

# **EVANS POINT HOMEOWNERS ASSOCIATION**

**Architectural Design Guidelines**

**And**

**Review Procedures**

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## **- INTRODUCTION -**

The Architectural Review Committee (ARC) is a design review committee established to help preserve the physical harmony of the immediate neighborhood and the community as a whole. In order to maintain the architectural integrity of the community, the ARC establishes these guidelines.

The intent of design control is not to inhibit individuality and creativity, but to preserve or improve the community's appearance and enhance the overall environment of Evans Point Homeowner's Association. The design controls require each Owner to obtain ARC approval prior to undertaking any non-pre-approved improvements.

Please note that although the design guidelines support the CC&R's, they do not duplicate the entire document. For more information please refer to the CC&R's, which are binding on all Owners and should be fully understood. The CC&R's shall prevail over any discrepancy between ARC guidelines and CC&R's.

### **Purpose:**

These guidelines explain the information to be included in the "*Architectural and Landscaping Approval Application*" form. These guidelines will also help Owners plan improvements, which will be acceptable to the ARC. While they are broad based, the guidelines are not intended to be all-inclusive.

With exception to certain 'Pre-Approved' standards as outlined in Exhibit C, there are no automatic approvals. Each "*Architectural and Landscaping Approval*" application is reviewed on an individual basis, taking into consideration each specific request and how the proposed improvement would impact its unique surroundings. For example, an Owner who wishes to construct a deck identical to one that has already been approved by the ARC for a neighbor is still required to submit an application and obtain ARC approval.

### **Scope of Review and Liability:**

The ARC is a 'design' review committee and is not responsible for reviewing or approving plans from the standpoint of structural safety or compliance with building codes, specific use permits, site approvals, or other governmental requirements. The ARC does not assume any responsibility for the Owner's failure to obtain such permits. Obtaining City permits does not waive the need for the ARC's approval.

### **Decisions of the ARC:**

In rendering its decisions, the ARC may consider aesthetics, function, drainage, the effect on Common Area or Common Maintenance Area, the interests of the Owner requesting the proposed improvements, as well as the interests of other Owners and any other related matters which the ARC deem relevant. Plans and specifications of

proposed improvements shall be accompanied by such additional information as the ARC may reasonably request. For example, the ARC shall have the right to require an Owner to submit an analysis of whether proposed improvements would impair the view(s) from other residences or lots. **It is expressly recognized that the interest and considerations may at times be in conflict, and it shall be within the ARC's jurisdiction to resolve such conflicts in the manner it deems appropriate.**

### **Amendments:**

These guidelines may be amended from time to time by the ARC, subject to Board concurrence. It is anticipated that any changes will be primarily additive in nature and will not involve substitutive changes to existing guidelines. However, the existing guidelines may be amended to reflect changing conditions or technology.

## **- GUIDELINES -**

### **Air Conditioners:**

- Exterior air conditioners, which protrude through walls or roofs or extend from windows, are prohibited.
- Any related compressors or equipment are to be screened from view by fencing and/or landscape.

### **Antennas:**

- No exterior radio and/or television antennas may be erected without ARC's prior approval.
- A small satellite dish 36" in diameter or smaller, which is reasonably screened from view at a height below the chimney(s), will be permitted with prior approval of the ARC.

### **Balconies/Second-Story Decks:**

- Plans must be submitted to the ARC for approval and approved before any work commences.
- Decks must be consistent with the architectural style of the home and must match existing trim color.
- Consideration must be given to the location of the deck as it relates to the neighbor's property. Neighbors are to initial plans as an acknowledgment that they are aware of proposed deck and its location.
- Approved decks are to be kept clean and free of clutter by the homeowner at all times.

- Lawn furniture or outdoor furniture only permitted on decks. No items to be hung over railing at any time (*i.e.*, towels, clothing, banners, etc).
- Plants to be maintained or removed.
- No items to be stored on decks at any time.
- Homeowners are to use common courtesy as to the use of their decks and respect the privacy of their neighbors.

### **Barbecues – Rear Yards Only:**

- Portable barbecue grills manufactured for that purpose and which do not create a fire hazard are allowed.
- Consideration must be given to location of barbecue grills as it relates to the house and neighboring properties.
- Qualifies for 'Pre-Approved' application process.

### **Basketball Standards:**

- No basketball standards or fixed apparatus shall be attached to any residence or garage or be erected on any Lot except as approved by the ARC.
- Basketball backboards, designed to be portable, shall be placed for play only on or adjacent to the driveway of the homeowner, or in the street, with the permission of adjacent homeowners. The homeowner shall insure that the portable backboards are removed from the front of the house or street daily following their use and placed in an area behind the fence line or in the garage.

### **Brush Maintenance Area:**

- Each Owner whose parcel is in the "Brush Maintenance Area" will be required to comply with the requirements of the *City of Carlsbad Landscape Technical Manual*.

### **Clothes Lines:**

- Must respect required yard setbacks and existing drainage patterns.
- Qualifies for 'Pre-Approved' application process.

### **Concrete Slabs – Rear Yards:**

- Must respect required yard setbacks and existing drainage patterns.
- Qualifies for 'Pre-Approved' application process.

### **Dog Houses:**

- Doghouses are to be located in the rear yard, and only in areas that are not centrally visible from the ground level of surrounding property.
- Qualifies for 'Pre-Approved' application process.

### **Drainage:**

- No alteration of the grade or drainage patterns over any Lot or Common Area is permitted without prior ARC consent.
- Each Owner shall maintain all drainage facilities on the Lot.
- For new improvements, drainage should be directed away from the home toward the road. Drainage shall not be directed toward a neighbor's Lot.

### **Fences & Walls:**

- All fences installed within the Properties shall be in compliance with the *Fencing Plan for Evans Point* adopted by the City of Carlsbad.
- No fences within a Lot or the Common Maintenance Area shall be constructed or altered as to type or height without the approval of the City Planning Department.

### **Flags & Flag Poles:**

- Flagpoles are not permitted in the front yard. However, this does not prevent any Owner from affixing a flag to the fascia of the home, adjacent to the front door.
- Decorative flags or commercial flags are not permitted in the community. The only flags permitted to be displayed are a National flag and a State flag

### **Gutters & Downspouts:**

- Must be painted to match the existing trim or stucco of the house.
- Run-off from the gutters must not affect adjacent Lots and should be directed to the street in front of the house.
- Downspouts which are not connected to underground drain lines and which directly discharge onto natural soil or landscape areas must be provided with concrete splash blocks or other suitable runoff dissipation devices.

### **Landscaping & Irrigation:**

- All trees, hedges, and other plant materials shall be trimmed by the Owner of the Lot upon which they are located so that they do not create a nuisance, which determination shall be within the sole judgment of the Board.
- Before planting of any trees on a Lot, the proposed location and species of the tree must be approved in writing by the ARC.
- Landscaping or improvements in the Common Maintenance Area shall not be removed without prior written approval of the ARC.
- The root system of bushes, shrubs, and trees must not encroach on any neighbor's yard or disturb foundations, walls, or sidewalks.
- Irrigation lines must be underground, except substantially covered "drip" systems.
- No structure, planting, or other material is permitted on any slope banks which may damage or interfere with established slope ratios, create erosion or sliding problems, or interfere with the established drainage systems or patterns.

- Sprinklers should be adjusted so that they do not spray adjacent properties or public sidewalks.

### **Mailboxes:**

- There shall be no exterior newspaper tubes or freestanding mailboxes except as initially installed by the Developer or approved by the ARC.

### **Outdoor Lighting:**

- Outdoor lighting on a Lot shall be shaded and adjusted so that the light falls only on the Owner's Lot and does not fall or reflect on other Lots or Common Area.

### **Painting – Exterior:**

- Must indicate the color of stain or paint by the manufacturer's number and the specific areas that are to be painted in each color.
- Color samples should be provided if they deviate from the original colors used in the construction of the home or building.
- Must note accordingly, if the color is intended to match existing surface.

### **Patio Covers, Ground Decks & Gazebos:**

- Must be consistent with the architectural style of the home.
- Must match existing trim color of home.
- Must respect required yard setbacks.
- If Lot is located in a "Zone A Brush Management Area", the improvement must be constructed with fire-retardant material.
- Corrugated aluminum structures will not be permitted.

### **Pools & Spas:**

- Must be designed so that drainage will not affect neighboring properties, Common Area, or erode embankments.
- Consideration must be given to location of pool/spa equipment as it relates to the noise of operation and its effect on neighboring properties. *In some instances it may be necessary to screen the equipment to control the sound.*
- Portable spas must have ARC approval, and complete details of location and drainage must be provided.

**Room Additions:**

- Requires prior approval by the ARC and relevant City of Carlsbad Development Services.
- Must be consistent with the existing architectural style of the home and respect required yard setbacks.

**Screen Doors & Security Doors:**

- Must be made of metal or wood material.
- Must be finished to match exterior house or door colors.

**Sheds:**

- Sheds and storage containers of a manufactured, molded-resin type are to be no greater than four (4) feet in height, nor visible above the fence height.
- Galvanized or aluminum sheds and/or storage containers are prohibited.
- Sheds or storage containers of any other material shall be reviewed by the Architectural Review Committee (ARC) prior to installation.

**Skylights & Other Solar Energy Equipment:**

- Installation of rooftop structures or a system to accommodate solar energy equipment or skylights is not permitted without prior ARC approval.
- All approved solar collection units shall be hidden from view to the maximum extent possible.

**Swing Sets & Play Equipment:**

- Must be clearly located and labeled on landscape plan to include overall length, width, and height.
- Specify color and material (*i.e.*, steel, wood, etc.).
- Must disclose use of brightly colored flags and/or canopies.
- Consideration must be given to the location of play equipment as it relates to visibility and its effect on neighboring properties. *In some instances it may be necessary to provide landscape and/or a lattice screen around swing set area to reduce its visibility from adjacent properties.*

**Temporary & Prefabricated Structures:**

- No structure of a temporary character, trailer, tent, shack, garage, barn, or other out-building shall be installed or used on any Lot without prior approval of the ARC. (See Sheds, above).

**Utility Service:**

- Utility lines shall be contained in conduits or cables constructed underground, or concealed in, under, or on buildings or other structures subject to all relevant codes.

**Water & Sewer Systems:**

- Individual water supply systems, water softener systems and/or sewage disposal systems are prohibited on any Lot.

**Windows & Window Treatment:**

- Wrought iron bars on exterior of building windows are prohibited.
- Mirrored window glass finishes are prohibited.
- Awnings over windows are prohibited.
- Window coverings must be of neutral color in windows visible from streets.

**Application Procedure Requirements:**

Prior to commencement of any work, all requests for architectural, landscaping, and other improvements or variances (except those modifications deemed “Pre-Approved” pursuant to Exhibit C) must be made on the enclosed *Architectural and Landscaping Application* form, Exhibit A. Additional copies of these forms may be obtained from the Management Company.

The Management Company acts as a liaison between the Owners and the Architectural Review Committee (ARC), therefore:

*All applications are to be submitted through:*

Lindsay Management Company  
ATT: Evans Point Architectural Review Committee  
7720 El Camino Real – Suite 2A  
Carlsbad, CA 92009

*All applications must include:*

- Completed forms Exhibit A, and Exhibit B (Neighbor Notification form).
- Three (3) complete sets of all plans initialed and dated by surrounding neighbors. *(The plans may be a professional rendering or a hand-drawn representation subject to the City of Carlsbad review agency requirements. Submittal of a photograph or manufacturer’s brochure, if applicable, is also encouraged).*
- If applicable, the applicant must submit a ‘Right of Entry’ letter. *The applicant must obtain written permission for the right of access during construction if the construction work requires access from (a) Association Common Area, or (b) private property NOT owned by the applicant.*

*All site plans must indicate:*

- Location of the improvement in relation to the existing structure.
- Property boundaries.
- Required yard setbacks.
- Dimensions of the improvement.
- Type of materials.
- Colors and finishes.
- Access route to the proposed construction area, if route is other than applicant's property.

*For landscape and hardscape, please include details on any proposed planters or retaining walls, including:*

- Dimensions.
- Material.
- Colors and finishes.
- Drainage details.

*For pools, spas or fountains, please include a listing of:*

- Material
- Color for decking.
- Drainage details.
- Location of equipment and any screening (noise and view).

**Explanation of Exhibits:**

**Exhibit A:** 'Architectural and Landscaping Application' form (lists the following):

- Owner
- Lot number
- Description of requested improvements
- Owner signature block

**Exhibit B:** 'Signed Neighbor Notification'. The purpose of the neighbor notification is to:

- Advise all neighbors of proposed improvement.
- Avoid potential future conflicts.

Signatures of neighbor(s) on Exhibit B should be obtained as directed.

Neighbors in the immediately surrounding area, who would be affected by the proposed construction, should be shown and asked to initial the plans to be submitted to the ARC for review. In some instances, the Signed Neighbor Notification should not only include those neighbors whose property faces and is next door to the proposed improvement, but those whose property is to the rear, as well.

If a neighbor disagrees, ask him/her to complete the 'comment' section of the application form. *The disagreement of a neighbor does not necessarily mean that the ARC will deny the requested improvement.*

NO APPLICATION WILL BE CONSIDERED COMPLETE UNTIL THE NEIGHBOR NOTIFICATION CONDITION HAS BEEN SATISFIED.

## **- GENERAL -**

### **Approval Time:**

The Management Company will notify you in writing upon receipt of your application and attached Exhibits. If the application is not complete, the submittal will be returned to you with notation of the missing information and receipt will not be confirmed. *Until you receive written notification from the Management Company that your application is complete, your package will not be forwarded to ARC for review.*

The ARC will review all plans and render its decision within forty-five (45) days following receipt of the complete application package.

The ARC will review all plans and will grant (a) approval, (b) conditional approval, or (c) denial.

The three (3) sets of plans are distributed as follows:

- One set is to be returned to the applicant.
- One set is to be retained by the ARC for future reference.
- One set is to be retained by the property management company.

### **Construction:**

- Construction work should be completed within six (6) months of the date of approval.
- If the scope of the job warrants more time, the ARC may extend the construction period, as necessary.

### **Damages:**

- The Owner will be responsible for any damage to the Common Area streetscape, front yard landscape, or exterior building structures resulting from the Owner's construction.
- The Owner will be responsible for the removal of debris and/or other materials used in making the improvements.
- All construction refuse must be kept within and/or behind any existing fenced areas, and must be removed from the premises in a timely manner.

**ARC Inspections:**

- The ARC may, at a time mutually convenient to Owner and ARC, inspect any improvement, change, or alteration for which the Owner has applied for ARC approval.
- The right of inspection will terminate sixty (60) days after the Owner gives written 'Notice of Completion'.

**Enforcement:**

- Improvements, which are installed without the approval from the ARC, will constitute a violation of the CC&R's, and may require modification or removal at the expense of the homeowner.
- At the option of the ARC, remedies for violations may be pursued to the fullest extent permitted by the CC&R's.