

# DOVE CANYON MASTER ASSOCIATION ARCHITECTURAL PROCEDURES AND GUIDELINES

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# DOVE CANYON MASTER ASSOCIATION

## Architectural Procedures and Guidelines

The Architectural Review Committee seeks to establish and maintain a continuity in residence design and aesthetics, which will help uphold the appearance of the Community. Each owner is required to maintain the elements of the property for which they are responsible in a condition which does not impair the value or desirability of other homes, pursuant to these Guidelines and the Governing Documents, as applicable.

Attached please find the Architectural Guidelines for your Association, Dove Canyon. Reviewing these Guidelines and Article VII of the CC&R's will assist you with preparing and submitting your architectural application, learning how to obtain approval of proposed architectural improvements and modifications, and understanding Dove Canyon's community architectural standards and guidelines. Please take the time to read this information and the CC&R's. Additionally, please note that although these Guidelines explain and support the architectural and design control provisions of the CC&R's, they do not replace them. The Dove Canyon Master Association ("DCMA," "Dove Canyon," "Association") CC&R's should be read carefully.

The CC&R's of Dove Canyon vests the Committee with the power to review and approve all proposed improvements in Dove Canyon and all proposed exterior additions, changes or alterations to residential lots and dwellings in Dove Canyon. Such improvements include, without limitation, additions, modifications and alterations to residential dwellings, signs, fences, walls, screens, landscaping, pools, patios and patio covers, and any other alterations to your lot. Upon receipt of a written notice of completion of work from an owner, the Committee or its duly appointed representative may inspect any improvement for which approval of plans were required.

Prior to commencement, construction or installation of any improvement or addition, alteration or construction work of any type, an owner must submit an application to the Committee for its review.

*If an owner does not obtain the prior written approval of the Committee for their proposed improvement, the owner may have to modify or remove the unauthorized improvement at their own expense, and the offending owner may be fined and/or subject to other discipline, after a noticed hearing and opportunity to be heard before the Dove Canyon Board of Directors.*

In addition, any building permit required by the City of Rancho Santa Margarita and/or another governmental agency(ies) prior to the commencement of any work must be obtained and paid for by the applicable owner. The Committee does not assume any responsibility for your failure to obtain such permits. Obtaining such permits does not waive or remove the obligation to obtain approval from the Committee. The Dove Canyon Master Association may adopt Guidelines that are more restrictive than those required by the City of Rancho Santa Margarita or other governmental agencies, but these Guidelines cannot be more restrictive than the provisions contained in the CC&R's. Submission forms for your proposed project are available on the Dove Canyon website or through the Management Company. **Please use these forms for plan submittal to the Architectural Review Committee.**

### I. ARCHITECTURAL AND LANDSCAPE APPROVAL PROCESS

#### A. PURPOSE

1. In order to assist owners in planning improvements to their residences, and to maintain the established architectural character and aesthetics of the community, it is necessary to provide specific architectural control and design standards for Dove Canyon. These Guidelines have been established to keep the community attractive for all residents.
2. Before any architectural work begins, owners must present complete and accurate drawings of any - exterior change or addition, fence, structure, landscaping or alteration - for approval by the Architectural Review Committee ("ARC," "Committee"). Failure to obtain necessary required prior written approvals for improvements and modifications will constitute a violation of the CC&R's and these Guidelines; and may involve and be subject to fines and/or levy.
3. The Committee's review is in no way intended to approve architectural requests for structural engineering, safety or in lieu of any required city/county permits or required city/county inspections. The intent of the review is to maintain the visual unity and aesthetics of the Dove Canyon Community.
4. All submitted drawings should be prepared in accordance with the requirements set forth within these Procedures and Guidelines and the CC&R's. For major projects (exceeding \$1,000.00 or requiring a city building permit), plans which demonstrate clarity and completeness, consistent with the requirements of the City of Rancho Santa Margarita governing departments, are the goal (e.g.,

Building & Safety, Planning, Zoning, Public Works, etc.). Approval by the City of Rancho Santa Margarita does not relieve homeowners of the requirements to submit for and receive written approval from the DCMA Architectural Review Committee.

5. Drawings and attached architectural forms must be submitted to the Dove Canyon Management Company. Contact the management company for meeting dates and cutoff dates for submission of your architectural plans to the Committee. All requests are to be made on the standard Dove Canyon Home Improvement Form. Plans will be reviewed by the Committee on dates established by the Committee. The specific meeting dates may be obtained by calling the management company.
6. At the time of completion of work, previously approved by the Committee, each owner must forward a Notice of Completion to the Management Company for inspection and approval by the Committee or its duly appointed representative in order to process a request for a return of deposit.

## II. APPLICATION REQUIREMENTS

- A. Applications are available on the Dove Canyon Website or through the Management Company. All applications must be completed in full, with all the required support documents. The applicant shall submit to the Management Company by personal delivery or certified mail, documents one week prior to the scheduled Architectural meetings. The application - day of acceptance - will be deemed submitted for review by the Architectural Committee on the day of the scheduled agenda Architectural Committee Meeting. If plans and specifications have not been approved or disapproved within forty-five days after said plans and specifications have been submitted to the ARC, the request shall be deemed denied and submitted to the Board for review (see CC&R's § 7.9). The following must be submitted, as applicable, to constitute a complete application:
  1. Dove Canyon Home Improvement form
    - a) All proposed improvements and changes must be noted on the form, and if needed, supplemental pages.
    - b) Any improvements not clearly documented on the original application, along with supporting drawings and documents, shall be deemed not reviewed and therefore not approved.
  2. Adjacent - Facing - Impacted Neighbor Statement form
    - a) All neighbors adjacent, facing and impacted by your home must be notified and given the opportunity to see and know that you are submitting a home improvement form. They are required to see your application and intent (by form of plans, design, color chips, etc.), and their signature is required on the form. Neighbors do not need to approve your plans, they are just required to know about them and that they have seen what you are submitting to the Architectural Review Committee (ARC) for review. Affected property owners may make comments and/or be present at the Committee meeting.
  3. Before Photos
    - a) All architectural plan submissions must be accompanied by two (2) sets of "before" color photo(s), dated, of your home, front yard, back yard, landscape and exterior elevations of all the areas/features that you will be changing or painting.
  4. Exterior Color Scheme Request Form
    - a) Provide color chips or swatches, and describe the color's placement on the building exterior's features. This may be described on a duplicate copy of the - dated, color "before" photographs.
  5. Drawings and Plans
    - a) Two (2) sets of the final plans/drawings will be required for all building, landscape, hardscape, decks, patios, patio covers, pools, gazebos, walls, etc. One (1) copy will be maintained with the Dove Canyon records. This will be the final approved copy and will be signed by the affected/impacted homeowners. One (1) copy will be returned to the owner once the Committee has approved the plans, AND upon final completion and inspection by the Committee or the Management Company.
    - b) For minor improvement, such as exterior painting, new entry door, gate repair, only two (2) sets of forms, along with color "before" photos, dated, of the areas that are affected by your proposed project are required. The management Company can answer questions regarding submittal requirements.
    - c) Plot Plan
      - 1) Show a lot line accurately as to length, angles and curves. Larger or major projects will require plans drawn to scale (an appropriate scale is 1/8" = 1'-0" or 1/4" = 1'-0")
      - 2) Show all overall dimensions and area of work to be considered, including distances between existing improvements and property lines and design concept.
      - 3) Your blueprints/drawings must show the location of the bottom of any adjacent slope or the top of the adjacent slope (at the front, rear and side property lines) relative to your house slab as the referenced grade elevation (e.g., HOUSE SLAB = EL 0.00'). **If** the slope behind

your home goes up, then show the bottom of your slope as well as the top of the slope, even if it lies outside of the property in question. If the slope goes down, show the top of that slope from the property line.

- 4) Drawings shall in any case, show the nature, kind, shape, dimensions, materials, color, finish and location of the proposed improvements or changes.
  - 5) The plot plan must be drawn to scale. The minimum size requirement is 8½"X11" for minor projects. Larger or major projects will require standard sized blueprints (36"X24" or 17"X11"). Contact the Management Company or Committee for the size of the drawing required.
  - 6) Drawings shall indicate all setbacks from property lines of new (proposed) features, and the dimensions to existing features, such as pool, spa, B-B-Que's, fountains, patio cover, etc.
  - 7) Indicate all grade elevations of all buildings, existing and new. The top of the slab of the existing house may be used as reference grade, HOUSE SLAB = EL 0.00'.
6. Roof Plan
- a) Show on the plans of all existing and new roofs, with pitches and overhang noted; show roof attic vent locations.
  - b) Describe the materials of all existing roof(s), and new roof(s).
7. Floor Plan
- a) Indicate, with notation call-outs, all wall, columns, openings, windows and doors (and their sizes) and any conditions of a feature that will affect the exterior design of the building.
  - b) Indicate dimensions, including dimension of setbacks from property lines.
8. Exterior Elevations
- a) Show locations of all doors and windows (show muntin (window) grid, if applicable).
  - b) Indicate the materials.
9. Building/Structure (Cross) Sections
- a) Provide sufficient cross-section, dimensions and notation call-outs of the proposed work.
10. Landscape Plans
- a) Show all hardscape features such as patio surfaces, walkways, low walls, retaining walls, patio cover, water features, B-B-Que, etc.; fully dimensioned.
    - 1) All features higher than six (6) inches above grade that are adjacent and within within three (3) feet of a front yard or corner Lot property line must be dimensioned - from the property line to the feature. Features higher than one-half (½) inch adjoining a public sidewalk or street curb should be referenced and dimensioned.
    - 2) Indicate grade elevations of such features relative to the reference grade.
  - b) All plants (softscapes) must be shown on the plans by type, species/sub-species, size, placement and quantities.
  - c) Trees shall indicate by means of solid circular line:
    - 1) The five (5) year growth, **and** by means of a heavy dashed-circular line - the mature growth size (crown diameter/spread).
    - 2) **All trees adjacent and within ten (10) feet of a property line must be dimensioned - from the property line to the trunk.**
  - d) Provide a Plant Material List describing type, species and size.
  - e) Show area drains, patio drains, their line and size, and discharge point(s).
11. Grading Plan
- a) Provide (as applicable/ if as necessary) a Grading Plan (to scale and with grade references) where the established drainage pattern might be altered by the proposed improvements.
  - b) Indicate existing and proposed new trees, and call-out of species, on the Grading Plan or Planting Plan.
    - 1) Existing trees - drawn with solid line (Grading Plan),
    - 2) Proposed trees - use a dashed line (lighter (or gray shade) drawn lines are appropriate (Grading Plan).)
12. Color Scheme / Samples / Materials
- a) The Exterior Paint Scheme Request Form must be completed noting the color scheme, including the manufacturer's name(s), the color names and its number.
    - 1) All color swatches must be attached and identified by name and its number.
    - 2) All areas that will be painted must be called out on the form and indicated on elevational drawings, or the "before" photographs of the structure(s) may be used.
  - b) Description and samples (or catalog cuts) of any and all materials, if applicable, will be required. Such as - tiles, masonry, flagstone, rocks, veneers, awning, other material, etc.
  - c) Brochures, catalog tear-sheet or photos will be required for all doors, windows, exterior light fixtures, roof tile, B-B-Que, water fountain, statuary, benches, tiles, play equipment, etc.; include information as to size, color and finish.

### 13. Deposits

- a) Homeowners will be required to submit a refundable deposit to the Dove Canyon Master Association based on the scope of the project. A deposit fee schedule is included in the application. Checks will be deposited and will be refunded upon completion of the project as per the rules and regulations.
- b) A \$50.00 non-refundable deposit, for processing, handling and services, will be submitted to Management Company for all projects with major plans and those requiring a homeowner deposit of \$300.00 or more, made payable to **Dove Canyon Master Association**.
- c) Contractors or the homeowner will be required to submit a deposit if a surety bond and/or insurance is not provided. Deposits are based on the deposit fee schedule and are based on the scope of the job.
  - 1) Information may also be found at - California Department of Consumer Affairs - Contractor State Licensing Board, Contractor's License Detail, Surety Company Information.
- d) The Committee may require an additional fee to cover costs of hiring an architect and/or qualified expert(s) to evaluate the proposed project,

#### B. Contractor Requirements

1. Contractors are required to have a valid and current contractor's license for the intended work.
2. Contractors must provide valid and current Insurance and Workers Compensation.
3. **Homeowners must provide every contractor with the "Homeowners' and Contractors' Guide Book"**
4. Contractors and homeowner must sign an Exhibit 1 form stating they acknowledge receipt and understanding of the Dove Canyon Homeowners' and Contractors' Guidebook.

#### C. Additional Information Required

1. If proposed improvements require access over the common areas or community facilities for the purpose of transporting labor or materials, prior written permission will be required from the Dove Canyon Board of Directors. Any such request must be filed with the Committee and approved by DCMA - prior to the commencement of any improvement. The homeowner may be held liable for any damages to DCMA common area and roads.
2. If a proposed improvement potentially impacts lines of sight from adjacent roadways, the location of these roadways relative to the proposed improvement should be indicated on an increased area on the Plot Plan.
3. Any other information or documentation deemed to be necessary by the Committee in reviewing your request.
4. The committee may request actual samples of the materials to be used should the submitted information/documents be deemed not sufficient for adequate review by the Committee. This may delay the review and approval process.
5. After approval, construction must start within 60 calendar days. If construction does not start within 60 days, the Committee may grant 60-day extension(s), up to a maximum of 180 days total. **After 180 days, if construction has not started, the original approval shall be null and void and a new (application) request for approval shall be obtained from the Committee.**
  - a) For larger or major project, please provide a tentative construction schedule.
6. The Committee may, in its sole discretion, solicit opinions regarding a proposed improvement from residents whose houses are immediately adjacent to, or could potentially be impacted by, a proposed improvement. However, no such resident opinions will be binding on the decisions of the Committee.

#### D. Completion of Project

1. Upon completion of your project an Exhibit C must be completed and submitted to the Management Company.
2. Additionally, two (2) sets of color "after" photos, and dated, of the completed project shall be submitted for approval before any remaining Architectural deposit will be refunded. *It is best that the "after" photos be taken from the "before" photos' vantage points.*
3. Upon a review, inspection and approval of the home improvement by an Architectural Review Committee member(s) is completed, all remaining deposits can be refunded. *All deposits are refundable net of any and all costs incurred by Dove Canyon Master Association, which are related to the architectural application.*

### III. GENERAL MAINTENANCE

- A. General maintenance (minor) will not require approval. As used herein, "general maintenance" means repair of an existing structure, including repairs of rot, termite damage and other repairs to return an existing structure to its original design, but does not mean any modification, addition or other change to the structure beyond the original design, size, color and materials.
  1. All exterior work other than general maintenance will require prior approval by the Architectural

Review Committee. Contact the Management Company if you have questions regarding general maintenance.

#### **IV. APPROVAL PROCESS, RIGHTS, FINES**

##### **A. Failure To Comply With Required Procedures**

1. Failure to comply with the requirements and procedures set forth herein may cause your request to be delayed pending your submission of other information and documentation to the Committee. An incomplete application may result in a denial and/or increase of the time limits for approval by the Committee.

##### **B. Final Approval by the Architectural Review Committee**

1. The Committee shall give final approval or disapproval of your request within sixty (60) days from submission of a fully completed application (including all the required supporting information and documentation). Typically, an application will be reviewed and processed within thirty (30) days of a scheduled ARC meeting, if the application is complete and contain sufficient information in which to adequately review the proposed project. In the event the Committee fails to respond within sixty (60) days from receipt of your completed application, your application shall be deemed denied pursuant to Section 7.3 of the CC&R's. However, you may appeal to the Board of Directors pursuant to Section 7.8 of the CC&R's. The Association may generally deny a proposed modification based solely on subjective aesthetic considerations.

##### **C. Appeal Procedure**

1. In the event plans and specifications submitted to the Committee are disapproved, the owner filing such application may appeal, in writing, to the Board of Directors. The request must be received by the Board of Directors not more than thirty (30) days following the final decision of the Committee. Within thirty (30) days following receipt of the request for appeal, the Board shall render its written decision. The Board may agree with the Committee and uphold the disapproval, or the Board may disagree with the Committee and approve the plans.

##### **D. Variance**

1. Pursuant to Section 7.10 of the CC&R's, only the Board may authorize variances from compliance with any architectural provisions contained in the CC&R's for Dove Canyon. A variance from these Guidelines may be granted by the Board, at its sole discretion, in order to overcome practical difficulties, avoid unnecessary expense or prevent unnecessary hardship, provided the Board makes a good faith determination that: (a) the requested variance does not constitute a material deviation from the overall plan and scheme of development within Dove Canyon and the proposal allows the objectives of the violated requirement(s) to be substantially achieved despite noncompliance; (b) the variance relates to a requirement under the CC&R's that is unnecessary or burdensome under the circumstances; c) the variance, if granted, will not result in a material detriment, or create an unreasonable nuisance, with respect to the Common Area or any other Owner at Dove Canyon; or (d) the variance is for requested deviations and not intended to correct intentional, unapproved and already-constructed deviations. If such a variance is granted, no violation of the CC&R's shall be deemed to have occurred with respect to the matter for which the variance was granted. Granting a variance does not in any way correspond to or relieve the owner of securing building permits, etc. as required by the City of Rancho Santa Margarita or any other governmental agency.

##### **E. Inspection of Improvements**

1. Following the latest to occur of the following events: (a) submittal of the plans and specifications for the work to the Committee for its approval as provided in Article VII of the CC&R's; (b) completion of the work as provided in the Committee's approved plans and specifications; and c) written notice (Exhibit C) from the Owner to the Committee that the work has been completed. The Committee has sixty (60) days in which to inspect the improvements and to verify that they are in conformance with the approved plans. If it is determined that the work completed was done without approval or not within substantial compliance to submitted plans, the Committee shall notify the Owner within such sixty (60) day period ("Notice of Noncompliance") requesting compliance with thirty (30) days of the notice date. If the Owner fails to remedy the noncompliance, the Committee shall notify the Board, in writing, giving an estimate of the cost of correcting or removing the items found in noncompliance. The Board of Directors, after notice and hearing, may commence a lawsuit for damages or injunctive relief, as appropriate, to remedy the noncompliance. The Owner shall be responsible for all expenses incurred in connection with this action as outlined in the CC&R's.

##### **F. Right to Adopt Additional Architectural Standards**

1. The Board of Directors may, from time to time, adopt, amend and/or repeal Architectural Standards, Procedures and Guidelines to be administered through the Committee. Copies of such additional Architectural Standards, Procedures and Guidelines together with any Rules & Regulations adopted and promulgated by the Board of Directors and/or the Committee, shall be on file in the principal

office of the Corporation.

G. Current or Prospective Owners of Property

1. Current or prospective owners of property within Dove Canyon, in accordance with the CC&R's, may submit plans for approval. Such submissions shall follow the procedures already outlined for all owners within Dove Canyon. At the close of escrow, the owner must notify the Committee, in writing, of their intention to commence work on preliminary approved plans and, furthermore, shall certify, in writing, that the plans/drawings, as previously submitted, will not be changed or have not been changed.

H. Violations

1. All property (Lot) owners shall have the right and the ability to bring to the attention of the ARC, DCMA Board of Directors (BOD) and/or Management, any violations of the standards set forth herein.
2. Any violations may be cited, when first noticed/observed by - ARC or ERC Committee, Management Company, and/or Dove Canyon Security personnel.

I. Noncompliance

1. If the Owner fails to remedy any noncompliance within sixty (60) days after the date of notification from the ARC, the ARC shall notify the Board in writing of such failure. After Notice and Hearing, the Board shall determine whether there is a noncompliance and, if so, the nature thereof and the estimated cost of correcting or removing the same. If a noncompliance exists, the Owner shall remedy or remove the same within a period of not more than forty-five (45) days after the date that notice of the Board ruling is given to the Owner. If the Owner does not comply with the Board ruling within that period, the Board may Record a Notice of noncompliance and commence an action for damages or injunctive relief, as appropriate, to remedy the noncompliance.

J. Architectural Fines - (subject to change by the DCMA Board of Directors)

1. The following fines may be assessed against an owner, after a properly noticed hearing and opportunity to be heard before the Board, if an owner fails to follow these Guidelines.
  - a) There is a fine of, up to, fifteen hundred dollars (\$1,500.00) for failure to submit completed architectural plans to the Committee and receive written notification of approval before commencing such work.
  - b) There is, up to, a twenty-five hundred dollar (\$2,500.00) fine for having written Committee approval and making unapproved changes that were not originally approved by the Committee and the loss of the owner's deposit.
  - c) There is, up to, a five thousand dollar fine (\$5,000.00) for making an improvement after final inspection, and the owner's deposit has been returned, without renewed additional Committee's review and written approval.



# ARCHITECTURAL STANDARDS AND MATERIAL STANDARDS

(The standards contained herein are part of  
DCMA - Article IV: Architectural Procedures and Guidelines  
for other specific regulations, guidelines and standards, the more restrictive shall govern)

To maintain, further, and enhance the overall Dove Canyon community environment the following standards shall govern. Design aesthetics and character should be compatible to those of neighboring properties and overall street scenes. The committee will be looking for appropriateness, enhancement, use of materials, scale, use of "green" construction-materials of the proposed work. All items contained in this section require Dove Canyon Master Association Architectural Review Committee (DCMA-ARC or ARC or Committee) review. Following these requirements shall not be substituted for an application to the Committee. If any improvements and/or plans are found detrimental to the Community by the Board or Architectural Committee, owners may be required to abate the problem. Notwithstanding the rules and guidelines contained herein, Property Owner (Homeowner, Agents) are notified that review, approval, permit and inspection by local governing agencies may be required in addition to Committee requirements.

## I. **Setbacks**

- A. A minimum setback of five (5) feet for structures and/or improvement that are greater than six (6) feet above grade may be required at rear yard and side yards for property within Dove Canyon. A minimum setback of three (3) feet for barbeque (appliance), pool/spa (to the water-line edge). A minimum setback of five (5) feet for outdoor entertainment areas may be required at rear yard and side yards (hours of operations may be a condition for approval). City requirements may differ, the more restrictive shall govern. All set backs must be dimensioned in feet and inches on the plans / documents.

## II. **Landscaping**

- A. The overall design, planning and plants "must be compatible with the aesthetic and design of the community," and in relationship with adjacent and facing neighbors, and the overall street scene.
  1. All front, side and rear yards of a residence must be landscaped by the property owner, and maintained in a neat appearance.
  2. Overall design, planning and plants should be compatible to those of neighboring properties and the overall street scene.
  3. Heavy or incompatible (differing) thematic designs within neighborhood and street scene are discouraged.
  4. Use of California native, xeriscape™, and drought-tolerant plants does not mean "sparse" landscaping. Consideration will include - the review of the specific proposed species, growth time to achieve coverage of the planting areas, and if invasive to off-site property.
    - a) As a condition of approval, after installation and/or during period of growth (18 to 24 months), it may be required that additional planting be installed by the homeowner; and/or planting may need to be replaced as determined by the ARC.
    - b) Some species of drought tolerant plants, such as succulent, aloe, similar may require periodic new replacement plants as determined by the ARC.
  5. The Orange County Fire Authority (OCFA) has listed many species of plants that are not to be planted due to their high fire prone nature. Among these are: Pine trees, Palm trees, Cypress and Eucalyptus (refer to the current adopted OCFA listing.)
- B. All landscaping work, planting and irrigation system shall remain consistent with the design, plans and features, as approved by the ARC from plans submitted by the applicant. Replacement of any existing plants (because of health, disease, dying, failing or dead) shall be like-for-like and of similar size. **Any proposed change of plant to another species, or size, or of its placement - must be approved prior to such work.** In no instance will a shrub container size larger than 15-gallon be required.
  1. Annual plants, flowers (is a plant that completes its life cycle, from germination to the production of seed, within one year, and then dies) may be replaced by the homeowner at any time. The bedding area shall be maintained in a neat appearance.
  2. Sprinklers shall spray away from (inwards to homeowner's property) and not impact (wet) Dove Canyon Master Association's fences, walls, structures, nor fall onto association's common areas.
  3. Automatic timed irrigation system shall be used; and spray heads should be - non-fogging, stream/rotator type nozzles, and/or drip (xeriscape™) types. Use of rain-sensor gauge system is encouraged.
    - a) Irrigation controller shall be a minimum of four (4) stations, six to eight station controllers are more appropriate to reduce water consumption and for the health of your landscape.
    - b) Controllers with a rainy day shut-off or reduce water usage position should be employed.

- C. Plants shall not inhibit, restrict nor obstruct the sight-lines or cause a safety hazard to pedestrian or vehicle traffic as determined solely by the ARC or DCMA Board, or brought to its attention by LRC, ERC or DCMA Board.
  - 1. Property owner shall maintain sight-lines or shall remove the plant at the direction of the Architectural, or Landscape, or other responsible Committee. Failure to do so may result in fines and/or removal of the offending feature and the replacement of the offending area with all cost borne solely by the property owner.
    - a) Tree or shrub branching and limbs shall not impede, obstruct or create a hazard to vehicular or pedestrian movement; nor obstruct or obscure road signs. Maintenance of such shall be the responsibility of the homeowner.
    - b) Tree(s) or shrub(s) that pose a danger, or are dead or dying, or infected by disease, or mistletoe - shall be removed by the homeowner as quickly as possible.
      - 1) Should said condition not be remedied or maintained by the homeowner, then upon thirty (30) days notice, the DCMA may rectify said condition and levy or fine the homeowner for cost of such remedy.
  - 2. New tree, plant, shrub, or ground cover plants, or replacement planting, shall not physically touch the Dove Canyon Master Association's fences, structures, nor encroach into association's common areas.
- D. Materials used shall conform with plans, documents, features as approved by the ARC.
  - 1. To avoid or minimize time delay or costly expense to the homeowner, any substitution of materials or plants shall only be performed with prior written ARC approval.
- E. No grading, excavation, removing of any tree, plant or shrub, or of any existing landscape work, modification, change shall be done without the express prior written approval of the Architectural and/or Landscape Committee.
  - 1. At any time, dead or dying shrub should be removed and replaced with the same like-for-like plant species.
    - a) If a new plant species is desired, the ARC shall be notified of the plants species, its placement (if different) and size to avoid branching or root intrusion into neighbor's or HOA common areas.
- F. All landscape plans (plant, softscapes) shall be submitted with:
  - 1. A Plant Materials List indicating; type, species, size(s) and quantity.
  - 2. For front yard and corner lot (side yard), the location (placement) of all plants should be shown on a plot plan (drawing) drawn at a scale of one-eighth inch to a foot (1/8" = 1'-0") or (1/4" = 1'-0"). Hand drawn plans may be acceptable for review, if containing sufficient information as to plant species, size(s), quantity, placement (show dimension from property lines).
  - 3. Tree(s) placement are to be shown on a plan, **and shall indicate the crown size of (each specific) tree at five (5) years growth by a circular solid-line (or graphically) and with a circular dashed-line of the mature growth (crown) diameter - drawn to scale** (size of growth may be found on reputable nursery lists or reliable sources.)
    - a) **If within a zone (area) of five (5) feet from any property line, the tree's trunk placement shall be dimensioned from property lines.**
  - 4. Shrubs and hedges are to be shown on the plans, **and shall indicate the mature growth size** (size of growth may be found on reputable nursery lists or reliable sources) **by mean of a heavy dash-line.**
    - a) Dependent on the species of shrub or hedge, it may be determined that a minimum set-back from common walls or fences, or adjacent property, or maximum growth height, may be required as a condition of approval.
  - 5. Landscape Drawings/Plans
    - a) Show all hardscape features such as patio surfaces, walkways, low walls, retaining walls, patio cover, water features, B-B-Que, etc. - fully dimensioned.
      - 1) All features, within the front yard or corner Lot, higher than six (6) inches above grade that are adjacent and within three (3) feet of a front yard or corner Lot property line must be dimensioned - from the property line to the feature. For public safety, where a public sidewalk exist, no feature shall exceed the height of the adjoining public sidewalk by one-quarter (1/4) inch.
      - 2) All features, within the rear or side yard, higher than twelve (12) inches above grade that are adjacent and with six (6) feet of a property line must be dimensioned - from the property line to the feature.
      - 3) Indicate grade elevations of such features relative to the reference grade.
    - b) All plants (softscapes) must be shown on the plans by type, size and placement.
    - c) Trees shall indicate by means of (drawn) solid line, the five (5) year growth, and by means of a dashed-line the mature growth size (crown).
      - 1) **All trees adjacent and within five (5) feet of a property line must be dimensioned - from the property line to the trunk.**

- G. Plants for new, or replacement landscape areas - shall be of compatible scale with adjoining-adjacent-facing-impacted properties (box trees should be used versus smaller container sizes (e.g., trees should be 20" box or larger; shrubs should be of 2 gallon, 5 gallon or larger, or as directed, or as approved by the ARC). In no instance will a shrub container size larger than 15-gallon be required.
  - 1. Front yard, standard lots ("new dwelling or exterior remodel construction") - minimum one (1) 15 gallon or one (1) 24" box tree, recommended 24" box tree and larger.
  - 2. Front yard, standard lots (re-landscape of "existing dwelling") - minimum one (1) 24" box tree; recommended, 36" or larger box tree.
  - 3. Front yard, of corner lots (new dwelling construction) - minimum three (3) 15 gallon or two (2) 24" box tree; recommended 24" box trees and larger.
  - 4. Front yard, of corner lots (re-landscape of "existing dwelling") - recommended, minimum two (2) 20" or 24" box tree; recommended 36" or larger box tree dependent on species.
  - 5. Trees and shrubs, in a Orange County Fire Authority (OCFA) designated Fuel Modification zone/area, shall not include any plant materials as restricted by OCFA. (note; with an application to ARC, some existing plant species may be required to be removed due to mandatory OCFA restrictions.)
- H. Mulch (wood chip, bark) shall be maintained in a neat appearance. Any spillover onto sidewalk, street or gutter shall be cleared and the mulched area redress.
  - 1. Only natural mulch or wood chip shall be used in the areas of - the front yard, side yards on corner lots, and if seen from the street or common area.
    - a) **Prohibited mulch types material:** synthetic, plastic, rubber (including recycled), volcanic, or similar.
    - b) Decorative rock, gravel or similar may be approved where appropriate with the landscape design - determination will be at the sole discretion of the ARC. Provide a representative sample.
  - 2. Install an edging barrier to minimize spillover;
    - a) Install an edging barrier, some minimums of one (1) inch higher, but not greater than two (2) inches, than an adjacent hard-surface paving and/or driveway (e.g., Landscape Edging Roll, Resin Composite Edging, and similar; note, some edging barrier material is "brown" or "green" in color and may be appropriate in lieu of black edging).
    - b) **Prohibited mulch-barrier edging type material:**
      - 1) Wood boards, wood or artificial wood poles/spikes/slats, metal, rocks, or similar.
  - 3. Attention: should heavy rain, irrigation, wind, weather or traffic cause the mulch to be displaced outside the planting area, the mulch shall be immediately cleared (cleaned up) to prevent run-off onto sidewalks, streets, gutter or into storm drains (goes directly to our ocean), or adjacent property.
- I. Because of their visibility, fences, gates and garden walls, design and materials should be compatible to those of neighboring properties and the overall street scene.

§ Fences. - No fences, awnings, ornamental screens, screen doors, sunshades or walls of any nature shall be erected or maintained anywhere in the Development, except that which is installed in accordance with the original construction of the Development, and replacements thereto, or as are authorized and approved in advance and in writing by the Board or the Architectural Committee, as applicable.

- 1. Walls adjoining neighboring properties shall be of the same material, design, finish and color. Stucco walls with a stucco cap and column (pilaster) - the cap and its column (pilaster) shall be Pearl White (#DEW328).
- 2. Drawings indicating size, materials and color shall be submitted for review and approval prior to any construction or installation.
- 3. Prior to any replica (exact) replacement of any deteriorated fence or gate - two (2) copies of legible "before" color photos, and dated, shall be submitted (two minimum views: one (1) showing the gate, one (1) showing the gate in relationship to its surroundings). Upon completion, two (2) copies color "after" photos, dated, shall be submitted to the ARC; upon review that the design, size, material and color are the same, the installation of the replica gate may proceed.
  - a) Said gate replacement may not require a processing fee.
- 4. **Common fences between properties (Lots) (e.g., between houses or garages) shall be one color or material (depending on the material within each specific Dove Canyon District). Wall color that differ from Pearl White (#DEW328) will be reviewed on a case-by-case basis, but in no instance (at the sole discretion of the ARC) will two incompatible colors be allowed. Common walls between adjoining properties (Lots) with walls that are stucco with a stucco cap and column (pilaster), the cap and its column (pilaster) shall be Pearl White (#DEW328).**
  - a) **Stuccoed walls and caps - between neighbors, facing streetside and adjoining or seen from Association Common areas, and seen from Dove Canyon streets/roads, golf course, shall match "Pearl White" #DEW328, 100% acrylic exterior flat paint** (available from Dunn Edwards Paint) - **NO EXCEPTIONS.**
  - b) Should a violation occur, the homeowner shall correct the occurrence to the satisfaction of the ARC. Failure to do so may result in fines and/or levy, and should correction need to be made by

- DCMA, cost of such correction shall be borne by the homeowner.
- c) Dove Canyon Master Association's common area stuccoed walls/ pilasters, fences - may never be painted by a homeowner - **NO EXCEPTIONS.**
- J. All irrigation sprinkler systems within the property owner's lot shall face (spray) inward from all fences, gates, walls and structures to prevent damage or deterioration of said features owned by the DCMA.
1. Sprinklers shall spray away from (inwards towards the homeowner's (Lot) property) and not impact (wet) Dove Canyon Master Association's fences, structures, nor fall (or flow) onto association's common areas.
  2. Automatic timed irrigation system shall be used.
    - a) Spray heads should be non-fogging nozzles, and/or stream/rotator nozzles, and/or drip (xeriscape™) types.
    - b) Use of rain-sensor gauge system is encouraged.
- K. A quality artificial grass-turf may be approved as solely determined by ARC. A minimum 4"x6" actual sample (however, a larger sample may be requested), manufacturer, and installation instructions and specification shall be submitted for review and approval.
1. If approved, artificial grass shall be maintained in a clean manner.
  2. As a condition of approval, faded, seam separation, damaged artificial grass shall be replaced and/or repaired within sixty (60) days when so ordered by the committee (ARC, LRC, ERC) or DCMA.
- L. Twenty percent (20%) of the total shrubs in planting areas (P.A.) shall be minimum one (1) gallon in size.
1. Re-landscape shrub areas (P.A.) shall have container sizes as approved by the ARC, but in no instance shall size greater than fifteen (15) gallons for shrubs be required.
- M. No work, construction, additions, alterations, changes, and/or revisions shall be done without the **prior review and written approval** of the Architectural Review Committee.

§ Landscaping. (§ = excerpt from: Second Amended and Restated Master Declaration of Covenants, Conditions and Restrictions for Dove Canyon October 6, 2005)

The Owner of a Lot shall maintain the landscaping of the Owner's Lot in a neat and attractive condition, including all necessary landscaping and gardening to properly maintain and periodically replace when necessary the trees, plants, grass and other vegetation originally placed on such Lot by Developer or any Participating Developer. As to any Lot that is not improved with a residence when title thereto is conveyed, the Owner shall install such landscaping within ninety (90) days after issuance of a Certificate of Occupancy for the residence that is constructed on such Lot. No plants or seeds, infected with insects or plant diseases, shall be brought upon, grown or maintained upon any part of the Property. The Board may adopt rules and regulations proposed by the Architectural Committee to regulate landscaping permitted and required within the Development. In the event that an Owner shall fail to install and maintain landscaping in conformance with any such Rules and Regulations, or shall allow the Owner's landscaping to deteriorate to a dangerous, unsafe, unsightly or unattractive condition, the Board, upon thirty (30) days prior written notice to such Owner, shall have the right either to seek any remedies at law or in equity which it may have or to correct such condition and, after notice and hearing, to enter upon such Owner's property for the purpose of doing so, and such Owner shall promptly reimburse to the Master Association a special assessment to recover any such costs.

### III. **Drainage**

- A. Dove Canyon Master Association shall not be responsible for any modification, changes of the drainage pattern-flow, whether such modification, change, are made by the builder, contractor and/or property owner.
- B. All drainage from individual property owner's lot shall be constructed, collected so as to return-discharge to the street.
- C. New or revised landscape improvements shall include provisions to prevent storm water run-off to or over adjacent properties. Provide a drainage plan if hardscape or landscape alters the existing surface water flow in any manner.

### IV. **Fences / Walls**

- A. In the zone behind the garage front face or garage wall if facing the street (side-in garage):
  1. Fences and garden walls between interior lots - shall not exceed six (6) feet in height above grade. Design and materials should be compatible to those of neighboring properties and the overall street scene.
  2. Fences and garden walls on the street side of corner lots - shall not exceed six (6) feet in height above grade. Design and materials should be compatible to those of neighboring properties and the overall street scene.
  3. In conditions where side-by-side dwelling have their respective front entry door or porch opposite each other - no wall shall be allowed until the affected neighbor is shown the actual height and length of the proposed wall by mean of stakes/poles and ribbon. Approval of such a wall or fence shall be determined solely by the Architectural Committee.
  4. No portion of a wall or fence in the zone between the front yard property line and of the garage front face or garage side-wall (interior lot or corner lot) -
    - a) Shall not exceed twenty-four (24) inches in height above grade. Other height, such as for retaining wall, may be considered by the ARC, but in no case shall exceed thirty (30) inches above grade.
  5. Setback from front yard property line shall be a minimum of five (5) feet to the street face of such low wall, or because of specific site conditions further setback may be required, as determined solely

- by the Architectural Committee.
6. Other low wall heights may be considered for retaining purposes only, if deemed reasonable by the ARC.
- B. In the zone between the street property lines and the garage front face or garage wall if facing the street (side-in garage):
1. Interior lot front yard, or corner lot side yard conditions -
    - a) Pilasters shall not exceed thirty-six (36") inches in height above grade.
    - b) A low wall incorporating a pilaster(s) feature, the pilaster may be higher than twenty-four (24) inches above grade, if solely deemed acceptable by the ARC.
  2. A pilaster incorporating a light (lantern) feature may be required to be less than thirty-six (36) inches (total height) above grade.
    - a) The pilaster fixture's glass type and its bulb wattage and/or its bulb's glass type may be restricted to minimize glare and brightness to vehicular or pedestrian traffic. Light bulbs that are replaced, that pose a hazard because of glare and brightness to vehicular or pedestrian traffic shall be removed and changed when notified by the Management Company or ERC.
  3. Any proposed gate within these areas shall not exceed thirty (30) inches in height above finish grade. The acceptance of any proposed design and materials shall be at the sole discretion of the ARC.
- C. There shall be no exposed structural frame or unfinished fences.
- D. Acceptable materials for fences and garden walls on homeowner's property:
1. Solid walls - stuccoed concrete block; stone, veneered concrete block, masonry (brick, stone); other acceptable material may be approved, if deemed compatible with the overall street scene and scale.
  2. Metal (open/see-thru) fence with pilasters, metal fence on low wall may be acceptable.
  3. For any fence which is to be constructed for rear and side yards that will be placed at the top of a slope or ascending/descending vertically up a slope with the common area of Dove Canyon, the only approved fencing is DCMA metal, square tubular style, pickets as approved by the ARC, to be spaced per the International Code Council (I.C.C.), no decorative spikes allowed.
  4. Wood fences, unfinished fences and framing are not allowed.
- E. Unacceptable fence materials, include but are not limited to:
- Sheet or corrugated metal.
  - Chicken wire.
  - Metal or plastic woven materials, chain-link.
  - Plastic, fiberglass, and similar.
  - Plastic webbing, reed or straw-like, or similar materials.
  - Wood grape stakes, slats or similar materials.
  - Glass block and glass panels.
  - Bender board.
  - Wood.
  - Not approved materials.
- F. No double fences shall be constructed (fence within five (5) feet of association fences or garden walls; or other distance(s) may be a condition of approval.
- G. Only low animal barriers (temporary), as prior approved by the Architectural / Landscaping committee shall be permitted. Attachment shall be by means of small size black or green nylon cable ties (zip-ties), and (barrier) placed on the **inside face (homeowner's side)** of common area open fencing. **No metal or vinyl-coated** animal barrier material is allowed. The cost of any repair or replacement of any damage to HOA common area fencing shall be borne to the homeowner.
- H. Association and common area walls or fences having pilasters, said pilasters shall not be greater than seven feet (7'-0") above grade, nor greater than 16"x16" in any horizontal dimension, or a height as determined solely by the Architectural Committee.
1. Interior Lots - Pilasters located in the front yard or corner lot shall not exceed a maximum height of three (3) feet above grade with the exception of Association common area features, or of a height as may be allowed by the Committee.
  2. Corner Lots - Pilasters located within the front yard, those placement is within the zone of the street-facing garage door or garage wall and the street side property line shall not exceed a maximum height of thirty (30) inches above grade
    - a) Pilasters withing this zone having a light fixture shall not exceed twenty-seven (27) inches in height, and any light fixture must be approved by the Committee.
      - 1) Light fixture's glass and lamp (wattage) may be restricted because of placement, location and vehicular visibility.
  3. Pilaster contiguous to association or neighbor's property shall be consistent with existing or approved design and material, as determined solely by the ARC.
    - a) Adjoining to or adjacent to DCMA common area wall, the pilaster design, size, color and material shall be as directed by the architectural committee.

- I. **Stuccoed walls and caps - between neighbors, facing streetside and adjoining or seen from Association Common areas, and seen from Dove Canyon streets/roads, shall match "Pearl White" #DEW328, 100% acrylic exterior flat paint (available from Dunn Edwards Paint) - NO EXCEPTIONS.**
  - a) Dove Canyon Master Association's common area stuccoed walls/ pilasters, fences - may never be painted by a homeowner - **NO EXCEPTIONS**
  2. Association walls, fences, pilasters and gates shall not be altered, except by approval of the Board.
  3. Walls, fences and pilasters common to adjacent or adjoining property (Lot) owners should maintain the colors and materials that are existing; when approved by the ARC, other wall color may be considered, however in no instance shall any stucco wall cap color be other than matching Dunn Edwards 'Pearl White' #DEW328.
  4. For any wall adjoining Dove Canyon Master Association or Golf Club property - a certified survey may be required prior to the start of any construction **and** after the construction of the wall to ensure that any wall, pilaster, fence does not encroach on said property.
- J. The property owner shall be solely responsible for determining location and restriction of any utility lines and easements.
- K. Dog Runs or holding area may be approved on a case by case basis.
  1. Located only within the side yard. Dog shelter and/or dog run must be placed on the lot so as to not be visible from the lower story of neighboring property nor from DCMA common area.
  2. **As a condition of approval; the area MUST be maintained in a clean (from pet waste, urine, feces, odor-free, noxious free, etc.) and neat appearance; nuisance conditions shall be considered a violation and rescision of approval and/or fines may be imposed.** Rescision may include removal of the dog run.
    - a) Cost of the removal shall be borne solely by the homeowner. Should removal be required by the Association, the total cost incurred shall be paid by the homeowner, either by fine, assessment or levy and/or lien.
    - b) Barking dogs (as per Orange County and City regulations and Ordinances) shall be considered a violation and rescision of approval and/or fines may be imposed.

V. **Patio, Gazebo, Pergola, Deck, and Other Structures / Features**

- A. Structure may be of wood (painted or stained), stucco; vinyl clad metal or WPC (wood plastic composite products) with the exception of structural components.
  1. WPC shall be equivalent to standards adopted by governing building and fire agencies for practical application use, and fire-resistance, and smoke index, if used.
  2. Structures shall conform to building codes and governing regulations.
- B. Horizontal (flat) patio covers
  1. Patio, gazebo, loggia, pergola and other such structures shall be of spaced wood members, or other approved material (open to the sky, no solid covering). Maximum height at any point shall not exceed ten (10) feet six (6) inches above grade.
- C. Flat solid patio covers - shall be reviewed on a case by case basis and the appropriateness of such cover shall be determined solely by the Architectural Committee.
  1. Closed roof vinyl clad aluminum patio cover may approved by the ARC, based on the determining factors of the specific property (lot) and its impact to surrounding. **APPROVAL OF THE VARIANCE SHALL NOT CONSTITUTE ACCEPTANCE NOR APPROVAL OF THIS TYPE OF PATIO COVER FOR ANY OTHER LOTS WITHIN DOVE CANYON.**
  2. A project that has been given approval by the DCMA Architectural Committee - **the project must then go before the DCMA Board of Directors for action as a variance, as per CC&R's, Article VII, Section 7.10.**
    - a) **THE PATIO COVER IS NOT APPROVED FOR ANY CONSTRUCTION WITHOUT THE APPROVAL OF A VARIANCE BY BOARD ACTION, FAILURE BY THE BOARD TO APPROVE SHALL DEEM PRIOR APPROVAL BY THE ARCHITECTURAL COMMITTEE NULL AND VOID.**
    - b) **Construction and installation shall not start until after approval of the variance by the Board, if given.**
- D. Sloping (pitched) covers
  1. Patio, gazebo, loggia, pergola, and other such structures shall not exceed ten (10) feet above grade measured at the roof's lower edge (fascia), nor exceed twelve (12') feet to the highest point of the roof (highest roof material);
    - a) and should have a minimum slope (pitch) of 4:12 (four (4) inch vertical in twelve (12) inch horizontal) to a maximum slope (pitch) of 6:12 (four (6) inch vertical in twelve (12) inch horizontal).
  2. Ornamental appurtenances shall not exceed twenty-four (24) inches in height above the ridge or hip of a sloped roof, when deemed acceptable as to theme and character, by the ARC.
  3. Sloped roof materials may be of spaced wood members, or of roof material matching the house roof

material and color.

- E. The location of the patio cover or gazebo must be in the rear yard or side yard with a minimum setback of five (5) feet from the property lines as measured to the patio cover's fascia. Three (3) foot rear yard setback, as measured to the patio cover's fascia, may be allowed, dependent on the specific lot and adjoining conditions, and at the sole discretion of the ARC; and may be required to be of 1-HR (one hour) construction. The City of Rancho Santa Margarita (RSM) requirements may differ, the more restrictive shall govern.
  - F. The square footage of the patio cover and gazebo (roof area) will be reviewed in relation with the square footage of the yard (normally less than 40% overage), and the location of the patio cover will be reviewed in relation with the impact on neighbors. A reduction in size or square footage or a change in location may be required.
  - G. Decorative features may be incorporated into the design of the patio cover or gazebo, such as lattice, but the features must be consistent with the character of the dwelling design. Simple forms are encouraged. Elaborate ornamentation is inappropriate. Additional height of the decorative feature may not exceed twenty-four (24) inches or cause the overall gazebo height to exceed fourteen (14) feet at any point above grade. Structures shall harmonize with the color and materials of the dwelling.
    - 1. It is the sole responsibility of the property owner to maintain the patio cover and other structures, through painting and regular replacement of parts/components as necessary to maintain a neat appearance.
    - 2. If not done so by the homeowner, the Architectural Review Committee will determine the need for maintenance or replacement of awning, patio, gazebo, loggia, pergola, gate and fence, fountain, statuary, and similar structures or features and require the correction of such within forty-five (45) days of written notice of violation. Failures too correct by the property owner may result in fines and/or levies.
  - H. Unacceptable roof materials are, but not limited to:
    - 1. Plastic, fiberglass, lexan or similar materials.
    - 2. Metal, corrugated materials or similar.
    - 3. Composition, built-up or rock roofs.
    - 4. Exposed wood, wood decking, composite wood or similar.
    - 5. Other materials deemed unacceptable by the ARC.
  - I. Second or Upper Story Decks, Balcony - shall be solid (not allowed - spaced wood planking or WPC (Wood Plastic Composite) materials) (exception may be made on Lot/District where it was an original "builder" feature).
    - 1. Second or upper story Deck (greater than fifteen (15) square feet, horizontal area) shall be compatible with design of the dwelling.
      - a) Screening by either solid material or landscape plants/trees may be required.
      - b) Decks should have guardrail 42-inches high.
    - 2. Roof covering any second story deck (e.g., open structure, solid roof, or similar) (area greater than sixty-four (64) square feet) shall be on a case-by-case basis, and the acceptance and any approval shall be determined solely by the Architectural Committee.
      - a) Including, but not limited to - fabric type materials, retractable type awnings, plastic, metal, reed, etc. **are prohibited** on second story deck.
      - b) No roof covering are allowed for second story balconies (less than sixty (60) square feet).
    - 3. Second or upper story Balcony (less than fifteen (15) square feet, horizontal area) should be metal (see-thru) material ("wrought iron", tubular metal) with design compatible to the dwelling.
    - 4. Deck or Balcony shall have a minimum five (5) foot setback from property line.
    - 5. Plans, elevations and cross-sections are required at a scale of 1/4" = 1'-0". Show on the drawings - dimensions, materials, sizes, color(s) and finish(s), and all other features such as lighting, pots, plants, etc.
    - 6. Submit Deck or Balcony guardrail - design, materials, color and finish.
    - 7. Affected and impacted neighbors must sign the actual drawings that are submitted to the ARC, indicating that they have seen the plans for the proposed deck, roof covering, etc. Affected and impacted neighbors' may make their comments known by written correspondence directly to the management company (which will be forwarded to the ARC.)
    - 8. Material, pot, planter, sign, letter and other features deem a visual nuisance, as solely determined by the ARC or DCMA Enforcement as seen from the street, common area, or visible shall be removed immediately upon notice. Failure to correct by the property owner may result in fines and/or levy.
- § Storage on Patio or Balcony. - No Owner shall keep or maintain any fixture, personal property or other object upon any terrace, deck, patio or balcony which interferes with the enjoyment by other Owners of their Lots, or which may violate any Rule adopted by the Board.
- J. The color of the patio cover, gazebo, pergola, loggia, balcony, deck and other similar structures must be approved by the ARC.
  - K. Storage Shed/Utility Building - may be approved. If approved, it must be the similar in color as the

homeowner's dwelling unit.

1. In no event shall any portion of a storage shed/utility building be visible from ground story of adjacent property, the street, community property and/or facilities of Dove Canyon.
  2. Provide a Plot Plan indicating the exact placement (to scale, dimensioned); overall size and height, structure's material, and catalog picture. It is the property owner's sole responsibility to maintain the adequate minimum fire or emergency personnel access, in and around their property.
  3. No more than one (1) shed or utility structure may be placed on a Lot.
  4. Restrictions as to size based on the specific Lot and conditions, and its impact to neighbors will be at the sole determination of the ARC or BOD.
  5. Storage of hazardous, or is noxious materials and/or supplies, indoors or outdoors - should be contained and secured in a safe manner per governing agencies requirements.
  6. If not done so by the homeowner, the ARC or ERC will determine the need for maintenance, repair or replacement required of the property owner of such structures.
- L. Other Features - all barbecues, grills, water features, entertainment centers, etc. must have sufficient dimensions shown on the plot plan, floor plan, elevations and cross-sections in order for ARC to adequately review the proposal.
1. As a condition of approval, water features and/or outdoor entertainment centers may have limited hours and sound levels due to noise.
  2. Operation of water features, or use of outdoor speakers (from audio/visual devices), or exterior lighting may be between the hours of: Saturday 8:00 a.m. to 11:00 p.m., Sunday thru Friday 9:00 a.m. to 10:00 p.m. Other restrictions may apply due such conditions as confined space, proximity to bedroom, enjoyment of quiet by others, and scale and size.

## VI. **Miscellaneous**

### A. Additions

1. Room additions, eaves and balconies or any exterior alterations to any building shall be constructed with materials that conform to type, quality, character and detailing established in the existing dwelling, or to the approved design change request of the dwellings.

### B. Encroachment - any decking or structure overhanging any slope must be approved.

- ### C. Screen Doors - on the front doors or entrances are allowed with ARC approval. Owners shall be required to submit architectural application including information on the screen door, its design material and color, and there will be no fee required for review of applications for screen doors. Retractable screen doors are appropriate. Damaged, torn, tattered, faded or worn screens shall be replaced or removed.

### D. Glass Tinting

1. Glass tinting requests will be considered by the ARC.
2. Mirror or highly reflective finishes are prohibited.

### E. Interior Window Coverings

1. Only curtains, drapes, shutters or blinds may be installed as permanent window covers.
  - a) No aluminum foil, paint, newspaper, poster or similar covering as deemed by the ARC to be inappropriate for a window covering shall be applied to the windows or doors of any residence, at any time.
2. Appropriate temporary coverings (i.e., solid white sheets) must be removed within three (3) months after your escrow closes.

### F. Air Conditioners

1. All exterior air conditioners must be submitted to the ARC for approval prior to installation.
  - a) Compressor location shall be three (3) feet minimum from property line to the face of the equipment. Access passed equipment for emergency personnel shall be maintained at all times.
  - b) Sound attenuation and/or screening may be required. Equipment shall not exceed a constant noise level of 50 db(a) at property line. (City of RSM § Sec. 5.04.050).
  - c) Screening of the equipment may be required by the approval by the ARC.
2. Window mounted air conditioners and/or window fans, and similar devices are prohibited.

### G. Gutters & Down spouts

1. No gutters, down spouts or scuppers to control water shed from roofs shall be installed without prior approval of the ARC.
2. Such improvements or replacement shall be a color which to match the surface color of its adjoining material (e.g., fascia, rafter, barge board), except solid copper material. This may require one color for trim attached gutters and another color for down spouts adjacent to the residence wall. Use of plastic gutters is highly discouraged since that may "sag" and discolor over time, and will require replacement as determined by the ARC or DCMA ERC.

- ### H. Awnings (are allowed in those specific Dove Canyon District where originally part of the builder's architectural design; other request will be reviewed on a case-by-case basis and approval shall be at the sole discretion of the ARC.)



1. Awning must be of canvas or approved fabric and the color must be compatible with that of the residence.
  2. Metal awnings, exterior roll-down shades/screen, and similar may be considered.
  3. Retractable type awnings may be allowed, dependent on the specific lot, adjoining conditions, visibility and at the sole discretion of the ARC. **APPROVAL OF A RETRACTABLE TYPE AWNING SHALL NOT CONSTITUTE ACCEPTANCE NOR APPROVAL OF THIS TYPE OF AWNING FOR ANY OTHER LOTS WITHIN DOVE CANYON.**
    - a) Installation by homeowner without prior written approval shall be subject to removal and fines and/or levy.
  4. An actual sample of color and fabric (fade-resistance) must be submitted with applications - minimum swatch size 6"x6" or 8"x8" preferred. Only solid color or subtle striping is allowed.
    - a) Bold or contrasting stripes or patterned fabric, and scalloped, fringed edge - **are prohibited.**
  5. **Awning must be well-maintained at all times or be removed, including frame and attachments; and areas where attachment were made shall be repaired.**
  6. It is the sole responsibility of the property owner to maintain the awning through regular replacement of parts/components as necessary to maintain a neat appearance.
  7. If not done so by the homeowner, the Architectural Review Committee shall determine the need for maintenance or replacement of awning, and require the correction of such within forty-five (45) days of written notice of violation. Failure to correct by the property owner may result in fines and/or levy.
  8. Any awning installed without prior approval by the ARC is subject to removal, fines and/or levy. Should removal be required by the Association, the total cost incurred shall be paid by the homeowner, either by fine, assessment or levy and/or lien.
- I. Exterior Painting for Maintenance
1. Pursuant to Section 7.1 of the CC&R's, all exterior painting requires approval, except for minor general maintenance (with exact like-for-like color.)
- J. Security/Monitoring Cameras, Alarms, Devices and its associated wires, cables, conduit, attachments are subject to architectural review and approval.
1. Security devices installed without review and prior written approval by the ARC is subject to removal, fines and/or levy.
  2. **Video recording** surveillance camera installations must be in compliance with privacy laws governing the collection of personal information. Cameras and/or recording equipment may not impede upon the privacy of neighbors by having camera angles of shared driveway areas and/or an adjacent structure's windows, back or side yards. Cameras may not be trained on Community Association Property, including but not limited to, parks, pools, trails, playgrounds or sports fields.
    - a) For exterior installations, plans must clearly identify location of cameras. Wiring must be routed in walls or hidden from view; or, at the sole discretion of the ARC, painted to match the adjacent surface of the Dwelling.
    - b) Cameras shall not be installed on remote controlled rotating mounts. Cameras must be mounted so as to be stationary and not directed or focused onto neighboring private property, such as side and rear yards.
- K. Exterior/Outdoor Light Fixtures, Lighting - all exterior lighting fixtures are subject to review and acceptance by the ARC. Acceptance of a fixture style type or design on one Lot does not constitute acceptance of same or similar type or design on other Lots within DCMA.
1. Submit specifications which including, but not limited to - catalog/brochure pictures, color of fixture and finish, type of glass, dimensions, maximum wattage or lumen of bulbs.
    - a) Exterior fixtures - the bulb's light color should be between 2200K to 3200K (Kelvin, similar to incandescent light bulb color) and equivalent wattage between 40W to 60W is recommended.
    - b) NO lightbulb "color" light may be used for exterior outdoor lighting as viewed from the public right-of-way. Light bulbs that are replaced, with a bulb not conforming to a) above, shall be removed and changed when notified by the Management Company or ERC.
    - c) A "yellow" color bulb light may be used ("bug" light) at a side yard garage door light fixture.
  2. Exterior light fixture designed for general lighting, but used as security light will be reviewed by the ARC. Such light shall not be directed onto; nor into the street, neighboring property (Lots) or association common areas.
  3. No bullet style of security lights or high intensity (output) fixtures are allowed. Any such lighting shall be removed, replaced and/or relocated as determined and directed solely by the ARC or BOD. Should removal be required by the Association, the total cost incurred shall be paid by the homeowner, either by fine, assessment or levy or lien.
  4. No "string" or "rope" type or similar light/lighting may be placed for a period of greater than five (5) days, except as permitted under Decor Period.
  5. No "string" or "rope" type or similar light/lighting may be placed onto trees or plants, or pathway or driveway, except as permitted under Holiday Decor period.

6. No light/lighting may be placed onto any DCMA fencing or walls, except as permitted under Holiday Decor period.
- L. Holiday Decor Period - the installation and use of tasteful holiday lighting and decorations is permitted without architectural approval between:
1. One (1) week before Thanksgiving Day and one (week) after January 1<sup>st</sup>, unless modified by Association rules.
    - a) Removal of all holiday lighting and decorations is required before 15 days after the holiday.
  2. Decorations may be placed from one week prior to October 1<sup>st</sup> and removed one (week) after October 31<sup>st</sup>, unless modified by Association rules.
- M. Landscape Lighting - Exterior/Outdoor Lighting
1. Landscape lighting may be low voltage (12V) or LED or solar; or line voltage which conforms to current NEC (code) and governing agencies' requirements.
  2. Exterior lighting may be approved if it is not directed, or if it is placed so that its use does not create an annoyance to neighbors, as solely determined by the ARC.
    - a) Prior approval may be rescinded, if deemed an annoyance or nuisance by the ARC at a later date, and the specific lighting fixture shall be corrected or removed as determined solely by the ARC.
  3. The use of translucent, frosted, Venetian type glass or permanent fins that direct the light downward is appropriate.
  4. Light emanating from a pilaster or wall mounted fixture shall not cause or pose a safety hazard to vehicular or pedestrian traffic. Any such lighting (lamp/bulb) shall be replaced as determined, and directed, solely by the ARC or ERC.
  5. Outdoor (110v) light fixtures - light source output shall be no greater than 850 lumen (e.g., soft-white or frosted 60 watt incandescent bulb, *use of a **40 watt incandescent bulb, or a 8-13 watt CFL (compact fluorescent lamp) - color range below 3200 kelvin (warm white) , or LED lamp (4 to 5 watts, non-glaring) - color range below 3200 kelvin (warm white) is recommended.***
  6. Emitted light shall not produce glare or hazard to vehicular or pedestrian traffic.
  7. Outdoor "string" type lighting shall not be permanently strung/hung. String type lights may be temporarily placed for a period of less than five (5) days and shall be immediately removed.
  8. Outdoor lighting shall comply with current California Title 24 outdoor lighting regulations.
- N. Thematic Element
1. No Strong Thematic Elements as seen from the street will be approved by the ARC. The decision of what constitutes a strong thematic element will be at the sole discretion of the ARC and Board. Examples of these types of thematic landscape design elements may include, but are not limited to:
    - a) Rustic features, such as large boulders, pebbles, river rocks, volcanic rock, railroad ties, etc.
    - b) Distinctive plants, "noxious" plants (those that may be harmful, toxic/poisonous), invasive plants.
    - c) Garden elements such as stone lanterns, fountains and statuary.
    - d) Oriental, tropical gardens, rock gardens and other heavily theme gardens.
- O. Thematic Structures
1. Thematic structures such as, but not limited to, grass/thatch covered (patio) structures are NOT allowed.
- P. Shade Features - "freestanding"
1. Umbrellas, shade structures or gazebo ("freestanding" metal/fabric types, commercially manufactured, pre-fabricated) or similar - greater than one (100) hundred square feet in area and/or greater than eight (8) feet in height **must be reviewed and given approval by the ARC PRIOR to installation.**
    - a) Provide a Plot Plan showing the overall size placement of the Shade Feature (and height), and indicate dimensions from the property line.
      - 1) Provide catalog picture, dimensions, materials, color and finish.
    - b) Setback shall be a minimum of five (5) feet from property line.
  2. All umbrellas, shade structures, gazebo or similar shall be maintained in a neat manner. Damaged, torn, tattered, faded or worn fabric cover or materials shall be replaced or removed.
    - a) Metal support frames not replaced with similar fabric cover or material shall be removed,
    - b) or when so notified by DCMA ERC, within forty-five (45) days of written notice. Failure to correct by the property owner may result in fines and/or levy.
    - c) If covering material is not replaced or repaired, the supporting structure shall be removed. Should removal be required by the Association, the total cost incurred shall be paid by the homeowner, either by fine, assessment or levy and/or lien.
- Q. Play Structures and/or Play Equipment
1. Play structures kept outdoors must be properly maintained and may not exceed twelve (12) feet in height at any point above grade (height above seven (7) feet may not include areas of play or viewing).
  2. Structure exceeding six (6) feet above grade require an application to the ARC

3. Play Structure or Equipment shall have a setback from property line equal to its height.
4. Play structures are not allowed in the front yard.

R. Pool/Spa

1. Pool/spa shall be no closer than three (3) feet from property line to the water edge.
2. Pools, spas and related equipment will be considered on factors of each specific Lot, and should conform to City of RSM §Sec. 5.04.050.
3. All pools must be maintained adequately and in a safe and healthy manner, and require the correction of such within five (5) days of written notice of violation. Failure to correct by the property owner may result in fines and/or levy.
4. The use of Energy efficient and Low noise equipment is encouraged.
5. Pool equipment should be screened from view as seen from street, HOA common area or golf course.
6. Pool equipment and spa equipment should be located minimum three (3) feet from any property lines. Specific location on the lot shall be determined solely by the Architectural Committee on a case by case basis. Prefabricated above-ground units may be located closer to the property line, based on a case by case basis.
7. Pool/spa heater stack/vent termination minimum four (4) feet from property line and any windows.
8. New or replacement pool/spa equipment should not exceed a constant noise level of 50 db(a) at property line.
9. All new or replacement fossil fueled swimming pool heater systems shall be equipped with all of the following:
  - a) All pools shall be equipped with directional inlets for good mixing of the pool water.
  - b) An on-off switch mounted on the outside of the heater for easy access to allow shutting off the operation of the heater without adjusting the thermostat setting and to allow restarting without re-lighting the pilot light.
  - c) A length of plumbing (36" minimum) between the filter and the fossil fuel heater to allow for future addition of solar heating equipment.
  - d) Time clocks shall be installed on any new or replacement pool circulation pump not already so equipped so that the pump can be set to run in the off-peak electric demand period (unless required to operate an active solar heating system) and for the minimum time necessary to maintain the water in a clean and sanitary condition in keeping with applicable public health standards.

S. Landscaping & Other Related Improvements - abutting/adjoining to Dove Canyon Property.

1. No Owner shall further landscape or otherwise improve any Community Facilities owned and/or maintained by Dove Canyon Master Association.
2. Site drainage and Fill - there shall be no interference with the established drainage patterns over any Lot, Community Property or Community Facilities, unless an adequate alternative provision is made for proper site drainage and is first approved, in writing, by the ARC.

T. Unightly / Unhealthful Items

1. **All weeds, rubbish, debris or unsightly materials or objects, and/or noxious-unhealthful objects of any kind shall be regularly removed from the Lot by the Owner and shall not be allowed to accumulate thereon**, and require the correction of such within seven (7) days of written notice of violation. Failure to correct by the property owner may result in fines and/or levy.
  - a) Pet waste shall be removed immediately and disposed of properly on a daily basis, and in no instance should feces be allowed to remain for more than a twenty-four (24) hour period. Violations or infraction will be noticed by a warning, and fines may be imposed.
    - 1) Pet waste encourages flies, transmits diseases and is unhealthy to our children and pets, if allowed to enter the storm water system, may lie in wait and will pollute our ocean, and ground water.
    - 2) Pet urine shall be mitigated to make free from odor/smell.
2. All clothes lines (allowed only in rear yard), wood piles, storage areas, machinery and equipment - shall be prohibited upon any Lot unless obscured from view of adjoining streets, Lots, association common areas and improvements, adjoining property.

§ Hanging Clothes. - No clothing, household fabrics or other unsightly articles may be hung, dried or aired on or over any Lot, such that it is visible from any portion of the Common Area.

U. Material, pot, planter, sign, letter and other features - deem a visual nuisance by the ARC, BOD or DCMA Enforcement (ERC) as seen from the street, common area, or visible shall be removed immediately upon notice. Failure to correct by the property owner may result in fines and/or levy.

1. Noncommercial poster that are nine (9) square feet or less, or banners and flags that are not more than fifteen (15) square feet in size may be displayed if in good physical condition (said item shall be removed or replaced if exhibiting - faded, tattered, torn, frayed, chipped, damaged, broken, etc.).

V. Flag Poles

1. All vertical, permanent poles, whether intended for use with flags, pennants or the like, require ARC review and approval. Temporary, vertical (flag) poles may be used if under eight (8) feet in height, and is in good repair.
2. Display of the flag of the United States on homeowner Lot flown after dusk to dawn must be illuminated.
3. Placement of any vertical, permanent pole, its size height, material, color, finish and other restrictions shall be at sole discretion of the ARC.
4. Flags shall be maintained in good condition. Any flag that is faded, tattered, torn, etc., shall be removed.
5. Halyard pulley/truck, hooks, rope shall be secured, or otherwise, to avoid noise resulting from wind blown or rattling, clinking sounds.

W. Signage - Real Estate

1. Only one (1) real estate sign will be permitted on the homeowner's lot. Said sign may not exceed nine (9) square feet in area nor shall the top of the sign be higher than forty-two (42) inches above grade, and shall be placed only with 'temporary' metal yard stake - post larger than 1½-inches are not permitted.
2. The sign must be removed immediately at the conclusion or termination of the sale.

X. Conditions Not Defined

1. Any conditions or materials not defined within these Guidelines shall become a matter of review on the part of the ARC.

VII. **Solar Energy System/ Device**

1. Pursuant to California *Civil Code* § 714, notwithstanding any contrary provisions contained in the Association *Governing Documents* (including, but not limited to Article VII of the Association's Declaration), an Owner may install a solar energy system at their Separate Interest, Subject to reasonable restrictions established by the Architectural Review Committee. As defined in California *Civil Code* § 801.5, "solar energy system" means either of the following:
  - a) Any solar collector or other solar energy *device* whose primary purpose is to provide for the collection, storage and distribution of solar energy for space heating, space cooling, electric generation or water heating.
  - b) Any structural design feature of a building, whose primary purpose is to *provide* for the collection, storage and distribution of solar energy for electricity generation, space heating or cooling, or for water heating. Reasonable restrictions on a solar energy system are those restrictions that do not significantly increase the cost of the system or significantly decrease its efficiency or specified performance, or that allow for an *alternative* system of comparable cost, efficiency and energy conservation benefits.
2. A solar energy system installed at a Separate Interest, after *receiving* ARC approval, if applicable, must meet the following requirements:
  - a) A solar energy system shall meet applicable health and safety standards and requirements imposed by state and local permitting authorities.
  - b) A solar energy system for heating water shall be certified by the Solar Rating Certification Corporation ("SRCC") or another nationally recognized certification agency. SRCC is a nonprofit third party not affiliated with, but supported by the United States Department of Energy. The certification shall be for the entire solar energy system and installation.
  - c) A solar energy system for producing electricity shall also meet all applicable safety and performance standards established by the National Electrical Code ("NEC"), the Institute of Electrical and Electronics Engineers ("IEEE") and accredited testing laboratories such as Underwriters Laboratories ("UL"), and, where applicable, rules of the Dove Canyon Master Association - Architectural Procedures and Guidelines, California Public Utilities Commission ("CPUC") regarding safety and reliability. The NEC is a United States standard for the safe installation of electrical wiring and equipment, and is part of the National Fire Codes series published by the National Fire Protection Association ("NFPA").
  - d) The Architectural Review Committee may take into account factors regarding safety, Association aesthetics, view impact and uniformity of appearance / harmony of design with neighboring Lots.
  - e) Separate Interests, among other factors, when evaluating an architectural application for installation of a solar energy system. No solar energy system may be installed or placed on any Association Property or Common Area, or on the Separate Interest of another Owner.
  - f) Any Owner installing a solar energy system at their Separate Interest, after approval by the ARC, if applicable, is required to indemnify the Association and its members for loss or damage caused by the installation, maintenance or use of the solar energy system.

- g) Such Owner shall also be required, at their sole cost and expense, to maintain, repair and replace their solar energy system, and shall be responsible for the cost of any damage to Association Property, Common Area or another Separate Interest caused by such maintenance, repair or replacement.
- 3. Architectural applications for the installation of a solar energy system shall be processed and approved by the ARC in the same manner as all other applications for architectural modifications, and approval shall not be willfully avoided or delayed. Approval or denial of an application for installation of a solar energy system shall be in writing.
- 4. Notwithstanding any provisions to the contrary contained in the Association Governing Documents, if an application to install a solar energy system on an Owner's Separate Interest is not denied by the ARC in writing within sixty (60) days from the date of its receipt of the application, the application shall be deemed approved, unless that delay is the result of the Architectural Review Committee's request for additional information necessary to evaluate the application.
- 5. **All panels should be installed close to the roof surface, no high stand-offs** supports. The bottom face of the solar panels should be no greater than three (3) inches above the top surface of any roof tile.
- B. Solar panels shall be installed parallel with the slope of the roof, never "tipped", slanted, raised, etc.
  - 1. **All conduits, pipes, cables and electrical wiring, boxes are to be hidden** (or within wall or inside the structure/dwelling) or where not practical (as determined solely by the ARC), shall be painted to match adjacent surfaces (i.e., color change from wall to fascia/gutter to roof to other, etc. colors'). Said items (AC/DC disconnect, etc.), shall be located so as to be not visible from the street and placed in a location that minimizes visual impact from neighbor's (Lot) property and walkway to adjacent neighbor's front entry door.
  - 2. **Separate equipment not screened from view will not be permitted.** Locate inverter, AC disconnect and other (solar related) panels behind the side yard gate (not visible from the street nor neighbor's front entry door/porch).
  - 3. Where side-yard gates are open (e.g.; can be "seen-thru" - wrought iron or tubular steel/metal) the panels, disconnect, inverted should be recessed into the side-yard wall (as like other utility boxes and panels) and painted to match the adjoining wall color.
  - 4. Equipment installed on patio cover is permitted to alter pitch of patio cover not to exceed six (6) inches. Such installation is required to be boxed in and painted to match the patio cover color, and shall meet structural loads, seismic requirements, and governing agencies' codes.

#### VIII. **Satellite Dish/ Antenna Policy**

- A. Satellite Dish and/or Antennas and/or HD (high definition) antenna (visible outside the dwelling and greater in any dimension of one meter (39.37 inches), used to receive video programming, require an application and review by ARC.
  - 1. Direct-to-home (DTH) and Direct Broadcasting Satellite (DBS) antennas satellite dishes shall be less than one meter (**39.37"**) in diameter or dimension.
    - a) Satellite "big" dish larger than forty (40) inches in diameter shall be ground mounted with the highest edge of said dish not over six (6) feet above grade. Placement shall be acceptable to ARC.
  - 2. TV antennas, Wireless cable antennas and other receiving devices are subject to review and ARC approval.
  - 3. **A satellite dish, TV antennas, wireless cable antennas and other receiving devices shall be located so as to be not readily visible from the street and placed in a location that minimizes visual impact from neighbor (Lot) property.**
- B. Satellite dishes shall not be located on, nor attached to balcony, or upper story deck or side wall of the house, unless specifically approved otherwise by the ARC.
- C. Satellite dishes shall not be located on nor attached to patio covers, gazebo, loggia, pergola or other similar structures, unless approved otherwise by ARC.
- D. **Satellite dishes shall not be installed onto the upper most portion/area of a chimney or roof structure.**
  - 1. An appropriate placement can be at the base of the chimney and roof intersection (low).
  - 2. An alternate placement location may be at a side yard and near the underside of the roof fascia or eave, as acceptable to the ARC.
  - 3. A third alternate placement location may be at a rear yard and near the middle underside of the roof fascia or eave, as acceptable to the ARC.
- E. Satellite dish location, as proposed by the property owner or installed without prior approval, because of visibility or which has a negative visual impact may be subject to:
  - 1. **Relocation to a placement deemed less of an impact, and yet yields acceptable signal location, may be required at the sole expense of the homeowner.**

2. **Separate equipment not screened from view will not be permitted.**
3. Because of your specific placement, the back-side portion of the dish and its support attachment may be required to be painted to match the abutting building's color (may be of wall or roof, etc. color) as directed by the ARC.
- F. All wires and cables running from roof tops should be routed in such a manner as to hide their path as much as possible and not hang freely. It is recommended that a routing be within walls - otherwise along underside of eaves, to natural wall breaks (inside corners); to rain gutters to down spouts - shall be utilized. Under no circumstances should wires or cables be attached or routed down a flat wall (meaning a wall area where no attempt has been made to conceal or mitigate the visibility of wires, cables, etc.). **Exposed pipes, wires and/or cables, conduit and their attachments are be required to match closely to, or be painted to match, the adjacent building or object's (i.e; roof, gutter, down spout, etc.) color (e.g.; from dish to roof color - change to fascia/gutter color - change to exterior wall color - to other, etc. colors).**
- G. Property Owner those property are "rented" shall apply for review of satellite dish installation.
- H. Upon discontinuing any satellite service, **all components including the support arm and all cable and attachments must be removed as the dish is removed; repairs should be made to any penetrations to avoid water-infiltration;** color of the repaired areas shall match the adjoining color(s).
- I. Antenna - applications for the review and approval of your antenna should be submitted on the Dove Canyon Home Improvement Form.
  1. It is easily accomplished and highly desirable that said wires should be concealed and within walls and/or on the interior wall side of your house **or** visually unobtrusive to views from the street or adjacent neighbor's entry pathway or door or rear yard. **Have your contractor, either by drawing or drawn onto "before" photos (dated), show with a heavy line the "pathway" of all exposed wires, cables, and conduit; and show the exact placement of any dish or antenna (onto a Plan View drawing).**
- J. Plans for any antenna **must** be submitted to the ARC for approval.
  1. **It is highly recommended that you first secure ARC approval because if you install your antenna before your plans are approved, you may incur additional costs to relocate the antenna or reasonable costs to conceal or screen it and relocate and paint exposed wires, at the sole expense of the Property Owner.** The architectural review process will consider size and type of antenna, make and model of antenna, location, reasonable screening and/or concealing options, signal quality, cost of compliance, interference or clear reception by neighbors, among other factors.
    - a) If after installation - interference or lack of acceptable clear reception by neighbors is determined, the offending equipment shall be altered or removed to mitigate the problem.
- K. Antennas will be permitted only on the applicant property. Antenna may not be placed on or attached to the Common Area, or on the property of another owner.
  1. No prohibitions, or absolute bans, of antennas which are found within the Dove Canyon CC&R's will be enforced by the Board of Directors or the ARC except, and to the extent, consistent with this policy, Civil Code Section 1376 and the FCC Rule of August 5, 1996, or any current FCC policy and/or rule.
  2. Masts used to raise the height of an antenna will be given careful scrutiny to determine if a reasonable, but less obtrusive method or approach can be found, which provides an acceptable quality signal. You may be asked to paint or to take other reasonable steps to minimize the impact of the mast.
  3. Concealment efforts may be requested in order to reduce the visual impact of the antenna.
  4. Antennas will be required to be placed in preferably the rear yard or side yard, ground mounted locations, and, to the extent feasible, in locations that are not visible from: (a) the street; (b) common area; c) recreation areas; (d) other Association property; and (e) the home and yards of neighbors, **if** this placement does not impair reception of an acceptable quality signal, delay installation nor add unreasonably to the cost.
  5. For safety reasons, any and all antennas must be adequately and safely installed, and conform to NEC 810.21-grounding code; implementation shall be the sole responsibility of the property owner and their contractor. Bolting and/or guy-wires may be required for safe use, operation and maintenance of the antenna, or to prevent damage or injury to the property or persons of others or property over which the Association has a maintenance responsibly. No bolting or mounting of guy-wiring may be attached or affixed to Common Area or the property of others.
  6. For safety reasons, no antennas may be installed or maintained in such a location or fashion, that results in the antenna obstructing; (a) a fire exit, access to or egress from a fire exit; (b) access to any fire safety apparatus (e.g. smoke alarm, fire alarm, fire hose, fire extinguisher, fire tools and/or equipment, etc.); c) access by any fire marshal or firefighter on the fire department business; or (d)

access by an owner, guest, tenant, invitee or the like to a neighboring property.

- L. The Association may enter your property, following reasonable notice to you during reasonable times, to take comparative signal strength measurements and to verify the information on the Antenna Approval Form. These measurements will be used to assist the Association in its review of alternative antenna locations, where appropriate.

#### IX. General

- A. Color swatches/chips of all paints or stains, exposed materials (such as stucco, veneer, masonry, wood, etc.) are required when they are submitted for request of approval, and include information as to the manufacturer, model number, code and, as applicable, other pertinent information.
- B. When construction work requires the use of adjoining property, the applicant shall obtain prior written permission from the adjoining property owner, which written permission shall indemnify and hold harmless the Association from any damage or injury to the adjoining property owner by the applicant and the applicant's contractors. A copy of this letter shall be filed with the application request for architectural approval.
- C. All work must be performed in a manner consistent with the standards of the general dwelling construction and appearance of the Community. All work considered being of an unsightly finished nature or of lesser quality than the prevailing community standards shall be reworked to an acceptable appearance, in the Board's sole discretion, at the sole expense of the Property Owner.
- D. **Prior to any work being performed, failure to obtain necessary (prior) written approval from Dove Canyon Master Association or its Architectural Review Committee shall constitute a violation of the CC&R's and may require modification and/or removal at the sole expense of the Property Owner and will be subject to hearing before the Board and possible fine as prescribed in the fine schedule.**
- E. Failure to obtain written approval from the ARC or the Dove Canyon Board of Directors shall cause the owner to be liable for all fines, court costs and attorney fees to correct the unauthorized improvement and/or obtain the required approval for same.

#### X. Contractor Conduct

- A. All contractors shall follow all rules and regulations provided to them by the owner as contained in the "Homeowners and Contractors Guidebook" and other governing documents.
- B. No construction traffic will be permitted to Dove Canyon Master Association, unless authorized in advance by a sponsoring party (i.e., a property owner, or designated representative of the country club, etc.).
- C. The Property Owner is responsible for the conduct of their contractor guest(s) while such guest(s) are within the boundaries of the community. This includes, but is not limited to, the reimbursement of repair or replacement expenses incurred by the Association as a result of the construction activities of said guests.
- D. Contractors shall not utilize the Association's common area amenities.
- E. Contractors shall abide by all traffic safety rules, posted and otherwise.
- F. Access to Dove Canyon will be allowed to contractors:
  - 1. From 7:00 a.m. to 5:00 p.m. during the weekdays, and on Saturday from 8:00 a.m. to 5:00 p.m.
  - 2. There is **NO** Sunday outside work allowed by contractors.
  - 3. Access for contractor for "emergency" work (e.g.; broken plumbing, faulty electrical, natural gas leak, broken window or door that cannot be secured, similar) is allowed. Homeowner must contact the Management Company or through DCMA's guard service for access permission prior to any access.
  - 4. There is also **NO** work on the following holidays (subject to approved changes by DCMA):
    - a) Memorial Day, 4th of July, Labor Day, Thanksgiving, and the day after Thanksgiving, Christmas Eve, Christmas Day, New Years Eve and New Years day.
- G. **NO** loud noise shall occur between the hours of 7:00 a.m. to 8:00 a.m., this includes but is not limited to, heavy equipment, cement mixers, compressors, power saws, power hammers, truck-mounted cleaning equipment, gardening equipment, similar, etc.
- H. Contractors shall not bring the following items onto the homeowner's property (Lot) or any Dove Canyon Association property/ common areas/ streets:
  - Firearms or explosives, etc.
  - Hunting weapons or devices
  - Dogs or other pets
  - Portable radios, audio players
  - Off-Road Vehicles or Related Activities.
  - Alcoholic beverages or controlled substances.
- I. Toxic, noxious and/or hazardous materials shall be handled and stored, and properly employed, and shall follow all governing agency's rules, regulations, ordinances. Said material shall be fully secured while in

- transport within Dove Canyon community.
- J. **All containers while holding any liquid substance shall be fully secured** while in transport within Dove Canyon community.
  - K. **Construction sites are to be clean and free of debris at the end of each work day** to avoid debris and materials from blowing onto other properties & common areas. Construction debris shall be disposed of properly and in a timely manner. Debris left on the Association's roadways or common area will be removed by the Association, at the sole expense of the Property Owner. Failure to correct by the property owner may result in fines and/or levy.
  - L. **Protect storm water inlets and streets** from debris, adhere to all rules and regulations, ordinances affecting storm water runoff.
  - M. Construction site screening will be determined by the ARC and as required by city requirements.
  - N. Parking of commercial vehicles overnight in the community is not permitted at any time. Vehicles will be towed in accordance with the "Towing Policy" approved by the Board of Directors.
    1. Vehicle should never be parked within ten (10) feet of each side of a USPS mailbox during the hours of 8:00 AM to 5:00 PM, Monday through Saturday.
    2. On each Thursday of the week, vehicles should not be parked on the street during street sweeping hours - 8:00 AM to 3:00 PM (day and hours subject to change by BOD.)
  - O. Temporary accessory structure include Portable-On-Demand-Storage (PODS®), Smartbox and other containers for temporary storage -
    1. Shall conform to the following:
      - a) One 8'x8'x16', or smaller, temporary storage container (POD type) or a maximum of two 8'x8'x5' temporary storage containers.
      - b) Cannot encroach on DCMA property or street.
      - c) Cannot encroach on other property.
      - d) Cannot be a line-of-sight obstruction to vehicular or pedestrian traffic, and must be located on homeowner's driveway and not encroaching into any sidewalk.
      - e) Cannot be placed in an easements.
      - f) POD and similar temporary storage unit may be placed only onto the homeowner's driveway.
        - 1) Maximum duration shall be no greater than seven (7) days.
        - 2) Where shorter driveway exist, a temporary POD type container may be placed so that a portion of a POD may extend onto the street - reflective safety cones and/or safety delineators, with working lights, shall be placed that are visible to motorist and pedestrian during daylight and nighttime, minimum two (2) such devices.
      - g) A property or Lot which would not allowed for the above, may be given permission for other location.
      - h) Any damage to street, DCMA property, or private property will be repaired by the Association and the full cost of any repair shall be assessed to the homeowner.
  - P. Temporary construction bin (dumpster) for trash and debris while there is ongoing construction work;
    1. Shall conform to the following:
      - a) One 8'x16'x 4', or smaller, "construction debris" drop-off bin.
        - 1) Debris must be cover at the end of each work day to avoid any debris being blown out of the container.
      - b) Cannot be a line-of-sight obstruction to vehicular or pedestrian traffic, and must be located on homeowner's driveway, where possible, and not encroaching into any sidewalk.
      - c) Temporary construction (debris) bin (dumpster) may be placed only onto the homeowner's driveway.
        - 1) Maximum duration shall be no greater than two (2) months. Longer duration for on-site dumpster may be permitted with prior written approval by the Management Company.
        - 2) Where shorter driveway exist, a temporary construction (debris) bin (dumpster) may be placed onto the street **with prior written approval** by the Management Company - reflective safety cones and/or safety delineators, with working lights, shall be placed that are visible to motorist and pedestrian during daylight and nighttime, minimum two (2) such devices.
      - d) During any **landscaping phase** of the construction, one 8'x16'x 2', or smaller, dumpster will be permitted to be placed along the curb for a maximum of two (2) months, with prior written approval by the Management Company.
        - 1) The dumpster may be placed on the street only between the Homeowner's (job site) front yard property lines.
        - 2) **If placed onto the street, one (1) inch thick plywood shall be placed under the container to protect the street surface, and may-not be placed on the street side of any "corner lot", and**



- 3) **may not inhibit drainage function of the gutters.**
- e) Materials must be placed so they are not visible from the outside of the dumpster.
  - 1) A regular dumping service shall be maintained.
  - 2) The dumpster and material contained shall be kept odor free.
  - 3) **All dumpsters must be properly chocked and have properly placed safety cone, barriers or reflectors, and/or safety delineators, with working lights that are visible to motorist and pedestrian during daylight and nighttime.**
- f) Cannot encroach on other property.
- g) Cannot be placed in an easements.
- h) Any damage to street, DCMA property, or private property will be repaired by the Association and the full cost of any repair shall be assessed to the homeowner.
- Q. Temporary Toilet (required). The general contractor must provide a temporary toilet on the construction site on the private lot in good condition and must;
  - 1. Maintain such toilet on the site in good condition with a, minimum, bi-monthly chemical maintenance program.
  - 2. The general contractor must maintain all temporary toilets in clean, sanitary and (non-noxious) odorless condition.
  - 3. Toilets must be picked up promptly when work on the site is completed.
- R. Contractors who commence any improvements prior to the owner receiving written plan approval from the ARC will be barred from entering Dove Canyon until such time as written plan approval is received.
- S. The Board of Directors will enforce these guidelines as outlined in the Homeowners and Contractors Guidebook.

#### XI. General Conditions

- A. Changes to these Guidelines may be made by the Board of Directors from time to time.
- B. The Architectural Review Committee has approval over any item not specifically stated in the Architectural Procedures and Guidelines related to architectural matters (including landscape on Lots) and community aesthetics.
- C. Plans/documents that are approved by the Dove Canyon Master Association Architectural Review Committee are not to be considered authorization to change the drainage plan as installed by the developer and approved by the County of Orange. The Architectural Review Committee review is intended to consider the aesthetic appearance of the drains, inlets, pipes, coring and area where discharge, and other applicable aspects of drainage.
- D. Owner may need to also acquire approval from governing agencies, as their requirements may differ from Dove Canyon; in the case of conflict, the more stringent shall govern.
- E. **To maintain, further, and enhance the overall Dove Canyon community environment, prior approval or installation of existing work or feature(s) on individual Lot (property) within Dove Canyon does not constitute the acceptance for similar work or features to be approved.**
- F. The ARC will review (and approve, conditionally approve, disapprove or request re-submittal) all plans submitted to it for any proposed construction, installation or alteration solely on the basis of aesthetic considerations, consistency with the Master CC&R's, and the overall benefit or detriment which would result to the immediate vicinity and the neighborhood generally. The ARC will consider the aesthetic aspects of the architectural designs, placement of improvements, landscaping, color schemes, exterior finishes and materials and similar features. The ARC's approval or disapproval will be based solely on the considerations set forth in the Master Association CC&R's. The ARC is not responsible for reviewing, nor may 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 and ordinances. The ARC will consider and balance the impact of views from other Lot or Lots, and from the applicant's Lot (proposed improvements) against reasonable privacy right claims as factors in reviewing, approving or disapproving any proposed landscaping, construction, or other improvement. However, neither the Dove Canyon Master Association nor ARC warrants any protected views within the Properties and no dwelling or Lot is guaranteed the existence or unobstructed continuation of any particular view.
- G. Plans and documents are reviewed by the Architectural Review Committee for aesthetics only and for conformity to the enhancement of neighborhood and the overall Dove Canyon community environment.

#### XII. Architectural Fines

- A. There shall be assessed, after proper notice and an opportunity to be heard before the Board, fine of up to fifteen hundred dollars (\$1,500.00) for an owner's failure to submit completed application and plans to the Architectural Committee ("Committee") to enable the Committee to provide written notification of approval or disapproval before commencing such work. The contractor performing the unapproved work can be barred from Dove Canyon pending resolution.

- B. There shall be assessed, after proper notice and opportunity to be heard before the Board, up to twenty-five hundred dollar (\$2,500.00) fine for receiving written ARC approval based on an owner's submission and, after receipt of the same, making unapproved changes and/or adding additional work to the approved scope of work which was not originally approved by the Committee. If the foregoing fine occurs, in addition to the fine, the owner shall lose their architectural submission application fee.
- C. There shall be assessed, after proper notice and an opportunity to be heard before the Board, up to five thousand (\$5,000.00) fine for an owner making an improvement not included in the approved plans after final inspection and after the return of the owner's deposit without a renewed ARC application and receiving supplemental Committee written approval.
- D. After ARC written approval is given, an owner has no more than sixty (60) calendar days to commence the approved project and submit a completion date in writing to the Committee.
- E. Upon completion of the sixty (60) day period after ARC's approval, if applicable, if the original project (work) has not commenced by the owner, ARC approval shall be revoked until the owner submits an extension to complete the work. In addition to any fines referenced above, any of the above violations can be cause for the Board requiring that the unauthorized improvement be removed, be re-painted an approved color, or the property be returned to its original pre-work condition. These costs, as well as any and all legal fees and costs incurred by the Association to obtain such compliance, shall be at the owner's sole expense.

NOTE: Fines will continue to double with each repetition of architectural noncompliance. Additional costs may be imposed on an owner as a "reimbursement assessment" based upon the actual cost to repair any damaged Association property. Any fines not paid may result in legal action pursuant to Dove Canyon's governing documents. The Board of Directors will determine the time frame for curing of offenses for each violation consistent with the previously reported similar violations, as applicable.

NOTE: Should a violation occur, which imposes a financial obligation on or to Dove Canyon, then the owner responsible for said violation shall reimburse the Association, by way of a reimbursement assessment, for this financial obligation. Example: Repair and replacement costs will be charged to the responsible party for damage to a fence, tree, or any other common property. The Association does not waive any rights it has, at law or equity by levying fines as referenced herein.

**DOVE CANYON MASTER ASSOCIATION  
HOMEOWNERS' AND CONTRACTORS'  
GUIDEBOOK**

Effective: August 20, 2016



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**A. PURPOSE**

- 1. The purpose of this agreement and the Guidebook is to provide Dove Canyon Property Owners ("Owner") and their general contractors and subcontractors with the set of requirements for use during construction in the Dove Canyon Master Association ("Dove Canyon", "Association"). In order to ensure that the information contained in the Guidebook and Exhibit 1 to the Guidebook is enforced, the Owner must reference the Guidebook, Exhibit 1 and the City required Minimum Best Management Practices ("BMPs") in the Owner's written contract with the Owner's general contractor. In turn, the Owner's general contractor is to reference the Guidebook, Exhibit 1 and/or provide copies of Exhibit 1 and the BMPs to all subcontractors.

**B. PROPERTY MANAGEMENT**

- 1. The property management company for Dove Canyon is:  
 Seabreeze Management Company, Inc. ("Management Company," information subject to change)  
 39 Argonaut, Suite 100  
 Aliso Viejo, CA 92656  
 Phone: (949) 855-1800; Facsimile: (949) 855-6678
- 2. The Management Company is retained by the Board of Directors of Dove Canyon.
  - a) General contractors, employees, subcontractors and suppliers shall not enter common area slopes for any reason at any time unless granted prior written permission by the Association and/or Management Company.

**C. THE CONSTRUCTION PROCESS:**

- 1. Prior to Construction  
 Utility Companies (are provided as a courtesy)  
 The following utility companies serve Dove Canyon and should be contacted by the general contractor in addition to -
  - "Call Before You Dig"..... (800) 227-2600.
  - Cox Cable Pacific Bell. .... (949) 240-1212
  - Pacific Bell. .... (800) 310-2355
  - Southern California Edison (SCE). .... (800) 655-4555
  - Southern California Gas Company. .... (800) 427-2200
  - Trabuco Canyon Water District (TCWD).. .... (949) 858-0277
  - City of Rancho Santa Margarita. .... (949) 635-1800
- 2. Regulatory Authority
  - a) Dove Canyon was originally approved by the County of Orange and was subsequently incorporated into the City of Rancho Santa Margarita (the "City") on January 1, 2000. Other state and federal agencies have regulatory authority regarding various matters affecting Dove Canyon.
    - 1) Refer to the Master Declaration of Covenants, Conditions and Restrictions ("CC&Rs") for Dove Canyon.
- 3. Owner/ General Contractor Responsibilities and Requirements
  - a) Each Owner should - either have a general contractor's license or must hire a general contractor licensed in California to construct the project. The Owner or general contractor is required to have an onsite construction representative with the authority to receive deliveries and direct suppliers and subcontractors.
  - b) The Owner is responsible for all building, utility and permit fees required for the project.
- 4. Pre-Construction Submittals, Compliance and Deposit
  - a) Before construction commences, the Owner must submit the following items to Dove Canyon Master Association (Management Company):
    - 1) One copy of all of any approved building permits;
    - 2) One set of drawings of any approved and stamped by the City of RSM.
    - 3) A clean up and improvement deposit fee of \$5,000.00 may be required prior to the start of the project.
      - a) In the event this deposit is depleted during construction, the Owner must replenish the deposit before construction can continue. Of this deposit, \$5,000.00 is refundable if all improvements are properly installed and the lot and common areas are properly cleaned up and either there is no damage to landscaping, streets and other common areas caused by the Owner or their contractors or any such damage is repaired to Dove Canyon's satisfaction. The clean up and improvement deposit fee may be increased at the discretion of the Board of Directors of the Association.
  - 4) Contractor's Certificate of Insurance for commercial general liability and auto liability. The insurance must be in force for the entire period of time necessary to construct the project. The certificates must show the Owner's general contractor has:

- a) Commercial general liability insurance on an occurrence basis with deductibles acceptable to the Owner with a combined single limit for bodily injury and property damage of at least \$1,000,000; and
- b) Auto liability insurance covering owned, hired and non-owned automobiles, trucks, trailers or other vehicles used by the general contractor in construction of the Owner's project. Insurance must have a combined single limit for bodily injury and property damage of at least \$1,000,000. The auto liability insurance must contain both of the following clauses:
- c) This insurance shall not be cancelled, limited in scope or coverage or non-renewed until thirty (30) days prior written notice has been given to Dove Canyon.
- d) The coverage afforded by this policy shall also apply to Dove Canyon, its members or other entities, as additional insured's, but only with respect to legal liabilities or claims caused by, arising out of or resulting from the acts or omissions of the named insured.
- e) This insurance is primary and any, other insurance maintained by such additional insured's is non-contributing with this insurance as respects claims or liability arising out or resulting from the acts or omissions of the named insured or of others performed on behalf of the named insured.

#### D. **CONTRACTOR CONDUCT**

1. All contractors shall follow all rules and regulations provided to them by the owner as contained in the "Homeowners and Contractors Guidebook" and other governing documents.
2. No construction traffic will be permitted to Dove Canyon Master Association, unless authorized in advance by a sponsoring party (i.e., a property owner, or designated representative of the country club, etc.).
3. The Property Owner is responsible for the conduct of their contractor guest(s) while such guest(s) are within the boundaries of the community. This includes, but is not limited to, the reimbursement of repair or replacement expenses incurred by the Association as a result of the construction activities of said guests.
4. Contractors shall not utilize the Association's common area amenities.
5. Contractors shall abide by all traffic safety rules, posted and otherwise.
6. Contractors shall not bring the following items onto the homeowner's property (Lot) or any Dove Canyon Association property/ common areas/ streets:
  - Firearms or explosives, etc.
  - Hunting weapons or devices
  - Dogs or other pets
  - Portable radios, audio players
  - Off-Road Vehicles or Related Activities.
  - Alcoholic beverages or controlled substances.
7. Toxic, noxious and/or hazardous materials shall be handled and stored, and properly employed, and shall follow all governing agency's rules, regulations, ordinances. Said material shall be fully secured while in transport within Dove Canyon community.
8. **All containers while holding any liquid substance shall be fully secured** while in transport within Dove Canyon community.
9. **Construction sites are to be clean and free of debris at the end of each work day** to avoid debris and materials from blowing onto other properties & common areas. Construction debris shall be disposed of properly and in a timely manner. Debris left on the Association's roadways or common area will be removed by the Association, at the sole expense of the Property Owner. Failure to correct by the property owner may result in fines and/or levy.
10. **Protect storm water inlets and streets** from debris, adhere to all rules and regulations, ordinances affecting storm water runoff.
11. Construction site screening will be determined by the ARC and as required by city requirements.
12. Parking of commercial vehicles overnight in the community is not permitted at any time. Vehicles will be towed in accordance with the "Towing Policy" approved by the Board of Directors.

#### E. **CONSTRUCTION ACCESS** (subject to adjustments, see current policy)

1. Site Access - The Management Company will issue a site pass to the homeowner's general contractor. This pass provides for Lot access during normal working hours prior to and during construction. **Homeowner shall immediately inform the Management Company of any vehicles that do-not require further access to your project.**
  - a) Construction personnel and deliveries will not be permitted on the Association property prior to 7:00 a.m. or after 5:00 p.m. Monday through Friday; prior to 8:00 a.m. or after 5:00 p.m. on Saturday; and no access all day Sunday.

- b) There is **NO** Sunday outside work allowed by contractors.
  - c) Access for contractor for "emergency" work (e.g.; broken plumbing, faulty electrical, natural gas leak, broken window or door that cannot be secured, similar) is allowed. Homeowner must contact the Management Company or through DCMA's guard service for access permission prior to any access.
  - d) There is also **NO** work on the following holidays (subject to approved changes by DCMA):
    - 1) Memorial Day, 4th of July, Labor Day, Thanksgiving, and the day after Thanksgiving, Christmas Eve, Christmas Day, New Years Eve and New Years day.
  - e) **NO** loud noise shall occur between the hours of 7:00 a.m. to 8:00 a.m., this includes but is not limited to, heavy equipment, cement mixers, compressors, power saws, power hammers, truck-mounted cleaning equipment, gardening equipment, etc.
2. Entry Access - for general contractors and their subcontractors for the purpose of the homeowner's initial interview/selection/bidding process will be handled on an individual basis. By written request, owner **must** request authorization from the Management Company, **prior** to noon Friday for any access on a Sunday - request may not be made through any other means.
3. Employee, Subcontractor and Supplier Clearance:
- a) The Owner is required to deliver updated Construction Gate Access information;
  - b) Passes will be issued for a specified time period (daily, weekly);
  - c) The Owner's address for which the pass is issued will be written on the pass. Vehicles found at an address other than those authorized by the pass may be denied further access;
  - d) Vehicle should never be parked within ten (10) feet of each side of a USPS mailbox during the hours of 8:00 AM to 5:00 PM, Monday through Saturday.
  - e) On each Thursday of the week, vehicles should not be parked on the street during street sweeping hours - 8:00 AM to 3:00 PM (day and hours subject to change by BOD.)
  - f) The property management company may cancel security clearances for construction personnel who are in violation of any provision of the agreement or BMPs.
4. Entrance Regulations
- a) Contractor access will be permitted only during normal working hours per the Dove Canyon requirements. No one will be permitted to bring friends, guests, relatives or anyone else who has not been cleared through the gate attendant at the main entrance.
  - b) The speed limit within the boundaries of Dove Canyon is twenty-five (25) miles per hour or as posted.
  - c) All heavy equipment must be previously authorized for entry into Dove Canyon by the Management Company (e.g., cranes, heavy point loading vehicles, etc.). **Vehicles without prior authorization may be denied access.**
  - d) **NOTICE:** street sweeping is each Thursday - park construction vehicles on owner/client's driveway (job site.)
- F. **TEMPORARY ACCESSORY STRUCTURE** include Portable-On-Demand-Storage (PODS®), Smartbox and other containers for temporary storage -
- 1. Shall conform to the following:
    - a) One 8'x8'x16', or smaller, temporary storage container (POD type) or a maximum of two 8'x8'x5' temporary storage containers.
    - b) Cannot encroach on DCMA property or street.
    - c) Cannot encroach on other property.
    - d) Cannot be a line-of-sight obstruction to vehicular or pedestrian traffic, and must be located on homeowner's driveway and not encroaching into any sidewalk.
    - e) Cannot be placed in an easements.
    - f) POD and similar temporary storage unit may be placed only onto the homeowner's driveway.
      - 1) Maximum duration shall be no greater than seven (7) days.
      - 2) Where shorter driveway exist, a temporary POD type container may be placed so that a portion of a POD may extend onto the street - reflective safety cones and/or safety delineators, with working lights, shall be placed that are visible to motorist and pedestrian during daylight and nighttime, minimum two (2) such devices.
    - g) Any damage to street, DCMA property, or private property will be repaired by the Association and the full cost of any repair shall be assessed to the homeowner.
- G. **TEMPORARY CONSTRUCTION BIN** (dumpster) for trash and debris while there is ongoing construction work;
- 1. Shall conform to the following:
    - a) One 8'x16'x 4', or smaller, "construction debris" drop-off bin.
    - b) Debris must be cover at the end of each work day to avoid any debris being blown out of the container.

- c) Cannot be a line-of-sight obstruction to vehicular or pedestrian traffic, and must be located on homeowner's driveway, where possible, and not encroaching into any sidewalk.
  - d) Temporary construction (debris) bin (dumpster) may be placed only onto the homeowner's driveway.
  - e) Maximum duration shall be no greater than two (2) months. Longer duration for on-site dumpster may be permitted with prior written approval by the Management Company.
    - 1) Where shorter driveway exist, a temporary construction (debris) bin (dumpster) may be placed onto the street **with prior written approval** by the Management Company - reflective safety cones and/or safety delineators, with working lights, shall be placed that are visible to motorist and pedestrian during daylight and nighttime, minimum two (2) such devices.
  - f) During any **landscaping phase** of the construction, one 8'x16'x 2', or smaller, dumpster will be permitted to be placed along the curb for a maximum of two (2) months, with prior written approval by the Management Company.
    - 1) The dumpster may be placed on the street only between the Homeowner's (job site) front yard property lines.
  - g) **If placed onto the street, one (1) inch thick plywood shall be placed under the container to protect the street surface, and may-not be placed on the street side of any "corner lot", and**
  - h) **may not inhibit drainage function of the gutters.**
  - i) Materials must be placed so they are not visible from the outside of the dumpster.
  - j) A regular dumping service shall be maintained.
  - k) The dumpster and material contained shall be kept odor free.
2. **All dumpsters must be properly chocked and have properly placed safety cone, barriers or reflectors, and/or safety delineators, with working lights that are visible to motorist and pedestrian during daylight and nighttime.**
    - a) Cannot encroach on other property.
    - b) Cannot be placed in an easements.
  3. Any damage to street, DCMA property, or private property will be repaired by the Association and the full cost of any repair shall be assessed to the homeowner.

- H. **TEMPORARY TOILET** (required). The general contractor must provide a temporary toilet on the construction site on the private lot in good condition and must;
1. Maintain such toilet on the site in good condition with a, minimum, bi-monthly chemical maintenance program.
  2. The general contractor must maintain all temporary toilets in clean, sanitary and (non-noxious) odorless condition.
  3. Toilets must be picked up promptly when work on the site is completed.

I. **SITE SIGNAGE**

1. No signs, other than one (1) general contractor's sign will be permitted on the homeowner's lot. Said sign shall not exceed nine (9) square feet in area nor shall the top of the sign be higher than forty-two (42) inches above grade, and shall be placed only with 'temporary' metal yard stake - post larger than 1½-inches are not permitted.
  - a) The sign must be removed immediately at the conclusion or termination of the project.

J. **OWNER/ GENERAL CONTRACTOR - RESPONSIBILITIES AND REQUIREMENTS**

1. At all times while on Owner's lot, Owner and Owner's general contractors, sub-contractors, consultants, suppliers and construction personnel are required to comply with all Dove Canyon governing documents, and all laws, ordinances, orders, permits and requirements of any state or federal agency applicable to the planning and construction of improvements on Owner's lot ("Applicable Laws"). The general contractor shall advise all of its subcontractors, consultants, suppliers and construction personnel that they are not to enter or disturb any natural open space areas.
2. The Owner and general contractor are required to construct the project and surrounding improvements according to the plans, specifications and revisions approved in writing by the ARC and the City of Rancho Santa Margarita and other permitting or governing agency.
3. Site Conduct and Safety Precautions
  - a) The general contractor, job superintendent, subcontractors, employees and suppliers shall:
    - 1) Comply with all of the construction provisions contained in the Dove Canyon governing documents;
    - 2) Follow the directives of the security staff, Management Company and ARC;
    - 3) Not bring nor consume alcoholic beverages or illegal drugs on site or within DCMA community,
    - 4) No loud music is permitted.
    - 5) Take all necessary precautions for the safety of all persons, materials and equipment on or



- adjacent to the Job site.
- 6) Furnish, erect and maintain approved barriers, lights, signs and any other necessary and/or required safeguards to give adequate warning to everyone on or near the site of dangerous conditions during the construction work.
  - 7) Protect adjacent and adjoining property.
4. Vacate the Job Site - before 5:00 p.m. Monday through Saturday.
    - a) Secure loose materials at the end of each work day and during periods of high wind.
    - b) Leave job site, and street and adjacent properties - broom-clean of debris at the end of each work day.
    - c) **PAINT CONTRACTORS - for each day on the job site - all paint and other containers and their lids - MUST BE FULLY AND SAFELY SECURED to avoid any paint or other spills. Contractor shall comply with the City of RSM, BMP's requirements. Wash down (cleaning) of any paint or chemicals, including brushes, rollers pails, buckets - is prohibited.**
    - d) No outside construction work permitted on Sunday and recognized federal (national) holidays; and dates subject to change by the Board from time-to-time, refer to current documents.
  5. Site Maintenance
    - a) The general contractor, job superintendent, subcontractors, employees and suppliers shall comply with the rules established for the maintenance and cleanliness of the site.
  6. Trash and Debris
    - a) Owner shall, or shall ensure that its contractor shall, at all times, keep the common areas, streets - free from accumulation of waste materials or rubbish caused by contractor's operations. Costs of collection and the legal disposal of all waste materials and rubbish shall be at the Owner's sole expense. Contractors may arrange for an extra dumpster (short-term five (5) days maximum) to be brought on-site with **prior** written permission from DCMA (Management Company), and comply with foregoing.
  7. Revisions to Approved Plans During Construction
    - a) Revisions - changes, alterations, modification to the already approved architectural and/or landscaping plans must be approved in writing by the ARC **prior** to commencing those revised architectural and/or landscaping plans. Failure to correct by the property owner may result in fines and/or levy.
  8. Liability
    - a) Any damage caused to common areas or any other units. by the improvement is the Owner's responsibility. Any damage must be reported immediately to Dove Canyon. along with a schedule of repairs. If Owner does not comply with this Paragraph in a timely manner and at Owner's expense, Dove Canyon shall have the right to make the repairs and charge the Owner's account, utilizing the Owner's damage/performance deposit. the shortfall amount of which, if any, shall become an assessment due and owing by Owner to Dove Canyon. The Owner will be held responsible for the actions of Owner's contractors and/or workmen.
  9. Periodic Inspections
    - a) Dove Canyon may periodically inspect the work to ensure compliance with approved plans and will conduct a final inspection before releasing any damage/performance deposits. *Owner agrees to allow access to Owner's property and understands that construction work may be halted if access is not allowed or the work in progress is in not in agreement with the approved plans and documents.*
    - b) Unauthorized Changes
      - 1) Homeowner is notified that for any and all changes and/or additions, modification, remedial or new work affecting your property or exterior of the home that has not been previously approved by Dove Canyon Architectural Committee, that a supplemental application and supporting documents must be submitted for review and approval by the ARC, **prior to any work being performed**; see also action/fines, and Dove Canyon Master Association - Architectural Procedures and Guidelines, IV Approval Process, (E) Inspection of Improvements, (H) Architectural Fines.
  10. Right to Stop Work
    - a) Dove Canyon has the right, without limitation, to stop any Work that is:
      - 1) In violation of these regulations;
      - 2) creating a fire or safety hazard; or
      - 3) interfering with activities in the common areas.
  11. Outside Service People
    - a) To protect Dove Canyon's common area, Owners are responsible as follows:
    - b) Owners will be responsible for and will be assessed for all damage and necessary clean up and repair left by their outside personnel.
    - c) Failure by Owners to properly monitor outsiders may result in expulsion of said persons by the Management Company.

12. Contractors who commence any improvements prior to the owner receiving written plan approval from the ARC will be barred from entering Dove Canyon until such time as written plan approval is received.
13. The Board of Directors will enforce these guidelines as outlined in the Homeowners and Contractors Guidebook.

**K. POST -CONSTRUCTION PROCESS**

1. Once all construction improvements have been completed, Owner must submit a letter to the Association's Board of Directors informing it of that fact. The ARC may then inspect the construction improvements. In the letter, along with Exhibit C ('Notice of Completion'), and (required) dated "after" photos of the work, the Owner shall then have the right to request that the Association release any remaining refundable portion of the Owner's deposit after the inspection and final approval of the improvements.

## Exhibit - A

### Rules - Basic Job Site Rules and Guidelines

(This Is a Representation - see current DCMA "Job Site Regulations" document)

# ATTENTION

## CONTRACTORS / WORKERS / VENDORS

THE FOLLOWING "RULES AND GUIDELINE" SHALL BE OBSERVED  
WHENEVER WORKING IN THE DOVE CANYON COMMUNITY.

▶ **HOURS OUTDOOR WORK IS PERMITTED:**

7:00 am - 5:00 pm Monday through Friday (and **4:30 pm** Nov. 1<sup>st</sup> thru Mar. 31<sup>st</sup>)

**NO** loud noise between 7:00 am to 8:00 am

8:00 am - 5:00 pm Saturday (and Saturday to **4:30 pm** Nov. 1<sup>st</sup> thru Mar. 15<sup>th</sup>)

**NO construction on Sunday or legal Holidays** - refer to DCMA Policies & Guidelines, and website

▶ **NO LOUD MUSIC** PERMITTED - RADIO OR AUDIO/VISUAL SOUND THAT MAY BE HEARD CLEARLY AT ADJACENT PROPERTIES.

▶ **NO PROFANITY, FIREARMS, OFF-ROAD VEHICLES, DOGS** (Homeowner's Excepted).

▶ **NO ALCOHOL** SHALL BE PERMITTED, NOR CONSUMED ON THE JOB SITE OR HOA STREETS OR COMMON AREAS.

▶ **NO ILLEGAL SUBSTANCES/DRUGS** SHALL BE USED; **NO DRUGS THAT IMPAIR** THE ABILITY TO OPERATE EQUIPMENTS OR VEHICLES SHALL BE USED.

▶ **DO NOT USE ANY PRIVATE DRIVEWAYS** TO PARK, OR TO USE AS A TURN-A-ROUND.

▶ **VEHICLE SHOULD NEVER** BE PARKED WITHIN TEN (10) FEET OF EACH SIDE OF A USPS MAILBOX DURING THE HOURS OF 8:00 AM TO 5:00 PM, MONDAY THROUGH SATURDAY.

▶ **ON EACH THURSDAY OF THE WEEK**, VEHICLES SHOULD NOT BE PARKED ON THE STREET DURING STREET SWEEPING HOURS - 8:00 AM TO 3:00 PM (DAY AND HOURS SUBJECT TO CHANGE)

▶ **MAINTAIN YOUR VEHICLE AND EQUIPMENT** SO AS NOT TO DRIP ANY OIL, GAS AND OTHER DEPOSITS ONTO ROADWAYS, DRIVEWAYS OR OTHER SURFACES.

▶ **CONSTRUCTION MATERIALS, SUPPLIES OR EQUIPMENT** SHALL NOT BE LEFT OVERNIGHT ON ANY STREET, ROADWAY, SIDEWALK, EASEMENT, HOA COMMON AREA.

▶ **PROTECT ALL PROPERTY** FROM ANY OVERSPRAY OR ANY OTHER DEBRIS.

▶ **ALL CONTAINERS WHILE HOLDING ANY LIQUID SUBSTANCE SHALL BE FULLY SECURED** WHILE IN TRANSPORT WITHIN DOVE CANYON COMMUNITY.

▶ **CLEAN JOBSITE** AT THE END OF EACH DAY TO AVOID DEBRIS AND MATERIALS FROM BLOWING ONTO OTHER PROPERTIES & COMMON AREAS, AND AT TIMES OF HIGH WIND.

▶ **NOISE LEVEL AND OPERATION TIMES SHALL BE KEPT TO A MINIMUM** FOR ALL MECHANICAL EQUIPMENT - **NO USE OF LOUD EQUIPMENT BEFORE 8:00 a.m.**

▶ **LEAF-BLOWERS SHALL BE OPERATED AT LOW LEVEL** AND BELOW 65 DECIBEL WITHIN 50 FEET OF ANY WINDOW AND NEIGHBOR'S PROPERTY AND SHALL NOT BE OPERATED OUTSIDE THE HOURS OF: 8:00 am - 5:00 pm Monday through Friday 9:00 am - 4:30 pm Saturday

Use of Leaf-Blowers by outside contractors, is not permitted on Sunday, nor legal Holidays

▶ **OBSERVE ALL COMMUNITY AND "HOA" RULES, AND POSTED SPEED LIMITS**, AND ABIDE BY CITY OF RSM AND GOVERNING STORM WATER QUALITY GUIDELINES. **PROTECT STORM WATER INLETS AND STREETS** FROM DEBRIS, ADHERE TO ALL RULES AND GOVERNMENT REGULATIONS, ORDINANCES AFFECTING STORM WATER RUNOFF.

Thank you for your observance and continual cooperation.

Violators shall be subject to fines and/or exclusion from Dove Canyon.

As a condition of the approval, the Homeowner shall POST or make visibly available to all contractors / workers / vendors these rules and regulations, and abide by them. (Effective: Aug 2016 - subject to change)

## Exhibit - B

BMPs - Best Management Practices, Stormwater - 2 pages

(This Is a Representation)  
(see also DCMA "STORMWATER BMPs PROGRAM  
CONSTRUCTION SITE CHECKLIST" document)

# STORMWATER BMPs PROGRAM CONSTRUCTION SITE INSPECTION FORM



SECTION I - GENERAL	
DATE:	INSPECTOR(S):
JOB ADDRESS:	
OWNER'S NAME AND PHONE(S):	
NAME OF SITE REPRESENTATIVE PRESENT DURING INSPECTION:	PHONE(S):
<input type="checkbox"/> CITY PERMIT NO.:	<input type="checkbox"/> NO CITY PERMIT REQUIRED
CONTRACTOR/ PHONE(S):	SUBCONTRACTOR/ PHONE(S):

TYPE OF CONSTRUCTION: <input type="checkbox"/> ROOM ADDITION <input type="checkbox"/> REMODEL <input type="checkbox"/> POOL/SPA <input type="checkbox"/> HARDSCAPE <input type="checkbox"/> LANDSCAPE <input type="checkbox"/>
---

SECTION II - RESULT OF INSPECTION				
<b>Erosion Control Practices</b>	YES	NO	N/A	COMMENTS
1. Are erosion controls being implemented and maintained on inactive and active disturbed soil areas (sand bags, tarps, waddle, etc.) in accordance with City - Minimum Required Best Management Practices?				
<b>Sediment/ Overwatering Control Practices</b>	YES	NO	N/A	COMMENTS
2. Are sediment controls being implemented and maintained on all private property and association common areas, in accordance with City - Minimum Required Best Management Practices?				
3. Sediment discharged observed off private property? <i>If YES, describe the evidence of the discharge and whether it is major or minor.</i>				
4. Is the construction site adequately kept clean? Are roads and common areas free of sediment and loose debris?				
5. Are roads and common areas free of blockage? (i.e.; materials, vehicles)				
<b>Waste and Disposal Practices</b>	YES	NO	N/A	COMMENTS
6. Are <b>ANY</b> activities such as concrete/ plaster, painting and fueling resulting in discharge to the storm drain in violation of City - Water Quality Ordinance? <i>If YES, describe the evidence of the discharge and whether it is major or minor.</i>				
7. Are containers for construction waste and debris present, and is site clean and free of loose debris?				

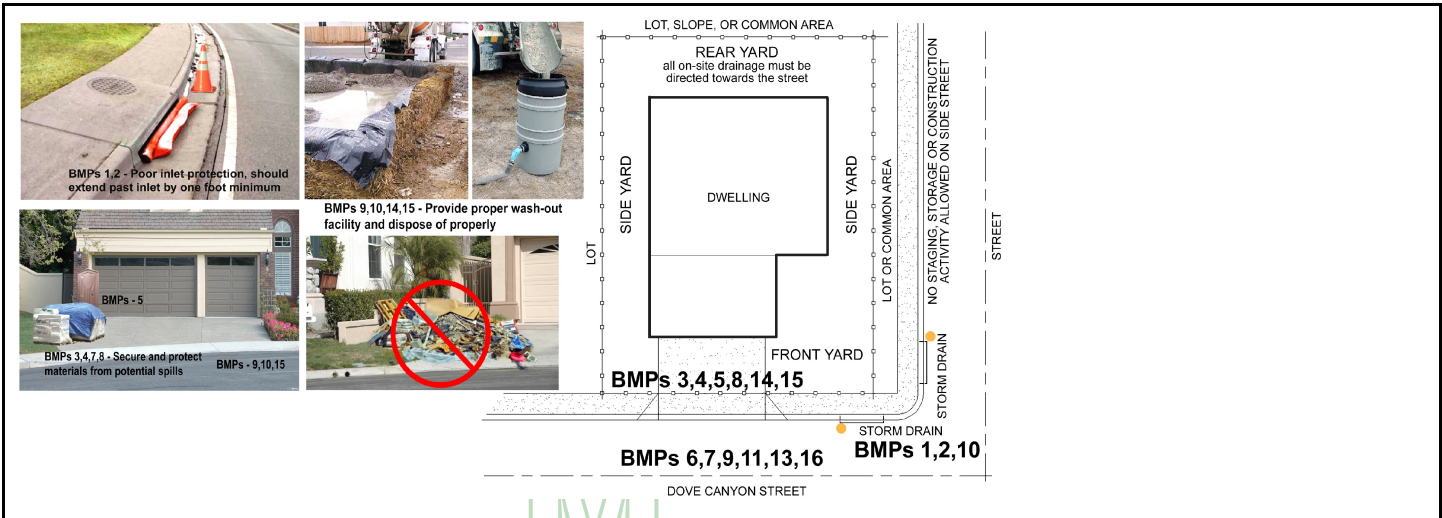
SECTION II - ENFORCEMENT ACTIONS	
<input type="checkbox"/> Verbal Request to Comply.	Comments/ Other:
<input type="checkbox"/> Issues a STOP WORK ORDER by Management Company.	
<input type="checkbox"/> ERC Hearing/ Possible Association Imposed Fine.	
<input type="checkbox"/> Called City Code Enforcement Officer <b>949. 635-1800</b> for City Enforcement. Call <b>9 1 1</b> , if a potential hazardous spill.	

Additional Comments:

# Dove Canyon Master Association STORMWATER BMPs PROGRAM CONSTRUCTION SITE CHECKLIST



DATE:	INSPECTOR(S):
JOB ADDRESS:	
CONTRACTOR/ PHONE(S):	SUBCONTRACTOR/ PHONE(S):



## REQUIRED CONSTRUCTION STORMWATER BMPs - CHECKLIST

(see diagram for BMPs referenced zones)

- |   |   |
|---|---|
| <ul style="list-style-type: none"> <li><input type="checkbox"/> Orange alerting cones set up at nearest downstream catch basin/storm drain.</li> <li><input type="checkbox"/> Catch Basin Protection, kit(s) on-site and ready for use. Clean up prior to rain, and place protection prior to rain event.</li> <li><input type="checkbox"/> Stockpiled materials (i.e.; concrete, grout, mortar, sand, etc.) -shall be properly covered (tarps) and secured with sandbags.</li> <li><input type="checkbox"/> <b>All</b> construction materials shall be located on Owners lot (lumber, grout, sand, concrete, etc.) with tarp under loose materials (i.e.; sand, grout, dirt). Covers protecting job materials <b>MUST</b> be secured prior to leaving worksite at the end of each day.</li> <li><input type="checkbox"/> Port-a-Potty on owner's lot and properly sandbagged with tarp, under potty to form self-contained berm. Port-a-Potty must be removed in a timely manner at the end of the job.</li> <li><input type="checkbox"/> All tractor's <b>MUST</b> have rubber treads/tires and shall not be staged OR worked in the street.</li> <li><input type="checkbox"/> All loading and unloading must be done at Owner's driveway curb edge with tire at curb, not in the street.</li> <li><input type="checkbox"/> Work <b>MUST</b> be phased with materials stockpiled so that the contractor has adequate storage room on Owner's lot for materials. <b>DO NOT STORE OR STAGE ANY MATERIALS IN ANY ASSOCIATION'S COMMON AREA</b> (i.e.; sidewalk, slopes, lawn, street).</li> <li><input type="checkbox"/> <b>NO</b> cleaning of work tools or equipment in common area (i.e.; sidewalk, slopes, lawn, gutters, street).</li> <li><input type="checkbox"/> Clean up, using dry clean methods (i.e.; sweeping or shop-vac) <b>DO-NOT WASH DOWN INTO GUTTERS OR STORM DRAINS, fines may be imposed on the property's owner.</b></li> <li><input type="checkbox"/> Dumpster must be properly blocked and only on-site (on Owner's property) for the duration of the job. Dumpster must be placed on a tarp and sandbagged when used for liquid or slurries (i.e.; grout, gunite, shotcrete, concrete).</li> </ul> | <ul style="list-style-type: none"> <li><input type="checkbox"/> Do-not block the street with worker's vehicles. Two-way traffic must be maintained at all times. Any temporary blockage will require the use of properly trained flagmen.</li> <li><input type="checkbox"/> Dumpster must tie properly safety marked for nighttime visibility (i.e.; reflectors, cones) and shall <b>not</b> encroach into any sidewalk, curb or street.</li> <li><input type="checkbox"/> Concrete wash-out is <b>NOT</b> allowed in any common areas or onto (into) any gutter, storm drain or V-ditch. Contractor <b>MUST</b> have proper washout area on the Owner's property (tarped and sandbagged area, capture barrel, etc.) and all tools, chutes, wheelbarrows, etc. used in concrete or grout work <b>MUST</b> be cleaned in the concrete wash-out area.</li> <li><input type="checkbox"/> Job clean-up <b>MUST</b> be on-going and completed at the end of each day. Site must be free of trash and loose or un-contained debris. Protect adjacent property as necessary.</li> <li><input type="checkbox"/> Do-not leave tire tracks in the streets - this includes scuffing of common area asphalt, and street scraping. Damage to streets or common areas <b>WILL</b> result in repair costs paid by the property Owner and Owner's contractor.</li> <li><input type="checkbox"/> Contractor and Subcontractor conduct work in accordance with City Required Minimum BMPs.</li> </ul> |
|---|---|

ATTENTION: ALL CITY PERMITTED JOBS ARE REVIEWED BY CITY INSPECTORS AND CAN BE INSPECTED BY CITY CODE ENFORCEMENT AT ANY TIME FOR COMPLIANCE WITH THE CITY MINIMUM REQUIRED BMPs AND WATER QUALITY ORDINANCE AND REGULATION - REFER TO - [WWW.CITYOFRSM.ORG](http://WWW.CITYOFRSM.ORG) FOR ADDITIONAL INFORMATION.

This document has been review and understood by the Homeowner and Homeowner's contractors prior to the start of any work: **(forward a sign and dated copy of this page to the Management Company prior to any work)**

Contractor's name \_\_\_\_\_

Company's name \_\_\_\_\_

Contractor signature \_\_\_\_\_

Phone \_\_\_\_\_

Date \_\_\_\_\_

email \_\_\_\_\_