

MABURY RANCH
HOMEOWNERS ASSOCIATION

Architectural Review Committee

STANDARDS

The Association, by resolution of its Board of Directors, under authority granted by the Board pursuant to Article V, Section 3 of the Declaration of Covenants, Conditions, and Restrictions for Mabury Ranch, Orange County, California (the Declaration), hereby establishes the following Architectural Standards to be administered through the Architectural Review Committee (ARC).

RECITALS

- A. Article V, Section 3 of the Declaration provides that no building, fence, wall or other structure shall be commenced, erected or maintained upon the covered property, nor shall there be any addition to or change in the exterior of any residence, structure or other improvement including, without limitation, the painting of exterior walls and fences, unless plans and specifications therefore have been submitted to and approved by the Architectural Review Committee (ARC).
- B. Article V, Section 3 of the Declaration further provides for the establishment of Architectural Standards (Standard) which include, in part, certain restrictions and limitations that are designed to: set time limitations for completion of architectural improvements; insure conformity of improvements to plans and specifications submitted for approval; and regulate other matters concerning construction, reconstruction, additions, changes and alterations to the covered property (herein called improvement(s)).
- C. The purpose of these Standards is to provide a methodology by which the Association, Members and owners of covered property within Mabury Ranch may maintain consistency in carrying out the general purposes recited in the Declaration of enhancing and protecting values, desirability and attractiveness of the covered property and enhancing the quality of life within the covered property.
- D. This document, as it may from time to time be amended, will establish the restrictions and limitations required by Article V, Section 3 of the Declaration, establish the procedural rules to be established by the ARC under Article V, Section 2 of the Declaration, and establish a guide for the Association, Members, Owners and potential Owners, to understand how requests for approvals are to be made and how review of the requests for approval shall be administered.

NOW, THEREFORE, the Board of Directors hereby establishes the following Standards for enforcement by the ARC.

ARTICLE I

ARC GENERALLY

1. **Composition of ARC**

In accordance with the Declarations, Article V, Section 1, the Architectural Review Committee (ARC) shall consist of not less than three (3) nor more than five (5) persons. By the implied power of the Board, the person(s) serving on the ARC serve at the pleasure of the Board; and, subject to the implied power of the Board, by resolution of the Board, it has established the policy that, unless otherwise removed by the Board, at its discretion, each person appointed to the ARC shall be appointed to serve for a two (2) year term, with at least one (1) position to be appointed/reappointed every year.

2. **Meetings of the ARC**

The ARC shall meet as required to perform its duties. A majority of the members of the ARC shall constitute a quorum for purposes of a vote on matters before it.

3. **Maintenance of Minutes**

The ARC shall maintain minutes of all meetings, as well as copies of all applications and submitted plans and specifications, a log documenting the date of complete application, date required for ARC response to the application, date of owner(s) notice of completion of approved application, date and record of inspections for compliance of any completed work, and copy of any notice of non-compliance, together with all correspondence and other documentation relevant to the application (the case file). ARC shall keep the case file for a period of not less than 4 years, after which time the case file may be destroyed without notice to the owner. The maintenance and implementation of the above stated documents may be delegated to the homeowner association's management company.

4. **Indemnity of ARC Members**

As members of a committee established by the Board, the provisions of Article V, Section 19 of the Bylaws of the Association concerning indemnification of the agents of the Association, shall apply to the fullest extent, to them as agents of the Board.

ARTICLE II

SCOPE OF ARC REVIEW

1. Review of Applications

The ARC shall review all applications submitted to it based on the procedures set forth in Article III, below. All applications for improvements must be submitted on the then current Home Improvement Application for ARC Approval form (application), as may from time to time be amended by the ARC. Consideration of applications for approval, among other criteria established by the ARC, shall be based on aesthetic considerations, consistency with the provisions of the Standards and the Declaration, and the overall benefit or detriment which will be achieved or will result to the adjacent properties, the common facilities and/or the development as a whole.

2. Non-liability for Approved Plans

Notwithstanding the foregoing, the ARC may consider the impact of the proposed improvement on the privacy and views of others, as relevant factors in reviewing the proposed application; however, no homeowner may place reliance on the foregoing or on the actions of the ARC, or the Board, as being guaranteed protection of their current view. The ARC shall not be responsible for protecting the other owner(s) property or residences, or any unobstructed or existing view of said other owner(s), at any time, and neither the ARC nor the Board shall be liable for any impairment of an owner(s) privacy or view, based on approval of proposed plans and specifications.

In accordance with the Declaration, the ARC does not approve the plans and specifications, or inspect the proposed improvement for engineering design, or placement, and by approving the plans and specifications, neither the ARC, the members thereof, the Association, the Members, nor the Board assumes liability or responsibility for the fitness for purpose, structural safety of any defect in design or construction in any improvement made based on such plans or specifications.

3. Appeal after Disapproval

In the event plans and specifications submitted to the ARC are disapproved, the party or parties making such submission may appeal in writing to the Board. The Board shall receive the written appeal not more than thirty (30) days following the final decision of the ARC. The Board shall then submit such request to the ARC for review. In response the ARC shall submit written recommendations to the board. The Board shall consider the appeal and all relevant information in an open meeting satisfying the requirements of Civil Code 1363.05. Within forty-five (45) days following receipt of the request for appeal, the Board shall render its written decision. Failure of the Board to render a decision within forty-five (45) days shall be deemed a decision in favor of the appellant.

ARTICLE III

PROCEDURES FOR SUBMISSION AND REVIEW OF APPLICATIONS

1. Application Process

In order to be considered by the ARC for approval, owners must submit a complete Home Improvement Application for ARC Approval (Completed Application), to the ARC with a check in the amount indicated on the application, to cover the cost and expense of the review of the application. No application shall be deemed a completed application unless it satisfies the conditions set forth in paragraphs 2 and 3 of Article III, below, and is accompanied by the review fee. Payment of a review fee in no way guarantees ARC approval of the proposed work, and in the event the proposed work is disapproved, there shall be no refund of the review fee. **Please note that the current practice of the ARC is not to require a fee with submission but reserves the right to charge a fee in the future.**

2. Requirements of a Completed Application

In order to be a Completed Application, the owner requesting improvements must have completed and signed the application, which are from the Association Manager, together with 2 sets of plans and a completed Neighbor Awareness Form, defined at paragraph 3, below. The information required in the application regarding the improvements and the plans submitted for ARC approval shall include but not be limited to the following matters:

- a. For repainting, two (2) samples of full color paint chips for each color proposed to be utilized, the name of the paint manufacturer, and the specific applications to be made for each color.
- b. For new garage doors, screen doors, roofs, mail boxes, windows, window trim and front doors, a brochure from the manufacturer showing the specific style to be installed with a color paint chip sample (may be part of the brochure).
- c. For room additions, structure modifications, fences or other improvements, which are visible to neighbors or common areas, the architects drawings (if applicable), together with the plans and specifications for the addition; building plans, including floor, foundation, and roof plans, a description of the materials to be used; exterior elevations, surfaces and sections of all structures specifying the colors, finishes, and surface materials proposed, and the information described above for repainting.
- d. For landscaping replacement, plans showing the type, number, size, and location of trees, bushes, shrubs, plants, groundcover, hedges, fences, lines, sprinklers, valves and proposed features, and grading showing elevations and drainage.

3. **Neighbor Awareness Form**

In order to inform neighbors and other interested owners of the proposed improvements and give them the opportunity to comment on the owners proposed improvements, no application shall be deemed to be complete unless a properly completed neighbor awareness form accompanies it. The neighbor awareness form shall be made on a form as from time to time prescribed by the ARC. The purpose for this form is to adequately alert the owner's neighbors of the proposed application and allow the owner to contact the ARC if the neighbor has any objections or concerns with the proposed improvement(s). The neighborhood awareness form shall briefly identify the nature and extent of the proposed improvements and other matters more fully described in the application, and recite that the neighbor may review the submitted application at any time after it is submitted. A neighbor awareness form shall be attached to the application and/or may be obtained from the Association Manager.

Although the neighbor awareness form is a condition to a completed application, consent by the neighbor(s) to the proposed improvements shall not be a condition for approval of the completed application. In no event shall the ARC be responsible or liable to any neighbor or other interested, or affected person, who is finally determined to be injured or harmed by the construction of the Improvements, due to the ARC failure to consider the improvements to have an effect on said person's property.

4. **Time for Review and Decision**

The ARC shall consider only Completed Applications for approval or disapproval. The ARC shall provide a written decision indicating the approval or disapproval of the application submitted, and if disapproved, the reason for disapproval and the process for reconsideration by the Board of Directors. Approval requires a majority of members of the ARC. The owner will be notified by the Association Manager in writing of the approval or denial. In the event the ARC fails to approve or disapprove a Completed Application within thirty (30) days, after the same has been duly submitted in accordance with any and all rules regarding such submission adopted by the ARC, such plans and specifications will be deemed approved. Any application, which is incomplete for any reason whatsoever, shall not be deemed approved as a result of the action or inaction of the ARC.

5. **Completion of Approved Improvements**

If it is contemplated that the completion date shall extend beyond ninety (90) days from the date of approval, such information shall be noted upon the application to the ARC. If during the construction process it is determined that the improvements cannot be completed

within the time frames allowed, the owners shall submit to the ARC a request for extension in time to complete. Subject to paragraph 6, below, owners failure to complete the approved improvements within said ninety (90) days, or as extended by the Board, shall entitle the Board to all legal remedies provided under the Declaration to bring any partially complete improvements into compliance.

All improvements shall be completed in accord with the plans and specifications submitted to and approved by the ARC. Any unapproved modifications or variances from approved plans shall be considered a violation, and all powers of enforcement granted by the Declaration shall be available to the ARC and/or the Association.

6. **ARC Inspection Rights**

During the construction of the approved improvements, and following the completion of the improvements, the ARC may at any time inspect the work of improvement to verify conformance of the work with the application approved. During the course of construction or after completion, if upon inspection by the ARC the work of improvement does not comply with the approved application, or does not conform to the approved plans and specifications, the ARC shall, in accordance with Article V, Section 3 (b) of the Declaration, file for recording in the County Recorders Office for the County of Orange, a Notice of Violation, Re: Non-Conformity, identifying the violating residence and its owner, and specifying the reason for the Notice, and the steps to be taken to correct the violations and bring the work into compliance. Upon receipt of the ARC violations notice, the owner shall cease any further improvement work and shall begin work to correct any violations of improvements that do not conform, to completion of said items within thirty (30) days of the owner's receipt of the ARC notice. In the event the Owner does not cease work of improvement and begin work to correct the violations so described, the ARC shall commence its legal proceedings to enforce compliance at the expiration of the thirty (30) day period.

Upon the owner's completion of the work necessary to bring the work of improvement into compliance, the owner shall send the ARC a notice of completion of non-conforming items, and the ARC shall have the right to further inspect and verify compliance. This same inspection and correction procedure shall continue until the work of improvement substantially complies with the approved plans and specifications.

The ARC's failure to inspect or failure to notify the owner of any violation, within sixty (60) days of stated date of completion shall be deemed approval of compliance with the approved application, plans, and specifications.

ARTICLE IV

ARCHITECTURAL STANDARDS

Pursuant to Article V, Section 3, of the Declaration, the Board adopts the following Architectural Standards to be administered by the ARC, in accordance with this document:

1. Painting

Color-coating and painting of residences, fences, or appurtenant structures must yield a compatible appearance to surrounding homes and not drastically alter the appearance of the structure. The painting of any structure with a different color than provided on the residence by the builder, or previously approved by ARC, must receive ARC approval. Generally, soft earth-tone colors shall be acceptable, providing they are compatible with surrounding colors, but do not duplicate adjacent dwellings, color schemes and dwellings directly across the street color schemes. Colors which shall not be appropriate include:

- Bright garish colors (pink, violet, blue, etc.)
- Bright surface finishes (high gloss or reflective finishes, etc.)
- Redwood

2. Siding/Stucco

If re-siding, submittal to the ARC of the change is needed. Submit a color sample, photo of the existing residence and brochure. If stucco is being requested, the type of stucco and description, surface texture intended (including sample), should be submitted as well. The ARC will review other siding materials upon submission by homeowners. In addition to the above, samples of siding and color must be submitted and approved by the board prior to commencement of the siding job.

3. Roof Replacement

There shall be no asphalt roofing material, no wood shake material, and no ornamental or brightly colored tile. Any roof replacement must conform with current fire codes and standards of the community.

4. Windows

So long as the appearance (color or material) does not change, replacement of windows is considered normal home maintenance and review by the board is not required unless windows can be viewed from the street, or common area, or are on the front of the house. If only a portion of windows are being replaced, replacement windows should match those already installed in the home. For window additions or changes/replacement submittal should include a brochure and/or samples of the brand and color of window to be installed. If a window addition or shape change is planned, a plot plan indicating the side(s) of the house where the window(s) will be installed along with a photo of that portion of the house affected with the window drawn in.

5. Walls/Fences/Gates

Walls, fences, and gates shall be constructed of materials which are compatible with the surrounding structures and shall not significantly alter the appearance from that which was provided at the time of original construction. The construction of any fence which is different in material, design or location from that which is provided on the residence by the

builder must receive ARC approval. All walls, fencing, and gates must also conform to city standards. Fence materials which are not acceptable for use at any private residence include, but are not limited to the following:

- Chain Link
- Chicken wire or other wire mesh
- Sheet metal or siding material
- Construction grade unfinished block

6. Structure Modification/Additions

Any exterior additions to an existing dwelling including but not limited to decks, patios or other improvements must be approved by the ARC prior to commencement of any construction or modifications. Any exterior additions or modifications to any dwelling or other improvements should be constructed of like materials and colors of the dwelling. For additions which change the footprint or square footage of the house, submittal for architectural review should include a plot plan and elevations of the improvement.

7. Screen Doors

The ARC has determined that screen doors shall be allowed within the Mabury Ranch community. The ARC reserves the right to establish standards for the installation of screen doors that will have a visual impact on neighbors and common areas. The approval of the ARC must be obtained prior to the installation of any screen door.

8. Architectural Screens

Screens which are erected to conceal items such as recreational vehicles, satellite antennas, etc., as required by the Declaration, shall be constructed of a suitable material and fabricated in a lattice-type pattern. Screens must have no openings larger than three inches (3") in diameter in any direction. Screens must blend with the residence as well as fencing and appear as an integral part of the residence so as not to significantly alter the appearance of the residence. All screens shall be designed so as not to be higher than the top lateral line of the first floor of the residence. Screens shall be painted to match the color of the residence.

9. Walkways/Driveways

Any changes to driveways and walkways including, but not limited to texturing, staining, and resurfacing, must include a description of materials to be used, and a color sample, and be submitted and approved by the ARC before installation and must conform with the standards of the community.

10. Lighting

The addition of any exterior lighting, which can be viewed from the street or common area, must be approved by the ARC. Approval will be based on the condition that any added lighting will be reflected away from adjacent residences and away from the vision of

passing motorists and must conform to the standards of the community.

11. **Mailboxes**

Existing mailboxes and posts shall be properly maintained. No mailbox shall be replaced until plans and/or specification showing the replacement have been submitted to and approved by the ARC. Mailbox colors, styles, and designs shall be compatible to the neighborhood standards and to the house style and color. Mailboxes are not to be an artistic medium for styles, types, or colors that are not conforming to the general architectural themes of the community. The ARC reserves the right to adopt standards and to require mailboxes of pre-determined specifications to be installed. Owners should consult the local post office to determine height requirements and obtain approval if relocating the mailbox.

12. **Landscape**

Changes to landscaping, including but not limited to removal of trees, and changes to front or side lawn or grass areas, including the addition of synthetic lawns, shall require approval by the ARC. Please contact the ARC if there is any question as to whether or not a change should be submitted. Submit plans for review by the ARC showing type, number, size, and location of trees, bushes, ground cover, shrubs, plants, hedges, sprinklers, and valves.

13. **Solar Heating**

Any application for approval of a solar energy system shall be reviewed and approved or disapproved in compliance with California Civil Code Section 714, as it may from time to time be amended.

14. **Play Equipment /Basketball Backstops/Batting Cages**

Swing sets, trampolines and other play equipment should be located at the rear of the house and placed in such a location as to minimize the impact on neighboring views as much as possible. Batting cages must not be visible from any common area or from the street and must be no higher than the existing fence surrounding the property. While it is understood that basketball backstops typically make use of hard-surfaced driveways, they must not be attached directly to the dwelling.

15. **Satellite Dishes/Antenna Structure**

Satellite dishes and antenna structures should be installed so that views from streets are minimized. Placement at the side or rear and use of screening with plantings can accomplish this requirement. This can be done using a current photo of the area, a plot plan, or elevation drawing.

16. **Flag Poles**

All freestanding flag poles to be installed, either visible from the street or common areas, must receive ARC approval.

CONSTRUCTION AND MAINTENANCE

1. Hours of Operation

All construction operations shall be carried on between the hours of 7:00 a.m. and 5:00 p.m., Monday through Friday, and 9:00 a.m. and 4:00 p.m. on Saturday. There shall be no construction activities conducted on Sundays or holidays. City ordinances pertaining to hours of operation shall be observed.

2. Construction Equipment

Trucks, concrete mixers, trailers, trash bins, compressors and other types of construction equipment, as well as private vehicles of construction crew members, shall be parked only in areas designated by the ARC and only for such periods of time as approved by the ARC. The owner shall be financially responsible for any equipment removal or necessary repairs required by the ARC.

3. Streets and Walkways

No construction debris, trash, or materials may be permitted to remain on the streets or walkways. All items of such nature must be temporarily stored on the owner's lot or removed on a daily basis. In the event that any materials are delivered and deposited on the walkways or common areas, the owner will be held responsible for the costs involved in cleaning and/or restoring same.

4. Dust and Noise

The owner shall be responsible for controlling dust and noise resulting from construction operations on his or her property.

5. Restoration or Repair of Other Property Damaged

Damage to other property, including, without limitation, other lots and common areas, shall be repaired or restored promptly at the expense of the person causing the damage or the owner of the lot where the construction activity is taking place. Upon completion of construction, each owner and builder shall clean the construction site and repair or restore all damaged property, including, without limitation, restoring grates and repairing streets, driveways, sidewalks, drains, culverts, ditches, signs, lighting, and fencing.

6. Drainage

There shall be no interference with drainage systems (whether surface or subterranean) or any other interference with the established drainage pattern over any of the properties,

unless an adequate alternative provision is approved in writing by the ARC.

7. **Maintenance of Improvements**

The repair and maintenance of any work or improvement will be the responsibility of the installing owner and subsequent owner.

8. **Landscape**

All landscaping shall be maintained in a neat and orderly condition and maintain the theme and character of the neighborhood. The owner shall not permit weeds or debris to collect, nor permit landscaping to become a trip hazard or overhead clearance hazard (minimum overhead clearance 6'6"), including encroachment onto any common areas by:

- Trees or bushes
- Ground cover
- Soil or rocks
- Vines

9. **Basketball Backstops**

Basketball backstops shall be maintained in good condition including nets.