

# **Chardonnay Hills Homeowners' Association**



## **Architectural Control Committee Guidelines**

Revised and Adopted  
By the Board of Directors  
Effective August 1, 2013

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# **CHARDONNAY HILLS HOMEOWNERS' ASSOCIATION**

## **ARCHITECTURAL CONTROL COMMITTEE GUIDELINES**

### **PREAMBLE**

In order to maintain the architectural character and integrity of the community as well as preserve the value of the homes situated therein, it is necessary to enact and enforce the following Architectural Control Guidelines. The authority for the Architectural Control Committees (hereinafter "the ACC") to enact and enforce architectural control guidelines is provided by the Declaration of Covenants, Conditions, and Restrictions pursuant to Article IX, Section 6. A copy of said Declaration (hereinafter referred to as "the Declaration") was given to each owner when they purchased of their home. Upon written request, the management company will provide a copy, if you do not have one. However, there will be a charge for such service. It is strongly recommended that you take the time to read and understand the declaration and these Guidelines as these documents in part determine both your rights and responsibilities. If there is any conflict between the Declaration and these Guidelines, the provisions of the Declaration shall prevail. The Board of Directors request strict observance and adherence to these Guidelines.

### **PURPOSE**

Pursuant to Article IX of the Declaration of Restrictions for the Chardonnay Hills Homeowners' Association, the homeowner must obtain Architectural Control Committee approval, before any improvements may be constructed or landscaping installed. Certain exceptions have been granted in these Guidelines by decision of the Board.

This review is in no way intended to approve architectural requests for structural engineering or in lieu of required governmental permits or inspections, including all City building code requirements. The intent is (among other things) to maintain the *architectural* harmony and character of the Association.

### **APPLICATION AND REQUIRED COPIES**

At least forty-five (45) days before the intended start date owners shall present drawings, specifications, materials list, colors, dimensions and any other relevant information, including but not limited to, brochures, photos of similar Improvements and samples of materials to the ACC for study and approval. The ACC will respond in the most timely manner to all requests for review, but reserves forty-five (45) days from receipt of all required information as outlined herein to act on any application received.

Two copies of drawings, specifications and color samples as stated above must be submitted to the ACC. One (1) copy will be retained by the ACC; the second will be returned to the homeowner. A fully completed and signed Architectural Approval Application form must accompany all requests for improvements. Or, any such other form as the ACC may from time to time require.

All Drawings shall be prepared in accordance with the ACC's requirements, which follows. All plans and drawings shall be submitted to:

*CHARDONNAY HILLS HOA*  
*ARCHITECTURAL COMMITTEE*  
C/O AVALON MANAGEMENT  
43529 Ridge Park Drive  
Temecula, CA. 92590

**DRAWINGS**

Drawings shall, in any case show the nature, kind, shape, dimensions, materials, and location of improvements to be considered.

**1. Plot Plan**

- a. Show all lot lines accurately as lengths, angles, and curves.
- b. Show all dimensions on the work to be considered and distances between existing and new work and property lines. Show location of any impacted utility boxes, meters, hydrants, etc.
- c. Plans must show the facing walls of adjacent units. This is required so that the ACC has a clean definition of the placements of party walls with respect to adjacent neighbors.
- d. Your submittal must show the location of the bottom, toe or top of any slope.
- e. Show the plotted locations of drains, trees, shrubs, fences, patio cover, walls, spas and associated equipment, and all other structures.
- f. All yard drainage must include showing the direction of water flow and location of drainage swale/yard drain and point of discharge.
- g. The ACC reserves the right to request a plant list on a case-by-case basis.

**2. Roof Plan (Structural Additions Only)**

- a. Show elevations and plans of all existing and new roofs with pitches noted.
- b. Show material of all existing and new roofs.

**3. Floor Plan**

- a. Indicate all walls, columns, openings and any condition or feature that will affect the exterior design of the building.
- b. Indicate exterior landscape or other details affected.

## APPLICATION SPECIFICATIONS

1. Color samples of all exterior paint or stains are required when they deviate from the original color scheme. Color samples of original colors and coordinating colors are available for review at Avalon's Temecula office. The ACC reserves the right to disapprove color changes.
2. When construction work requires the use of adjoining property, the applicant shall obtain written permission from the adjoining property owner. A copy of said permit must be filed with the request for ACC approval.
3. All work must be performed in a manner consistent with the appearance and general dwelling construction of the community. All work considered unsightly in its finished nature or of lesser quality than the prevailing community standards shall be reworked to acceptable appearance.
4. Failure to obtain necessary approval from the ACC shall constitute a violation of the Declaration and may require modifications or removal at the homeowner's expense.
5. With respect to the approval process, the ACC reserves the right to an on-site inspection before rendering a decision.
6. In sections of the following detailed standards, there appear lists of acceptable and unacceptable materials. These lists may not be all-inclusive and the ACC reserves the right to disapprove any material not listed in a homeowner's submittal.
7. **All work must be diligently pursued and must be completed within 90 days from the date of written approval from the ACC. Extensions may be requested in writing from the ACC, which shall have full discretion to grant such extensions on an individual basis.**

## ARCHITECTURAL STANDARDS

1. **Fences and Walls**
  - a. For construction of private walls and fence, you are encouraged to use:
    - Substantial wood posts, beams and planks
    - Stud and stucco construction
    - Split face block (including unfinished, if the unfinished side is installed to face towards the installing lot.); exception: continuation of a developer installed block wall
    - Equestrian style fencing permitted
    - Materials used in combination such as painted wrought iron and split faced block.
    - Finished side of fences and walls to face the public side
    - Tubular steel painted a color to blend in with the home
  - b. Unacceptable materials for fencing are:
    - Aluminum or sheet metal

- Chicken wire
  - Metal or plastic chain link (except within rear yards as for dog runs, etc.)
  - Plastic or fiberglass panels
  - Plastic webbing (except as outlined below in Item g.)
  - Strawlike materials
  - Wood grapestake
  - Glass block
  - Unfinished or uncoated cement or cinder block
- c. No double fences shall be constructed.
- d. Fencing shall not be constructed higher than six (6) feet. Walls and fences built on top a retaining wall will be considered separately from this restriction, with particular consideration for adjacent neighbors.
- e. Acceptable materials for the extension and repair of any wall or fencing shall be the original material and color only.
- f. Architectural Committee approval is not required for staining, painting, or weatherproofing of wood fences, so long as the material applied is either clear / transparent, closely matches the color of the stucco, wood siding on the home. Clear or solid stains (water based or oil) may be used if they are of the common wood varieties (example cedar, redwood, pine, etc.)
- g. Screening that exceeds 2' in height shall not be attached to wrought iron fencing that borders common areas. Screening shall only be attached at the base of the fence. To prohibit fence corrosion, screening shall not be of metal material and shall be attached with plastic fasteners.

2. **Individual Product Interior Wall/Fence Criteria**

- a. Product Theme Solid Wall Base Requirements.

A uniform solid wall designed to reinforce the architectural setting while remaining compatible with the previously described wall program is encouraged and should be utilized at selected lots. The visual integrity of the overall neighborhood street scene will, therefore, be protected. These uniform thematic solid walls may be constructed of stud and stucco, split-faced block, wood materials, or a combination of the foregoing.

- b. Open View Wall Base Application.

Where interior lot view opportunities exist without a privacy conflict, an open view fence or wall may be appropriate. Such a view fence shall be compatible with the architectural setting. An alternative painted tubular steel fence, or tubular steel fenced combined with another approved building material, is permitted.

- c. Fence Base Application

Wood fence designs compatible with the architectural setting are permitted. Paint color selection shall complement the architectural setting. Owner wood fence features a board-on-board technique with appropriate cap, bracing and posts to present an identical appearance on all sides visible to the public.

### 3. **Cement Slabs and Walkways**

Architectural Committee approval of cement slabs and walkways is not required where the following conditions have been met:

- a. The cement slab or walkway is located in the rear or side yard behind the owners' fencing and is of neutral color; brick, stone, and combinations of the foregoing are permitted providing they are of neutral color and complement the color, trim, and style of the house.

All cement work not complying with the above must be submitted to the ACC for approval.

Owners are required to obtain any necessary City permits and are responsible for ensuring proper drainage to the street.

### 4. **Patio Covers (Including Gazebos)**

Patio covers require ACC approval and must comply with the following guidelines:

- a. Structures must be of wood construction with the exception of vertical supports, which may be of stud & stucco, brick, or stone construction. Alternate materials, such as “aluma wood”, etc., maybe submitted for ACC approval. Samples of the product and structural/weather resistant data must accompany the application.
- b. Second story decks will be considered on a case-by-case basis with adjoining homeowner privacy in mind.
- c. Covers must be painted to match either the stucco or trim color of the house, or white (accent colors not acceptable).
- d. Solid patio covers must be roofed so as to closely match the roof of the house.
- e. Generally unacceptable materials include:
  - Metal or aluminum structures (with the possible exception of other products as indicated above)
  - Corrugated plastic and fiberglass
  - Wood or plastic criss-cross lattice panels
  - Plastic webbing, reed, or straw like materials
  - Plastic/canvas “tarp” material
  - Shade cloth

### 5. **Screen doors**

Screen doors are permitted with ACC approval, and must meet the following requirements:



- a. Screen door to be made of 1) wood, or 2) substantial metal with white anodized finish to match the aluminum window framing on the house.
- b. Screen door design is to be compatible with the general architectural design of the house and must be consistent with the general appearance of the community.

6. **Storage sheds, Utility and / or Auxiliary Buildings**

Storage sheds are permitted with ACC approval, and must meet the following requirements:

- a. Shed to be constructed of wood or metal. Molded plastic or resin materials will be considered on a case by case basis. Regardless of the base material, the roof color must closely match the color of the house roof. Shed must be located in the rear or side yard behind the fence line so as not to be materially visible to the public.
- b. Shed to be a completely enclosed structure with entry door(s).
- c. Shed design and construction are to be compatible with the architectural design of the house and must be consistent with the general dwelling construction and appearance of the community.
- d. Paint of shed shall match paint of house in color and proportions (i.e., to match body and trim color).
- e. Shed may not exceed six feet in height at eaves and no more than eight feet at the highest point of the roof.
- f. Shall conform to City Building codes.
- g. The applicant shall obtain neighbor-notification from adjoining property owner(s) and Owners whose line of sight the shed may affect. A copy of said notification shall be filed with the request of architectural approval.
- h. The Architectural Control Committee reserves the right to perform an on-site inspection before rendering a decision as to approval.
- i. Failure to obtain necessary approval from the Architectural Control Committee shall constitute a violation of the Declaration and may require notification and/or removal at the homeowner's expense.

7. **Dog Runs**

Pets must be confined to fenced areas or kept in the housing structure or garage.

- a. Should an Owner wish to construct a dog run, plans for dog runs along fence or property lines require adjacent-neighbor notification. Neighbor input will be strongly considered.

8. **Decking**

- a. Decking which overhangs the common slope areas will not be allowed.

9. **Exterior Lighting**

- a. Exterior landscape/walkway lighting must be low voltage (12V). Higher voltage will be approved if it is not directed, or if it is placed so that it does not create an annoyance to the neighbors.

10. **Pools/Spas**

- a. Pools, spas, water-features, and **related** equipment will be considered on an individual basis and requires adjacent-neighbor notification.

11. **Solar Energy Systems**

- a. Solar powered energy systems are encouraged as a matter of public policy. The Association respects the national interest in this matter. Aesthetic concerns do exist, however, and therefore the Association has implemented certain minimal guidelines to preserve the aesthetic integrity of the neighborhood.
  - 1. All solar equipment shall be reviewed and approved by the Architectural Control Committee. Color brochures or the equivalent shall be required for the review process. All such systems require adjacent neighbor notification and Architectural Control Committee approval.
  - 2. Passive systems are prohibited in favor of active systems due to the unsightly a nature of the roof mounted water-holding tanks. Any plumbing should be installed internally so as to be obtrusively visible from the exterior.
  - 3. Solar panels should be placed so as to be an unobtrusive as possible and should not cover more than 25% of the roof space on the side of the pitch where they are installed, or in the case of a built-up roof, 25% of the built-up area. Placement on any roof or wall that is visible from the street is discouraged.
  - 4. Only commercially produced systems are permitted and must be installed per manufacturer's specification.

12. **Antennas**

- a. Unless approved by the Architectural Committee, no radio station or short-wave operators of any kind shall operate from any Lot. No exterior radio antenna, earth receiving station, satellite dish larger than 36" diameter, or other similar electronic receiving or broadcasting device of any type shall be erected or maintained in the project. Any TV satellite dish 36" or less in diameter can be installed but must be approved by the Architectural Control Committee prior to installation. The dish must be placed in the side or rear yard behind the privacy fence. The dish may be attached to the house, per City code, but should be located in an area that will provide limited visibility to the neighbors. The owner is required to receive signatures of all neighbors who are either adjacent to the subject property or will have visible line of sight of the dish depending on location.

### 13. **Basketball Standards**

#### a. Portable Basketball Standards

Portable basketball standards do not require ACC approval:

1. Standards shall be placed on the center or side of the driveway at least five (5) feet from the curb. Please note that it is against City Regulations to place a standard on a curb, sidewalk or in the street;
2. Backboards must be fiberglass, acrylic or a similar material, not plywood or particle board;
3. Backboard must be mounted on a commercially produced pole designed for such a purpose;
4. All portions of the portable basketball standard must be maintained in good condition including the net.

#### b. Permanent Basketball Standards (post permanently anchored in the ground)

Permanent basketball standards may be installed after ACC review and approval. Installations must comply with the following guidelines:

1. Standard, may be located in the rear yard and side yard behind the fence or the front yard.

Permanent basketball standards (e.g.) planned for the front yard should be planned so as to be situated along the edge of the driveway nearest to the side property line, and approximately midway between the garage and where the property meets the street;

2. Backboard must be fiberglass, acrylic or a similar material, not plywood or particle board;
3. Backboard must be mounted on a commercially produced pole designed for such a purpose;
4. Backboard or hoops may not be mounted on homes, garages, or fences;
5. All portions of the portable basketball standard must be maintained in good condition including the net;
6. Neighbor notification is required.

### 14. **Play Equipment**

- a. Play equipment Play equipment includes but shall not be limited to gym or swing sets, slides, and tetherball poles. Play equipment is permitted, without ACC approval, under the following conditions:

1. No part of the equipment exceeds 8' in height;

2. The equipment is placed at least 5' from any property line;
3. Equipment shall be placed in the rear yard or side yard behind the fence.

Equipment (such as skateboard ramps or half-pipes, playhouses, or similar play structures) not meeting the above guidelines must be submitted to the ACC for approval. None of which shall be allowed in the front portion of the property to include but shall not be limited to, softscape (lawn or planters), or hardscape (driveway).

#### 15. **Rain Gutters**

- a. Architectural Committee approval is not required for installation of gutters so long as they are either white, or closely match the color of the trim; all downspouts must be either white, or closely match the stucco or siding color.

#### 16. **Windows**

- a. No window in any Residence shall be covered in whole, or in part, inside or outside, with aluminum foil, newspaper, paint, or any other material reasonably deemed inappropriate for such use by the Association; provided, however, an owner may use plain white sheets to cover windows for a period not to exceed 6 months after the close of escrow, pending the installation of shades, drapes, curtains, shutters, or other appropriate interior window coverings.
- b. An owner may tint the windows of his residence provided he obtains prior approval from the Architectural Control Committee. The use of reflective tint is allowed on all windows of the house. The guidelines for the type of reflective tinting to be used on the windows are no more than 21% solar reflectance and no less than 30% light transmittance. No bronze will be allowed. The degree of darkness allowed for non-reflective tinting shall remain with the Architectural Control Committee on a case by case basis. All tinting requests must be accompanied by a brochure or manufacturer's description. All requests must include a sample of the material to be used. This sample will remain with the application and will not be returned.
- c. Security bars visible from the exterior on windows and doors are not allowed.

#### 17. **Garage Door Replacement**

- a. Replacement of the wooden swing up garage door(s) with steel roll-up garage door(s) is permitted following ACC approval. Windows are optional. Homeowners must replace both the double and single garage door if their home has a three-car garage. The new door(s) must match or coordinate with the color of the garage door trim.

#### 19. **Holiday Decorations**

- a. Holiday decoration are generally permitted without ACC approval, provided they are erected for not more than six (6) weeks in any 12 month period and are put out no earlier than one

month prior to the holiday and removed within two (2) weeks after the holiday. For this purpose, decorations shall refer to any theme items, including lights installed on the exterior of the residence and landscaping.

## 20. **Awnings**

- a. Awnings will not be allowed on the front windows of the residence. Awnings located in other areas must be of the same color. A color brochure and material swatches must accompany the application.

## 21. **R. V./Boat/Trailer Storage**

- a. Parking restrictions governing R.V.'s, boats, etc. are contained in Article VIII, Section 11 (b) and Article IX, Section 16 (b) of the CC&R's. Summarized, these sections state unless approved by the ACC, no owner shall park, store or keep on his lot, any streets within the project or any portion of the Association property, any large commercial type vehicle or any recreational vehicle (including, but not limited to, campers, motorhomes, trailers, boats, aircraft, mobile homes or other similar vehicles), except for purposes of loading, unloading, making deliveries or performing emergency repairs. Further, the ACC is prohibited from approving, and all owners are prohibited from storing or keeping any such vehicle on the lot, unless the vehicle is (i) parked on the side of the lot adjacent to the garage; (ii) parked on a concrete or other hardscape surface; and (iii) screened from view of the public and from the natural grade of the adjacent lots by a wall, fence, landscaping or other appropriate screen approved by the Committee.

In order to facilitate a proper review by the ACC, a RV Approval Form must be submitted to the ACC.

## 22. **Landscaping**

- a. All landscaping work, plantings, and drainage systems in front yards which change the landscaping originally installed by the developer, require ACC approval. Rear yard plantings by an owner require the approval of the ACC only if the plantings involved exceed 8 feet in height, or due to growth habits of the plants involved, will grow to exceed 8' in height. All other rear yard landscaping or irrigation installation shall not require ACC approval.
- b. Trees, hedges and shrubs that restrict sight lines for vehicular traffic shall be trimmed back or removed.
- c. Landscaping of front yards, other than walkways, planter walls, or fences shall consist primarily of live plants.
- d. To retain conformity throughout the community, the following trees are to be used for replacement in the front yard. Liquid Amber, White Alder, Purple Leaf Plum, Magnolia Graudaflora, California Pepper, Pine Pinea, Bottle Tree and Evergreen Plums. Homeowners are informed that Liquid Amber, California Peppers and Magnolia Graudafloras may cause

potential root problems. The tree nearest the street may not be changed, as these are planted in the City easement.

- e. Shrubs, hedges, or trees requiring ACC approval under section a), above, which restrict neighbors enjoyment of their lots, or which have root systems that may damage a neighbor's residence, require adjacent-neighbor notification.
- f. ACC approval is required for any mound added to the front or rear yard landscaping. No mound shall exceed two feet (2'-0") in height above original certified grade in any given location. Mounds shall be landscaped with grass, shrubs, ground cover, etc., to avoid erosion. Mounds shall not be installed against any property/perimeter line wall unless it has been designed as a retaining wall and has been sealed to avoid leaching.

### 23. **Drainage**

- a. All drainage from improvements shall be constructed to return drainage to the front street. No drainage pattern shall be altered to cause drainage to flow over neighbors property or on any slope. All drainage must be cored through the curb, and may not run over the City sidewalk. City sidewalks may not be broken to lay drainage.

### 24. **Signs**

- a. No sign, poster, display, billboard, or other advertising device of any kind shall be displayed to the public view or any portion of the properties or any lot except one (1) sign for each lot advertising the-dwelling for sale or lease, not larger than six (6) square feet. A second exception—is granted for one sign per lot indicating the presence of an alarm or security-system.

### 25. **Miscellaneous**

- a. Trash must be located out of view from any street except when it is put out for collection. Trash/containers shall not be put out until the evening before pickup and shall be removed within twenty-four (24) hours.
- b. Driveways and walks are to be swept, kept clean, and free of oil and rust stains.
- c. Access to slopes is permitted only for authorized reasons such as maintenance and repair.

## **NEIGHBOR NOTIFICATION**

It is the intent of the ACC to consult neighbors on any improvements, which may affect their use and enjoyment of their property. Neighbor approval or disapproval of a particular improvement shall be advisory only and shall not be binding in any way on the ACC.

Adjacent-neighbor means the home or homes, which share a common property line.

The following improvements require an adjacent-neighbor notification statement with the submission of plans:

- Fences and walls
- Patio covers and gazebos
- Dog runs
- Pools and spas
- Storage and shed or utility buildings
- Any other exterior improvements that may affect neighbors and the community, such as skateboard ramps/half-pipes.

Objections from neighbors and other interested parties should be voiced in writing to the ACC. Any objections received after approval will not be considered by the ACC regardless of the reason for the delay.

## **APPEAL PROCEDURE**

In the event that plans and specifications submitted to the ACC are disapproved, the owner filing such application may appeal in writing to the Board of Directors. The Board must receive the request, not more than fifteen (15) days following the final decision of the Committee for review, whose written recommendations will be submitted to the Board. Within forty-five (45) days following receipt of the request for appeal, the Board shall render its written decision. The Board may agree with the ACC and uphold disapproval, or the Board may disagree with the ACC and approve the plans and specifications. The failure of the Board to render a decision within forty-five (45) days shall be deemed a decision in favor of the owner filing the appeal.

## **REMEDIES**

If, upon the expiration of forty-five (45) days from the date on which an owner is notified of a violation of these Guidelines, said owner has failed to remedy the non compliance, the Board of Directors shall notice the offending party on a date and time for a hearing in writing. After affording such owner notice and hearing, the Board shall determine whether there is a noncompliance of the Declaration and, if so, the nature thereof. If a noncompliance exist, the owner shall remedy or remove the same within a period of not more than forty-five (45) days from the date of announcement of the Board ruling of noncompliance. If the owner does not comply, the Board will initiate reasonable and appropriate actions, including fines, to see that noncomplying improvements are removed.

## **VARIANCES**

The Architectural Committee may authorize variances from compliance with any architectural provision contained in the Guidelines on height, size, floor area, or placement of structures, or similar restrictions when circumstances such as a topography, natural obstructions, hardship, aesthetic, or environmental considerations may justify such variances.