

APPROVAL PROCEDURES

AND

DESIGN GUIDELINES

RANCHO CIELO HOMEOWNERS ASSOCIATION

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APPROVAL PROCEDURES

AND DESIGN GUIDELINES

of

Rancho Cielo Homeowners Association

(the "Association")

Pursuant to Article VII of the Covenants, Conditions and Restrictions dated September 15, 1988 and recorded on September 14, 1988 (the "CC&Rs") for the Rancho Cielo Homeowners Association has appointed an Architectural Control Committee ("ACC"). The ACC is empowered to represent the Association in maintaining quality, consistency and continuity throughout the community of Rancho Cielo Homeowners Association.

The CC&Rs require the ACC to administer these Approval Procedures and Design Guidelines (the "Procedures and Guidelines") which have been adopted by the Association to serve as a basic summary of the ACC procedures and criteria for review of required applications. This document is not intended to be a comprehensive or detailed compilation of all matters that the ACC might consider relevant in carrying out its review responsibility. Rather, it is provided as a matter of information to provide general guidance and reference to applicants and other property owners within Rancho Cielo.

Upon approval of proposed improvements, they must be completed in compliance with the approved plans and specifications and any conditions imposed by the ACC as a part of the approval. The Association has the right pursuant to the CC&Rs not only to require such compliance, but also, in addition to other remedies available to the Association, to require removal, correction or alteration of any improvement not in compliance with an approved application.

Please refer to the CC&Rs for general use restrictions. In the event of a conflict between these Procedures and Guidelines and the CC&Rs, the CC&Rs shall prevail. Any condition or material not defined within these guidelines shall become a matter of judgement on the part of the ACC unless otherwise provided for in the CC&Rs.

When new construction, landscaping, alterations or other improvements are proposed, the property owner is responsible for at least two groups of approvals:

1. Those from the County of Orange (the "county"), and other regulatory agencies, have legal jurisdiction over Rancho Cielo, Tract 4067-2, The Community. Such approvals could include, but are not necessarily limited to (a) County or City building permit; (b) a County or City Grading permit; and (c) others possibly required by district or other special governmental districts.
2. Those required from the Association pursuant to the CC&Rs.

These Procedures and Guidelines are intended to generally address, in summary manner, the approvals required by the ACC to assure harmony of the proposed improvement with adjacent property, Rancho Cielo community and the existing environment. The scope of these guidelines and procedures does not cover any of the approvals of Type 1 above.

Approval of any improvement by the ACC does not waive or alter in any way the necessity of obtaining regulatory permits and other agency approvals. Conversely, obtaining such regulatory permits and approvals does not waive or alter in any way the owner's liability for obtaining ACC approval for specified improvements. Although the ACC will not knowingly approve a project which is in violation

ARCHITECTURAL CONTROL COMMITTEE

The initial address of the ACC shall be the principle place of the Association's management company shown below:

~~Rancho Cielo Homeowners Association  
c/o Keystone Pacific Property Management, Inc.  
3919 Westerly Place Ste. 200  
Newport Beach, CA 92660  
Attn: Architectural Control Committee~~

Since the ACC and the Association have the authority to change their address from time to time, the Association's management company or other representative of the Association should be contacted to confirm the current address of the ACC.

All submittals and correspondence to the Acc must be made to the above address.

## SUBMITTAL OF APPLICATIONS

All Submittals must be made in accordance with these Procedures and Guidelines and other procedures of the Association. Submittals must be sent or delivered by the lot owner to the ACC at its current address. Incomplete, unclear or conflicting submittals will not be considered by the ACC and will be returned without action to the applicant.

Application forms may be obtained from the management company. Applications must be signed by all lot owners having any vested title interest in the property and the applicant (if other than the owner).

The CC&r's should be consulted to determine the type of improvements requiring ACC approval. For general reference, not by way of limitation, ACC approval is required for the following:

1. New construction, installation or reconstruction (including changes of color, material or exterior surface), room additions, extensions of the existing exterior walls, enclosures, fences, retaining walls, steps, awnings, fixtures, window boxes, canopies, poles, trellises, patio overheads, decks, gazebos, windscreens, swimming pools, fountains, spas, hot tubs, recreational apparatus and exterior lighting.
2. Installation or revision of landscaping, hardscaping or surface improvements including groundcovers, trees, shrubs, vines, irrigation or drainage systems, recreation areas or courts, lighting, and alterations to the existing drainage system by either surface or sub-surface means.

Each submittal must include a completed application, 3 copies of all material and information submitted, payment of fees when necessary. All submittals and other correspondence must include as a minimum, the following:

1. Lot owner's name.
2. Lot owner's mailing address.
3. Lot owner's business and residence phone numbers (area codes included).
4. Subject Lot and Tract number.
5. Address of subject site.
6. Name, address and phone number of architect or owner's representative.
7. List of information submitted with correspondence.

## REVIEW AND APPROVAL PROCEDURE

The ACC meets regularly on a schedule established by the Association to review requests for improvements requiring the ACC

approval pursuant to the CC&R's. The ACC may approve, conditionally approve, or deny any request. The ACC has also been delegated the authority, by the Association, to inspect improvements to confirm their completion in a manner consistent with the approval, the CC&R's and other policies and procedures of the Association.

After receipt of a complete and reviewable submittal, the ACC will schedule the application for consideration at its next available meeting time.

The applicant or the applicant's representative may attend the meeting. However, the ACC may, at its sole discretion, base its consideration of the submittal on the written information and material submitted, and not on verbal explanations provided at the meeting.

The applicant will be notified in writing of the ACC action. When conditional approval is granted by the ACC, the approval is not valid until and unless all approval conditions have been satisfied and the owner and applicant have signed an acceptance of the ACC's action.

#### FEE SCHEDULE

The Association will not require an application fee upon submittal to the ACC. However, if the committee determines that a professional opinion is needed for the review of an application, a consultant will be hired at the applicant's expense. Prior to such action, the ACC will furnish the applicant with an estimate of anticipated expenses.

#### CONTENT OF RECOMMENDED AND REQUIRED SUBMITTALS

##### SUBMITTAL #1 (Optional for conceptual approval)

- A. Schematic Design Plans, drawn at a scale not smaller than 1/8":1', to include:
1. Title block containing Owner's name and mailing address, Lot and Tract number, property address, Applicant's name, Applicant's address and Applicant's home and daytime telephone number, date of drawings, and north references.
  2. The location of all property lines of the subject Lot.
  3. Location of all existing buildings, structures, fences, walls, mailbox structures, sidewalks and driveways on the subject lot.
  4. Location of all property line walls of the contiguous lots.

5. Location, height, size and dimensions of all proposed improvements and/or alterations. Information should include, but not necessarily be limited to; paving surface, fencing, decks, trellises, gazebos, patio overheads, screens, pools, spas, pool equipment, solar panels and equipment and planting.
6. Method and location of drainage control devices (both surface and sub-surface).
7. Listing of colors palette and types of proposed finishes.
8. A preliminary grading plan showing all grade alteration and proposed method of temporary and permanent erosion control, if major grading is proposed.

PLEASE NOTE: Approval of Submittal #1 does not constitute approval of Submittal #2.

Submittal #2 (Required):

- A. Complete Construction Documents at a scale of 1/8":1' or 1/4", to include as a minimum:
  1. Title block containing Owner's name and mailing address, Lot and Tract number, Property address, Applicant's name, Applicant's home and daytime telephone number, date of drawings, scale of drawings and north reference.
  2. Location of all property lines of the subject lot.
  3. The location of all existing buildings, structures, fences, walls, mailbox structures, sidewalks and driveways on the subject lot.
  4. Location, height, size and dimensions for all proposed improvements and/or alterations. Information should include, but not necessarily be limited to, paving surfaces, fencing, decks, trellises, gazebos, patio overheads, screens, pools, spas, pool equipment, solar panels and equipment and planting.
  5. Method and location of drainage control devices (both surface and sub-surface).
  6. Listing of color palette and types of proposed finishes.
  7. Details and specifications for proposed landscape

construction and installation and as needed.

8. Location, botanical name, installed size and quantity of all plant material.
9. Where significant grading is proposed, a Grading Plan meeting the standards set forth below in the subsection of the Development Guidelines entitled Grading Plan.
10. Plan view, elevations and architectural details for all construction elements including but not limited to the following: Gazebos, trellises, patio covers, screens, decks, spas and pools.
11. Any other information that is necessary to completely explain the nature and detail of the proposed improvements.

#### UPON COMPLETION

Upon completion of approved improvements, the owner shall send a notice of such completion to the ACC. The ACC will make final inspection only after receipt of this notice. If the ACC finds the improvements not to be in compliance with the approval or the CC&Rs, any non-compliant or non-conforming work shall be immediately remedied by the lot owner and applicant. Prior to the completion inspection by the ACC, the lot owner shall provide a copy of any permits required by a County or City agency and proof of final approval by such permitting agency.

#### DEVELOPMENT GUIDELINES

##### A. FENCES, WALLS AND PILASTERS

All proposed fence or wall improvements will be evaluated by the ACC for possible view and privacy interference. The extent and nature of potential view interference will be considered by the ACC and could be grounds for denial of an application. The ACC does not, however, warrant or guarantee the retention of any view and shall not be responsible for the impact to views of any improvement approved by the ACC.

The height of all fences and walls shall be measured vertically from the average finished grade at the outside base of the fence or wall. Except where otherwise approved by the ACC, the top of all fencing or walls installed on nominally level ground shall be level. Tops of fencing and walls installed on slopes, where permitted, may be parallel with the slope, or may be stepped.

Sideyard fencing between lots shall be kept within the subject property lines and shall not be constructed on a property line without the consent of all lot owners affected. Said consent shall be affixed to plans submitted to the ACC.

Unfinished sides of fences or walls shall not be exposed to any public right-of-way, common area or other lot. The maximum height of any fence or wall shall be five (5) feet, unless approved otherwise by the ACC.

B. PATIO STRUCTURES, SUN SHADES, TRELLISES AND GAZEBOS

All patio, trellis and gazebo structures shall be designed to continue and/or complement architectural features of the dwelling.

Any patio, trellis and gazebo structure will be evaluated by the ACC for possible view and privacy interference. The extent and nature of potential view interference will be considered by the ACC and could be grounds for denial of an application. The ACC does not, however, warrant or guarantee the retention of any view and shall not be responsible for the impact to views of any improvement approved by the ACC.

Side elevations of structures should not be enclosed where such enclosure is inconsistent with the design character of the existing structure and except where the dwelling wall forms a natural enclosure to some or all portions of a side elevation.

C. DECKS

Any deck structure will be evaluated by the ACC for possible view and privacy interference. The extent and nature of potential view interference will be considered by the ACC and could be grounds for denial of an application. The ACC does not, however, warrant or guarantee the retention of any view and shall not be responsible for the impact to views of any improvement approved by the ACC.

All slope areas disturbed by construction (decks, fences, windscreens) shall be stabilized with approved varieties and quantities of ground-covers and other plant material in such a manner as to afford complete slope coverage and adequate erosion control within sixty days after installation.

D. DRIVEWAYS AND FRONT ENTRY WALKS

Driveways may be accented with bands of approved materials

to break up large areas of concrete.

Front entry walks may be repaved with approved materials. Please refer to the section below entitled Building Material Guidelines.

#### E. SITE GRADING

Where the proposed improvements involve work that requires any grading or other City or County permit, the applicant shall be responsible for obtaining said permit. Further, in such cases, the applicant shall submit a Grading Plan to the ACC for approval in addition to the other required information as set forth above. The Grading Plan shall contain, as a minimum, the following.

1. The proposed grading shall be designed by a registered Architect, Civil Engineer or Landscape Architect. This plan shall be submitted to and approved by the ACC prior to commencement of work.
  - a. All relevant grade references (e.g. existing contour intervals, proposed contour intervals, changes in slopes with elevations.)
  - b. Location and grades of the top and toe of any slope proposed to be altered.
  - c. Location and method of surface and/or subterranean drainage provisions including grade references for inlet and flow line elevations.
  - d. All site obstructions such as buildings, raised planters, curbs and walls.
  - e. Any other information necessary for a complete evaluation of the effects of the proposed grading.
2. All demolition, clearing, grubbing, stripping and stockpiling of soil, excavation, compaction and grading shall be performed within the subject lot area except where otherwise approved by the ACC. In cases where the proposed improvements necessitate temporary encroachment into adjacent property or a common maintenance area, the ACC may require a bond or other security guaranteeing restoration of such area to an acceptable condition.

3. Site grubbing, through use of chemical treatment of existing vegetation, if necessary, shall be accomplished through recommendations by a State Licensed Pest Control Advisor and the work shall be performed by a State Licensed Pest Control Applicator. No chemical treatment shall be allowed to encroach, overspray or runoff onto adjacent property or a common maintenance area. The owner will be held responsible for any damage that occurs as the result of the use of such chemical treatments.
4. Existing plant materials which are to be retained at the site, shall be protected during grading operations through the use of fencing or other protective barriers.
5. Adequate provisions must be made to prevent nuisance runoff, siltation and any surface water damage to adjacent property and common maintenance area.
6. All planting areas should not be worked when their moisture content is so great that excessive compaction will occur, nor when it is so dry that dust is formed and/or dirt-clods will not breakup. Water should be applied, if necessary, to provide ideal moisture content for grading.
7. The existing earth berm at top of slope may not be disturbed except where otherwise approved by the ACC.

F. SITE DRAINAGE

1. Surface drainage of paved areas shall be a minimum of one per cent (1%). Surface drainage of soil areas shall be a minimum of two per cent (2%).
2. French-drains are not allowed.
3. All site drainage shall be conducted to the street via properly designed sheet flow or sub-surface drain lines. Minimum of one per cent (1%) fall is required for sub-surface drains. See attached details for approved method of dispersion of drain lines to existing gutter at street.
4. In no case will drainage be allowed to flow over top of slope.

G. SITE PLANTING

The following information is intended to guide the homeowner in structuring the planting concept for functional and maintenance efficiency.

1. Mature plant form should relate to the scale of the home and adjacent residences.
2. Quantity of plant species shall relate to the scale of the project.
3. Plant materials should be located in a manner that will, at maturity and throughout the maturing period, not interfere with views from surrounding and adjacent properties. Impact of planting on surrounding properties view will be reviewed by the ACC. Any proposed plant material which could potentially interfere with views from adjacent properties could be grounds for denial of an application by the ACC. The ACC does not, however, warrant or guarantee the retention of any view and shall not be responsible for the impact to views of any improvement approved by the ACC.
4. Long-lived plants shall be used to form the major planted areas.
5. Environmental conditions should be considered in plant design and selection. In particular, the soil conditions in the area of this Community may not be favorable to certain varieties of plant materials. It is recommended that homeowners have agronomic soils testing done prior to preparation of landscape plans and specifications.
6. The ACC encourages water conservation in the selection of plant materials. Plant materials requiring minimal amounts of water for proper growth should be used wherever practical.

#### H. SITE IRRIGATION

The following information is intended to guide the homeowner in the design and installation of irrigation system improvements for proper function and efficiency.

1. Primary concern in the system design should be the uniform application of water, the use of efficient, long lasting equipment, simplicity of operation, and avoidance of nuisance.
2. Planted areas should have the following general types

of irrigation equipment installed.

- a. Tree, Shrub and Groundcover Areas: Non-impact bubbler, spray, nozzle line, soaker, or sub-surface irrigation system.
  - b. Lawn Areas: Non-impact, rotor, or pop-up, set flush with finished grade.
3. The irrigation design shall be tailored to the type of planting materials proposed.
  4. Environmental conditions such as north/south exposure shall be considered in the irrigation design.
  5. Vacuum breaker assembly shall meet all local code regulations and be supplied with valves for testing.
  6. Electrical wiring shall meet all local code regulations.
  7. All piping shall be installed below finish grade as a permanent facility, unless main lines are required to be elevated for backflow prevention.
  8. No connection to, or alteration of, the Association's irrigation system shall be made by any homeowner.
  9. Only domestic potable water shall be used for homeowner irrigation systems.

#### BUILDING MATERIAL GUIDELINES

The type, finish, color and other specifications for all exposed building materials must be included in the Construction Documents.

##### A. WALLS/FENCES/PILASTERS

1. Acceptable materials: Except where otherwise prohibited by these Procedures and guidelines or where deemed by the ACC to be unacceptable. Acceptable materials include:
  - a. Stucco applied to masonry.
  - b. Tempered glass or plexiglass panels, for preservation of view(s) or protection from wind or noise.
  - c. Continuation of exterior dwelling materials.
  - d. Wrought iron or a combination of wrought iron

with stucco over masonry.

2. Acceptable Color and Finishes: Except where otherwise prohibited by these Procedures and Guidelines or where deemed by the ACC to be unacceptable; acceptable colors and finishes include:
  - a. Stucco:

Color to match dwelling stucco color or community-maintained stucco walls (if any).
  - b. Tempered glass or plexiglass:

Clear, non-patterned frames either stained or painted to match dwelling siding or trim color.
  - c. Continuation of dwelling exterior colors and finishes subject to approval of the ACC.
  - d. Continuation of adjacent colors and finishes on the off-Lot side of rear yard walls and fences, especially when visible from adjacent roadways and common areas.
  - e. All wrought iron visible to adjacent property should be painted to match the color applied by the Original Developer.
3. Unacceptable Materials:
  - a. Chain link, poultry wire or other types of woven wire, including plastic coated wire.
  - b. Aluminum or sheet metal.
  - c. Plastic or fiberglass materials other than clear non-patterned tempered glass or sheet plexiglass.
  - d. Reed or straw-like materials.
  - e. Rope or other fibrous strand elements.
  - f. Glass block.
  - g. Exposed concrete block, plain or painted.
  - h. Wood.

B. PATIO STRUCTURES, SUNSHADES, TRELLISES, GAZEBOS AND DECKS

1. Acceptable Materials: Except where otherwise prohibited by these Procedures and Guidelines or where deemed by the ACC to be unacceptable; acceptable materials and finishes include:
  - a. Wood, poured concrete, brick, tiled or exposed aggregate.
  - b. Structure or framework, including any overhead portions should be of wood construction only. Columns and other vertical support members may be of a metal, but must be completely encased by wood or otherwise finished with materials meeting ACC approval.
  - c. Roofing materials should match or be compatible with the roof materials of the dwelling.
2. Unacceptable Materials:
  - a. Structures and frameworks of metal (except as noted above).
  - b. Roofing materials of:
    1. Crushed rock except where required by code and where otherwise approved by the ACC.
    2. Built-up roofing except where required by code and where otherwise approved by the ACC.
    3. Asphalt shingles or shakes.
    4. Composition roofing.
    5. Plastic or fiberglass, flat or corrugated.
    6. Metal.

C. DRIVEWAYS AND FRONT ENTRY WALKS

1. Acceptable Materials for Banding: Except where otherwise prohibited by these Procedures and Guidelines or where deemed by the ACC to be unacceptable; Acceptable materials and finishes include:
  - a. Brick and tile masonry units.
  - b. Exposed aggregate.
  - c. Broom or salt finish concrete.

2. Acceptable Materials for Entry Walks: Except where otherwise prohibited by these Procedures and Guidelines or where deemed by the ACC to be unacceptable, generally acceptable materials and finishes include:
  - a. Masonry units (brick and tile).
  - b. Exposed aggregate.
  - c. Broom/salt finish concrete.
3. Unacceptable Materials:
  - a. Wood.
  - b. Textured concrete or colored concrete, except where otherwise approved by the ACC.

D. GATES

1. Acceptable Materials: Except where otherwise prohibited by these procedures and guidelines or where deemed by the ACC to be unacceptable; acceptable materials include:
  - a. Wood. Material to be clear and knot free. Width of gate to be no greater than one (1) leaf, 42". No double gates.
  - b. Wrought iron.
2. Acceptable Color and Finishes: Except where otherwise prohibited by these procedures and guidelines or where deemed by the ACC to be unacceptable; acceptable materials include:
  - a. Paint to match the existing house wall or trim color.

E. DRAINAGE AND SLOPE CONTROL

The final grading of each lot was completed by the original developer in accordance with a grading plan and permit issued by the County. The grading concept was carefully designed by a Civil Engineer within criteria specified by these agencies to provide a positive runoff and drainage from each lot to the storm drain system. Any proposed alterations to this concept must not only be approved by the ACC, but could also require approval by the County/City

before commencement. Alterations that the ACC determines to pose a potential nuisance or threat of damage to adjacent property owners or the stability and integrity to the surrounding grades may be disapproved by the ACC. It shall be the responsibility of the lot owner to insure that the completed system functions in accordance with these standards. Please review the CC&R's for further details.

F. EXTERIOR COLORS

Exterior colors of buildings, fences, walls, structures, patio covers and other structures as first applied by the original developer, and exterior colors as approved by the ACC for new construction, additions and/or alterations shall not be changed or altered without the approval of the ACC.

Proposed color changes must be consistent and compatible with those applied by the Original Developer.

G. EXTERIOR LIGHTING

All exterior lighting must be approved by the ACC and must be shown on the Development Plans. Christmas Lighting, in season (45 days prior to, 30 days after) is permitted without ACC approval. Such Christmas lighting shall be removed from structure and landscaping out of season.

H. ATHLETIC EQUIPMENT

No permanent basketball ball stops, net support system or pole of any type, for use in athletic games, shall be permanently erected in the front yard or driveway, or attached to the front of a residential dwelling.

MAINTENANCE GUIDELINES

All improvements shall be maintained in a neat, orderly and first class fashion. The association has certain rights and remedies against owners failing to properly maintain property consistent with the standards of the CC&R's. Please consult the CC&R's and other rules and regulations of the Association for further information of maintenance and repair obligations of owners within this Community.

RIGHT OF ACC TO DEVIATE FROM STANDARDS

The ACC reserves the right to permit any owner (without the consent of other owners) to deviate from any or all of the Procedures and Guidelines set forth herein, provided the ACC deems that such deviation is necessary or advisable in order to

carry out the general intent of the CC&R's or these Procedures and Guidelines. Any such deviation approved by the ACC shall not constitute a waiver of the ACC's rights of enforcement with respect to any of these Procedures and Guidelines for the subject Lot or any other part or parcel of Rancho Cielo.

#### CONSTRUCTION BY DECLARANT

Nothing in these Procedures and Guidelines shall limit the Declarant's rights as set forth in the CC&Rs to alter the Community Facilities or the residences, or to construct such additional improvements as Declarant deems advisable prior to completion of improvements upon and sale of the entire covered property.

Pursuant to the CC&R's, no approvals shall be required from the ACC for any construction by the Declarant in connection with Declarant's development of

#### CONDITIONS OF APPROVAL

Unless otherwise specified by the ACC in writing, the following shall be conditions of any approval and shall be incorporated by reference only on the approved plans or ACC's letter of approval. By acceptance of ACC approval, the lot owner and applicant for any proposed improvement accept and agree to comply with these conditions. It shall be the responsibility of the subject Lot owner to ensure that these conditions are enforced upon all persons, employees, agents, contractors, sub-contractors, material vendors or other entities engaged or employed in carrying out any operation connected with the approved work.

##### A. SIGNS

No signs shall be displayed on any property with respect to tradesmen, contractors or installers. Please consult the CC&R's for further information concerning signage within Rancho Cielo.

##### B. HOURS OF OPERATIONS

All operations shall be limited to the hours of 7:00 AM to 5:00 PM on Monday through Saturday. No operations shall be undertaken on Sundays.

##### C. TEMPORARY STRUCTURES AND VEHICLES

No structure of a temporary nature (except approved temporary trash receptacles) nor any vehicle used for temporary residence shall be placed or allowed to remain on any lot or street within Rancho Cielo.

D. UNSIGHTLY ITEMS

All rubbish, debris, runoff, spoils, excess material or unsightly materials or objects of any kind shall be regularly removed from the residence and shall not be allowed to accumulate thereon. Removal shall be made weekly, preferably on Friday, and shall not be allowed to accumulate within public rights-of-way or on community facilities.

Guideline for View Obstruction

The ACC generally defines a view to be the line of site parallel to the side property lines.

Completion Time Periods

The front yards and side yards visible from the street must be approved and installed within nine (9) months of close of escrow. The rear yards must be approved and completed within twelve (12) months of close of escrow.