
PACIFIC SHORES

HOMEOWNERS' ASSOCIATION

ARCHITECTURAL GUIDELINES RE VIEW OBSTRUCTIONS

Adopted March, 2009

WHEREAS, the Declaration of Restrictions for Pacific Shores ("CC&Rs") authorizes the Architectural Review Committee ("ARC") to require owners to include an analysis of whether proposed architectural improvements or landscaping would impair any view from another residence or lot in the subdivision (see Article V, Section 2); and

WHEREAS, the CC&RS, in Article VII, Section 20, further authorize the ARC to require any owner to remove, trim, top or prune any shrub, tree, bush, plant or hedge which the Board of Directors believes impedes the view of any other lot owner; and

WHEREAS, the ARC has the authority under Article V, Section 2 to establish and provide guidelines for the submission of plans and specifications; and

WHEREAS, the Board of Directors believes that the preservation of some of the views from the lots within the community can increase property values as well as increase the level of enjoyment for each owner living in the community; and

WHEREAS, the development of guidelines for the preservation of views will provide all owners with objective, reasonable standards in developing plans and specifications for improvements and landscaping on their lots; and

WHEREAS, the Board of Directors designates the ARC to have the authority to determine view impediments on the Board's behalf, with the Board retaining authority for all final decisions regarding the obstruction of view; and

NOW THEREFORE, the ARC adopts the following guidelines for the preservation of views within the Pacific Shores community:

These guidelines apply to all plans and specifications approved by the ARC and to all landscaping and construction improvements in Pacific Shores. The ARC shall have continuing jurisdiction as provided under the CC&Rs, Article VII, Section 20 and as described below;

1. The Primary View of Pacific Shores shall be all views of the Pacific Ocean including Santa Catalina Island and Dana Point Harbor. If a lot does not have a Dana Point, Catalina Ocean View, the Primary View shall be the best and most important long range view from a lot as determined by the ARC. These guidelines are not intended to protect views of improvements or scenery less than one (1) mile from the lot.
2. Neither the Association nor any owner or resident may plant any shrub, tree, bush, plant or hedge on his or her lot or in the common areas that unreasonably obstructs the Primary View from any other residential lot within the Pacific Shores community.
3. Neither the Association or any owner or resident may erect a temporary or permanent structure on his or her lot or in the common areas that unreasonably obstructs the Primary View from any other residential lot within the Pacific Shores community.

4. The ARC, at its discretion, may allow a zero to approximately 15% view obstruction of the Primary View. The ARC will determine the percentage of allowable obstruction. However, the ARC shall attempt to minimize any significant obstruction of key landmarks such as Santa Catalina Island and Dana Point Harbor.
5. All on-site view evaluations shall be executed from the primary ground level assembly area within the residence or from the ground level exterior patio, deck or lawn area adjacent to the residence as determined by the ARC. In general, greater weight will be given to the view areas within the residence rather than the exterior view areas;

Additional considerations for all areas of view may also be established as follows:

1. The ARC, at its discretion, may report to the Board of Directors any obstruction of any view resulting from landscaping in Common Areas. The ARC shall have the authority to evaluate the extent of the view obstruction and recommend the manner in which the obstruction is to be removed from the Common Area in order to restore the total view from the lot.
2. The ARC will require all homeowners applying for ARC approval to provide an analysis of whether or not the proposed architectural improvements and/or landscaping changes would obstruct any view from any neighboring lot. The ARC shall take into consideration the homeowner provided analysis when reviewing the architectural submission, but is not bound by this analysis in its final decision or recommendations to the Board.
3. The ARC will take privacy considerations into account, but the Association does not and will not guarantee any particular level of privacy to any resident.”

View Maintenance

Pursuant to Article VII, Section 20 of the CC&Rs, the ARC may require any shrub, tree, bush, plant or hedge located on a privately-owned lot that is determined to be an unreasonable obstruction of the Primary View from another lot to be trimmed, pruned, topped, thinned or removed as necessary to restore the Primary View from another lot. The ARC shall advise the Board of Directors of any shrub, tree, bush, plant or hedge located on Common Area or adjacent private lot that, in the opinion of the ARC, constitutes an unreasonable view obstruction of the total view from a lot. The Board of Directors shall be the final arbiter of the action to be taken regarding these view obstructions reported by the ARC.

View Disputes

Disputes over view obstructions caused by any shrub, tree, bush, plant or hedge that was installed with the consent of the ARC shall be handled as follows: 1st the owner seeking to have the view obstructions removed from another lot shall contact the lot owner of the offending obstructions in person and inform them of the view blockage. If the lot owner doesn't live on site, then make contact by phone or letter. If a satisfactory resolution is not reached, then submit a View Maintenance request to the ARC. (Applications for View Maintenance are available on-line at <http://pacific-shores.org/documents.htm>. or from our property manager.) The ARC will investigate and make an initial determination as to whether a view obstruction exists under the guidelines contained in this policy.


When an obstruction exists, the ARC shall notify all parties involved of the ARC's determination and its preliminary recommendation of the appropriate action that should be taken. When the

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ARC determines that the obstructing shrub, tree, bush, plant or hedge should be removed, the cost of removal will be shared equally between the responsible homeowner and the homeowner(s) requesting view relief. When the ARC determines that the obstructing shrub, tree, bush, plant or hedge should be trimmed, topped or maintained in such a way that does not require removal, the responsible owner shall bare the entire cost.

Disputes over the interpretation or enforcement of these guidelines shall be submitted to, and initially resolved by the ARC. Any owner who disagrees with the decision of the ARC may appeal the decision to the Board, whose decision shall be final. Any appeal to the Board must be filed with the Board of Directors, in writing, within thirty (30) days of the owner's receipt of the decision of the ARC. Any appeal not received within thirty (30) days of receipt of the ARC's decision may be dismissed without being considered, in the sole discretion of the Board.


These Architectural Guidelines were adopted by the Architectural Review Committee on March 26, 2009 in San Clemente, California.



Chairman, Architectural Review Committee

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These guidelines were approved by the Board of Directors of the Pacific Shores at Rancho San Clemente Homeowners Association at its meeting held on March 26, 2009 in San Clemente, California.



Secretary, Board of Directors