

COMPLETE EXPLANATION OF REQUIREMENTS FOR PROPERTY IMPROVEMENTS

The purpose of this [memo / letter / explanation] is to clarify for our community the interplay between the February 16, 2022 First Restated CC&Rs and the December 1, 2024 Architectural rules that the Architectural Control Committee (ACC) must apply when considering applications. We first explain the requirements laid out in the CC&Rs and how they interrelate, then we explain the related provisions of the Architectural Rules and their application.

The first restated CC&Rs define the term “improvements,” as captured below, and clarifies that no improvements to any property may begin without prior written approval of the ACC.

- **Section 1.28** defines “improvement” as any “addition to or alteration of the real property comprising the development or any part of it.” This includes, but is NOT limited to every:

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| 1. Building | 13. Deck | 23. Fencing |
| 2. Outbuilding | 14. Balcony | 24. Pond |
| 3. Structure | 15. Patio | 25. Solar heating equipment |
| 4. Shed | 16. Pole | 26. Antennas |
| 5. Driveway | 17. Sign | 27. Utilities |
| 6. Parking space or parking area | 18. Tank | 28. Utility Lines |
| 7. Paving | 19. Ditch | 29. Gates |
| 8. Walk | 20. Landscaping (including trees, hedges, plantings, lawns, shrubs) | 30. Statues |
| 9. Fence | 21. Landscape structures | 31. Markers |
| 10. Wall | 22. Berms | 32. Pipes |
| 11. Stair | | 33. Lines |
| 12. Arbor | | 34. Lighting fixtures |

- **Section 8.1** prohibits owners from making any improvements (including, but NOT limited to, all items listed above in section 1.28) “without the prior written approval of the [ACC].”

Next, to guide the ACC in determining how to review and whether to approval an application for any improvement to any property, the First Restated CC&Rs require the ACC to establish the Architectural Rules, but clarifies the rules may only add to or clarify the minimum established limitations set forth in the CC&Rs. The CC&Rs further establish initial requirements the ACC must complete before approving any application for any property improvement.

- **Section 8.3** requires the ACC to establish guidelines (these are the “Architectural Rules”)
- **Section 8.4** clarifies those architectural rules cannot be “in derogation of the minimum standards” of the CC&Rs, meaning the guidelines may clarify limitations or impose additional guidelines for considerations, but cannot remove any minimum restrictions established in the CC&Rs (except as allowed through the official variance process in section 8.10), and can only add guidelines that adhere to the spirit and intent of the CC&Rs.
 - This specifically requires the ACC to enforce all required limitations set out in all sections in the CC&Rs Article 3 Restrictions and Use of Property (sections 3.1 through 3.18) as the minimum requirements, in addition to any further requirements in the Architectural Rules.

- **Section 8.6** clarifies the minimum required considerations the ACC must apply to each application for improvements (while enforcing all limitations in CC&Rs section 3 in addition to any further guidelines they establish in the ACC guidelines). These include (but are NOT limited to):
 - (a) The **Owner has complied with those provisions of this Article** and the **Architectural Rules** pertaining to the content, and procedures for submittal, of plans and specifications.
 - (b) The Owner's **plans and specifications** (i) **conform to this Declaration and to the Architectural Rules** in effect at the time such plans are submitted to the Committee; and (ii) **will not interfere with the reasonable enjoyment of any other Owner's property**; and
 - (c) The proposed Improvement(s) will otherwise **be consistent with the architectural and aesthetic standards prevailing within the Development**, in **harmony with the external structures and/or landscaping within the Development** and are **consistent with the overall plan and scheme of development and the purposes of this Declaration**.

Based on these provisions of the First Restated CC&Rs, before any owner may make any improvement to their property, as defined in the CC&Rs, section 1.28, they must apply to the ACC for prior written approval. Then, the ACC is required, in determining whether to approve the application, to apply all limitations set forth in the CC&Rs Article III and the specific requirements listed in Section 8.6, as well as all requirements established in the Architectural Rules. Next, we look at the additional requirements in the Architectural Rules.

First, for new home construction, section 4 of the Architectural Rules lays out all design requirements the application must adhere to when proposing a new home build. In addition, section 5 lays out requirements for exterior modifications to home, and section 7 lays out requirements for landscape design and modification. However, as laid out in the CC&Rs definition of improvements, improvements include any ancillary structures, which have their own unique requirements within the Architectural Rules.

- **Subsection 16.2** defines ancillary structures to include, but NOT be limited to, all of the following:

1. Outbuildings such as pool houses, ADUs JADUs, sheds, and gazebos	3. Flag poles
2. Swimming pools, hot tubs, jacuzzi pools, tennis and other sport courts, basketball and other sport standards	4. Back-Up systems
	5. Solar collection units
	6. Antenna and satellite dishes
	7. Electric vehicle charging stations that are located on the outside of a structure
- **Subsection 8.2** lays out all design rules for ancillary structures (most relevant include):
 - Ancillary structures shall **not interfere with the reasonable enjoyment of any other homeowner's property**. See Article III Section 8.6 (b) of the CC&Rs)
 - Ancillary structures should **harmonize with the design of the main house and landscaping**. See the following Sections of the ARs: 4 New Home Construction, and Section 7 Landscaping Design and Modifications.
 - Structures should be **designed and located to maximize privacy**.

Thus, in addition to all CC&Rs, the ACC is required to ensure applications for ancillary structures meet those requirements in the Architectural Rules section 8.2. Moreover, some ancillary structures have their own unique sets of further requirements that pertain only to those specific ancillary structures.

- **Subsection 8.3** specifies ADDITIONAL requirements for certain ancillary structures, meaning each of these listed structures must not only adhere to design requirements in 8.2, but also to all additional unique design requirements listed in subsection 8.3 for each of the following categories:
 - 8.3.1 Pool houses, sheds, and Gazebos
 - 8.3.2 Swimming pools, hot tubs, jacuzzis, and water features
 - 8.3.3 Tennis, basketball, and other sports courts
 - 8.3.4 Flag poles
 - 8.3.5 Back-Up generator systems
 - 8.3.6 Solar collection units
 - 8.3.7 Antennas / satellite dishes
 - 8.3.8 Electric vehicle charging stations – Exterior only

Notably, for some of these ancillary structures with additional design requirements set out in subsection 8.3, the additional specified design requirements reference either Article 4 (new home design rules), or other sections of the Architectural Rules or CC&Rs. For these specified ancillary structures, this means, in addition to the Design Rules for ancillary structures the ACC must apply in the Architectural Rules subsections 8.2 and 8.3, the ACC must also apply all design rules contained in those sections of the Architectural Rules or CC&Rs as well (in addition to all requirements in the CC&Rs Article 3.)

For example, in paragraph 8.3.1 governing pool houses, sheds, and gazebos, all applications to the ACC must adhere to all new home design rules in the Architectural Rules, section 4, in addition to the CC&Rs, and the Architectural Rules subsections 8.2 and 8.3.

- For any ancillary structures with additional requirements listed in section 8.3 that also require adherence to **Article 4 design rules for new home construction**, **Section 4.3** lays out the design rules for new homes that sheds must also adhere to as follows:
 1. Provide a clearly defined architectural style that is consistent on all sides.
 2. Design a prominent, signature entry. The proportion and scale of the entry must be carefully balanced to the overall size of the home.
 3. Plan the roof shape, dormers, and valley treatments so as not to detract from the overall architectural style.
 4. Windows should match the architectural style and architectural features should be used to enhance the windows appearance.
 5. Exterior lighting shall be of low intensity and shall be shielded and directed downward to minimize glare as to not affect the nightscape, privacy, or reasonable enjoyment of neighbors' properties. It is suggested that the lighting be turned off by 11pm. See Article III, Section 3.3(j) of the CC&Rs.
 6. Create balusters and railings at patios and decks that match the home architecture.
 7. Colors should be low key but vary within the development. The applicant shall provide a color pallet to the ACC for exterior walls, roof, trim, and windows.
 8. The house paint and trim colors shall complement the stone and masonry products utilized.

5. Utilize trimming around windows, doors, mullions, post, wall and soffit intersections, and other locations to avoid a flat look. Trims should be consistent on all sides.
6. Consider separate elements that accentuate the main house design and minimize large blank walls.
7. Elements such as piers, walls, and fences should flow such that they accentuate the main house design.
12. Mechanical equipment shall be located to minimize noise and not interfere with the reasonable enjoyment of any other homeowner's property. The equipment shall be screened from adjoining properties and the street. See Section Article III, Section 3.13 of the CC&Rs.
13. Incorporate concrete, patterned concrete, pavers, or other patterned materials for driveways and hardscape. The color should be harmonious with the house colors.
14. See Section 8 of the ARs, Ancillary Structures and Retaining Walls.

Taking all of the provisions together, for example, the desire to erect a shed on a property is defined as both an "improvement" in the CC&Rs. As an improvement, the CC&Rs require the owner to seek prior written approval from the ACC. Then, the CC&Rs require the ACC, in considering that application, to apply all the requirements in the CC&R limitations in Article III, the CC&R section 8.6 requirements, and any applicable requirements in the Architectural Rules.

Then, because sheds are defined as ancillary structures in the Architectural Rules, the ACC must also apply Architectural Rules subsection 8.2 in reviewing the application. In addition, since sheds have further unique requirements set forth in paragraph 8.3.1 under subsection 8.3, and those unique requirements include a reference to meeting all new home design rules in Architectural Rules section 4, the ACC must also apply the requirements listed in both Architectural Rules paragraph 8.3.1 and subsection 4.3, laying out the new home design rules.