

Encinitas Ranch Community Association

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ARCHITECTURAL GUIDELINES

for

*ENCINITAS RANCH
COMMUNITY ASSOCIATION*

Encinitas Ranch Architectural Guidelines

SECTION I

INTRODUCTION

1.1 Purpose: In order to enhance and protect the value, desirability and attractiveness of Encinitas Ranch and enhance the quality of life therein, a Declaration of Covenants, Conditions and Restrictions of Encinitas Ranch was recorded on February 26, 1999 as Document No. 1999-0121953 ("CC&Rs"), Article 7 of the Declaration provides for architectural control within the portions of Encinitas Ranch which are Subject to the Declaration. The Declaration provides for the establishment of an architectural committee ("Architectural Committee"), a process for architectural approval, the right to collect fees for architecture review and the development of these architectural guidelines and rules ("Architectural Guidelines"). This architectural approval process applies to all Owners, except for the Declarant under the Declaration, the Custom Lots and the Merchant Builders who construct residences within Encinitas Ranch. Neither the Declaration nor the Architectural Guidelines control the method nor the means of construction. These are the responsibility of the individual homeowner. These Architectural Guidelines are intended to supplement the Declaration and any Supplemental Declarations, not replace them. For convenience and brevity, portions of the Declaration are repeated herein. However, most of the provisions of the Declaration are not included in the Architectural Guidelines. In the event there are conflicts between the Declaration and these Architectural Guidelines, the Declaration shall take precedence. Please review the Declaration in their entirety prior to beginning the preparation of any plans. Except as the context requires, defined terms used in these Architectural Guidelines shall have the meaning set forth in the Declaration. This is version 1.0 dated June 1, 2000.

1.2 Things to Consider Before You Start Your Architectural Review Process

1.2.1 Things to Know Before You Start: There is basic information you need to know before you start to plan or design any Improvements which you desire to make to your Residential Lot. These Architectural Guidelines and the Declaration are two important sources of information. You need to know and understand how they apply to your Residential Lot and your proposed Improvements. There are also other potential restrictions that may impact your proposed Improvements to your Residential Lot, which may include recorded easements or other restrictions. There are also city ordinances, permits and other entitlements that may impose restrictions on the Improvements you can build. Additionally, the City of Encinitas may impose setback requirements. Setbacks are typically areas within your lot where "structures" such as patio covers cannot be placed. There may also be "Brush Management Zones" which impose restrictions on your ability to install certain Improvements within portions of your Residential Lots, especially those Residential Lots which directly face an area of natural brush. The City of Encinitas Building Department in most cases can define the restrictions that apply to your Residential Lot. You should check with the City of Encinitas. Some of the neighborhoods may also be subject to Supplemental Declarations that may further restrict what improvements may be constructed on your lot. Please refer to your title documents to verify if any Supplemental Restrictions apply to your particular lot.

1.3 Review and Approval Process

1.3.1 Submittal Requirements: The applicant ("Applicant") shall prepare drawings with sufficient detail to define the proposed project. This shall include three (3) copies of each of the following and such additional information as the Architectural Committee requires to make its findings:

- a. A plan view showing the home and yard with all easements plotted at a scale of not less than 1/8 inch equal to 1 foot. The plan shall indicate the distance from the proposed Improvements to the, property lines. The proposed improvements shall be dimensioned.
- b. Elevation drawings of all improvements to the house, trellis or any other structures or patio covers and any walls or fences including dimensions of the proposed improvements.
- c. The plan and any accompanying documents shall describe all proposed materials and colors including brand name and specification name and number if any. If any color deviates from the existing colors then the submittal shall include the colors of the existing improvements, including trim and color chips of the original color and proposed color.
- d. Provide construction details of all elements.
- e. Planting plans shall include the botanical name, common name, size and quantity of all plant material. The plans shall show the proposed location of all plant material.
- f. To be determined on a case by case basis, submittals may be required to include drainage and grading plan. This must indicate all proposed and existing drain inlets and direction of water flow. The Architectural Committee review of this plan is for information only. The Architectural Committee is not responsible for the installation of proper drainage.
- g. Phasing, if any is proposed, must be indicated on the drawings.
- h. A completed application form. (The Application form is attached as Exhibit A.)
- i. A fee of \$175.00, payable to Encinitas Ranch Community Association together with a submittal fee of \$75.00 payable to N. N. Jaeschke.

1.3.2 Approval: The Applicant shall submit a set of plans ("Application Submittal") which demonstrate any and all required City approvals. The Architectural Committee will respond within forty-five (45) days of receipt of the complete Application. If the Architectural Committee fails to respond within the forty-five (45) day period, the Applicant may submit a reminder notice specifying the date of full submittal by the Applicant and if the Architectural Committee fails to respond within fifteen (15) days of delivery of the reminder notice the submittal shall be deemed approved. If your submittal is rejected, you must make a new submittal and include a second submittal fee of \$50.00, payable to Lightfoot Planning Group, if required.

1.3.3 Appeal Period: Please refer to the Declaration for the Appeal process.

1.3.4 Expiration: Approvals of the Architectural Committee are valid for a period of six (6) months after which they automatically terminate and must then be resubmitted together with a new Architectural Review Fee.

1.3.5 Notice of Completion: The Owner shall notify the Architectural Committee within thirty (30) days of completion of the work contemplated by the approval. All work must be completed within six (6) months of the approval by the Architectural Committee.

1.3.6 Inspection: The Architectural Committee or the Board shall have the right to inspect the Improvements constructed by an Owner to determine whether it was constructed, reconstructed, altered or refinished in substantial compliance with the approved Plans and Specifications. The Owner shall remedy any non-compliance issues immediately upon written notification of their existence by the Architectural Committee or the Board. All non-compliance notices must be sent to the Owner within ninety (90) days of receipt by the Architectural Committee of a copy of the Notice of Completion. Construction of improvements which were not approved by the Architectural Committee shall be removed regardless of when they were completed.

1.4 Approval by Architectural Committee: The Architectural Committee is not reviewing the Application for conformance with the requirements of the City of Encinitas or any other governmental agency. Obtaining the necessary approvals from the City and other governmental agencies is the responsibility of the individual owner. Neither the Board nor the Architectural Committee nor any member thereof shall be liable to any Owner for any damage, loss or prejudice suffered or claimed on account of (a) the approval or disapproval of any plans, drawings and specifications, whether or not defective; or (b) the construction or performance of any work, whether or not pursuant to approved plans, drawings, and specifications, provided however, that such Board and Architectural Committee member has acted in good faith on the basis of such information as may be possessed by him or her.

SECTION 2

GUIDELINES

2.1 Restrictions

2.1.1 Existing Approvals: The Property and its uses are subject to the jurisdiction of the City of Encinitas, its ordinances, regulations, permits and processes. This includes but is not limited to permits issued specifically in conjunction with this Property. Improvements to an Owner's property must conform to all City development approvals as well as all other applicable ordinances, regulations and permits.

2.1.2 Flag Poles: Flag Poles are permitted only with Architectural Committee approval.

2.1.3 Unsightly Articles: Unsightly articles such as refuse, garbage and trash shall at all times be kept in covered sanitary containers commercially designed for their storage. These containers together with other unsightly articles shall be kept in enclosed areas appropriately screened from the view of any other residential lot and the street. Clotheslines are not permitted on any lot. Trash containers shall be exposed only when set out for collection (not to exceed twelve (12) hours before and after scheduled trash collection hours).

2.1.4 Temporary and Prefabricated Structures: Temporary structures such as sheds, shacks, trailers or any temporary building improvement or structure are not permitted. Please refer to the Declaration (Section 6.1.6).

2.1.5 Signs: The only signs permitted to be installed by Owners other than the Declarant and Merchant Builders are signs advertising the sale or lease of the home. These signs shall be no larger than eighteen (18") inches by thirty (30") inches in size and shall be in conformance with all Signage Ordinances of the City of Encinitas. The Board may adopt language allowing security signs at some future date.

SECTION 3

DESIGN STANDARDS

3.1 Architecture

3.1.1 Residence: Residences are limited to two stories in height. Chimneys, railings, vent stacks, pediments and similar architectural features of normal and proportionate size may rise above the height limit and shall be the only features to remain above the roof. No wiring or air conditioning fixture, water softeners or other devices shall be installed on the exterior of residence or be allowed to protrude through the walls or roof of the residence except as originally installed by the Merchant Builder. All repairs and additions to the residence shall be in the same style and same detailing and shall be in scale and proportion to the original residence.

(a) Setback Restrictions: No additions to the front of the house are permissible. Additions to the rear of the house shall maintain a minimum setback of fifteen (15) feet from the rear property line. The rear yard shall contain an open yard area with dimensions of not less than fifteen (15) square feet. The side yard setback shall not be less than the setback established by the plane of the side of the existing home. It should also be noted that plantings that exceed the height of a fence or wall should be placed a reasonable distance from that fence or wall, usually five (5) feet.

3.1.2 Roofs: All structures and any additions shall be improved with fire retardant roofs and no roof may be repaired or replaced with material substantially different than originally installed by the Merchant Builder. Additions shall be roofed with material that is substantially the same as the rest of the residences.

3.1.3 Exterior Painting: Painting shall conform to the existing colors of the home. With approval of the Architectural Committee, other colors may be approved so long as they already occur or are harmonious with colors that occur within the community or were original Merchant Builder colors or colors approved by the Architectural Committee. The objective is to assure that the painting of all the surfaces of the house, and the overall finished effect, are consistent both the architectural intention of the original construction, and with the color combinations of adjacent houses and the community overall. Homeowners who submit requests using the original paint schemes installed on their houses can expect to receive very rapid approval.

3.1.4 Solar Systems: Solar systems shall be located, when possible, in areas not visible from the street. Colors or systems shall be subdued and not contrasting with roof color. This shall include all piping and accessory mechanical devices. Only those items required to be on the roof will be permitted, all other items shall be located within the residence's yard and screened.

3.1.5 Accessory Structures

a. Patio Covers, Gazebos and Trellises: All patio covers, gazebos and trellises shall be consistent in detail and color of the architecture of the residence to which they are associated. All connections to the building shall be waterproofed. Vertical members shall be sized to support the structure but in no case shall these be less than 4x4 members. All trellises and patio covers must be within the setbacks established by the City of Encinitas. The color shall be that of the natural wood or match the trim or building color of the residence to which it is associated. In general, the maximum height of these structures shall not exceed 12'. The Committee may allow exceptions to this based upon site circumstances. Please note that some lots contain Brush Management Zones. It is the responsibility of the owner to verify that any and all structures comply with related zones affecting a lot.

b. Walls, Fencing and Pilasters: Any proposed alterations to any fencing must first be approved by the City Planning Department. The City regulates the height of fencing. All of these elements shall be designed in harmony with the architectural style, color and proportionate to the residence to which it is associated.

3.1.6 Satellite Dishes

a. All satellite dishes must be less than one (1) meter in diameter and be installed in the back yard where it cannot be seen.

b. The dish shall be reasonably screened from the Association Property and neighbor's homes.

c. Please refer to the Declaration (Section 6.1.20).

3.2 Landscape Guidelines

3.2.1 General Restrictions:

a. Trimming of Plants: Irrespective of any approvals of landscaping plans granted by the Architectural Committee or the Board of Directors, in the event that the Architectural Committee or the Board makes the finding that any plants, hedges, or trees materially and unreasonably encroaches into an adjacent property then the Owner of said plant material shall immediately cause that material to be removed, trimmed, topped, or pruned to remove the encroachment.

b. Root System: The root system of ground covers, shrubs and trees shall not encroach into any neighbor's yard or disturb foundations, walls or sidewalks.

c. Irrigation System: All irrigation systems shall be subterranean except shrub heads and drip systems that must be substantially covered. All sprinkler heads shall be adjusted so they do not spray upon your residence, adjacent properties or walls or fences. The system should be designed so that different plant zones may be sprinkled from different valves (shrub zones, lawn zones, etc.).

d. Trees: Trees must be planted a minimum of three (3) feet from property lines and buildings; more if the tree has potential root problems at maturity. Street trees planted by the Declarant or the Merchant Builder may only be replaced with the same tree and the location of the tree may not change substantially. Unless diseased or damaged, the trees planted by the Declarant or a Merchant Builder may not be replaced.

e. **Rock Gardens:** Any landscaping which is installed shall primarily consist of grass, trees, shrubs or other planting materials. Unless incorporated into an overall landscaped area, rock gardens are not permitted.

f. **Drainage:** The established drainage pattern of the Residential Lot shall not be substantially modified or redirected to run over Association Property, slopes or upon a neighbor's property. The soil around the building shall be graded at two (2%) percent fall away from the building to the drainage system. All planting areas shall be a minimum four (4") inches below the existing stucco screed line. This may require export of soil from the Residential Lot to accommodate the new landscape.

3.2.2 Installation: Each Residential Lot shall have all portions of the lot landscaped within six (6) months after the close of escrow, per section 9.3.2 of the Declaration.

3.2.3 Swimming Pools and Spas

a. **Above ground pools are not permitted.** Above ground spas may be permitted subject to Architectural Committee approval.

b. Pools must be designed as an integral part of the yard.

c. Equipment to service the pools and spas must be concealed and the noise and view disturbances on adjacent properties substantially eliminated.

d. Plumbing lines to pools and spas must be completely concealed.

e. Pools and spas must not be located in any area where they might adversely affect the stability of adjacent slopes.

3.2.4 Grading and Drainage: The Architectural Committee is not responsible for review of the design or installation of proper drainage. This is the sole responsibility of the homeowner. Improper drainage may cause damage to the Association Property, Common Maintenance Areas and/or a neighbor's property that could result in a violation of the Declaration and/or expensive repairs. Unless otherwise installed by the Merchant Builder, there shall be no cross-lot drainage.

3.2.5 Slope Restrictions: Each Owner will keep, maintain, water, plant and replant all slope banks located on the Owner's lot (other than slopes within any Common Maintenance Areas, if any, situated in the Owner's Residential Lot) to prevent erosion, control brush in accordance with the requirements of the City and to create an attractive appearance. No structure, planting or other material shall be placed or permitted to remain or other activities undertaken on any slope banks which may damage or interfere with established slope ratios, create erosion or sliding problems, or which may change the direction of flow of drainage channels or obstruct or retard the flow of water through drainage channels.

3.2.6 Basketball Hoops: In general, portable basketball hoops and backboards are permitted so long as they are stored out of view of the street when not in use. The Board may re-evaluate this provision from time to time to match the expectations of the Members. Permanent Hoops and other apparatus are subject to the approval of the Architectural Committee. Please refer to the Declaration (Section 6.1.19).

3.2.7 Outdoor Lighting:

- a.** Lighting shall be directed onto the property which it is serving and shall be adjusted, hooded, shaded or screened to prevent light from being cast upon any other Residential Lot or public right-of-way.

- b.** All exterior floodlights shall have hoods or other mechanisms to control the light and direct the light downward except for specially designed lower wattage landscape lighting directed into trees. In no case shall this type of lighting result in lights being directed toward adjacent homes.