

**WILDFLOWER ESTATES
ARCHITECTURAL REVIEW COMMITTEE**

CHARTER AND PLAN SUBMITTAL PROCESS

8/8/99

GENERAL

The Architectural Review Committee (ARC) shall be made up of three Members of the Association, and shall be appointed and removed by the Board of Directors of the Association (the Board) from time to time at the discretion of the Board. *The Board may also appoint a standing alternate to the ARC to act in the absence of a primary appointee.*

The ARC has the right and the duty to promulgate reasonable standards against which to examine a request made pursuant to the CC&R's in order to ensure that the proposed plans conform harmoniously to the exterior design and existing materials of the building in the Properties.

The ARC shall consider and act upon any and all plans and specifications submitted for its approval under the CC&R's and perform such other duties as from time to time shall be assigned to it by the Board, including the inspection of construction in progress to assure its conformance with plans approved by the ARC.

No construction, alteration, removal, relocation, repainting, demolition, addition, installation, modification, decoration, redecoration or reconstruction of an Improvement, including landscaping, shall be commenced until the plans and specifications therefor showing the nature, kind shape height, width, color, materials and location of the same shall have been submitted to the ARC and approved in writing by the ARC. (However any Improvement may be repainted without ARC approval so long as the Improvement is repainted the identical color which it was last painted).

SUBMITTAL PROCESS

Applicants must make an application for approval to the ARC in a form acceptable to the ARC and such application shall be accompanied by such plans and specifications as required by the ARC.

Plans and specifications submitted for the review of the ARC shall be presented in such detail, as the ARC deems proper. The plans shall include, but not necessarily be limited to landscape plans, floor plans, site plans, drainage plans, elevation drawings and description or samples of exterior materials and colors.

The ARC may postpone review of any plans submitted for approval until receipt by the ARC of any required plans and specifications. *The ARC shall issue written confirmation to each Applicant upon receipt of all required plans and specifications that the review process has begun.*

Within sixty (60) days of the receipt of the ARC of all required documents, the ARC shall transmit to the applicant, at the address set forth in the application for approval, the decisions of the ARC together with the reasons therefor.

Any application submitted in accordance with the requirements of the ARC shall be deemed approved unless written disapproval or a request for additional information or materials by the ARC is forwarded to the Applicant within *sixty (60) days after the date of receipt by the ARC of all required materials.*

REVIEW CRITERIA

The ARC shall approve plans and specifications submitted for its approval only if it deems that the installation, construction, alterations or additions contemplated thereby in the locations indicated will not be detrimental to the appearance of the surrounding area of the properties as a whole, and that the appearance of any structure affected thereby will be in harmony with the surrounding structures, and that the installation or construction thereof will not detract from the beauty, wholesomeness and attractiveness of the Common Areas, or the enjoyment thereof by the Members, and that the upkeep and maintenance thereof will not become a burden on the Association.

The ARC shall review and approve, conditionally approve or disapprove all plans submitted to it for any proposed improvement, alteration or addition, solely on the basis of aesthetic considerations, consistency with the CC&R's, and the overall benefit or detriment which would result to the immediate vicinity and the Properties generally. The ARC shall take into consideration the aesthetic aspects of the architectural designs, placement of buildings, landscaping, color schemes, exterior finishes and materials and similar features.

The ARC may consider the impact of views from the other Dwelling Units or Lots and reasonable privacy right claims as factors in reviewing, approving or disapproving any proposed landscaping, construction or other Improvement. However, the ARC does not warrant any protected view within the Properties and no Dwelling Unit of Lot is guaranteed the existence or unobstructed continuation of a particular view.

REVIEW BY THE CITY

The Applicant shall also meet any review or permit requirements of the City prior to making any alterations or Improvements permitted hereunder. Such City review shall include, but not be limited to, design review and environmental review for design of the Dwelling Units, fences and walls, landscaping, noise attenuation measures and grading. The ARC's approval or disapproval shall be based solely on the considerations outlined in the Design Criteria, and the ARC shall not be responsible for reviewing, nor shall its approval of any plan or design be deemed approval of, any plan or design from the standpoint of structural safety or conformance with building or other codes.

CONDITIONAL APPROVAL OF THE ARC

The ARC may condition its approval of proposals or plans and specifications for any Improvement, upon:

- the Applicant's furnishing the Association with security acceptable to the Association against any mechanic's lien or other encumbrance which may be Recorded against the Properties as a result of such work, or
- on such changes therein as it deems appropriate, or
- upon the Applicant's agreement to grant appropriate easements to the Association for the maintenance of the Improvements, or
- upon the Applicant's agreement to install (at its sole cost) water, gas, electrical or other utility meters to measure any increased consumption, or

- upon the Applicant's agreement to reimburse the Association for the cost of such maintenance, or
- upon the Applicant's agreement to reimburse the Association for the cost of such maintenance, or
- upon the Applicant's agreement to complete the proposed work within a stated period of time,
- all, or any of the above, and may require submission of additional plans and specifications or other information prior to approving or disapproving material submitted.

The approval of the ARC of any proposals or plans and specifications or drawings for any work done or proposed to be done shall not be deemed to constitute a waiver of any right to withhold the approval and consent of the ARC to any similar proposals, plans and specifications, drawings or matters subsequently or additionally submitted for approval or consent.

INSPECTION OF WORK

The ARC or its duly authorized representative may at any time inspect any Work for which approval of plans is required. The right to inspect shall include the right to require any Owner to take such action as may be necessary to remedy any Non-compliance with the ARC approved plans for the Work or with the requirement of the CC&R's.

The ARC's right to inspect the Work and notify the responsible Owner of any Non-compliance shall terminate sixty (60) days after the latest of the following occur:

- submittal of the plans for the Work to the ARC for its approval, or
- completion of the Work as provided for in the ARC approved plans, or
- written notice from the Owner to the ARC that the Work has been completed.

This time limit for inspection and notification by the ARC shall be extended indefinitely if any of these conditions has not occurred. If the ARC fails to send a notice of Non-compliance to an Owner before this time limit expires, the Work shall be deemed to comply with the approved plans.

NON COMPLIANCE

If an Owner fails to remedy any Non-compliance within sixty (60) days from the date of notification from the ARC, the ARC shall notify the Board of Directors of the Association in writing of such failure. The Board shall take such action as provided for in the Association's CC&R's and Bylaws, and as it considers otherwise appropriate.

APPEALS

In the event that an applicant is not successful in gaining the approval of the ARC for any improvement, and conditional upon no Work proceeding prior to the conclusion of the appeal process, the applicant may submit an appeal to the Board of Directors of the Association. The applicant shall forward his appeal by registered mail to the Association stating the basis for his appeal, and addressing specifically the reasons given in the Arc's notice of disapproval. The Board of Directors shall review the appeal filed by the applicant at its next regular meeting, but in any event no later than sixty (60) days from receipt of such Notice of Appeal and notify the applicant of its decision no later than fifteen (15) days after its review of the matter. The sixty (60) day review period may be extended by the mutual consent of both the Board and the Applicant if the Board feels that it needs additional information prior to making a decision. All decisions of the Board shall be final.

ARCHITECTURAL REVIEW COMMITTEE GUIDELINES

APPENDIX A

1. Landscape:

- a) No rock gardens or desert "theme" cactus, etc. will be considered by the ARC as it is deemed to be inharmonious with the exterior design and materials established;
- b) No chain link, solid wood or split rail fencing will be permitted as perimeter fencing on any property. Unless used in conjunction with existing multi-rail vinyl standard and approved by the ARC.
- c) Plantings - Upon commencement of landscaping, landscape plants must be of sufficient size and density to ensure that the property is substantially landscaped as viewed from the common areas. Use of cactus and eucalyptus is prohibited.

2. Architectural design:

- a) All roof colors must be of subdued, natural earth tones.
- b) Ultra modern, free form, geometric or dome house designs will not be permitted as the design is deemed incompatible with the intended aesthetics of Wildflower Estates.

3. Horses, Ponies: All enclosures, temporary or permanent, are subject to ARC approval. Fencing structures and enclosures must be consistent with home design and perimeter fencing or walls.

WILDFLOWER ESTATES OWNERS' ASSOCIATION

Architectural Review Committee Guidelines

Appendix B

ARC's definition (from Appendix A, 1c) of what constitutes sufficient size and density of landscaping. Please note that the following descriptions are bare minimum requirements.

1. Landscape quantities:

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|----|----------|-------|-----------------|-----------------|
| a) | Quantity | (10) | 24" box trees | <u>per acre</u> |
| b) | Quantity | (40) | 15 gallon trees | <u>per acre</u> |
| c) | Quantity | (100) | 5 gallon trees | <u>per acre</u> |

The above quantities do not include the existing trees that have been planted in the common area.

2. Landscape details:

- a) All ground needs to be covered with some form of landscape or hard scape.
 - b) All slopes must have some trees to provide a privacy barrier between homes, as well as, to achieve continuity in the overall look of the neighborhood.
 - c) No cactus or eucalyptus trees.
- All landscape plans must be submitted to the Architectural Review Committee in triplicate.
 - If you have exceptions to the above, due to lot variations, please submit your ideas to the Architectural Review Committee for consideration.

WILDFLOWER ESTATES OWNERS' ASSOCIATION

Architectural Review Committee Guidelines

Appendix C

1) Driveways:

- a) No tar or blacktop driveways.
- b) Driveway material and color must be stated on homeowner's blueprints.

2) Windows:

Window material specifications must be submitted for approval.

3) Pool Equipment:

- a) No pool equipment shall be placed within 50 feet of a neighbor's house, unless it is enclosed and sound proofed.
- b) Pool equipment should be hidden from view with landscaping that covers at least 75% with the intention of 100% being concealed after 12 months.

4) All blueprints and drawings should be dropped off to

***4-POINTS MANAGEMENT AGENCY
937 South Coast Hwy. 101, Suite 206
PO Box 230490
Encinitas CA 92023-0490
(760)632-8661***

Wildflower Estates Construction Guidelines

1) Hours of Construction:

The following hours apply to both workers and owners. No work of any kind shall be performed outside these set hours. All construction operations shall be limited to:

Monday through Friday: 7a.m. to 5:30 p.m.

Saturday: 8:30 a.m. to 4:30 p.m.

Note: Earthmoving equipment on Saturdays shall be limited to 8:30 a.m. to 12:30 p.m.

Sunday and Holidays: No Work

All contractors, subcontractors, suppliers and employees must be off the job site prior to 6 p.m. No Exceptions.

2) Temporary Construction Facilities:

The following temporary construction facilities shall be placed on the Owner's lot before construction commences:

- A. Temporary Water: A temporary water riser together with a 150' (minimum) of 1" heavy-duty rubber water hose, irrigation facilities for dust control and a hose stand shall be provided and installed.
- B. Temporary Electric: A metered power outlet shall be provided and installed in accordance with the requirements of San Diego Gas and Electric (SDG&E) and the city.

- C. **Temporary Toilet:** A temporary fiberglass toilet in good condition shall be required with a biweekly chemical maintenance program. These units shall be maintained in a clean, sanitary and odorless condition. The unit shall be located away from any built residence and within the owners lot, not on the street or common area along street.
- D. **Dumpster:** A minimum 12 cubic yard steel roll-off dumpster shall be maintained on the lot during the duration of the construction. A regular dumping service shall be maintained so that overflow and unpleasant odors do not occur. Loading and unloading shall be within the Owner's lot, not on the street or common area along street.
- E. **Temporary Construction Trailer:** Trailers shall be no smaller than 8'x 16' (box size), of recent construction and in good repair. No construction "shacks" will be permitted. All signs must be removed from trailers.
- F. **Storage Bins:** Storage bins for on-site material storage shall be steel and in good repair. No storage is allowed on the streets or within the street right-of-way.
- G. All storage bins, building equipment, building materials and temporary toilets used in connection with new construction or remodeling must be placed on the property at which work is being performed. No exceptions.

3) Site Conduct and Safety Precautions:

- A. The speed limit within Wildflower Estates is 25 miles per hour. All contractors shall respect the limit, or access to the community can be denied.
- B. No drugs, Alcohol or controlled substances are allowed.

- C. No loud or excessive music is permitted.
- D. No dogs or other animals are allowed at any construction site or in a construction vehicle.
- E. Construction vehicles, including trailers, are not allowed to remain on the streets after hours. If any vehicle is left on the street, it is subject to be towed away at the owners' expense

4) Sign Regulations:

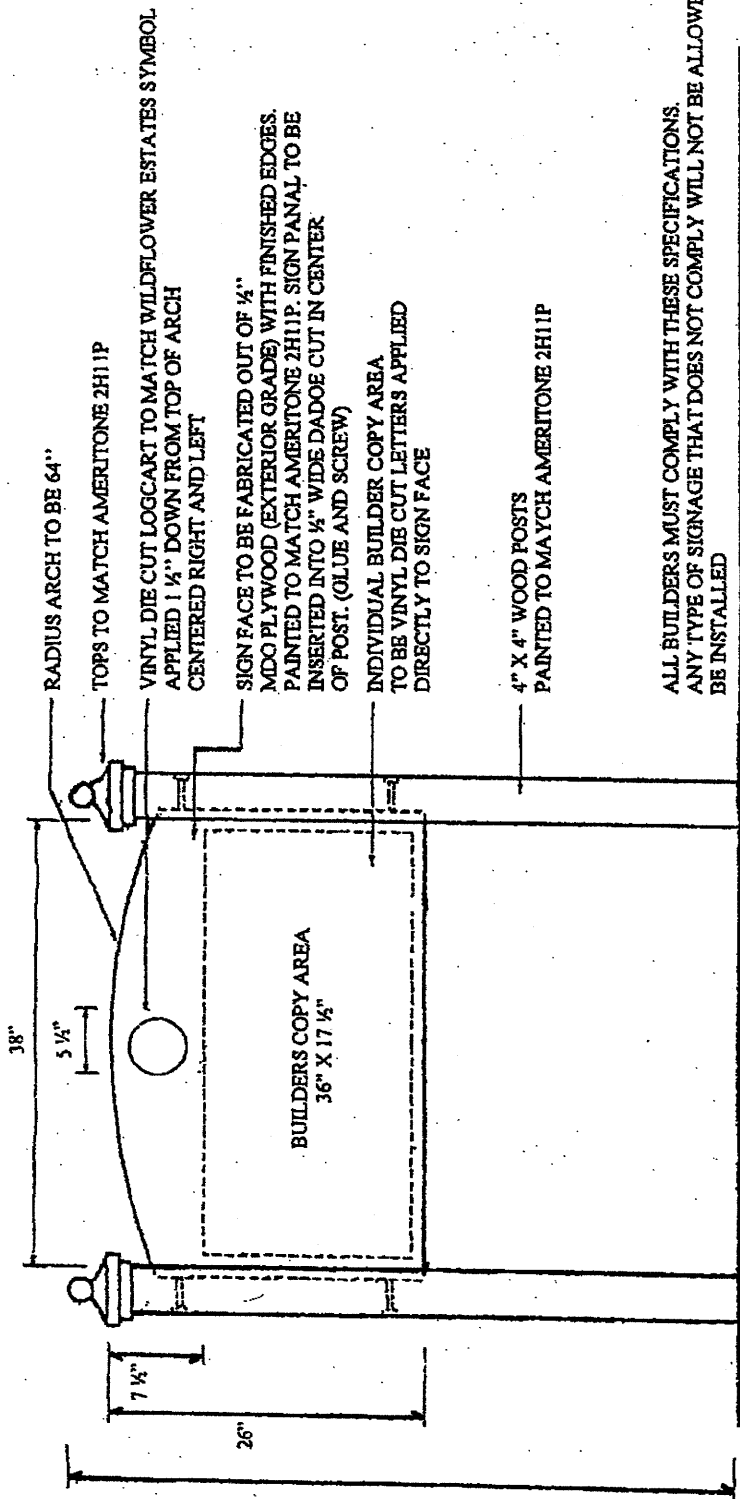
- A. All signs must conform to the design specifications established by the ARC and BOD.(see attached specifications)
- B. One sign per construction site is permitted.
- C. Signs must be in good condition and finished on all sides.
- D. Any and all desired information must be incorporated into one sign. No exceptions.
- E. Sign must be removed within seven days of final inspection.

5) Compliance:

The ARC and the Board reserve the right to stop construction and deny site access to any general contractor, job superintendent, subcontractor, supplier or their employees who are in violation of these Regulations and any other relevant provision hereof.

**Wildflower Architecture Review Committee
Wildflower Board of Directors**

WILDFLOWER ESTATES SIGN SPECIFICATIONS



NOT TO EXCEED 68" ABOVE GRADE

ALL BUILDERS MUST COMPLY WITH THESE SPECIFICATIONS. ANY TYPE OF SIGNAGE THAT DOES NOT COMPLY WILL NOT BE ALLOWED TO BE INSTALLED