

LAGUNA WEST ASSOCIATION

DESIGN REVIEW COMMITTEE

SUPPLEMENTAL RULES AND REGULATIONS

The Master Declaration of Covenants, Conditions, and Restrictions (CC&R'S) for Laguna West County of Sacramento, recorded on July 18, 1991, in the office of the Sacramento County Recorders Office in Book 910718, Page 1113, (CC&R'S) and the Supplemental Declaration of Restrictions recorded January 18, 1993 in Book 921229 at Page 1687, authorize the formation of a Design Review Committee which shall have the duty to consider and act upon such proposals or plans submitted to it pursuant to the terms of the CC&R'S, to adopt Design Guidelines, and to carry out all other duties imposed upon them by the CC&R'S. The "Single-Family Design Guidelines" (revised November 1990) and "Single-Family Landscape Design Guidelines" have previously been adopted and included in the Supplemental Declaration.

Article VII, Section 1, of the CC&R'S provides that no construction, grading, landscaping, decoration, excavation, alterations, modifications, additions, or other improvements including fences, walls, basketball standards, antennas, etc. may be made to the exteriors of residences and/or lots without obtaining architectural approval in accordance with the provisions of the CC&R'S and subject to the approval of the County.

1.0 SUBMISSION OF PLANS FOR APPROVAL

The following Rules have been adopted by the unanimous vote of the Members of the Board of Directors and apply to submission of plans for approval by the Design Review Committee. These Rules contain minimum standards and any plans submitted which do not meet or exceed these standards shall not be approved.

1.1 All plans, specifications and any work thereunder must conform to the requirements of the CC&R'S, these Rules or the adopted Design Guidelines, whichever is more restrictive. In the event of a conflict between these Rules and the CC&R'S, the more restrictive shall apply. It shall not be the obligation of the Design Review Committee to determine if plans, specifications or any work thereunder comply with any governmental law, ordinance or regulation, including but not limited to applicable laws regarding building permits, building codes and standard or safety regulations. All applicants must comply with such laws, ordinances and regulations, in addition to the CC&R'S and these Rules. The Design Review Committee shall have no responsibility to determine the structural adequacy of any plans submitted for approval.

1.2 The Design Review Committee may review and act upon plans submitted by prospective Owners prior to their acquisition of title. Any such action of the Design Review Committee for prospective Owners shall be conditioned upon such prospective buyer acquiring a fee simple interest in the property described in the plans. Such approval is not applicable to any other property without the express written consent of the Design Review Committee.

1.3 Plans must be submitted **IN TRIPLICATE AND ACCOMPANIED BY THE APPROVED APPLICATION**, showing the Homeowner's name, address, lot, number, telephone number, and Owner's signature, to:

LAGUNA WEST ASSOCIATION DESIGN REVIEW COMMITTEE
c/o VierraMooreSantos
P.O. Box 7915
Stockton, California 95267

1.4 Plans must be drawn to scale, showing location, color and dimensions of existing structures, driveways, sidewalks and fences, as well as location, color and dimensions of proposed additions and/or improvements, including but not limited to patios, patio covers, landscaping areas, walls and fences, gazebos, sports apparatus, balconies, spas and pools. Plans shall be accompanied by a description and/or sample of all materials and colors proposed to be used and construction schedule. Front yard landscaping plans shall include the type of sodding, seeding, trees, hedges, shrubs, and irrigation. Any major alterations to the installed front yard landscaping requires approval of the Committee. **Backyard landscaping plans need only to show any structures, trees, or plants that will exceed the height of the fence or are visible from adjoining lots or streets.**

1.5 **POSITIVE DRAINAGE MUST BE CONSIDERED TO ASSURE THAT WATER DOES NOT DRAIN TOWARDS THE FOUNDATION OR INTO A NEIGHBORS YARD.**

1.6 If there is a particular view of importance or obstruction to any Homeowner, it should be noted.

1.7 The Design Review Committee may request any additional information, plans and details as it reasonable sees fit to adequately review the request for approval.

1.8 Within forty-five (45) days of receipt of plans for approval which comply with the above Rules, the Design Review Committee shall review the plans (as set forth under "Design Review Committee Meetings" below) and shall grant written approval, written denial, or a written request for additional information or clarification of information submitted. Any plans submitted which do not comply with these rules may be rejected by the Design Review Committee. Such rejection shall be accompanied by a statement of what deficiencies must be corrected prior to formal review by the Design Review Committee.

2.0 **GENERAL ARCHITECTURAL GUIDELINES**

The following are **supplemental** general guidelines which the Design Review Committee will follow in approving or disapproving your plans. The Committee reserves the right to amend them from time to time without prior notice. For more specific guidelines, refer to the CC&R'S.

2.1 **Patio Structures, Sunshades, Arbors, Trellises, Sheds and Gazebos:** Structures shall be made of wood or masonry construction only.

2.2 The side elevations of the above structures shall not be enclosed in any manner, except in the case where a wall on a main dwelling forms a natural enclosure to some or all portions of a side elevation. Tool sheds and similar enclosed structures may not exceed the height of the backyard fence lines and all neighbors affected have approved the proposed structure.

2.3 The following materials shall NOT be used for the roof (top cover surface) on patios, sunshades, and sheds;

- A. Metal structures and supports, including metal awnings.
- B. Plastic and fiberglass panels.
- C. Plastic webbing, reeded or straw like materials.

2.4 No balcony may be built that may infringe upon a neighbor's privacy unless the neighbor gives their consent in writing. Such consent letter shall be attached to the submitted plans.

2.5 **Exposed Equipment:**

- A. No equipment shall be exposed to public view including sport apparatus. Basketball standards **may** be approved by the Committee if they are located in rear or side yard areas only and not attached to the front of residences or garages. Basketball standards are subject to the Guidelines contained in the policy adopted by the Board of Directors, a copy of which is attached hereto.
- B. Television or radio poles, cables or antennae of any description installed outside of a dwelling are strictly prohibited if visible from the common area or another lot and may not be placed on the building roof.

2.6 **Fences:** No fences, hedges or walls shall be erected or maintained other than those initially installed by Declarant, unless first approved by the Design Review Committee. Fences shall be of a material that is compatible with the surroundings and of a material similar to that of existing fences and meet the guidelines contained in the Single Family and Single Family Landscape Design Guidelines.

No landscaping or fences installed shall prevent adequate driver visibility from the streets within the project.

2.7 **Signs:** Please refer to Article VI, Section 2 of the CC&R'S regarding various sign uses permitted.

2.8 **Utility Service:** No lines, wires, or other devices for communication or transmission of electric current or power, shall be constructed, placed or maintained anywhere in or on any lot, unless contained in conduits or cables underground or concealed in, under or on a buildings or other approved structures, excluding temporary power or telephone services incidental to construction of approved buildings.

2.9 **Temporary Occupancy:** No trailer, tent, shack, barn, garage, basement of any incomplete building, or temporary building or structure will be used as a residence, either temporary or permanent.

2.10 **Nuisances:** No plans shall be approved which might, in the opinion of the Design Review Committee, render any lot portion thereof, unsanitary, unsightly, harmful or detrimental to any property in the vicinity or to the occupants thereof. No exterior speakers, horns, whistles, bells, or other sound devices, except security devices used exclusively for security purposes shall be located, used or placed on any lot.

2.11 **Clothes Drying Facilities:** No outside clotheslines or other outside clothes drying or airing facilities are allowed on a lot.

2.12 **Fires:** No exterior fires whatsoever, except barbecue fires contained within receptacles designed for such purpose, are permitted.

2.13 **Mailboxes:** Mailboxes and mailbox structures, unless installed by Declarant, must be approved by the local postal authority and the Design Review Committee.

2.14 **Structures for Animals:** No structure for the care, housing or confinement of any animal shall be maintained so as to be visible from neighboring property unless approved by the Design Review Committee.

2.15 **Outside Lighting:** No exterior yard lighting without adequate and proper shielding shall be installed on any residence.

2.16 **Approval of County of Sacramento:** Without approval of the County of Sacramento, no Owner may construct an addition to or remodel a residence, or construct or architecturally alter a swimming pool, spa, or accessory structure.

2.17 **Storage of Materials:** Storage of construction materials is not allowed in the streets. Construction debris shall be removed from the front yard of a residence on a daily basis.

3.0 DESIGN REVIEW COMMITTEE MEETINGS

3.1 The Design Review Committee shall meet as necessary to properly perform its duties. The Committee can convene by telephone if necessary.

3.2 Notice of meetings shall not be in writing and may be given by telephone. Meetings shall be held not more than thirty days after receipt of a plan submitted for approval.

3.3 The Committee shall keep records including copies of its Rules, Guidelines and Procedures, plan approvals and/or rejections, and copies of correspondence to Homeowners and others.

3.4 In reviewing plans, the Committee may, but is not obligated to, have the plans reviewed by and consider the opinions of professional consultants and others including those who are not Members of the Association, conduct open hearings and consider evidence and comments from all relevant sources, and make a personal inspection of the property involved without the presence of other Members of the Design Review Committee or the Owner of the property. If the Design Review Committee chooses to conduct an open hearing, at least five (5) days prior written notice of such hearing must be given to the Owner submitting plans for approval. Such hearing may be adjourned and reconvened at a time no later than twenty-five (25) days from the date the plans were submitted for approval.

3.5 The Design Review Committee Members will review the plans and either grant approval in entirety, disapproval in entirety, or approval subject to conditions. Management shall notify the Homeowner in writing of the action taken by the Committee.

3.6 Any Member of the Design Review Committee, or any consultant retained by the Design Review Committee who has an ownership or financial interest in the property for which an application is being processed, or is legally related to the applicant, must disqualify himself or herself from participating in the architectural review process of that application.

3.7 Approval of any plan by the Design Review Committee does not waive the necessity of obtaining County permits which may be required. If Design Review Committee approval is obtained and modifications to the plans are required by the County or other authority, such modification to the plans must be reviewed and approved by the Design Review Committee pursuant to procedures set forth in these Rules, prior to the start of any work.

4.0 PROCEEDING WITH WORK

4.1 Upon receipt of approval from the Design Review Committee, the Owner shall begin and complete work within one year from the date of approval or approval given shall be deemed revoked.

5.0 NON-COMPLIANCE AND ENFORCEMENT PROCEDURES

5.1 If the Design Review Committee finds that the work has not been done in substantial compliance with the approved plans, the Committee shall notify the Owner in writing and request that the Owner remedy same. If the Owner fails to remedy the non-compliance within thirty days after the date of the notice of non-compliance, the Design Review Committee shall then set a date on which a hearing will be held before the Board of Directors.

6.0 WORK PERFORMED WITHOUT PRIOR APPROVAL

6.1 If work is commenced or completed without Design Review Committee approval, the Committee may require the Homeowner to submit plans for approval and may approve or disapprove the plans, notwithstanding the fact that work has commenced prior to Design Review Committee approval. If plans submitted for approval are found to be in violation of the CC&R'S, these Rules or otherwise by the Design Review Committee, or the Owner fails to submit plans as requested by the Design Review Committee within thirty days after the date of written request from the Design Review Committee, the Design Review Committee shall then set a date on which a hearing will be held before the Committee.

6.2 In the event the Design Review Committee receives a complaint that work has been commenced or completed without Design Review Committee approval, the following procedures will be taken.

- A. The Design Review Committee will make an investigation to verify the complaint is accurate.
- B. The Design Review Committee will make a determination whether such construction is in violation of the CC&R'S, including the failure to obtain Design Review Committee approval.
- C. If a determination of violation of the CC&R'S is made by the Design Review Committee, Management will notify the Owner in writing of the violation and request that the violation be remedied.
- D. If, within thirty days from the date of notice of violation, the Owner fails to remedy the non-compliance, the Design Review Committee shall set a date on which a hearing will be held before the Board of Directors.

7.0 GENERAL CONDITIONS

7.1 Any condition or material not defined within these Rules and Guidelines shall become a matter of judgement on the part of the Design Review Committee unless described in the CC&R'S. See the CC&R'S for the general use restrictions.

7.2 Neither the Design Review Committee nor any Member thereof shall be liable to any Owner for any damage, loss, or prejudice suffered to claimed on account of:

- A. the approval or disapproval of any plans, drawings and specifications, whether or not defective;
- B. the construction or performance of any work, whether or not pursuant to approved plans, drawings and specifications;
- C. the development of any property within the project; provided, however, that such Member has acted in good faith on the basis of such information as may be possessed by him.

7.3 Pursuant to Article VII, Section 13 of the CC&R'S, "Declarant" under the CC&R'S is exempt from the Design Review Committee; therefore, these Design Review Committee Rules shall not apply to the Declarant.

7.4 The Design Review Committee Rules may be amended only by a unanimous vote of the Board of Directors.