

# RANCHO HIGHLANDS CA

# ARCHITECTURAL GUIDELINES



# Rancho Highlands Community Association

## Architectural Control Guidelines

### Preamble

In order to maintain the architectural character and integrity of the community as well as to preserve the value of the homes situated therein, it is necessary to establish and enforce the following Architectural Control Guidelines. The authority for the Architectural Control Committee (hereinafter “the ACC”) to enact and enforce the Architectural Control Guidelines is provided in the Association’s Declaration of Covenants, Conditions and Restrictions (hereinafter referred to as “the Declaration or CC&Rs”) pursuant to Article IX. A copy of the Declaration should have been provided to each owner by the seller at the time of purchase of their home. However, whether or not this was done, each property within the Association is still subject by law to all of the terms of the Declaration. If you do not have a copy, one will be provided to you by the Board of Directors upon written request and payment of the Association’s charges for this service. It is strongly recommended that you take the time to read and understand the Declaration and these Guidelines as these documents in part determine both your rights and responsibilities. If there is any conflict between the Declaration and these Guidelines, the provisions of the Declaration shall prevail. Strict observance and adherence to these Guidelines is requested by the Board of Directors.

### A. Purpose

Pursuant to Article IX, Section 5 of the Declaration, ACC approval must be obtained by the **homeowner before any exterior alteration or changes are made, construction begins or landscaping is installed**, that is before the construction, alteration, grading, addition, excavation, modification, decoration, redecoration or reconstruction of any Improvement (meaning any structure or appurtenance of any kind as defined in the Declaration) is commenced or made on or to any Lot or Common Area.

This review is in no way intended to approve architectural requests for structural engineering or to act in lieu of required governmental permits or inspections. The intent is (among other things) to maintain the *architectural* harmony and character of the Association.

### B. Application and Required Copies

At least forty-five (45) days before the intended start date owners shall present drawings, specifications, materials list, colors, dimensions and any other relevant information, including but not limited to , brochures, photos of similar Improvements and samples of materials to the ACC for study and approval. The ACC reserves the full forty-five (45) days for review of plans and specifications after receipt by it of all plans, specifications and materials required.

Two copies of drawings, specifications and color samples as stated above, must be submitted to the ACC. One (1) copy will be retained by the ACC; the second copy will be returned to the homeowner. All applications must be accompanied by a fully completed and signed Architectural Approval Application form in the form annexed hereto as Exhibit “A” or in such other form as the ACC may from time to time require.

All plans and drawing (hereinafter referred to as “Plans”) shall be prepared in accordance with the ACC’s requirements which follow. All plans shall be submitted to:

### **C. Plans**

Depending upon the type of Improvement proposed the following Plans must be submitted showing the details and information indicated below:

#### 1. Plot Plan

- a) All Lot lines as to length, angles and curves. Buildings must be shown with front, back and side setback dimensions.
- b) All dimensions on the Improvements, new Improvements and property lines.
- c) The facing side walls of adjacent homes. This is required to enable the ACC to consider the proposed construction on conjunction with adjoining property and structures.
- d) The location of the bottom or toe of any slope and the top of any slope.
- e) The plotted location of all Improvements, including but not limited to drains, trees, fences, patio covers, walls, spas, and associated equipment.
- f) All yard drainage must show the direction of water flow and location of drainage swale yard drain, and indicate whether there will be any alteration, interference or affect on existing drainage patterns.

NB: No alteration or affect upon the established drainage pattern over any Lot within the project which might affect any other Lot or the Common area will be permitted unless provision is made for proper alternative drainage.

#### 2. Landscaping Plan

- a) The ACC reserves the right to request a detailed landscaping plan and/or a plant list on a case-by-case basis.

#### 3. Roof Plan (Structural Additions Only)

- a) All existing and new roofs with pitches noted (structural additions include patio covers).
- b) The material of all existing and new roofs.

#### 4. Floor Plan

- a) Indicate all walls, columns, openings and any condition or feature that will affect the exterior design of any building.
- b) Full details of the nature, kind, shape, dimensions, materials and location of the Improvements to be considered.

5. Detail Elevation Plans

- a) The elevations and complete architectural and aesthetic details of each proposed Improvement.

6. General Provisions Applicable To All Plans and Submissions

The ACC shall in its sole discretion determine whether the plans submitted are complete, satisfactory and sufficient so as to enable the ACC to fully review relevant issues and to make a well-considered decision on such submission. No application shall be deemed to have been made unless and until all ACC requirements have been met by the Applicant. Plans shall accurately show, in any case, the nature, kind, shape, dimensions to scale, materials and location (to scale) of any proposed new Improvements or changes to existing Improvements. Plans must clearly distinguish between new Improvements and existing Improvements.

**D. General**

1. Failure to obtain necessary approval from the ACC shall constitute a violation of the Declaration and may require modifications or removal at the homeowner's expense.
2. Accurate color samples of all decorative and/or protective finished of any kind (hereinafter referred to as "Finishes") including but not limited to paint or stain are required prior to any application thereof. If a homeowner intends on changing the color of the exterior of their home, prior approval through the ACC is required. Failure to obtain prior approval may result in the Association requiring the building to be repainted at the owner's expense. Colors for stucco, siding and trim must be submitted for approval. Stucco may remain unpainted ONLY when the residence is repainted in the merchant builder original colors. Colors not considered by the ACC to be in harmony with the surrounding structures will not be approved.

Members that propose to paint the exterior of their home the same color as the existing color shall notify the managing agent of the Rancho Highlands Community Association, at least fourteen (14) days before the intended start date. Members shall notify management by completion and submission of the Rancho Highlands Community Association Exterior Paint Notification Form (hereinafter referred as the Exterior Paint Notification Form or Form).

Within ten business days, the managing agent of Rancho Highlands Community Association shall acknowledge receipt of the Exterior Paint Notification Form. The paint project shall be complete, within 120 days thereafter. Members shall notify management in writing when the paint project is complete.

3. All work must be performed in a good and workmanlike manner and in a manner consistent with the general dwelling construction and appearance of the community. All work considered to be of an unsightly finished nature or of lesser quality than the prevailing community standards must be redone to acceptable appearance and structural condition.
4. Owners are reminded that there are no express or implied easements whatsoever appurtenant to any Lot for view purposes, or for the passage of light and air across any other Lot or any property not within the Project.
5. With respect to the approval process, the ACC reserves the right to require an on-site inspection at a time convenient to the ACC before rendering a decision.

6. ACC requirements on any issues shall be personally delivered or sent by written notice by prepaid first-class mail to the owner/applicant at the address for that owner/applicant as is shown on the application. Any such notice sent by mail shall for all purposes be conclusively deemed to have been delivered 48 hours after the date of posting.
7. In section of the following detailed standards there appear lists of materials which are generally acceptable and unacceptable as of the date when these guidelines were drafted. These lists are indicative only and may not be all inclusive. The ACC reserves the right to approve or disapprove in any particular instance any material proposed in a homeowner's submittal, whether indicated herein as generally acceptable or not.
8. The construction of all projects must be completed within sixty (60) days of commencement unless the ACC shall have granted a longer period for completion in a particular case.

## **E. Architectural Materials/Standards**

### **1. Individual Interior Wall/Fence Criteria**

Definitions:

Fence/Gate

- a) Any structure used as an enclosure boundary or divider made of sundry materials, of, but not limited to wood boards, wrought iron or split rails.

Walls

- a) Retaining. A structure used to support earth from movement. Walls are usually over two (2) feet in height, must be constructed of masonry and generally require a building permit.
- b) Garden. A short wall usually less than two (2) feet in height used to enclose a raised growing area.
- c) Perimeter. Built by merchant builders approved only for perimeter Lots by the ACC.

#### **A. Walls – Perimeter Wall Program**

1. A uniform solid wall designed to reinforce the architectural setting compatible with the existing perimeter walls/fences as built by the merchant builder. This perimeter wall program should be utilized at all residential corner Lot side yards which parallel or are viewed from the public streets. For visual integrity of the overall neighborhood street scene these walls should be constructed of masonry or wood materials or a combination of masonry pilasters with wood fence panels and/or wrought iron.
2. Open View Wall Base Application

Where interior Lot view opportunities exist without a privacy conflict, an open view fence may be appropriate. Such a fence shall be compatible with the architectural setting.

3. Walls must be constructed of masonry materials only. Other materials will not be considered without structural guidelines and material samples. Merchant builder constructed walls, as defined below are:
  - a) Concrete block with stucco exterior as installed by merchant builder.
  - b) Pilaster base with wrought iron as installed by merchant builder. Wrought iron to be painted black to match the residential perimeter wrought iron fencing. No accent or other colors will be allowed.
  - c) Foam wall with stucco as installed by merchant builder.

Note: Precision block walls without stucco facing will not be permitted.

## B. Fences

1. Below is a list of acceptable fence/gate designs which must match exactly with the drawing exhibits attached as Exhibit "B":
  - a) Wood fence as installed by Developer.
  - b) Replacement of fences will be considered on a case-by-case basis and must be approved by the ACC.
2. Acceptable materials for the extension, repair or replacement of any wall or fence must generally match the original or existing material and color only. In considering color changes the ACC shall generally require that any change (a) blend reasonably with the siding or trim color of the home, and (b) be of one color only.
3. Generally, party fences should not extend beyond the front of the home set farthest back from the street. Applications for fences extending beyond this point will be considered on a case-by-case basis, with strong consideration being given for the impact on adjacent neighbors.

Unacceptable perimeter fencing/gate materials include but are not limited to:

- a) Chain link
  - b) "Picket" fence (of any height)
  - c) Metal/Aluminum
  - d) Corrugated plastic or fiberglass
  - e) Split rail
  - f) Ornamental iron
4. All wood fencing/gate must be either painted, stained, or otherwise weatherproofed. No design review is required if the fence is painted or stained to either match the house trim, stucco or coated with a clear sealer. Any homeowner wishing to use another color selection must submit the proper forms to the Architectural Committee for approval.
5. All wood fencing including wood gates shall be maintained in a manner that keeps them from developing black and/or white stains (usually from irrigation spraying onto an unsealed fence). If stains can not be removed, the fence shall require paint or stain.

6. Fencing/gates shall not exceed six (6) feet in height.

## **2. Patio Covers, Decks & Gazebos**

- a) These Improvements should be of wood construction with the exception of vertical supports. Other material products that look like wood may be allowed on a case-by-case basis. Samples of the product and structural/weather resistant data must accompany the application.
- b) Second story decks not built by the merchant builder but will be considered on a case-by-case basis with adjoining homeowner privacy in mind.
- c) Solid roof covers must match in material and color the roof of the existing dwelling.
- d) Exposed surfaces must be painted to match the exterior of the home. No accent colors will be allowed.
- e) Generally unacceptable materials for patio covers and gazebos shall be:
  - 1) Metal structures (with the possible exception of other products as indicated above)
  - 2) Corrugated plastic and fiberglass
  - 3) Wood or plastic criss-cross lattice panels
  - 4) Plastic webbing, reeded, or straw like materials
  - 5) Plastic/canvas "tarp" material
  - 6) Shade cloth

## **3. Awnings**

Awnings will not be allowed on the front windows of the residence. Awnings must be of one color. A color brochure and material swatches must accompany the application.

## **4. Patios – Walkways, Courtyards, Decking, Mow Strips**

- a) Generally accepted materials are the following which must be designed for outdoor use:
  - 1) Concrete
  - 2) Stone
  - 3) Brick
  - 4) Pavers
  - 5) Wood

## **5. Storage Sheds/Outbuilding**

Storage sheds may be allowed with prior ACC approval but must generally meet with the following criteria:

- a) Shed must be located in the rear or side yard so as not to be visible to the public.
- b) Shed is to be a completely enclosed structure with entry door(s).

- c) Shed design and construction are to be compatible with the architectural design of the home and must be consistent with the general dwelling construction and appearance of the community.
- d) Paint color of the shed shall match the paint of the residence in color and proportions (i.e., body color and trim color to match).
- e) Shed may not exceed six (6) feet in height at eaves and no more than eight (8) feet at the highest point of roof.
- f) The ACC will usually require an on-site inspection before rendering a decision.

## **6. Outside Decorations**

- a) Holiday decoration are generally permitted without ACC approval, provided they are erected for not more than six (6) weeks in any 12 month period and are put out no earlier than one month prior to the holiday and removed within two (2) weeks after the holiday. For this purpose, decorations shall refer to any theme items, including lights installed on the exterior of the residence and landscaping.
- b) All outside ornaments or decorations erected or intended to be erected for a longer period than permitted in 6a above and which are visible from the street must have prior approval of the ACC.

## **7. Miscellaneous Issues**

- a) Security bars, grills or security devices which are visible from the exterior of the property will be considered on a case-by-case basis.
- b) Blinds, roller shutters, or sunshades are not permitted on the exterior of the residence.
- c) Pools, spas and related and/or similar equipment will be considered on an individual basis.
- d) Solar power energy systems are encouraged as a matter of public policy. However, aesthetic concerns do exist and the guidelines as these pertain to solar panels or similar devices are set out in Exhibit "C" annexed hereto.
- e) Architectural guidelines relating to satellite dishes and television antennas are as specified in Exhibit "D" annexed hereto.
- f) Roll-up garage doors will be considered on a case-by-case basis. However, new doors must be of the same architectural style as existing doors and all garage doors must match. The doors must also support the architectural themes and integrity of the Association and color brochures of the doors must accompany each application.

## **8. Basketball Standards**

- a) Backboard must be off white or clear fiberglass, not plywood or particle board;
- b) Backboard must be mounted on a commercially produced pole designed for such purpose;
- c) Backboard or hoops may not be mounted on homes, garages, or fences;

- d) Pole must be located within rear or side yard;

## 9. Landscaping

- a) All landscaping work including soft and hard landscaping and including but not limited to plantings and installation of permanent irrigation systems shall require prior approval of the ACC except that of the ACC if (i) the plantings involved do not and will not when fully grown exceed six (6) feet in height, and (ii) such plantings are not visible from the street/common areas and (iii) such plantings do not have invasive root systems or otherwise constitute a health or safety hazard.
- b) Landscaping of front yards, other than walkways, planter walls, or fences shall consist primarily of live plants.
- c) Exterior landscape/walkway lighting must be low voltage (12v). Higher voltage lighting will be considered if it is not directed towards another lot or if it is placed so it does not create annoyance to the neighbors.
- d) Drainage:
  - 1. All drainage from improvements shall be constructed to return to the street front. No drainage pattern shall be altered to cause drainage to flow over neighbors property or on any slope. All drainage must be cored through the curb, and may not run over the sidewalk. Sidewalk may not be broken to lay drainage.

## 10. Signs Regulations

Signs, which are placed, or posted, temporarily or otherwise, on any Lot, must be pre-approved by the Architectural Control Committee. With exception to signs that advertise property for sale, lease, or exchange, political signs or otherwise stated below.

Signs, which are placed, or posted, temporarily or otherwise, on any Common Area or Community Association Maintenance Areas must be pre-approved by the Architectural Control Committee.

- a) **Political Signs:** In order to remain unbiased and to maintain neutrality, the Architectural Control Committee will not approve political signs for any Common Area or Community Association Maintenance Areas.

Residents may place political signs on their Lot, (*four (4) weeks*) prior-to the given election. Residents must remove political signs within one (1) day of the given election.

In order to reduce the visual clutter caused by the proliferation of these signs, Residents may not install political signs less than ten feet from the curb.

- b) **Contractor Signs:** The Architectural Control Committee shall not approve Contractor sign-age.

- c) **Alarm/Security Signs**: Prior approval is not necessary as long as the following criterion is met:
1. Resident may install one sign per Lot.
  2. Sign shall be placed no more than three feet away from the house. Resident shall install the sign as close to the front door as possible.
  3. Installation shall be on a metal stake (free standing and not attached to the house or garage) and shall not to exceed three feet above the foundation level.
  4. Installed sign shall not be more than 1 square foot. (By example, 12" by 12")
  5. One small window decal, not to exceed 4" by 4" may be attached to a window of the house (not including garage windows).
- d) **Miscellaneous Signs**: All other signs, to include but may not be limited too, Beware of Dog and No Trespassing etc., which are placed, or posted, temporarily or otherwise, on any Lot, must be pre-approved by the Architectural Control Committee. The signs must meet the following criteria.
1. Resident may install two signs per Lot.
  2. Signs not attached to a gate must be installed on a metal stake not to exceed 42" from the ground. Staked signs shall be placed as close as possible to the front side fence / gate and shall not be placed further than 2 feet from the front fence / gate.
  3. Signs shall be regular commercial sign size.

The Architectural Control Committee will approve decorative signs (i.e., Welcome Friends, etc.) on a case by case basis and they need not meet the above criteria.

- e) **Real Estate Signs**: Said signs per Civil Code 712 & 713 do not require prior approval by the Architectural Control Committee. However, all Owners and their agents must observe the following rules.
1. Size shall not be more than (6) square feet (2' by 3').
  2. Price may not be mentioned on the real estate signs.
  3. Height of the sign shall not exceed 42" from the ground and shall be placed within 10 feet of the curb.
  4. Sign shall be installed only in the front of the property street side.
  5. Directional signs, other than for Open House shall not be allowed.
  6. Open House signs shall only be allowed during Open House hours. Directional open house signs on the common area shall be limited to three throughout the Community. Open House signs and said directional signs shall be immediately removed each day at the end of the open house.

## **11. Recreational Vehicle Storage,**

- a) Recreation Vehicle to include but may not be limited to, a camper, motorhome, trailer, boat trailer or boat, may be stored behind a Lots fence line, if the owner submits for approval through the Architectural Committee and the following criterion is met: 1) RV is stored on a concrete slab, 2) The RV is hidden from view of the street with movable-mature-live or life-like plant material.

*The Architectural Control Committee shall only approve storage of one recreational vehicle per Lot.*

#### **F. Other ACC Criteria And Neighbor Consultation**

1. The ACC may consult with neighbors or invite neighbor input on any improvements which the ACC in its sole discretion considers may materially impact on a neighbor's use and enjoyment of their property. Criteria which the ACC may take into account whether with or without neighbor consultation or input, include, but are not limited to the affect which any improvement or construction may have upon or may potentially have upon neighboring residents as regards privacy, noise, odor or appearance.

Neighbor approval or disapproval of a particular improvement shall be advisory only and any notification to or consultation by the ACC shall in no circumstances be required to be undertaken by the ACC nor shall it be under any obligation to either consider or give any particular weight to such input when making a decision to approve or disapprove any application.

#### **G. Appeal Procedure**

1. In the event that plans and specifications submitted to the ACC are disapproved, the party making such submission may appeal in writing to the Board. The written request must be received by the Board not more than thirty (30) days following the final decision of the Architectural Control Committee. The Board shall submit such request to the Architectural Control Committee for review, and the written recommendation of the Architectural Control Committee will be submitted to the Board. Within forty-five (45) days following receipt of the request for appeal, the Board shall render its written decision. The failure by the Board to render a decision within said forty-five (45) day period shall be deemed a decision in favor of the party making such submission.

#### **H. Variances**

1. Where circumstances which in the sole opinion of the ACC such as topography, location of buildings, location of landscape or other matters require variances, the ACC may grant reasonable variances with regard to any architectural guidelines.

### **EXHIBIT "B"**

#### **RANCHO HIGHLANDS COMMUNITY ASSOCIATION**

Date: June 11, 1997

RE: Fence Exhibit

The Fence Exhibit is being drafted and will be provided to the general membership upon Board approval.

## **EXHIBIT “C”**

### **RANCHO HIGHLANDS COMMUNITY ASSOCIATION**

#### **Solar Power Rules**

1. Application for the installation of solar panels or a solar heating system must be made to the ACC in the same manner as for any other improvement.
2.
  - a) Owner shall not permit solar panels or systems to fall into disrepair or to become safety hazards.
  - b) Owner shall be responsible for solar heating system maintenance and repair.
  - c) Owner shall be responsible for repainting or replacement if the exterior surface of the solar heating system deteriorates.
3. Solar heating systems shall meet applicable standards and requirements imposed by state and local permitting authorities and shall specifically be certified by the Solar Rating Certification Corporation (SRCC) or other nationally recognized certification agency.
4. Passive solar heating systems are prohibited in favor of active systems due to the unsightly nature of the roof mounted water holding tanks.
5. Solar units installed on roof should be within the wall line of the structure.
6. All aluminum trim, if used, should be bronze anodized, or otherwise color treated to match the color of the roof tiles insofar as possible.
7. Roof solar units, whenever possible, should be installed on existing plane of roof material.
8. Roof solar units must be firmly affixed to roof surface.
9. All plumbing lines should be concealed where possible, on exterior of the house and the method of installation shown and detailed. Lines should be painted colors consistent with the structure and other materials adjacent to the system.
10. Panel material should be dark in color
11. A sample or illustrated brochure of the proposed solar unit should be submitted with the application which clearly depicts the unit and defines the materials used.
12. Construction drawings for the specific installation should be provided. They should be drawn to show clearly all elevations, roof plane, assembly, attachment to the roof structure and proposed location on the building and the location of the storage tank, if any.
13. Calculations should be provided indicating the number and area of panels required.
14. The cover plate or glazing should be transparent or white to reduce the reflectance of light. Cover material, if flammable, should be self-extinguishing.

15. Solar units not on the roof (ground mounted) should be maintained at proper set backs as set forth in the local building code. Structure should be concealed from neighbors' view when reasonably possible.
16. Each of the above rules shall not be of application to the extent that these or any of them significantly increase the cost of the system or significantly decrease its efficiency or specified performance as compared to an alternative system of comparable cost efficiency and energy conservation benefits. "Significantly" means an amount exceeding 20% of the cost of the system or decreasing the efficiency of the solar energy system by an amount exceeding 20%, as originally specified and proposed.
17. If any provision herein is ruled invalid, the remainder of these rules shall remain in full force and effect.

## EXHIBIT "D"

### RANCHO HIGHLANDS COMMUNITY ASSOCIATION

#### Antenna Rules

##### I.

#### Preamble

These rules are adopted by the Board of Directors and the Architectural Control Committee (ACC) of Rancho Highlands Community Association.

#### Recitals

WHEREAS, the Rancho Highlands Community Association ("the Association") is responsible for governance and maintenance of the Rancho Highlands Project; and

WHEREAS, the Association exists pursuant to applicable state law and governing documents; and

WHEREAS, the Association is authorized to adopt and enforce reasonable rules and regulations in the best interests of the Association pursuant to California state law and the governing documents permitting the Association to adopt and enforce rules; and

WHEREAS, the Federal Communications Commission ("the FCC") adopted a rule effective October 14, 1996, preempting certain restrictions in the governing documents concerning the installation, maintenance, and use of direct broadcast satellite, television broadcast, and multipoint distribution service antennas ("antennas"); and

WHEREAS, the Association desires and intends to adopt reasonable restrictions governing installation maintenance and use of antennas in the best interests of the Project and consistent with the FCC rule.

NOW THEREFORE, the Association adopts the following restrictions and regulation for the Association, hereinafter referred to as the "Antenna Rules", which shall be binding upon all Owners and their grantees, lessee, tenants, occupants, successors, heirs, and assigns who currently or in the future may possess an interest in the Association and which shall supersede any previously adopted rules on the same subject matter.

##### II.

#### Definitions

- A. **Antenna.** Any device used for the receipt of video programming services, including direct broadcast satellite (DBS), television broadcast, and multipoint distribution service (MDS). A reception antenna that has limited transmission capability designed for the viewer to select or use video programming is a reception antenna provided that it meets FCC standards for radio frequency emission. A mast, cabling, supports, guy wires, conduits, wiring, fasteners, or other accessories necessary for the proper installation, maintenance and use of a reception antenna shall be considered part of the antenna.

- B. **Mast.** Structure to which an antenna is attached that raises the antenna height.
- C. **Transmission-Only Antenna.** Any antenna used solely to transmit radio, television, cellular or other signals.
- D. **Owner.** Any homeowner in the Association. For the purpose of this rule only “Owner” includes a tenant who has the written permission of the homeowner/landlord to install antennas.
- E. **Telecommunications Signal.** Signals received by DBS, television broadcast and MDS antennas.

### III.

#### **Installation Rules**

##### A. Antenna Size and Type

1. DBS antennas that are one meter or less in diameter may be installed. Antennas larger than one meter are subject to the restrictions set out in Article VIII, Section 19 of the CC&R’s and as may otherwise be contained in the governing documents of the Association.
2. MDS antennas one meter or less in diameter may be installed. MDS antennas larger than one meter are prohibited.
3. Antennas designed to receive television broadcast signals, regardless of size, may be installed.
4. Installation of transmission-only antennas and all other antennas not covered by the FCC rule are subject to the restrictions set out in Article VIII, Section 19 of the CC&R’s and as may otherwise be contained in the governing documents of the Association.

##### B. Location

1. Antennas shall be installed solely on individually owned property as designated on recorded deed or other document defining individually owned property.
2. If acceptable quality signals may be received by placing antennas inside a dwelling, without unreasonable delay or unreasonable cost increase, then outdoor installation may be prohibited.
3. Antennas shall not encroach upon common areas or any other Owner’s property.
4. Antennas shall be located in a place shielded from view from the street or from other lots to the maximum extent possible; provided, however, that nothing in this rule would require installation in a location from which an acceptable quality signal may not be received. This section does not permit installation on common property, even if an acceptable quality signal may not be received from an individually owned lot.
5. If there are multiple locations where substantially the same acceptable quality signal can be received, the antenna must be placed in the location that is least visible to persons not on the Owner’s property. Preferred locations include rear yards, rear decks, side yard locations adjacent to has meters, heating or air conditioning equipment, or screened among shrubbery.

Preferred roof locations are adjacent to a chimney or on the rear roof. The preferred location on a balcony is within the interior space of the balcony railing.

6. If the only location where an acceptable quality signal can be received is a highly visible location, then the antenna must be appropriately screened, provided signal quality is not diminished, by means which do not unreasonably delay or increase the cost of the installation.
7. When screening is required, the screening should match the house or adjacent structure as to materials, finish, color and design. When landscaping is used for screening, it should match existing landscaping materials to the extent possible. The purpose of screening is to minimize visibility of the antenna.

#### C. Installation

1. Antennas shall be no larger nor installed higher than is absolutely necessary for reception of an acceptable quality signal.
2. All installations shall be completed so that they do not damage the Common Area of the Association or the lot of any other resident, or void any warranties of the Association or other Owner, or in any way impair the integrity of building on Common Areas or lots.
3. Owners are responsible for all costs associated with the antenna, including but not limited to costs to:
  - a) Place (or replace), repair, maintain, and move or removed antennas;
  - b) Repair damages to the common property, other lots, and any other property damages by antenna installation, maintenance or use;
  - c) Pay medical expenses incurred by persons injured by antenna maintenance or use;
  - d) Reimburse residents or the Association of damages caused by antenna installation, maintenance or use.
4. Antennas must be secured so that they do not jeopardize the soundness or safety of any other Owner's structure or the safety of any person at or near antennas, including damage from wind velocity based upon a unique location.

#### D. Maintenance

1. Owners shall not permit their antennas to fall into disrepair or to become safety hazards.
2. Owners shall be responsible for antenna maintenance and repair.
3. Owners shall be responsible of repainting or replacement if the exterior surface of antennas deteriorates.

#### E. Safety

1. Antennas shall be installed and secured in a manner that complies with all applicable city and state laws and regulations and manufacturer's instructions.

2. Unless the above-cited laws and regulations require a greater separation, antennas shall not be placed within two (2) feet of power lines (above ground or buried) and in no event shall antennas be placed where they may come into contact with electrical power lines. The purpose of this requirement is to prevent injury or damage resulting from contact with power lines.
3. All installations must comply with all applicable codes.
4. In order to prevent electrical and fire damage, antennas shall be permanently and effectively grounded.
5. Antennas are required to be of such design as will readily withstand wind speeds to the extent that these may be reasonably anticipated in the immediate area in which the Project is located.

#### IV.

##### **Antenna Camouflaging**

- A. Antennas or masts may not extend beyond a railing or fence unless no acceptable quality signal may be received from this location.
- B. Antennas situated on the ground and visible from the street or from other lots must be camouflaged by existing landscaping or fencing, if an acceptable quality signal may be received from such placement. If no such existing landscaping or screening exists, the Association may require antennas to be screened by new landscaping or screening of reasonable cost.
- C. Antennas, masts, and any visible wiring must be painted to match the color of the structure to which it is installed. *(Some manufacturers assert that painting may prevent the receipt of an acceptable quality signal. Association residents are advised to make sure that paint will not degrade the signal.)*
- D. Antennas may not obstruct a driver's view of an intersection or street.

#### V.

##### **Number of Antennas**

No more than one antenna of each provider may be installed by an Owner.

#### VI.

##### **Mast Installation**

- A. Mast height may be no higher than absolutely necessary to receive acceptable quality signals.
- B. Masts that extend 12 feet or less beyond the roofline may be installed subject to the regular notification process. Masts that extend more than 12 feet above the roofline must be approved before installation due to safety concerns posed by wind loads and the risk of falling antennas and masts. May application for a mast longer than 12 feet must include a detailed description of the structure and anchorage of the antenna and the mast, as well as an explanation of the

necessity for a mast higher than 12 feet. If this installation will pose a safety hazard to Association residents and personnel, then the Association may prohibit such installation. The notice or rejection shall specify these safety risks.

- C. Masts must be installed by a licensed and insured contractor.
- D. Masts must be painted the appropriate color to match their surroundings.
- E. Masts installed on a roof shall not be installed nearer to the lot line than the total height of the mast and antenna structure above the roof. The purpose of this regulation is to protect persons and property that would be damaged if the mast were to fall during a storm or from other causes.
- F. Masts shall not be installed nearer to electric power lines than the total height of the mast and antenna structure above the roof. The purpose of this regulation is to avoid damage to and danger from electric power lines if the mast should fall in a storm.
- G. Masts shall not encroach upon another Owner's lot or common property;
- H. Masts are required to be of such design as will readily withstand wind speeds to the extent that these may be reasonably anticipated in the immediate area in which the Project is located.

## VII.

### **Association Maintenance of Locations Upon Which Antennas Are Installed**

- A. If antennas are installed on property for which the Association has maintenance responsibility, Owners retain responsibility for antenna maintenance. Owners must not install antennas in a manner that will result in increased maintenance costs for the Association or for other residents. If such damage occurs, Owners are responsible for these costs.
- B. If maintenance requires antenna removal, the Association shall provide Owners with 10 days' written notice. Owners shall be responsible for removing antennas before maintenance begins. If Owners do not remove antennas by the required time, then the Association may do so at Owners' expense. The Association is not liable for any resulting damage to antennas.

## VIII.

### **Notification Process**

- A. Any Owner desiring to install an antenna must complete a notification form and submit it to the ACC c/o the Association office. If the installation is routine (conforms to all of the above rules and restriction), the installation may begin immediately.
- B. If the installation is other than routine for any reason, Owners and the ACC must establish a mutually convenient time to meet to discuss installation methods. The Owner is advised to contact the Association's property manager at (909) 244-0048 to arrange such meeting.

IX.

**Installation by Tenant**

Tenants may install antennas in accordance with these rules with written permission of the homeowner/landlord. A copy of this permission must be furnished with the notification statement.

X.

**Enforcement**

- A. Any installation without proper notification, or not in compliance with these regulations, may result in a fine against the Owner following notice and opportunity for hearing and such further action, legal or otherwise, as permitted by Declaration or statute, including a petition to the Federal Communications Commission.
- B. The Board of Directors may impose a fine of \$50 for any violation, and additional fines of \$10 a day for each day the violation remains uncorrected. The Board may also take appropriate action for the removal of the antenna, or elimination of the violation, and assess the cost to the Owner.
- C. If antenna installation poses a serious, immediate safety hazard, the Association may seek injunctive relief to prohibit or seek removal of the installation.

XI.

**Severability**

If any provision is ruled invalid, the remainder of these rules shall remain in full force and effect.

RANCHO HIGHLANDS COMMUNITY ASSOCIATION

**ENFORCEMENT POLICY AND PROCEDURES  
FOR ADDRESSING VIOLATIONS OF THE DOCUMENTS  
OR ADOPTED RULES AND REGULATIONS**

**Section 1. Written Complaint**

The following procedure shall be initiated upon the filing of a written complaint by any member of the Association with the Association on the property form (Exhibit "A" attached). The complaint shall constitute a written statement of charges which shall set forth in ordinary and concise language the acts or omissions with which the respondent (person alleged to be in violation ) is charged. The complaint shall specify the specific provisions of the Association's Governing Documents which the respondent is alleged to have violation with such detailed information as the complainant considers support the conclusion that a violation has occurred. Further, the written complaint must contain as much specifics as are available as to time, date, location, person involved, etc., so that the complaint may be investigated by the Association. This procedure may also be initiated by the Board or its Agent should any violation come to their attention during the performance of their duties.

**Section 2 Notice of Non-Compliance**

Upon the filing of a complaint, the Association shall investigate the complaint to verify that if true, the action does constitute a violation of the Governing Documents. If so, the Association shall send a written "Notice of Violation" to the respondent summarizing the complaint and requesting compliance within a reasonable period of time. Such notice shall be served in accordance with Article XIX, Section 8 of the CC&R's.

**Section 3. Notice of Hearing**

Should the apparent violation continue, the Association shall serve a "Notice of Hearing" (Exhibit "B" attached) as provided herein, on all parties at least fifteen (15) days prior to the date of the hearing. The Notice of the respondent shall be sent via registered or certified mail, or shall be personally delivered to the respondent. The Notice of Hearing shall be accompanied by a copy of the original complaint and the "Notice of Defense or Admission" form (Exhibit "C" attached). Copies of all the foregoing materials shall be provided to the Board and any complainant. If any of the parties can, within five (5) days from the date of service, show good cause as to why they cannot attend the hearing on the set date and indicate times and dates on which they would be available, the Association may reset the time and date of hearing and promptly deliver a notice of the new hearing date.

**Section 4 Notice of Defense or Admission**

In the Notice of Defense or Admission, the respondent may:

- a) Contest the complaint either in whole or in part and set out the reasons and facts why the respondent does not consider that a violation has occurred;

- b) Admit the complaint in whole or in part and if desired, set out any mitigation circumstances which the Board is requested to consider.

The Notice of Defense or Admission shall be completed and returned to the Association by no later than twenty-four (24) hours prior to the hearing, and copies shall be provided to the Board and any complainant.

## **Section 5      Constraints on the Board**

It shall be incumbent upon each member of the Board to make a determination as to whether he is able to function in a disinterested and objective manner in consideration of the case before the Board. Any member incapable of objective consideration of the case shall disclose such to the Board and removed himself from the proceedings, and have it so recorded in the Minutes.

In any event, the respondent may challenge any member of the Board for cause where a fair and impartial hearing cannot be afforded at any time prior to the taking of evidence and testimony at the hearing. In the event of such a challenge, the Board shall determine the sufficiency of the challenge. If a majority of the Board sustains the challenge, that member of the Board shall be dismissed from participation in the hearing. All decisions of the Board in this regard shall be final.

## **Section 6      Hearing**

- a) Whenever the Board has commenced to hear the matter and a member of the Board is forced to withdraw prior to a final determination, the remaining members shall continue to hear the case.
- b) Each party shall have these rights: to call and examine witnesses; to introduce exhibits; to cross-examine opposing witnesses; and to rebut the evidence against him or her. Even if respondent does not testify in his own behalf, he may be called and examined as if under cross-examination.
- c) The hearing need not be conducted according to technical rules relating to evidence and witnesses. Generally, any relevant evidence shall be admitted if it is the sort of evidence upon which responsible persons are accustomed to rely in the conduct of serious affairs. Hearsay evidence shall not be sufficient in itself to support a finding that a violation has occurred.
- d) Neither the complainant nor the respondent must be in attendance at the hearing. The Board shall deem that the Respondent has requested that the hearing be held in executive session unless the Respondent notifies the Board at least 24 hours prior to the hearing that the Respondent wishes the hearing to be in open session.
- e) At the beginning of the hearing, a member of the Board shall explain the rules and procedures by which the hearing is to be conducted. Generally, each principle is entitled to make an opening statement, starting with the complainant. Then each party is entitled to produce evidence, witnesses, and testimony to cross-examine the witnesses and opposing party. Then each party is entitled to make a closing statement. Any party may waive the right to exercise any part of this process, and the Board is entitled to exercise its discretion as to the specific manner in which the hearing will be conducted.

## **Section 7      Decision**

After all testimony and documentary evidence has been presented to the Board, the Board shall vote upon the matter, with a majority of the entire Board controlling. The decision may be made at the

conclusion of the hearing or may be postponed to no later than ten (10) days thereafter. Within ten (10) days of the hearing, a summary of the decision shall be provided in writing to the respondent, with copies to all complainants. All decisions of the Board shall be final unless the Board, at its sole discretion, agrees to re-hear the matter due to the availability of new evidence of an overriding nature.

**Section 8      Monetary Penalty**

Should the Board determine that a monetary penalty is appropriate, the following monetary penalty schedule shall apply to all violations apart from architectural issues:

First offense - \$25

Second offense – up to \$100

Third offense and each additional occurrence - \$100 more than the previous monetary penalty imposed.

The Association considers that maintaining the environment and the aesthetic appeal of the Association is of fundamental importance to all members of Rancho Highlands. Consequently, the Association has established a higher penalty structure for architectural violation as follows:

For commencing construction of any improvements before the required architectural approval is obtained – up to \$250

For all other violations of architectural requirements:

First offense - \$25 to \$150

Second offense - \$50 to \$250

Third offense and each additional occurrence - \$100 to \$150 more than the previous monetary penalty imposed.

Offenses for separate rules will each start at the first offense stage.

Recurring penalties for continuing violations are permissible on a monthly basis, until compliance is achieved, at the above rates.

In addition, the Board may suspend member privileges as provided for in the Association's Governing Documents.