become:
 - Attached to any Common Area property
 - Intertwined with any Association-owned landscaping
 - Offensive to neighbors by invading their personal propertyThe Association assumes no responsibility or liability for damage to resident's plants that violate these standards.

LEADED GLASS

Refer to the section *Windows and Screens* on page 34.

LIGHTING

Refer to the section *Outdoor Lighting* on page 29 regarding landscape, walkway or other exterior lighting, and the section *Miscellaneous Rules and Regulations* on 41 regarding holiday decorations and lighting.

MAILBOXES

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

MECHANICAL EQUIPMENT

Refer to the section *Pools, Spas, Fountains, Waterfalls and Mechanical Equipment* on page 30.

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

Use the General Home Improvement Application

An application and prior ARC approval are required for the 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. 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 ARC 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 ARC may require that the Homeowner screen such structures from view of the Common Area by the use of hedges or other appropriate plant material. These structures should blend with the architectural characteristics of the house and neighborhood.

Play structures and playhouses shall be no closer than twenty-four (24) inches from any fence or wall. Outbuildings, 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). 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* on page 41 of the *Resident Handbook*, CC&Rs and applicable city/county ordinances.

OUTDOOR LIGHTING

Use the General Home Improvement Application

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

An application and prior ARC approval is required for installation of other types of new or replacement exterior lighting, and must conform to the following standards:

- Lighting shall not, in any way, cause adjacent residents to experience unwanted light rays.
- All wiring shall be placed so that it is not visible from the Common Area.
- High-intensity "security" lights 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.

OVENS

Refer to the section *Permanent Outdoor BBQs, Ovens, Fireplaces* on page 30.

PAINTING

Refer to the section *Exterior Painting* on page 23.

PATIO COVERS

Refer to the section *Arbors, Gazebos, Patio Covers and Trellises* on page 21.

PERMANENT OUTDOOR BBQS, OVENS, FIREPLACES AND FIREPITS

Use the General Home Improvement Application

Installation of new or replacement permanent (built-in) outdoor BBQs, ovens, fireplaces and/or firepits requires prior ARC approval.

Permanent outdoor BBQs, ovens, fireplaces and/or firepits 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 three-foot setback from the property line) 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).

Wood-burning ovens, including pizza ovens, are not permitted due to smoke and odor concerns.

Regardless of height, an outdoor BBQ, oven, fireplace or firepit may not be attached to any fence or wall.

PET PENS

Refer to the section *Outbuildings, Pet Pens, Play Structures, Playhouses, and Storage Sheds* on page 29.

PLAY STRUCTURES AND PLAYHOUSES

Refer to the section *Outbuildings, Pet Pens, Play Structures, Playhouses, and Storage Sheds* on page 29.

POOLS, SPAS, FOUNTAINS, WATERFALLS AND MECHANICAL EQUIPMENT

Use the General Home Improvement Application

An application and prior ARC approval are required when changing or installing new pools, spas, fountains, waterfalls and all other exterior located equipment including air conditioners (unless a replacement in the existing location) and water softening units. 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. Timer devices may be required to control the hours of operation of such equipment.

PORTABLE SANITATION FACILITIES

Portable sanitation facilities (portable toilets or "porta-potties") are generally discouraged as long as the Homeowner can make suitable arrangements with the contractor and workers. If the nature of the Improvement and situation dictates that a portable sanitation facility will be required, this fact and its proposed location should be noted on the appropriate Home Improvement Application. The portable sanitation facility should be located out of view from the Common Area if reasonable and practical. Otherwise, it must be placed in the driveway (preferred) or street immediately in front of the home where the work is being performed. The portable sanitation facility must be serviced for waste removal no less than two times per week and must remain locked when not in use. The portable sanitation facility must be removed within seven (7) days of the Improvement completion date.

RAIN GUTTERS

Use the General Home Improvement Application

Installation of new or replacement rain gutters require prior ARC approval and must conform to these standards:

Rain gutters must be solid metal (galvanized steel, aluminum, copper, etc.). 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 the section *Drainage Systems* on page 23.

ROOFING

Use the Roofing Home Improvement Application

An application and prior ARC approval are required when changing or installing new roofing material. For roofing applications, the Homeowner must also provide a brochure indicating the roofing material to be installed. A sample of the material may also be required.

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 ARC approval, but materials used to repair damaged or missing roofing must match the existing materials in color and composition.

Subject to ARC 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.
- 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 the section *Plans and Drawings* on page 17).
- Metal roof flashing, vents and spark arrestors atop chimneys shall be painted according to the guidelines in the section *Metal Flashing, Roof-Top Vents and Spark Arrestors* on page 24.
- All rooftop vents shall be painted to match the surrounding roof color.

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- 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.

ROOM ADDITIONS AND HOME REMODELS

Use the General Home Improvement Application

An application and prior ARC approval are required for any room addition and home remodeling that affects the exterior of the home.

The ARC 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 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 home.

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

Roof

The ARC will limit the overall height of all new additions to the maximum height of developer constructed two-story homes within the same tract. Roof pitch, overhang and design should not deviate from that which exists in the neighborhood. Roof materials must match the existing materials on the original house. Any change in roof materials requires the submission and ARC approval of a Home Improvement Application to change all roofing material on the entire house. Refer to the section *Roofing* on page 31 for more information.

Mass

New additions or remodels should be planned to minimize mass on front elevations to integrate more appropriately with the house and adjacent homes. Homeowners on corner lots must also consider the mass from side elevations due to visibility from the Common Area. Setback distances for additions over the garage must be consistent with other existing Canyon Creek homes.

SATELLITE DISHES

Refer to the section *Antennas and Satellite Dishes* on page 21.

SCREENS AND SECURITY DOORS/BARS

Use the General Home Improvement Application

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

SKYLIGHTS

Use the General Home Improvement Application

An application and prior ARC approval are required when changing or installing new skylights or exterior skylight covers. 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. 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). All visible manufacturer labels must be removed prior to installation.

SOLAR ENERGY EQUIPMENT

Use the General Home Improvement Application

An application and prior ARC approval are required when changing or installing new solar energy equipment. Panels and collectors should be located, if possible, so they are not visible from the Common Area. The application must include drawings showing the location, description and size of all panels, collectors and other equipment, including visible piping, attachments, flashing, pumps, hardware, etc. Pipes and wiring should penetrate through the roof rather than being installed along the face of the roof or house. Visible components should be painted to match adjacent surfaces.

SPAS

Refer to the section *Pools, Spas, Fountains, Waterfalls and Mechanical Equipment* on page 30.

SPORTS EQUIPMENT

Refer to the sections *Basketball Backboards* on page 22 and *Miscellaneous Rules and Regulations* on page 41.

STAINED GLASS

Refer to the section *Windows and Screens* on page 34.

STORAGE SHEDS

Refer to the section *Outbuildings, Pet Pens, Play Structures, Playhouses, and Storage Sheds* on page 29.

TRELLISES

Refer to the section *Arbors, Gazebos, Patio Covers and Trellises* on page 21.

WALKWAY LIGHTING

Refer to the section *Outdoor Lighting* on page 29.

WALLS

Refer to the section *Fences, Gates and Walls* on page 25.

WATER SOFTENING EQUIPMENT

Refer to the section *Pools, Spas, Fountains, Waterfalls and Mechanical Equipment* on page 30.

WATERFALLS

Refer to the section *Pools, Spas, Fountains, Waterfalls and Mechanical Equipment* on page 30.

WEATHERVANES

Refer to the section *Flagpoles and Weathervanes* on page 26.

WINDOW COVERINGS

Use the General Home Improvement Application for exterior window coverings

An application and prior ARC approval are required for exterior window/skylight coverings (e.g., awnings, blinds, shades, etc.).

Interior window coverings do not require ARC 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. Unacceptable materials include sheeting (i.e., bed linens), posters, cardboard, aluminum foil, etc. Also refer to the section *Window Tinting* below for more information.

WINDOW TINTING

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

Reflective material that creates a “mirror” effect on windows or shows colors other than gray or bronze/brown from the outside is prohibited. All windowpanes within the same window unit 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.

WINDOWS AND SCREENS

Use the Windows Home Improvement Application

An application and prior ARC approval are required for new or replacement windows and must comply with the following standards.

Window design and materials should be complementary and consistent with other windows on 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, casement, double hung or horizontal sliding, with or without real or simulated divided panes. Window frame color must be approved by the ARC and match or complement the surrounding wood trim, stucco or siding. Natural (silver) aluminum frames are not permitted.

The ARC must approve 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.

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 (or if not replaced, must have the exterior frames painted to match the new/replacement windows), regardless of which floors the windows are on.

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*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 (as in floor plans B–Encore or E–Eloquence), 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.*

Common Area-Facing Windows

All **Common Area-Facing Windows** must be replaced at the same time using similar style products and colors (or if not replaced, must have the exterior frames painted to match the new/replacement windows).

*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).*

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.

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 ARC approval are still required. Examples of windows that can be replaced without matching the style and color of existing windows include:

- 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
- Side windows that directly face an area outside the boundaries of Canyon Creek (such as windows facing Hicks Canyon Wash, Hines Nursery, Hicks Canyon Road or Yale Avenue), provided that are not part of a front corner window set and are not within twelve (12) feet from the front façade of the home
- Rear windows that face another home or an area outside the boundaries of Canyon Creek, and are not clearly visible from a Common Area

Also refer to the section *Screens and Security Doors/Bars* on page 32.

Home Improvement Application Review Procedure

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

1. Homeowner submits the proper Home Improvement Application (and, if required, samples and/or plans and specifications showing the nature, kind, shape, color, size, and materials of the proposed improvements or modifications) to the Management Company. The Home Improvement Application shall include sufficient detail to describe the dimensions, and assess the functional and environmental characteristics, of the proposed improvement or modifications. Refer to chapters 6 and 7 for more information. Home Improvement Applications are available at www.canyoncreekhoa.com in the “Documents” section.
2. The property management company will log the request and forward the Home Improvement Application and materials to the ARC.
3. The ARC will review the application, and plans and specifications, with respect to adherence to the Association’s Architectural and Landscaping Guidelines and Standards, quality of workmanship, design, and harmony of external design with existing structures, and as to location in relation to surrounding structures, topography and finished grade elevation. The ARC shall review the application, plans and specifications, and issue a decision in writing approving or disapproving the proposed improvements or modifications along with any conditions associated with the approval, if any. A majority of the ARC members must agree with the proposed improvements or modifications in order for the Home Improvement Application to be approved. If disapproved, the ARC will provide an explanation of the reason(s) for the disapproval and a description of the procedure for the Board of Director’s reconsideration of the decision. The ARC may reject applications that are incomplete or contain insufficient, inadequate or unclear details.
4. An ARC 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.
5. 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 and plans (if required).
6. If disapproved, Homeowner can 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 thirty (30) minutes to orally 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 prior notification or request for delay may result in automatic retention of prior disapproval disposition of the ARC. The Board of Directors will take no action on the matter at the hearing but take the matter under consideration.

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- c) The Board will take under consideration 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.
7. The Homeowner must complete and submit to the Community Manager a Notice of Completion within thirty (30) days of completing the Improvement. A form for this purpose is available in the “Documents” section of the Canyon Creek Web site. Refer to the section *Notice of Completion and Final Inspection* on page 16 for more information.
8. The Community Manager will log receipt of the Notice of Completion send a copy of it to the ARC chairperson.
9. The ARC chairperson will assign an ARC member who will inspect the Improvements within thirty (30) days after notification.
10. The ARC member performing the inspection will indicate on the Notice of Completion whether or not the Improvement was completed in substantial accordance with the submitted application and plans.
11. The ARC will deliver the signed Notice of Completion to the Community Manager for filing and a copy will be mailed to the Homeowner.
12. If the inspection shows substantial deviations from the approved Improvements, the ARC shall notify the Community Manager 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 may result in 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 ARC 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 ARC for expedited approval.

Home-Based Business Guidelines

The Canyon Creek Homeowners Association has adopted the following guidelines to determine whether a home-based business is prohibited within the community. The CC&Rs generally prohibit Residents from conducting a trade or business on any lot within the community. The Board, in its discretion, may allow a home occupation based on the following non-exclusive criteria that may be modified from time to time by the Board as it sees fit or need arises. The following regulations are excerpted from the City of Irvine's Zoning Ordinance (Code 1976, § V.E-209.2; Ord. No. 94-7, § 3, 6-14-94; Ord. No. 95-4, § 1, 5-9-95; Ord. No. 97-05, 5-13-97). Please refer to the latest city codes for the most up-to-date information.

- A. A home-based business application shall be submitted in a form as determined by the Director of Community Development. No public hearing or notice is required.
- B. Home occupation permits shall be approved by the Director of Community Development provided the following City of Irvine home-based business guidelines and standards are met:
 - 1. The home occupation shall be an incidental and accessory use and shall not change the principal character of the residence.
 - 2. The residence shall not be the primary point of customer pickup or delivery nor shall the home occupation cause a significant increase in vehicular traffic in the neighborhood.
 - 3. The home occupation must be conducted only within the residence (not the yard or driveway)
 - 4. A sexually oriented business shall not be permitted to be conducted as a home occupation business.
 - 5. There shall be no signs or other exterior evidence relating to the home occupation.
 - 6. The home occupation may be conducted in the garage, but shall not use any space required for off-street parking.
 - 7. Only the residents of the home may be employed in the home occupation.
 - 8. Electrical or mechanical equipment that creates visible or audible interference in radio, television or telephone or causes fluctuations in line voltage outside the house shall be prohibited.
 - 9. The home occupation shall not create noise or odors in excess of that normally associated with a residential use.
- C. Furthermore, overt use of community property/facilities is not permitted.
- D. Any other requirements of the City of Irvine, especially those pertaining to City permits and licenses, are the responsibility of the Resident.

Sign Regulations

The Association has policies regarding alarm, contractor, election, garage sale, real estate (for sale, lease, open house), and other types of signs as described in the sections below. All permitted signs shall be maintained in good condition and must conform to the specifications described below. Broken signs must be promptly removed or repaired.

Alarm Signs

Signs for the identification of alarms/security services are permitted, but are not to exceed:

- One (1) metal stake sign per lot, placed no farther than two (2) feet from the front of the home and not to exceed a height of thirty-six (36) inches from the adjacent ground level.
- Two (2) window stickers, not to exceed five (5) by seven (7) inches each.

Contractor Signs

Contractor signs advertising a work project or site are not permitted.

Election Signs

Exterior signs promoting candidates, imitative measures and/or voting that are directly related to an upcoming election are limited to one per property and may not exceed maximum dimensions of eighteen (18) by twenty-four (24) inches. Election signs may not be posted earlier than forty-five (45) days prior to the election and must be removed within five (5) days after the election.

Garage Sale Signs

Since garage sales are not permitted within Canyon Creek (unless a community-wide event is planned and approved in advance by the Board of Directors), Garage Sale signs are not permitted.

Real Estate Signs and Flyers

In an effort to facilitate the exchange of property within Canyon Creek, the Board has approved a policy that will allow the use of unique Canyon Creek real estate signs when advertising a property is for sale, rent, lease, or being held open. All Homeowners are responsible for advising their agents of the restrictions and asking their cooperation. Remember, only approved Canyon Creek signs will be permitted, with non-conforming signs subject to removal.

Although many companies can make this sign, Reichert's Signs (714/513-9199) in Fountain Valley has been provided the artwork for your convenience.

For Sale/For Rent/For Lease Signs: For Sale, For Rent and For Lease signs may not be larger than twelve (12) inches high by eighteen (18) inches wide and must be mounted on a single metal push-stake. The top of the sign must not be higher than forty-eight (48) inches above the adjacent ground level. Only one (1) sign may be placed in the front yard of the property for sale/rent/lease, and NO CLOSER to the street than three (3) feet back from the sidewalk. The sign must be removed upon close of escrow or within forty-eight (48) hours after a rental or lease agreement is signed. Flags, banners or riders are not permitted. Aside from

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the mandatory Canyon Creek logo and the words "For Sale," "For Rent" or "For Lease", the sign may also include the agent's name, the company's name, and one phone number only.

Open House Signs: Open House signs have been purchased by the Association and are available for rent. Agents may use three (3) signs within the community. One Open House sign may be placed in front of the house (using the same guideline as For Sale signs above) and other signs must be placed at street intersections only. Approval from a Homeowner must be obtained for any signs posted in areas that are not Association-maintained property. Open House signs may only be posted between the hours of 8:00AM and 6:00PM the day of the open house.

Open House signs may be rented from the Association for \$5.00 each per month and are available from the property management company. Signs must be returned in the same condition they are received.

Real Estate Flyers: A box containing flyers describing the property for sale, rent or lease may be attached to the For Sale, For Rent or For Lease signpost so that it is positioned below the sign. The box must be constructed of a durable material, such as metal, plastic or wood (not paper or cardboard). Flyers should be secured by a top on the box or other method to prevent the flyers from getting wet or blowing around.

Important Gate Code Reminder: Please do not post the gate code number on the entry phone system, real estate signs or flyers!!! This breaches the integrity of our access system and may subject the Homeowner to a fine. Homeowners are responsible for arranging access to your agent and prospective buyers. A simple but neat and relatively small sign may be temporarily placed at the community directory at the main gate indicating the Homeowner's three-digit code to call for admittance. The visitor would obtain directions from the agent holding the open house. Of course, this requires that a phone be kept in service at the residence. If phone service is not available, arrangements should be made in advance to issue a temporary gate code. Prospective buyers should be instructed to call the agent's cell phone and the agent can then communicate the temporary code. Refer to the section *Temporary Gate Code* on page 3 for more information.

The gate code may not be published in advertisements or the general remarks section of the multiple listing for realtors or the general public. Please caution your agent of this restriction.

Other Signs

Special event signs, such as graduation, birth announcements or birthdays are permitted, but must be removed within five (5) days of posting.

Other than as permitted in the sections above, other types of banners or signs are not permitted on any Common Area property including fences, walls, gates, sidewalks, streets, traffic control signposts, utility poles, street signs, trees, etc. unless it is a sign authorized by the Board of Directors (such as pool safety signs, meeting notices, etc.).

Miscellaneous Rules and Regulations

The following additional miscellaneous Rules and Regulations have been established:

1. Trashcans shall be placed at the curb no earlier than 6:00PM the day before trash pickup and must be removed from the street and stored no later than 10:00PM the day of trash pickup. At all other times, trashcans must be stored behind a side gate or out of view from the Common Area.
2. Sidewalks and walkways must be kept clear for use by residents who are walking. Items such as bicycles, toys, etc. should not be left or stored on the Common Area.
3. Driveways and sidewalks should be kept clean and free of debris. Oil drips and stains on driveways and sidewalks shall be periodically removed.
4. Unless otherwise mentioned herein (e.g., dumpsters), objects shall not be stored in any area visible from the Common Area. Objects with a height greater than six (6) feet shall not be stored in a manner that is visible from the Common Area or an adjacent neighbor's property.
5. Residents may own or care for usual and ordinary household pets such as dogs, cats, birds, and the like, provided that they are not kept, bred, or maintained for any commercial purposes, and further provided they are kept under reasonable control at all times. The total number of dogs and cats owned or cared for by any resident is limited by city ordinance (contact the city of Irvine for more information). Dogs anywhere on the Common Area must be on a leash that is held by a person capable of controlling the dog. Residents shall prevent their pets from soiling all portions of the Common Area and, in the event a pet does soil a portion of the Common Area, the person in control of the pet shall immediately clean up after the pet.
6. Exterior paint shall be maintained at all times. Peeling, chipping, stained or faded painted surfaces shall be repaired as necessary within a reasonable amount of time.
7. Garage sales are not permitted unless a community-wide event is planned and approved in advance by the Board of Directors.
8. Patio umbrellas shall be maintained if visible from above the fence or from the Common Area.
9. Outdoor holiday lighting and/or decorations must conform to the following standards:
 - All outdoor holiday lighting and/or decorations must be removed from the house, landscaping and property in a timely manner. Holiday lighting shall not be installed any sooner than thirty (30) days prior to the holiday and shall be removed no later than thirty (30) days after the holiday.
 - 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.
10. All portable basketball hoops and other portable sports equipment must be stored when not in use. Storage out of view from the Common Area is preferred, but this equipment may be stored on the driveway of the resident if other storage is not practical. Such equipment shall not block the Common Area at any time. Portable sports equipment left on sidewalks, curbs or streets is in violation of Asso-

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ciation Rules and Regulations and may result in fines. Refer to the section *Rules Enforcement Policy and Fines* on page 43 for more information.

11. As provided in the CC&Rs, residents and guests shall not conduct any activities that may cause annoyance, be a nuisance, or interfere with the quiet enjoyment of another Homeowner's lot.

Rules Enforcement Policy and Fines

RULES ENFORCEMENT

In accordance with the Association's Declaration of Establishment of Covenants, Conditions and Restrictions (CC&Rs); Architectural and Landscaping Guidelines and Standards, Rules and Regulations published herein; and applicable Civil Codes (hereafter referred to as Governing Documents); the Association, acting through the Board of Directors, is charged with the responsibility for maintaining and managing the Common Areas of the Association and for enforcing the provisions of the Governing Documents. The procedures described herein provide for the enforcement and supplements every other method available to the Association for ensuring conformity within the community and supersedes all rules enforcement procedures previously adopted by the Board of Directors.

WHEREAS, the Board of Directors deems it in the best interest of the Association to set forth the policies and practices of the Association in establishing an Enforcement Policy regarding continued non-compliance of the Association's Governing Documents.

NOW, THEREFORE, BE IT RESOLVED that the Association hereby adopts the following Enforcement Policy for the compliance with the Governing Documents:

12. The complainant is encouraged to contact the violator and to mutually resolve any annoyances created as a result of violations of the Governing Documents. The complainant may issue a complaint in writing to Total Property Management or use the violation form found in the "Documents" section of the Canyon Creek Web site.
13. The Board of Directors will take appropriate action on a reasonable complaint filed by a Homeowner. The Board of Directors may also initiate an action based on inspections or observations. Upon substantiation of the violation of the Governing Documents, the Board of Directors may proceed with a Notice of Violation, Notice of Hearing, Preliminary Dispute Resolution (refer to Chapter 14), legal action or other remedy the Board, in its discretion, believes is appropriate under the circumstances. In most cases, the Board will choose to issue a Notice of Violation followed by a Notice of Hearing, if necessary. Procedures with respect to the Notice of Violation and Notice of Hearing shall be handled as follows:
 - a) A formal Notice of Violation will be sent to the Homeowner (not a tenant) notifying them of the violation. The Homeowner will be given a reasonable period of time (the "Cure Date") to cease or correct any act or omission that appears to be in violation of the Governing Documents. The Board of Directors will verify that the violation is not continuing after the Cure Date set forth in said notice.
 - b) If the violation continues after the Cure Date, or is repeated within twelve (12) months, the Board of Directors will send a Notice of Hearing concerning said violation that will set the time and date at which charges will be heard. The Homeowner will be given fifteen (15) days advance notice of the hearing to defend his/her position. No proceedings will be brought against any Homeowner (who is responsible for the actions of his/her family, tenant and/or their guests) unless a Notice of Hearing has been sent to the Homeowner.

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- c) At such Hearing, the Homeowner shall have the right to present oral and written evidence and witnesses to ensure a fair Hearing. The Board of Directors may limit the time allocated for hearing the Homeowner's evidence.
- d) The Board of Directors shall meet in a closed Executive Session to review the situation and shall deliver to the Homeowner, within fourteen (14) days after the Hearing, a written decision, which shall specify the fines or penalties levied, if any, and the reasons therefore.
- e) In the event that a Homeowner (or their Tenant) shall correct an alleged violation prior to the Hearing date, upon written notification to the Management Company, the Board of Directors shall discontinue the proceedings.
- f) In the event that a Homeowner cannot attend the Hearing as scheduled, the Homeowner must request from the Management Company a re-scheduled Hearing date no later than twenty-four (24) hours before the originally scheduled Hearing time and date.
- g) In the event a Homeowner does not appear for a Hearing, the Board of Directors may make its decision based on the available evidence.

After a Hearing at which the Board of Directors determines that there has been a violation of the Governing Documents, the following fines and penalties may be imposed at the discretion of the Board, provided, however, the Board may impose the maximum fine amount of \$200 on a first offense if the Board, in its discretion, determines that the maximum fine is appropriate:

1) PENALTY ASSESSMENT

| | |
|---|----------|
| First penalty assessment | \$100.00 |
| Every thirty (30) days after the first penalty assessment until the violation has been resolved | \$200.00 |

- 2) SUSPEND HOMEOWNER'S VOTING PRIVILEGES AND/OR SUSPEND OR CONDITION THE RIGHT OF THE HOMEOWNER (AND/OR HIS TENANTS AND/OR GUESTS) TO USE RECREATIONAL FACILITIES.
- 3) A VIOLATION OF THE GOVERNING DOCUMENTS RELATING TO VEHICLE PARKING MAY RESULT IN TOWING AND STORAGE OF THE VEHICLE AT THE VEHICLE OWNER'S EXPENSE.

APPROPRIATE LEGAL ACTION MAY BE TAKEN AT ANY POINT DURING THIS PROCESS. THE ASSOCIATION SHALL BE ENTITLED TO COLLECT REASONABLE ATTORNEY'S FEES AND COSTS.

Penalties shall be paid by the Homeowner within thirty (30) days after assessment.

Financial obligations incurred by the Association as a result of a violation by a Homeowner, their tenant and/or guests (e.g., damage to a wall, tree, light fixtures or the Common Area) will be charged to the responsible Homeowner.

The Board of Directors reserves the right to waive the initial notice and call the matter directly to a Hearing for issues that can be deemed harmful, unsafe, or pose a liability to the Association, any individual, the environment, or the Common Area.

Preliminary Dispute Resolution Process

This information is a summary of California Civil Code Sections 1363.810 through 1363.850 current as of the date of publication of this *Resident Handbook*. Please refer to the sections of the California Civil Code indicated for further information (<http://www.leginfo.ca.gov/calaw.html>).

In accordance with California Civil Code Section 1363.820, the Association provides a fair, reasonable, and expeditious procedure for resolving disputes between the Association and an owner involving rights, duties or liabilities under the Davis-Stirling Common Interest Development Act, the Nonprofit Mutual Benefit Corporation Law, or the Association's governing documents. In most cases because it is quicker and less costly to all involved, the Association will use the Notice of Violation and Notice of Hearing process described in Chapter 12. However, as an alternative and at its discretion, the Board of Directors may choose to use the Preliminary Dispute Resolution (PDR) procedure to resolve disputes. A Homeowner may also request to use PDR to resolve disputes.

The PDR procedure is designed as a first step to supplement, but does not replace the Alternative Dispute Resolution pre-litigation process summarized in Chapter 14 and included with the Association's annual budget packet sent to the Homeowners. The PDR procedure is as follows:

1. Either a Homeowner or the Association may request the other, in writing, to meet and confer to discuss resolution of a dispute. While a Homeowner may refuse the Association's request to meet and confer, the Association may not refuse a Homeowner's request to meet and confer,
2. The Board shall designate a member of the Board to meet and confer with the Homeowner upon the earliest to occur of the following:
 - A. the first regular Board of Directors meeting held subsequent to the Association's receipt of a Homeowner's written request to meet and confer;
 - B. the first regular Board of Directors meeting held subsequent to the Association's receipt of a Homeowner's written acceptance to meet and confer; or
 - C. within forty (40) days following Association's receipt of such request or acceptance from a Homeowner.

The Board member so designated shall not have authority to bind the Board of Directors or the Association to any agreement or resolution. The Board of Directors may, in its discretion, act sooner than as provided above and schedule a special Board of Directors meeting to act on a Homeowner's request to meet and confer.

3. The Homeowner, the designated Board member, and any other necessary witnesses or participants shall meet promptly at a time and place mutually convenient for the Homeowner and the Board member to explain their positions and to confer in good faith in an effort to resolve the dispute. Maximum

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reasonable use of available local dispute resolution programs shall be utilized when appropriate to do so, depending upon the nature and complexity of the dispute.

4. A resolution of the dispute shall be memorialized in writing and signed by the parties. An agreement or resolution reached using this procedure binds the parties and is judicially enforceable only if it is not in conflict with law and if the agreement or resolution is ratified by the Board of Directors.
5. A Homeowner may not be charged a fee to participate in the process.

In the event the foregoing policy is not adopted, the dispute resolution procedure shall be controlled by California Civil Code Section 1363.840.

Alternative Dispute Resolution Summary

This information is a summary of California Civil Code Sections 1369.510 through 1369.590 current as of the date of publication of this Resident Handbook. Please refer to the sections of the California Civil Code indicated for further information (<http://www.leginfo.ca.gov/calaw.html>).

California Civil Code Sections 1369.510 through 1369.590 requires community associations and their Homeowners to offer to participate in some form of Alternative Dispute Resolution (ADR) prior to initiating certain types of lawsuits in Superior Court. ADR means mediation, arbitration, conciliation, or other nonjudicial procedure that involves a neutral party in the decision-making process. ADR may either be binding or non-binding, as may be agreed to by the parties. This summary of the ADR statutes is being distributed as required by California Civil Code Section 1369.5 80.

WHEN ADR MUST BE OFFERED PRIOR TO INITIATING ENFORCEMENT ACTION

An association or a Homeowner may not file certain lawsuits in Superior Court unless an effort has been made to submit the dispute to ADR as required by law. Generally, ADR must be offered before filing a civil action or proceeding that seeks:

- A. A judicial declaration of the rights and responsibilities of the parties, only; or
- B. A writ of mandate or a writ of prohibition, only; or
- C. Permanent injunctive relief only; or
- D. Declaratory relief, writ relief, or injunctive relief, combined with a claim for monetary damages of five thousand dollars (\$5,000) or less.

It is not necessary to offer ADR prior to filing any other type of Superior Court action, or prior to filing any type of small claims action. Except as otherwise provided by law, the ADR requirement does not apply to an assessment dispute.

COMPLIANCE PROCEDURE

The ADR process is initiated by one party serving all other parties with a "Request for Resolution," which shall include:

- A. A brief description of the dispute between the parties;
- B. A request for ADR;
- C. When directed to a Homeowner, the request must be accompanied by a copy of the ADR statutes;
- D. A notice to all parties that they are required to respond within thirty (30) days of receipt or else the offer of ADR is deemed rejected

Service of the Request must be by personal delivery, First-Class mail, express mail, facsimile transmission, or other means reasonably calculated to provide the intended recipient actual notice of the Request. If the

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Request is accepted, ADR must be completed within ninety (90) days of the receipt of the acceptance, unless the parties sign a written agreement extending the completion date.

The cost of ADR is to be borne by the parties. Unless the parties agree, no oral or written evidence or statements made in an ADR proceeding, other than arbitration, are admissible as evidence in a later lawsuit. Each Homeowner should consult with his or her own attorney regarding appropriate compliance with the ADR statutes.

**FAILURE TO PARTICIPATE IN SOME FORM OF ADR PRIOR TO ENFORCEMENT
ACTION**

Should a party unreasonably refuse to participate in ADR before the lawsuit is filed, the court may, in its discretion, take this refusal into consideration in determining the amount of attorneys' fees and costs ultimately awarded at trial. In accordance with the disclosure requirement of California Civil Code Section 1369.590, please be advised that:

"Failure of a member of the Association to comply with the Alternative Dispute Resolution requirements of Section 1369.520 of the Civil Code may result in the loss of your right to sue the Association or another member of the Association regarding enforcement of the Governing Documents or the applicable law."

Assessment Collection Policy

Bills are prepared and mailed on or about the 25th of each month. Assessments are due and payable on the first (1st) of each month. You can arrange for automatic deduction from your bank account by completing and submitting an Automatic Payment Authorization form (available in the “Documents” section of the Canyon Creek Web site).

The following collection policy applies to past due assessments:

| | |
|---------------------|---|
| 15 days delinquent | A \$10 late charge will be assessed to the account. |
| 45 days delinquent | A delinquent letter will be sent on behalf of the Association explaining that if full payment is not received in the Association's business office within 30 days, a "Notice of Delinquent Assessment" will be recorded against the property. The delinquent account(s) will be assessed a fee of \$75.00. |
| 75 days delinquent | A "Notice of Delinquent Assessment" will be recorded at the County Recorder's Office against the property on behalf of the Association. A letter will be sent, along with a copy of the "Notice of Delinquent Assessment," certified mail to the Homeowner. The Association authorizes Total Property Management, Inc. to sign the Notice of Delinquent Assessment on behalf of the association. The delinquent account(s) will be assessed \$245.00. |
| 90 days delinquent | “Intent to Foreclose Letter" will be sent to the delinquent Homeowner notifying them that their account(s) will be referred to an attorney to begin foreclosure proceedings. The delinquent account(s) will be assessed \$75.00. |
| 105 days delinquent | Foreclosure proceedings will start against the delinquent Homeowner's property. The legal cost will be assessed to the delinquent Homeowner's account(s) and will be based on the amount of time the Attorney spends on the collection matter. In addition, a fee of \$75 charged by Management for the attorney's preparation package will be assessed to the delinquent Homeowner's account(s). |

Your account(s) will accrue a collection cost for every step taken after fifteen (15) days delinquent. Your Board of Directors will review requests for adjustments to collection fees for just cause.

Date of receipt of payment will be determined by the date received by our statement-processing center or by the Association's business office. In order to avoid late charges and other penalties, be sure to allow enough time for your payments to be delivered and received. Please, always make your checks payable to Canyon Creek Homeowners Association and mail c/o Total Property Management, 2 Corporate Park, Suite 200, Irvine, CA 92606.

Please remember that assessments are due WHETHER OR NOT YOU RECEIVE AN INVOICE. The invoices will be mailed to Homeowners on the 25th of each month prior to the due date, but we cannot be

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responsible for the actions of the postal service. If you do not receive an invoice, be sure to mail your check with your account number(s) on it to the Association's business office to avoid penalties. It is each Homeowner's responsibility to provide a correct mailing address and insure prompt payment of maintenance assessments. Fees are subject to change without notice.

Assessments and Foreclosures

This information, which is a copy of California Civil Code 1365.1 current as of the date of publication of this *Resident Handbook*, outlines some of the rights and responsibilities of owners of property in common interest developments and the associations that manage them. Please refer to the sections of the California Civil Code indicated for further information (<http://www.leginfo.ca.gov/calaw.html>). A portion of the information in this notice applies only to liens recorded on or after January 1, 2003. You may wish to consult a lawyer if you dispute an assessment.

ASSESSMENTS AND NONJUDICIAL FORECLOSURE

The failure to pay association assessments may result in the loss of a Homeowner's property without court action, often referred to as nonjudicial foreclosure. When using nonjudicial foreclosure, the association records a lien on the Homeowner's property. The Homeowner's property may be sold to satisfy the lien if the lien is not paid. Assessments become delinquent 15 days after they are due, unless the governing documents of the association provide for a longer time (Sections 1366 and 1367.1 of the Civil Code). In a nonjudicial foreclosure, the association may recover assessments, reasonable costs of collection, reasonable attorney's fees, late charges, and interest. The association may not use nonjudicial foreclosure to collect fines or penalties, except for costs to repair Common Areas damaged by a member or a member's guests, if the governing documents provide for this (Sections 1366 and 1367.1 of the Civil Code).

The association must comply with the requirements of Section 1367.1 of the Civil Code when collecting delinquent assessments. If the association fails to follow these requirements, it may not record a lien on the Homeowner's property until it has satisfied those requirements. Any additional costs that result from satisfying the requirements are the responsibility of the association (Section 1367.1 of the Civil Code).

At least 30 days prior to recording a lien on a Homeowner's separate interest, the association must provide the Homeowner of record with certain documents by certified mail. Among these documents, the association must send a description of its collection and lien enforcement procedures and the method of calculating the amount. It must also provide an itemized statement of the charges owed by the Homeowner. A Homeowner has a right to review the association's records to verify the debt (Section 1367.1 of the Civil Code). If a lien is recorded against a Homeowner's property in error, the person who recorded the lien is required to record a lien release within 21 days, and to provide a Homeowner certain documents in this regard (Section 1367.1 of the Civil Code). The collection practices of the association may be governed by state and federal laws regarding fair debt collection. Penalties can be imposed for debt collection practices that violate these laws.

PAYMENTS

When a Homeowner makes a payment, he or she may request a receipt, and the association is required to provide it. On the receipt, the association must indicate the date of payment and the person who received it. The association must inform owners of a mailing address for overnight payments (Section 1367.1 of the Civil Code). A Homeowner may dispute an assessment debt by giving the Board of the association a written explanation and the Board must respond within 15 days if certain conditions are met. A Homeowner may pay assessments that are in dispute in full under protest, and then request alternative dispute resolution (Sections 1366.3 and 1367.1 of the Civil Code). A Homeowner is not liable for charges, interest, and costs

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of collection, if it is established that the assessment was paid properly on time (Section 1367.1 of the Civil Code).

MEETINGS AND PAYMENT PLANS

A Homeowner of a separate interest that is not a time-share may request the association to consider a payment plan to satisfy a delinquent assessment. The association must inform owners of the standards for payment plans, if any exist (Section 1367.1 of the Civil Code). The Board of Directors must meet with a Homeowner who makes a proper written request for a meeting to discuss a payment plan when the Homeowner has received a notice of a delinquent assessment. These payment plans must conform to the payment plan standards of the association, if they exist (Section 1367.1 of the Civil Code).

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