



# Homeowners Association

## ARCHITECTURAL GUIDELINES

Effective January 16, 2020

These Architectural Guidelines are to be used to assist in the design of proposed Improvements in the Ritz. This package is not the Architectural and Landscape Application, Procedures, Process and Forms package which must be used to submit an Application for consideration by the Architectural Control Committee. The Architectural and Landscape Application, Procedures, Process and Forms package may be obtained from the Association's management company.

**TSG Independent Property Management, Inc.**  
27129 Calle Arroyo  
Suite 1802  
San Juan Capistrano, CA 92675  
(949) 481-0555

# **TABLE OF CONTENTS**

I.	INTRODUCTION .....	1
II.	ARCHITECTURAL GUIDELINES.....	3
A.	Landscape and Hardscape.....	3
1.	Aesthetics.....	3
2.	Lot Landscape Zones.....	3
3.	Common Area and Association Maintenance Areas .....	4
4.	Drainage Pattern .....	5
5.	Encroachments.....	6
6.	Raised Planters.....	6
7.	Barbeques / Outdoor Kitchens.....	6
8.	Fireplaces / Fire Pits .....	6
9.	Kitchen Gardens .....	6
10.	Trees .....	6
11.	Synthetic Turf .....	7
12.	Front Paved Areas.....	8
13.	Drive Aprons, Driveways and Parking Pads .....	8
14.	Decorative Rock and Boulders .....	9
15.	Shrubs, Groundcover and Turf .....	9
16.	At Grade Patios.....	10
17.	Yard Fences, Walls and Hedges .....	10
18.	Maintenance of Walls and Fences .....	12
19.	On-Lot Driveway Vehicular Gates .....	13
20.	Exterior Lighting .....	13
21.	Play Equipment /Play Structures .....	14
22.	Pools, Spas, Water Slides, Rock Waterfalls, Hot Tubs and Ponds.....	15
23.	Beach Access Stairways and Walkways.....	16
24.	Mailboxes .....	16
25.	Fountains and Sculptures.....	16
B.	Architectural Character and Structures.....	17
1.	Heights.....	18
2.	Setbacks .....	18
3.	Setback Encroachments .....	21
4.	Site / Lot Coverage .....	21
5.	Square Footage .....	21
6.	Exterior Building Walls.....	21
7.	Roofs and Re-Roofing .....	21
8.	Windows and Doors .....	22
9.	Gutters and Downspouts.....	23
10.	Rooftop Appliances and Equipment.....	23
11.	Skylights .....	23
12.	Chimneys .....	23
13.	Overhangs and Other Building Projections .....	24
14.	Garages and Carports.....	24

15. Vehicles .....	24
16. Solar Power and Thermal Systems .....	25
17. Balconies/Raised Decks/Roof-top Decks .....	25
18. Patio Covers/Arbors/Trellises.....	26
19. Awnings and Sunshades .....	27
20. Exterior Colors.....	28
21. Temporary or Portable Structures.....	28
22. Exterior Equipment.....	28
23. Trash Containers and Storage.....	29
24. Satellite Dish and Antenna .....	29
25. Pet Houses .....	30
26. Flags / Banners and Signs.....	30
27. Weathervanes/Windmills/Paddles/Windsocks .....	30
28. Air Conditioners .....	30
29. Screen Doors and Security Bars .....	31
30. Clotheslines.....	31
31. Unspecified Items .....	31
III. DEFINITIONS .....	32
IV. PROHIBITED TREE AND PLANT PALETTE .....	43
V. ASSOCIATION MAINTENANCE AREAS.....	45
VI. ORIGINAL PAD ELEVATIONS .....	47

## **I. INTRODUCTION**

The maintenance of the Ritz Cove Homeowners Association as an attractive community depends upon continuous regard for the overall community appearance coupled with sensitivity to the existing architectural context of the community.

The Application, Procedures, Process and Forms package along with these Architectural Guidelines (Guidelines) and CC&R's comprise the documents used by the Ritz Cove Homeowners Association and its designated agents to administer the review and approval of proposed Improvements in the community.

The Application, Procedures, Process and Forms package is comprised of several sections which explain the types of proposed Improvements that must be submitted for review and approval by the Association's Architectural Control Committee, procedures for the submittal of an application, how the application is processed and standard forms used to assist the Applicant in organizing the minimum information required by the Architectural Control Committee to understand and memorialize the proposed Improvements.

These Architectural Guidelines do not contain the Architecture and Landscape Application, Procedures, Process and Forms needed to submit proposed Improvements to the Architectural Control Committee. The Architecture and Landscape Application, Procedures, Process and Forms may be obtained from the Management Company.

The Architectural Guidelines outline objective criteria used by the Association in an attempt to better define harmony of external design and location in relation to surrounding structures and topography. Due to the number of design variations a Homeowner / Applicant can produce from the objective criteria outlined in the Architectural Guidelines and specific Lot considerations, the Architectural Control Committee must also apply a subjective opinion in the evaluation of the proposed Improvement. The harmonious nature of the Improvement may be contested by an Applicant but it is a subjective opinion that the Architectural Control Committee is empowered to express. The Architectural Control Committee's decisions may not be unreasonable, arbitrary, or capricious.

The Association's management company (Management) acts as a liaison between the Homeowner and the Architectural Control Committee. Management assists in distributing, explaining and promoting the Architecture and Landscape Application, Procedures, Process and Forms package and these Architectural Guidelines. All inquiries related to proposed or existing Improvements must be directed through Management to assure proper administration of the Architectural Control requirements set forth in Article VIII of the CC&R's.

The Board of Directors and the Architectural Control Committee seek to ensure that the review and control process is effectively administered and that Owners and the community are treated equitably. All Members are encouraged to contact Management to report any concerns or questions about ongoing or completed Improvements or issues about maintenance, or lack thereof, of dwellings and landscape. Contact Management by phone, e-mail or postal service mail, referencing Ritz Cove Homeowners Association.

## **ARCHITECTURAL GUIDELINES - II**

---

### **Ritz Cove Homeowners Association**

The Board of Directors, in conformance to Civil Code Section have the right but not the obligation to adopt, amend, repeal and promulgate Architectural Guidelines not inconsistent with the CC&R's interpreting and implementing the provisions hereof in compliance with Civil Code Sections 4340-4370. Any such amendment shall be in writing and shall become effective thirty (30) days after it is published to all members of Ritz Cove Homeowners Association and then adopted by the Board of Directors.

To the extent these Architectural Guidelines are inconsistent or conflict with the CC&R's or Bylaws, the CC&R's or Bylaws shall control, unless the CC&R or Bylaw provision is contrary to applicable law.

**II. ARCHITECTURAL GUIDELINES**

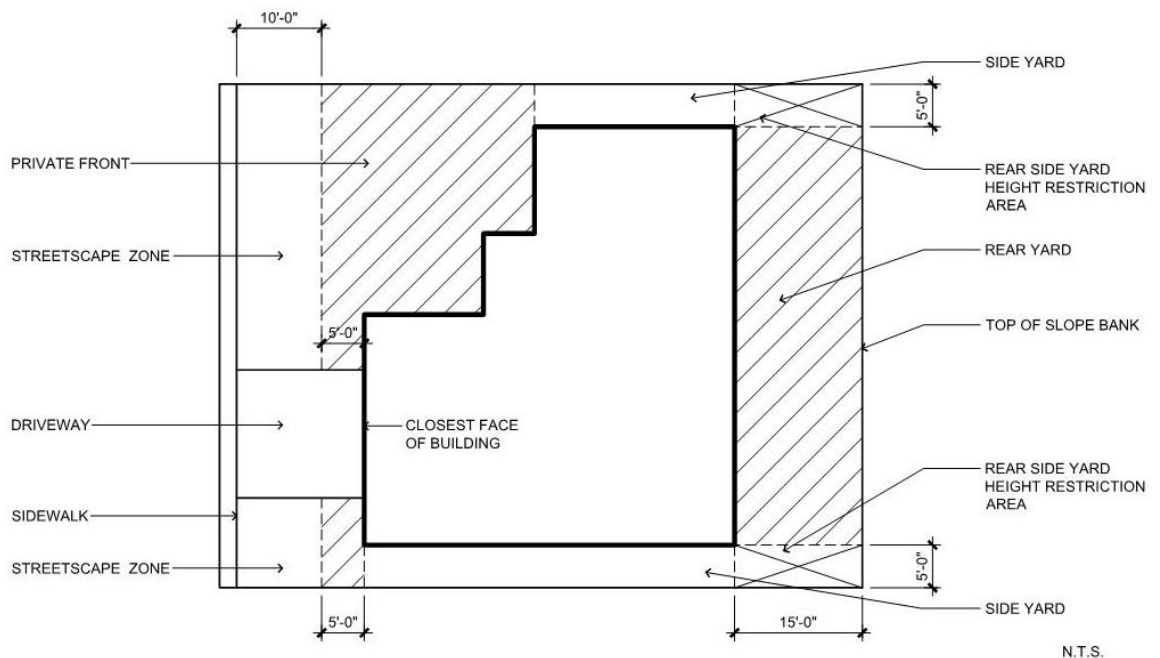
**A. Landscape and Hardscape.** Landscaping components can be categorized as (1) Hardscape: walkways, patios, driveways, planters, fences, garden walls, pilasters, columns, fireplaces, fire pits, barbecues, light poles, fountains, rock waterfalls, pools, spas, water slides, etc., (2) Softscape: grass, lawn, flowers, trees, shrubs, groundcover, etc., and (3) Temporary Fixtures: play/exercise equipment, playhouses, etc. Landscaping can be effectively used to accentuate entryways, define space, create “soft” privacy screens and reduce the visual impact of fences, and approved structures. Since landscaping is a design element, the same considerations should be given to their relationship with the street, the house and with adjacent houses as they apply to other design elements. The Architectural Control Committee must approve all Landscape and Hardscape, as defined above, except replacement / maintenance of existing plants with the same species. The Architectural Control Committee will consider the visibility of landscaping to the streets, Common Areas and neighbors as a factor in approval of these Improvements in addition to the criteria set forth in section V.A. of the Architectural and Landscape Application, Procedures, Process and Forms document. Each Owner is responsible for maintaining their Lot in a clean, safe and attractive condition at all times regardless of whether the Lot is Developed or Undeveloped. Article IX, Section 2 of the CC&R’s also speaks directly to additional maintenance obligations of the Owners of unimproved lots, and permits the Board to direct Association contractors to perform additional maintenance obligations at the Owner’s cost. Each Lot Owner is responsible for maintaining the hardscape and landscape in a neat, trimmed and compliant condition including limiting the height, width and density of all ground covering, shrubs and trees. Installed hardscape and landscape must present an attractive appearance for the property and must include an attractive combination of grass lawn and/or ground covers, shrubs and trees, walkways, etc. Homeowners contemplating significant tree pruning or other substantial landscape renovation are encouraged to review the plans with impacted neighbors prior to the maintenance or Improvement activity.

1. **Aesthetics.** All landscape Improvements must be consistent with the Architecture of the home, create an attractive composition and be in harmony with the surrounding Lots.
2. **Lot Landscape Zones:** Lot Owners are responsible for planting and maintaining hardscape and landscape planting within their Lot except for Association Maintenance Areas on slopes. The zones and their design requirements are specified below:
  - a. **Streetscape Zone:** The area from the sidewalk to five (5) feet from the closest face of the dwelling constitutes the Streetscape Zone (refer to Diagram A below. Each Lot Owner is required to install a

## ARCHITECTURAL GUIDELINES - II

### Ritz Cove Homeowners Association

minimum number of approved thematic trees within this zone. Additional streetscape planting is encouraged. Plant schemes which unnecessarily obstruct views or daylight are discouraged, and shall not be permitted to grow to a height in excess of the roof height of the closest dwelling unless approved in writing by the Architectural Control Committee. Each Lot shall have a minimum of two (2) street trees. Street trees shall be a minimum thirty-six (36) inch box size and randomly spaced in groups between ten (10) feet and thirty (30) feet apart and setback a minimum of ten (10) feet from the community sidewalk. Consideration will be given to the location of trees on adjacent Lots to ensure continuity if spacing along the street with group separation not exceeding thirty (30) feet.



**DIAGRAM A**

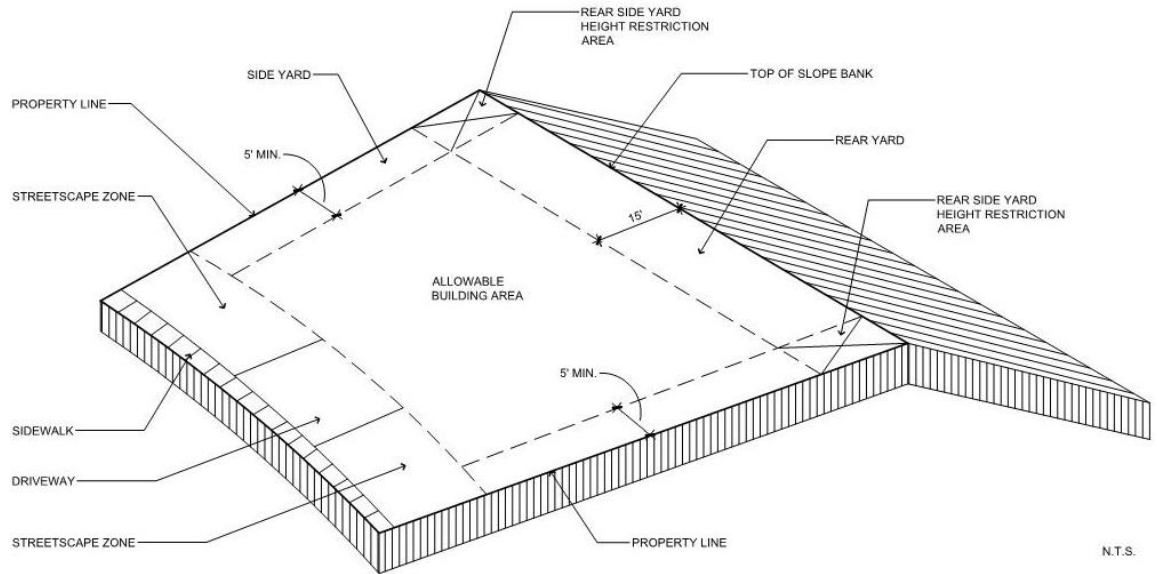
- b. Side and Rear Yard Zone:** Side yard planting is encouraged for screening between adjacent homes. Planting in rear yard zones may provide shade, privacy, define outdoor spaces and create foreground for outward views. Planting schemes which unnecessarily obstruct views or daylight are discouraged, and shall not be permitted to grow to a height in excess of the roof height of the closest dwelling unless approved in writing by the Architectural Control Committee.

Planting and constructed objects within the rear side yard Height Restriction Area (fifteen [15] feet from the rear top of slope, refer to Diagram B below, and five [5] feet from adjoining property line) shall not exceed a maximum height of three (3) feet. The side of

## ARCHITECTURAL GUIDELINES - II

### Ritz Cove Homeowners Association

corner Lots and addresses 26, 41, 50, 61 and 80 through 97 are excluded from this requirement.



**DIAGRAM B**

- 3. Common Area and Association Maintenance Areas.** No Improvements may be placed on or over Common Areas or Association Maintenance Areas with the exception of beach access stairs permitted for some Lots. Rear and side yard Improvements may not extend past the top of slope or existing garden wall / pad level planting, whichever is more restrictive.
- 4. Drainage Pattern.** The Architectural Control Committee shall not be responsible for reviewing, nor shall its approval be deemed approval of any alteration in the drainage pattern for effectiveness of drainage or conformance with building or other codes, use permits, City design review requirements, or any other governmental requirement or restriction. The Architectural Control Committee will review the drainage design for general conformance with community standards and the following requirements:

  - a.** No Owner shall alter the established drainage pattern without the prior written approval of the Architectural Control Committee and the City.
  - b.** Each Lot shall be designed with an engineered storm water drainage system design to convey the storm water to the street.
  - c.** The existing top of slope berms shall be maintained as installed by the Declarant unless approved by the Architectural Control Committee. In no event will a graded pad be permitted to drain onto or across an adjacent Lot or over the top of rear and side yard slopes



## ARCHITECTURAL GUIDELINES - II

### Ritz Cove Homeowners Association

- d. Drainage across slopes shall be underground. Exposed drainage piping is prohibited
  - e. Paved areas must be sloped at a minimum of one (1) percent toward engineered subterranean drains, swales or gutters. Landscape areas must slope at a minimum of two (2) percent toward engineered subterranean drains, swales or gutters
  - f. Drains must contain approved inlets with an appropriate grate and maintain a minimum slope of one (1) percent. Drain material must be rigid pipe with a one thousand (1000) pound crush strength. Flex or ribbed pipe is not to be used. Pipe sections are to be joined with glue fittings to prevent leaks and root intrusion.
5. **Encroachments.** The impact to neighboring homes and the possible damage by encroaching planting must be considered. Trees, hedges, and shrubs that will grow to restrict sight lines below ten (10) feet for vehicular traffic or overhang property lines and public sidewalks may not be planted.
  6. **Raised Planters.** Community walls, garden walls and fences between Lots are not designed to retain soil. Raised soil / planters are not permitted against community walls, fences or walls between Lots unless a waterproofed subwall is provided between the raised planter area and the property line wall or fence. If raised planters or retaining walls are to be placed on a Lot, they are to be waterproofed to prevent unsightly failure of the wall or the wall finish. The height of planter walls may not compromise any code required wall heights (sixty (60) inches) for pool safety separation between Lots.
  7. **Barbecues / Outdoor Kitchens.** Barbecues can generate a great amount of smoke and become the hub of group activities. Permanent barbecues (including countertops) and outdoor kitchens are to be setback as outlined in the Setbacks Table Section B.2 of these Architectural Guidelines. They should also be placed with a sensitivity to the potential smoke and noise impact on adjacent neighbors.
  8. **Fireplaces/Fire Pits.** Outdoor fireplaces, fire pits, or other similar items must be setback as outlined in the Setbacks Table Section B.2 of these Guidelines and must be natural or propane gas burning only. Outdoor fireplaces may not be placed within the rear side yard Height Restriction Zone. To reduce the visual impact of a tall structure, evergreen plant material may need to be provided to screen the chimney. Fireplaces / chimneys must have a consistent finish of stucco or decorative stone on all sides of the structure.
  9. **Kitchen Gardens.** Kitchen gardens of herbs and low growing vegetables are permitted in the rear and side yards with the following restrictions:
    - a. Kitchen gardens must be screened from Common Area and streets.

## ARCHITECTURAL GUIDELINES - II

### Ritz Cove Homeowners Association

- b. Wire fencing, trellis and other vertical structures which exceed the height of property line fences / walls are prohibited.
10. **Trees.** All landscaping of every kind and character, including trees, shrubs, grass, and other plantings shall be neatly trimmed, properly cultivated and maintained by the Owner thereof, unless otherwise provided for herein, in a neat, compliant and orderly condition and in a manner to enhance its appearance. Trees shall be selected and placed to meet the following standards:
- a. Trees should be planted and maintained with consideration given to the impact on the community, streetscape and, most importantly, on adjacent properties. Trees must be setback from the property line or fence separating the Lots in accordance with their anticipated growth to avoid excessive trimming which would destroy the trees natural appearance. Tree which cannot be attractively maintained at the height limit (palms, redwood, eucalyptus, etc.) for the Lot will not be approved.
  - b. No tree, shrub or planting of any kind shall be allowed to overhang or otherwise encroach upon any sidewalk or other pedestrian way from ground level to a height of ten (10) feet without prior approval of the Architectural Control Committee.
  - c. No tree, bush or shrub shall be placed or maintained upon any Lot described in the CC&R's which exceeds the height limit for the Lot. Existing trees which die for any reason or in the reasonable opinion of the Architectural Control Committee become damaged or visually disfigured, shall be removed at the Lot Owner's expense and shall not be replaced by a new tree unless it can be demonstrated that the new will grow at or below the height limit for the Lot and is approved by the Architectural Control Committee. Tree, bush and shrub heights shall be limited as follows:
    - 1. 42 Ritz Cove Drive through 50 Ritz Cove Drive = Eighteen (18) feet
    - 2. All other addresses = Thirty (30) feet
11. **Synthetic Turf.** Synthetic turf must be approved, prior to installation, by the Architectural Control Committee. A minimum 6 inch x 6 inch sample must be provided with each Application for Committee review and approval. Synthetic turf must meet the minimum standards listed below:
- a. **Location**
    - 1. To be used in front yard, rear and side yard landscaping, only as an enhancement, accessory to or to complement the main landscaping features and not as a major landscaping feature.
    - 2. A minimum two (2) foot wide planting buffer or six (6) inch wide concrete or paver mow strip from an adjacent property to the

## ARCHITECTURAL GUIDELINES - II

### Ritz Cove Homeowners Association

synthetic turf is required. In no case shall the synthetic turf be adjacent to regular turf on the same or adjoining property.

3. Synthetic turf is not permitted on slopes steeper than a slope ratio of 4:1 (4 horizontal units for every 1 vertical unit)
4. Turf to be located in or near driveways is to be protected from wheel traffic to avoid compressing the turf. Protection may be achieved by depressing the turf below the wear surface of the driveway or by designing the turf band to be narrower than a vehicle tire.
5. Turf must be placed over a proper substrate designed to accommodate the turf and facilitate drainage. Turf may not be placed over existing grass, dirt or hardscape

#### b. Material

1. The turf must be of the proper color, texture, and density to simulate natural turf.
2. The turf is to be uniform and defect free
3. The turf located in the front yard is to have a minimum eighty (80) ounce pile / face weight.
4. The turf located in the front yard is to have a minimum pile length of 1 5/8 inches and a maximum pile length of 2½ inches with a slight crown. Putting green turf located in the rear yard may have a ¼ inch pile length.
5. Turf must have UV protection, no felt backing or rubber infill, odorless and lead free with no chemical residue

12. **Front Yard Paved Areas.** Paved areas in the front yard and side yard visible to the street are to be minimized to maintain a planted landscape and attractive streetscape. All exterior paved areas exposed to streets and right-of-ways shall be one of the following materials:

- a. Masonry - stone, brick, tile, concrete pavers
- b. Plain concrete - acid washed, integral color
- c. Textured concrete
- d. Exposed aggregate concrete
- e. Combinations of the above
- f. In no case shall asphalt, turf stone / block, polished or high gloss stone / tile materials or painted / epoxy coated concrete be approved in front yards or yard areas visible from the street

## ARCHITECTURAL GUIDELINES - II

### Ritz Cove Homeowners Association

13. **Drive Aprons, Driveways and Parking Pads.** The driveway is a dominant element of the streetscape. Designs which minimize the driveway size and vary the driveway approach are encouraged.
  - a. Drive aprons (curb cuts), when widened, must be replaced completely with concrete in the same color and finish to assure a match.
  - b. Driveways, when widened, must use materials to complement or match the existing driveway. Material and design transitions which clearly demonstrate a driveway addition are not acceptable.
  - c. Driveways may be no larger than needed to convey a vehicle to the garage with an additional four (4) feet to allow trash and walkway paths.
  - d. Parking pads (flat or level and clear areas designed to accommodate a vehicle) adjacent and parallel or perpendicular to the street or not part of the driveway are prohibited.
  - e. Semi-circular driveways must be softened and screened from the street with landscape planting. Semi-circular driveways may be no larger than needed to accommodate vehicle circulation.
14. **Decorative Rock and Boulders.** Decorative rock, gravel or decomposed granite may not be the dominant or primary feature in the front and side yard areas visible to the street. These materials may be acceptable when installed for accent in visible areas. Boulders shall be limited to twenty-four (24) inches in height above ground level, setback from community walks and streets a minimum of twelve (12) inches and shall be softened with plant materials. A minimum of one third (1/3) of the boulder must be buried to present a natural appearance. Boulders shall not be a dominant design feature in the front yard.
15. **Shrubs, Groundcover and Turf.** The planting must be designed to create a cohesive unified exterior environment to further complement the Architecture of the home and the character of the community. Plant material must relate to the scale and character of the Improvements and meet the following standards:
  - a. Trees and shrubs provide the principal visual structure of a garden scheme. Herbaceous and quick growing plants and plants of uniform height and color should be represent only a small part of the front yard garden visible to the street.
  - b. The unpaved ground plane visible to the street must be covered with enough plant material as to provide eighty (80) percent coverage within one (1) year of completion of the landscape project.
  - c. Mulch may be mixed with top soil but may not be the dominant ground cover. Large areas of turf, bare earth, decomposed granite, wood chips, bark, mulch or rocks are not permitted.

## ARCHITECTURAL GUIDELINES - II

### Ritz Cove Homeowners Association

- d. Homeowners are encouraged to consider the use of drought-tolerant or “California Native” plants to reduce water consumption. The website CALSCAPE.org provides a specific list of native plants and trees appropriate for Dana Point. Plants are to be selected which are consistent with the community character and are not listed in the Prohibited Tree and Plant Palette section of these Architectural Guidelines.
  - e. Shrubs shall be placed at the base of house walls, any garden wall eighteen (18) inches in height or greater, and any fence visible from the street.
  - f. At corner Lots, groundcover and shrubs or vines must be planted in side yard areas between the street and the side yard fence that are visible to the street
16. **At Grade Patios.** At grade patios tend to affect the nature of drainage and runoff on a Lot. All patios must be designed to drain away from adjacent Lots and to the street. Patios should generally be located in the rear yard although front and side yard patios will be evaluated based on the specifics and qualities of the proposed Improvement. Patios should be setback from fence and property line walls to allow landscape buffers between neighbors.
17. **Yard Fences, Walls and Hedges.** Garden walls and fences, if designed correctly, can maintain a good relationship with a neighbor, block sound, create a cohesive neighborhood appearance or create a subtle separation between the street and the home and serve to breakdown the scale or mass of the front wall of the home. Landscape planting and vines are encouraged to soften the appearance of walls and fences. Walls and fences which straddle the property line between Lots must be approved by all impacted neighbors in writing. Additional requirements regarding height, placement and materials are enumerated below.
- a. **Front Yards.** Walls, fencing, gate and hedges may not exceed forty-two (42) inches when located within 10 feet from the front yard community sidewalk. Walls between the edge of the setback and a dwelling may not exceed six (6) feet in height.
  - b. **Side Yard.** Side yard fencing may not exceed six (6) feet in height along the side yard of any corner Lot. Solid fencing is required to a minimum height of five (5) feet, but shall not exceed six (6) feet in height between the front and rear yard setbacks.
  - c. **Rear Yard.** Fencing along rear yards and top of slope and the last fifteen (15) feet of the rear side yard (Height Restriction Area) must be transparent when over three (3) feet in height and total fencing cannot exceed six (6) feet in height. The street side of of corner Lots and addresses 26, 41, 50, 61 and 80 through 97 are excluded from this requirement.

## ARCHITECTURAL GUIDELINES - II

### Ritz Cove Homeowners Association

- d. Height and Placement Limitations.** All yard fences, walls and hedges shall be subject to the following height and placement limitations:
1. Except for property line walls straddling property lines, no walls, fences or hedges shall be approved or constructed outside of property boundaries.
  2. In no case shall a community or Common Area wall be relocated or modified.
  3. Any fence, wall or hedge abutting an existing fence, wall or hedge shall be equal in height to the existing fence, wall or hedge, except in any case where a particular height is required for the protection of a swimming pool or spa or to preserve a sight line for safety.
  4. The height of all fences, walls and hedges shall be measured vertically from the finish grade at the base of the fence, wall or hedge. The tops of all fences, walls and hedges (except those located on a slope) shall be level. Fences, walls and hedges installed on slopes, where permitted, should match the slope angle.
  5. Walls, pilasters and fences in the front yard must be setback a minimum of two (2) feet from the back of the community sidewalk.
  6. Hedges shall be maintained in a neat and trimmed condition and must be setback a minimum of three (3) feet from the community sidewalk adjacent to driveways to avoid obstructing the line of sight of drivers and pedestrians.
- e. Construction Requirements.**
1. The bottom of a fence, wall or hedge must be no more than four (4) inches above the finish grade at any point.
  2. All vertical members of a fence or wall must be vertical or plumb.
  3. Gates must match or be harmonious with the fence or wall in design material, height and color.
  4. Side yard gates may be not taller than the adjacent property line fence / wall and may be no more than four (4) feet wide.
  5. Fences or walls are to be finished on all sides.
  6. Fences, walls and gates between the homes are to be opaque to screen the contents of the side yard from the street and Common Areas. In the absence of fences, walls and gates, landscape screening may be used to screen the contents of the side yard.
  7. Existing community perimeter walls and fences shall not be moved, altered, repainted a different color or otherwise changed in any way.

## ARCHITECTURAL GUIDELINES - II

### Ritz Cove Homeowners Association

8. Fencing and gates around a swimming pool are subject to City and Pool Code requirements. Approval of fences and gates surrounding pools must be coordinated with the City for detailed restrictions and design considerations.
- c. **Acceptable Materials and Colors.** Walls and fences must be compatible or complementary with the materials and colors of the home and consistent along any one property line and when visible from the street. Acceptable materials and colors for extension, repair and/or new fencing include:
  1. A continuation of exterior dwelling materials, e.g. wood siding, masonry elements, stucco coated walls; all subject to Architectural Control Committee approval
  2. Wood colored to match existing fencing, trim, or siding color.
  3. Slump block, split face block, brick, stone and board formed concrete. Stucco applied to masonry or concrete shall be of a color and texture to match the existing stucco on the home.
  4. Wrought iron, aluminum or tube steel in a simple design, colored to match existing wrought iron or tube steel. Steel materials are to be galvanized or metalized to prolong the wear of the fence. Fences are to have equally spaced vertical pickets with horizontal rails at the top and bottom. No decorative spikes, pickets or finials may extend above the top horizontal rail. Other designs may be approved at the discretion of the Architectural Control Committee.
  5. Transparent fencing may be clear glass, wrought iron or tube steel.
- d. **Unacceptable Materials.** Material and design combinations which are not acceptable include:
  1. Aluminum or sheet metal,
  2. Chicken wire or other types of woven wire except as used for rodent/rabbit control in the lower 18 inches,
  3. Metal or plastic chain link,
  4. Plastic webbing or plastic coated wire,
  5. Reed or straw-like materials,
  6. Rope, steel cable or other fibrous strand elements, or
  7. Glass blocks and panels, precision concrete block without stucco coating or stone veneer,
  8. Vinyl or plastic
18. **Maintenance of Walls and Fences.** Walls and fences within the community shall be maintained as follows:

## ARCHITECTURAL GUIDELINES - II

### Ritz Cove Homeowners Association

- a. Where a wall or fence is located entirely upon an Owner's Lot, such Owner shall be solely responsible at his sole cost and expense for maintaining the surface and structure of the wall or fence in good condition and repair.
  - b. Where a wall or fence lies within the legal boundary of two (2) or more Lots all of which are owned by different Owners, maintenance of the structure of the wall or fence in good condition and repair shall be the joint obligation of such Owners and each Owner shall be solely obligated to maintain the surface of the wall or fence that faces his Lot in good condition and repair.
  - c. Where a wall or fence lies within the legal boundary of an Owner's Lot and property owned by a third party (someone outside of Ritz Cove Homeowners Association) other than another Owner or the Association, the Owner shall be obligated to maintain the structure and exterior surface of the wall or fence in good condition and repair unless other maintenance agreements have been entered into with the third party.
  - d. No Owner shall alter or remove any walls or fences within the Property at any time without the approval of the Architectural Control Committee
- 19. On-Lot Driveway Vehicular Gates.** Except on case by case basis for certain Lots approved by the Architectural Control Committee, vehicular access gates are prohibited.
- 20. Exterior Lighting.** Ritz Cove Homeowners Association promotes a "Dark Sky" approach to lighting. Uncontrolled or excessive lighting is prohibited.
- a. Exterior lighting is to be 150 lumens or less with a color temperature of 2800 Kelvin or less and integrated into the landscape and architecture of the home.
  - b. Exterior lights (light bulbs) must be screened from direct view from streets and adjacent dwellings and pointed downward to illuminate the immediate ground and wall area around the light fixture.
  - c. Exposed fluorescent lamps, flashing lights, garish colored lights, excessive garden lights exposed and aligned like an airport runway, flood lights, unshielded lights (visible light bulbs) placed on top of garden columns or pilasters, glass block bollards, unshielded exterior lights and lights strung along fence tops or festooned over a yard or patio which result in unreasonable glare and light intrusion into neighboring homes are prohibited.
  - d. String lighting or "Café lighting" is prohibited in the front yard. Café lighting in rear yards must have hoods to direct light downward and may not be used continuously as the sole source of rear yard lighting. Café lights must be designed in a manner cohesive with the landscape



## ARCHITECTURAL GUIDELINES - II

### Ritz Cove Homeowners Association

design. Lighting must be secured to cables and sturdy (and vertically plumb) poles placed in an orderly pattern and setback from adjacent properties to allow landscape screening. String lighting must be approved by the Architectural Committee.

#### 21. Play Equipment / Play Structures.

- a. **Basketball Boards.** No basketball backboard and hoop attached to the home or supported by a pole to the ground is allowed in the front of a residence or on the side of a residence facing a street. Portable basketball backboards and poles will be allowed provided they are removed from view of other Lots and from the street when not in use. One basketball backboard and hoop supported by a pole is permitted in the rear yard, enclosed front yard or on the side of a residence not facing a street provided the colors used are architecturally harmonious with adjoining improvements and the location is discreet and does not create an unreasonable nuisance to the adjacent neighbor. The net must not be made of chain. The backboard, hoop and net must be maintained in a complete and operable condition. Lighting of the sport court is prohibited.
- b. **Playhouses, Play Structures and Other Play Equipment.** Tree houses are prohibited. Swings, climbing structures, trampolines and other such play equipment must be placed in the rear yard, side yard or enclosed front yard. Swings and slides (including those used in connection with a swimming pool) shall be setback from all fences and walls located on or near perimeter lot lines and visually screened from adjacent properties with landscape planting. The Architectural Control Committee will consider the size, design, and amount of visual screening of such equipment, the size of the lot in relation to the equipment, the noise and light intrusion on adjoining properties and other relevant factors when considering any proposed play equipment installation. Portable tether ball poles will be temporarily allowed on the street side of a dwelling provided they are removed from view of other lots and from the street when not in use. Additional considerations and standards are as follows:
  1. Structures shall be constructed, located and screened to minimize the impact on the adjacent neighbor's privacy and any existing structure or common area.
  2. Play structures, at their highest point, shall not exceed the maximum height for Accessory Structures (see Section II-B.1.b)
  3. Structures shall blend with the architectural characteristics of the dwelling and neighborhood in both colors and materials (i.e., tile roof, stucco siding, etc.).

## ARCHITECTURAL GUIDELINES - II

### Ritz Cove Homeowners Association

4. Enclosed structure openings must be designed in such a manner that any openings (windows, doorways, etc.) that face any neighboring dwelling shall be no higher than the adjacent fence. Any openings above the fence shall be installed facing the dwelling of the applicant who is proposing the playhouse/structure.
  5. The structure shall be screened from view from the adjacent streets, public sidewalks, greenbelt, surrounding properties, etc. by the use of fences, hedges, etc. Such visual mitigation shall be designed so the structure is screened from view upon installation.
  6. Portable children's play-area equipment that does not exceed five (5) feet in height from the ground level and is placed in a screened yard outside the Height Restriction Area does not require a Home Improvement Application
22. **Pools, Spas, Water Slides, Rock Waterfalls, Hot Tubs and Ponds.** Safety fencing, noise, visual and other impacts of swimming pools, spas and other water related Improvements on adjacent properties can be significant. Such Improvements need to be carefully planned and should be discussed with neighbors as much and as early in the planning stage as possible to address and resolve such impact issues in a satisfactory manner. Compliance with all applicable City building code provisions is required.
- a. **Location.** Pools, spas, water slides, rock waterfalls and other water related recreational Improvements may only be located in rear and side yards with setbacks as set forth in Section B.2 of these Guidelines. Pools, spas, water slides, rock waterfalls, hot tubs, ponds and all accessory equipment, except solar panels, shall be located, screened, or recessed so that they are not within public view or required setbacks.
  - b. **Height.** Water slides, rock waterfalls and water features shall not exceed the height of perimeter walls or fences and shall be fully and permanently screened from neighboring Lots and Common Area with landscape planting. When placed within the rear side yard Height Restriction Area, they may not exceed 3 feet in height.
  - c. **Installation.** Walls, fences, hardscape and landscape damaged as part of the installation or construction access must be repaired to match the conforming existing conditions prior to construction. Any change to these secondary Improvements requires approval by the Architectural Control Committee.
  - d. **Heaters.** Pool and spa heaters shall be stackless and low profile.
  - e. **Minimize Impact.** All installations shall be located, sound controlled and maintained in a manner that does not disturb other residents in the neighborhood and as required by City Code. The Architectural Control Committee shall have the right, but not the obligation, to

## ARCHITECTURAL GUIDELINES - II

### Ritz Cove Homeowners Association

require an owner to repair or restore any installation to quiet operation or to restrict its use or operation if, in the Architectural Control Committee's opinion, further unrestricted use or operation disturbs other residents.

- 23. Beach Access Stairways and Walkways.** Certain Lots which border on the beach (addresses 1 through 26, 38 through 41 and 71) are permitted to construct walkways and stairs on the Association Maintained Area slope. The Lot Owner must apply for and receive approval from the Architectural Control Committee prior to the commencement of such construction. Access stairs and walkways must comply with the following standards:
- a. Only one access stairway or walkway is permitted for each Lot.
  - b. Access stairways and walkways are to be located to one side of the Lot.
  - c. Access stairways and walkways are recommended to run in a straight line between the top of slope and bottom of slope.
  - d. Overhead structures or overhead lighting is not permitted above or adjacent to the stair or walkway. At grade lighting, used to illuminate the stairs for safe access, must be approved by the Architectural Control Committee.
  - e. Access gates shall match the existing perimeter wrought iron fences and shall have the appropriate locking mechanism to secure the perimeter to the community
  - f. Stairs and walkways shall be maintained by the Lot Owner. Lot Owners shall be responsible for repair and costs to restore existing landscape and irrigation disturbed by the installation of the stairs or walkway
  - g. Access stair and walkway Improvements require the engineering and design services of a California licensed soils engineer, geologist, structural engineer or other appropriate professional. A stamped and signed report from the geotechnical engineer and stamped and signed plans from a structural engineer must be submitted to the Architectural Control Committee for review and approval. Any stairway or walkway which if constructed would, in the opinion of the Committee, adversely affect the stability of any slope will not be allowed to be constructed upon any slope within the community.
- 24. Mailboxes.** Mailbox posts, standard and enclosures shall remain consistent with the architecture of the home and must be approved by the Architectural Committee. Mailboxes shall comply with Postmaster requirements.
- 25. Fountains and Sculptures.** Fountains and sculptures shall be consistent with the overall design theme of the home. Fountains should be considered as an accent feature to the main residence. Where they are visible from the street

## ARCHITECTURAL GUIDELINES - II

### Ritz Cove Homeowners Association

and/or common area, their size and scale should be consistent with other hardscape elements. The subject matter of statuary and sculpture elements associated with fountains shall be appropriate for their residential context. Elements which could reasonably be considered to be offensive are not permitted. Such subject matter generally includes but is not limited to religious forms, symbols or objects, political subjects or satirical items, nude forms, gnomes, human and animal figures, freeform and other types of sculpture and statues that contain written material, verses and advertisements. These elements are not permitted in areas that are visible from the street and/or common areas. Additional considerations and standards are as follows:

- a. The color of fountains should complement the primary residential structure. Bright colors and reflective surfaces are not permitted.
- b. Fountains and sculptures are more appropriately located close to the primary residence and shall be setback out of the Streetscape Zone as outlined in Section II.B.2 of these Guidelines and shall be softened with plant material. Fountains and sculpture are not permitted to be placed in a location where they detract from the overall appearance of the streetscape.
- c. The maximum height of fountains and sculpture in front yard areas is forty-eight (48) inches.
- d. Multiple fountains and sculpture in front yard areas are prohibited. One fountain or one sculpture is permitted.
- e. Fountains and sculptures in rear and side yard areas shall not exceed the height of perimeter walls.
- f. Fountains and sculptures must be free-standing and not attached to any perimeter wall or property line wall.

- B. Architectural Character and Structures.** The identity of the Ritz Cove Homeowners Association is created and maintained through the use of a consistent architectural style. This style reflects a Mediterranean expression which was selected for the community because of the similarities between the climatological, topographical and cultural influences of the two regions.

Mediterranean architecture is characterized by the use of forms and materials which provide relief from the sun and which work with the natural hillside terrain. Solar protection is commonly provided by diffusing direct sunlight through the use of deep-set windows and doors, arcades, balconies, and interior courts. Sensitivity to the land form is achieved by designing structures which terrace down the hillsides and by clustering development within the generous expanses of open space. The architecture features the use of classic and stylized Mediterranean detailing with building materials that include colored stucco walls, concrete, clay tile and slate roofs, and enriched accent materials.

## ARCHITECTURAL GUIDELINES - II

### Ritz Cove Homeowners Association

The intent of these Design Guidelines is to define some of the materials, colors, and forms that constitute the Mediterranean character. The Design Guidelines allow flexibility of architectural expression within the framework of the Mediterranean character.

Inappropriate designs are those that deviate from the established Mediterranean theme, such as thematic or period styles, and postmodern. Thematic or period styles represent the architecture of a different time or place in history (i.e. Tudor, French Colonial, etc.) Postmodern architecture is usually characterized by the use of a combination of historic and modern decorations and forms. Unacceptable forms include turrets, half-timbers, and pseudo castles.

#### 1. **Heights.**

a. **Dwellings.** Dwelling heights must be compatible with surrounding structures in relation to massing and enclosure and may not exceed the following heights as measured above the original pad level of the Lot shown in Section VI, Original Pad Elevations:

1. 42 Ritz Cove Drive through 50 Ritz Cove Drive = Eighteen (18) feet
2. All other addresses = Thirty (30) feet

b. **Accessory Structures.** The maximum height of Accessory Structures is ten (10) feet for flat roofed structures and twelve (12) feet for sloped roofed structure above the original pad level of the Lot shown in Section VI, Original Pad Elevation.

c. **Arbors and Trellis.** The maximum height for arbors and trellis is twelve (12) feet from the original pad level of the Lot shown in Section VI, Original Pad Elevation.

2. **Setbacks.** The minimum setback for any Structure, excluding property line fences or walls, shall be established by measurement from property line, easement line, toe-of-slope or top-of-slope to the nearest portion of any Structure and shall be the greater setback of any distance specified below or City Zoning Ordinance unless noted otherwise. The toe-of-slope or top-of-slope, for purposes of this section, shall be as originally established by the Declarant, as shown on the grading plan on file with the Management Company. Setbacks may be increased by the Committee on a case by case basis (e.g. structures across two [2] or more Lots) to conform with the general plan of the community. In the event that an Owner is permitted to construct Improvements on two (2) or more Lots within the community, the Owner of the Lots shall remain obligated to pay Assessments on all of the Lots. The setbacks for Improvements shall be as set forth below. The side of corner Lots and addresses 26, 41, 50, 61 and 80 through 97 are excluded from the Accessory Structure side and rear yard setbacks listed below. In no event shall Accessory Structures be placed on or over Common Areas or Association Maintenance Areas.

## ARCHITECTURAL GUIDELINES - II

### Ritz Cove Homeowners Association

<b>Dwelling</b>	<b>Standard</b>
Minimum front yard setback (Including light wells and below grade stairs)	15 feet
Minimum side yard setback: (Including light wells and below grade stairs) Interior Corner	5 feet 10 feet with up to 3 feet encroachment for no more than 30% of the elevation
Minimum rear yard setback:	15 ft measured from property line, easement line, toe-of-slope or top-of-slope whichever is more restrictive
<b>Garage</b>	<b>Standard</b>
Minimum front yard setback Front facing Side facing	20 feet 10 feet
Minimum side yard setback: (Including light wells and below grade stairs) Interior Corner	5 feet 10 feet with up to 3 feet encroachment for no more than 30% of the elevation
Minimum rear yard setback:	15 ft measured from property line, easement line, toe-of-slope or top-of-slope whichever is more restrictive
<b>Accessory Structures</b> (Patio Structures, Gazebos, Arbors, Trellis, Light Poles, Play Equipment / Structures, Trash Enclosures)	<b>Standard</b>
Minimum front yard setback	15 feet and fully screened from the street
Minimum side yard setback Interior Corner	5 ft 10 feet
Minimum rear yard setback	15 ft measured from property line, easement line, toe-of-slope or top-of-slope whichever is more restrictive

## ARCHITECTURAL GUIDELINES - II

### Ritz Cove Homeowners Association

<b>Accessory Structures</b> Pools, Spas, Ponds, Slides and Waterfalls	<b>Standard</b>
Minimum front setback	15 feet for waterfalls all others not permitted in front yards
Minimum side yard setback: Interior Corner	5 ft 10 ft
Minimum rear yard setback	Property line, easement line, toe-of-slope or top-of-slope whichever is more restrictive
<b>Accessory Structures</b> Built-in Barbeques, Fire pits, Fireplaces	<b>Standard</b>
Minimum front setback	Not permitted in front yards
Minimum side yard setback: Interior Corner	5 ft 10 feet
Minimum rear yard setback	Property line, easement line, toe-of-slope or top-of-slope whichever is more restrictive
<b>Accessory Structures</b> Fountains and Statues	<b>Standard</b>
Minimum front setback	10 feet and softened with landscape planting
Minimum side yard setback: Interior - Portable  Interior – Non-portable Corner	0 ft but may not attach to a property line wall or fence and must be below wall height and at or below 3 feet in height in the rear Height Restriction Area 5 ft 10 ft and must be softened with landscape planting
Minimum rear setback Interior - Portable  Interior – Non-portable	Edge of slope but may not attach to a property line wall or fence and must be below wall height and at or below 3 feet in height in the rear Height Restriction Area 5 feet

## ARCHITECTURAL GUIDELINES - II

### Ritz Cove Homeowners Association

Corner	10 feet
<b>Mechanical Equipment</b> (AC condensers, pumps and filters)	<b>Standards</b>
Minimum front yard setback	Not permitted in front yards
Minimum side yard setback	City standards for setback and acoustic limits
Minimum rear yard setback	Edge of slope but may not attach to a property line wall or fence and must be below wall height and at or below 3 feet in height in the rear Height Restriction Area

3. **Setback Encroachments.** Encroachments outside of the Building Envelope shall be permitted for corner Lots up to three (3) feet. However, this may occur for up to no more than thirty (30) percent of the buildings side elevation
4. **Site / Lot Coverage.** Site / Lot coverage shall be limited to the Building envelope establish by the setback table above.
5. **Square Footage.** Each Lot shall be limited to one (1) detached single-family dwelling. No multi-family residences shall be allowed. Enclosed Accessory Structures with a kitchen are prohibited.
6. **Exterior Building Walls.** The primary wall surfaces shall be hand troweled plaster or stucco in a fine sand, smooth or Santa Barbara finish. The material, color, and texture of walls shall be consistent on all sides of the home. Veneer accents (such as wood siding, brick, and stone), when applied, must terminate at inside corners to avoid exposing the thickness of the veneer to view.

Notwithstanding the acceptability of these materials, the use and application of the materials and colors remains subject to full Architectural Control Committee approval. Home Improvement Applications may be denied based on overall design / compatibility criteria as set forth in these Guidelines. The exterior siding material treatment must achieve a complete architectural design statement that is compatible and harmonious with other homes in the neighborhood.

7. **Roofs and Re-roofing.** The height of roofs shall be as set forth in section II-B.1 above. The roofs of the main dwelling and accessory structures shall have matching or complementary forms and matching materials. Additional requirements and standards are as follows:
  - a. **Flat Roofs.** Flat roofs shall be any roof with a slope ratio of less than 3:12 and shall not exceed twenty (20) percent of the roof area. Flat roofs are not to be seen from the street or adjacent Lots
    1. A level parapet wall or thickened fascia is encouraged to create a uniform appearance and to screen accessory vents and skylights which are visible from the street. Where possible, vents, skylights and solar



## ARCHITECTURAL GUIDELINES - II

### Ritz Cove Homeowners Association

panels should be placed on the elevations away from the view of the Lots above, and away from the street.

2. The finish roofing material color shall be dark to minimize glare. On buildings that have both sloping and flat roofs, the finish material of the flat roof shall match the color of the sloping roof.
  3. The use of mansard roofs to hide a flat roof is prohibited.
  4. All roof vents shall be colored to match the adjacent roof material.
  5. Exposed horizontal ducting and piping are not permitted on or above the roof
- b. **Sloped Roofs.** Sloped roofs shall be hip or gable shaped with a slope ratio between 3:12 and 6:12.
1. Simple and graceful forms are encouraged
  2. Eave detailing must be consistent on all sides of the home
  3. Penetration of sloping roofs by plumbing vents, flues, etc. should be confined to hidden sides of the roof, and whenever possible, set low enough on the roof so as to not penetrate the silhouette of the roof form.
  4. All roof vents shall be colored to match the adjacent roof material
  5. Exposed horizontal ducting and piping are not permitted on or above the roof
  6. The finish roofing material may consist of clay tile or slate. Clay roofs are to be terra cotta or buff toned. Flashed tiles must be fire processed rather than paint applied.
8. **Windows and Doors.** Some window and door styles may not be acceptable if the proposed changes alter the character of the window and door elements already existing in the neighborhood. Approved wooden, steel or aluminum window frames must be painted to match trim, wood siding or stucco or provide a complementary accent color. Additional consideration of window and door design and placement are enumerated below:
- a. **New Windows and Doors.** Windows and doors must be consistent in color, frame profile and operation on all sides of the home and enhance the architecture of the home. Window and door openings shall be designed to achieve an acceptable scale, order and proportion on all sides of the home. Window and door header heights shall be consistent and shall produce an ordered arrangement and composition within the total wall surface of an elevation.
  - b. **Door and Window Additions/Replacements.** When existing windows and doors are replaced or new windows and doors are added, the windows and doors shall be consistent and harmonious in color, design, style and order. All windows and doors shall be replaced, if needed, to maintain a consistent appearance on all elevations of the home. While this will generally require that the windows be consistent, some variation in type

## ARCHITECTURAL GUIDELINES - II

### Ritz Cove Homeowners Association

may be permitted if the overall result is a harmonious one. Mismatched window/styles and color will not be permitted.

- c. **Glass.** Window and doors glazing may be clear solar bronze or grey only. Window and door glass may be slightly reflective for energy efficiency, but may not be heavily reflective, tinted, mirrored or stained glass. Reflective material that creates a “mirror” effect from the outside are prohibited where visible from adjacent properties and common areas.
- d. **Window and Door Coverings.** Curtains, drapes, shutters, or blinds may be installed as interior window coverings; however, any such covering visible from the street shall be in color and patterns which are approved by the Architectural Control Committee. No newspaper or aluminum foil shall be used as window coverings. Exterior security bars are prohibited. Security bars, if desired, may be placed on the inside of the windows or doors.
- e. **Appliances.** No heating or air conditioning appliances may be placed in or vent through windows or doors
- a. **Garage Doors.** Garages shall be enclosed with an operable door of wood, glass, metal or fiberglass construction and with a design consistent with the Architecture of the home. Garage doors must be a color complementary to the color scheme of the home. Treatments that draw attention to the garage door (e.g. family crest, eagles, sunbursts, decorative decals) are prohibited.

9. **Gutters and Downspouts.** Each Residence or Improvements on each Lot must have appropriate gutters and downspouts for the collection and drainage of storm water. Gutters and/or downspouts may be exposed or concealed. Any exposed gutters or downspouts shall be colored to match the surface to which they are attached or be of an architectural quality and material to warrant contrasting color. No exposed roof straps or plastic gutters are permitted.

10. **Rooftop Appliances and Equipment.**

- a. **Rooftop Appliances.** Rooftop appliances and equipment are not permitted except for solar panels and attic ventilators that satisfy the requirements set forth below.
- b. **Attic Ventilators.** Attic ventilators or other mechanical apparatus requiring penetration of the roof should be low profile and as small in size as functionally possible and shall be painted to match the roof. They should be located on the least visible side of the roof and are not to extend above the maximum roof height except as required by applicable building codes.

11. **Skylights.** Skylights may not project above the maximum roof height and must be arranged in an attractive grouping or order. Skylights shall have clear, solar bronze or gray flat glass. All metal framing and flashing must be painted to blend

## ARCHITECTURAL GUIDELINES - II

### Ritz Cove Homeowners Association

with the roof. Acrylic domes are prohibited. Clear anodized aluminum frames are prohibited. All visible manufacturer labels shall be removed prior to installation.

12. **Chimneys.** The use of direct vent side or rear venting fireplaces is encouraged by the Architectural Control Committee to eliminate the need for chimneys. Chimneys, when proposed must be designed as an integral part of the home and the following requirements:
  - a. The maximum height for all chimneys shall be based on the code allowed minimum height of the flue termination above the roof line.
  - b. Chimney flashing shall match the integral or applied color of the chimney and roofing material.
  - c. Above the roof, chimneys shall not exceed six (6) square feet (2'x3') for a single flue or ten (10) square feet (2'x5') for a double flue.
  - d. Chimneys shall be constructed of materials integral with the design of the home using siding materials found on the home.
  - e. Exposed sheet metal flues are not permitted. Chimney flue terminations must be screened with a decorative cap.
13. **Overhangs and Other Building Projections.** Eaves that extend beyond the footing of a dwelling may not project more than thirty (30) inches into any front, side or rear yard setback and for no more than fifty (50) percent of any one elevation. All such projections must conform to the original architectural character and style of the dwelling to which they are attached.
14. **Garages and Carports.** There shall be a minimum of two (2) enclosed garage spaces provided for each Dwelling. Minimum clear inside dimensions of a garage shall be defined by City Codes.
  - b. Garages must be connected directly to the main dwelling or connected by a patio, breezeway or arbor
  - c. Garages may not be accessed from driveways approaching through side or rear descending slopes
  - d. In no event shall a garage be converted to livable area or a use which will not accommodate vehicle parking. No storage in a garage shall be permitted which precludes the use of the space of such garage for the parking of at least two automobiles.
  - e. Garage enlargements are prohibited unless the Applicant can demonstrate that there will be no increase in driveway (concrete) area and the size of the proposed garage is appropriate in scale and mass for the home and streetscape.
  - f. Carports are prohibited
15. **Vehicles.** As set forth in CC&R Article VII, the storage and repair of commercial type vehicles or recreational vehicles including but not limited to trailers, campers, boats or other similar equipment are restricted as follows:

## ARCHITECTURAL GUIDELINES - II

### Ritz Cove Homeowners Association

- a. No open yard or area improved as a driveway on any Lot shall be used for the parking of any motor home, recreational vehicle, camper, commercial vehicle, trailer, boat or watercraft (except for temporary parking of any such vehicle for loading and/or unloading purposes).
- b. Motor homes, recreational vehicles, campers, commercial vehicles, trailers, boats and watercraft may be stored in enclosed garages which screen the contents from the street.

16. **Solar Power and Thermal Systems.** The Ritz Cove Homeowners Association embraces energy conservation and the use of renewable resources. Notwithstanding any provision or restriction contained in the Declaration to the contrary, and in accordance with applicable state and federal laws, solar panels/mechanical devices may be installed within the community subject to prior written approval from the Architectural Control Committee. Photovoltaic and thermal solar panels must be reviewed by the Architectural Control Committee and shall meet the following requirements:

- a. Solar panels shall be placed in roof locations that take into consideration the aesthetic balance of the house and the overall appearance of the community
- b. Solar panels shall be placed parallel to the roof plane
- c. Solar panels shall be placed in a location that minimizes glare to surrounding houses. They preferably should be installed at the rear facing roof of the house or garage.
- d. Solar panels shall be installed in an aesthetically correct manner with gaps minimized and panel edges shrouded as required.
- e. Solar panels shall not exceed an overall height of eight (8) inches from the roof surface when being used for electric generation and not more than four (4) inches when used for water heating. On new homes, the solar panels may not exceed the maximum height of the home
- f. Frames of the solar array are to be black or a dark bronze.
- g. Preferably, no pipes, conduit or other equipment should be exposed to public view. Any hot water storage tank or battery bank located outside the house or garage must be completely enclosed. If any pipe, conduit or other equipment is visible, it shall be painted to match the color of that part of the house or other structure to which it is affixed.

17. **Balconies, Raised Decks and Roof-Top Decks.** Balconies, raised decks and roof-top decks are an extension of the house and have a significant impact on its appearance. Balconies, raised decks and roof-top decks may also affect the established relationship with adjacent properties. The impact to the adjacent neighbor is considered in the Architectural Control Committee's review.

- a. Balconies and raised decks shall be treated with a finished walking surface, and must be compatible with the house in material, color, and the design of railings and trim.

## ARCHITECTURAL GUIDELINES - II

### Ritz Cove Homeowners Association

- b. All balconies must be directly accessible from the same level of the living unit. Exterior stairs must be placed within the required setbacks and designed and constructed of materials consistent with the architecture of the home. Spiral stairs must be placed in an inconspicuous location, screened from Common Area and placed where the sound of footfalls on the treads will not create an unreasonable hardship on a neighboring home.
  - c. Roof-top decks are to be placed toward the center of the home to reduce the impact to adjacent neighbors. Roof top decks may only be accessed from internal stairs within the living unit.
  - d. Roof-top decks, railing and the contents or furniture placed on them may not exceed the building envelope height for the Lot.
  - e. Balconies may not extend past or in front of single-story roofs.
  - f. Raised decks in yards may be raised no more than one (1) foot above the existing grade and must be placed within the dwelling setbacks. Where appropriate and approved by the Architectural Control Committee, a raised deck may be permitted to project into the required setback up to three (3) feet. Raised decks shall be setback sufficiently to allow for landscape screening between adjacent Lots. Decks are not permitted on or over Association Maintained Area.
  - g. Balconies and decks are not to be used for storage.
18. **Patio Covers, Arbors and Trellis.** The size and design of Patio Covers, Arbors and Trellis must be compatible with the Dwelling, Lot and adjacent homes. Patio Covers, Arbors and Trellis shall be painted or stained to match colors on the home. Front yard Arbors and Trellises may not be appropriate, but will be considered on a case-by-case basis by the Committee:
- a. **Side Elevations.** The side elevations of such structures shall not be fully enclosed in any manner, except in a case where a wall of a dwelling forms a natural enclosure to some or all of a side elevation. Patio structures may not be used as a substitute for room additions. Fireplaces, entertainment walls and countertops may partially enclose an additional wall.
  - b. **Adornments.** No objects such as urns, pots, banners, televisions, etc., shall be placed on top of any such structure. All such objects shall be located under, around, or suspended within the structure. Televisions shall be placed and screened to minimize impact to the adjacent neighbor.
  - c. **Roof Pitch.** Solid roofed structures shall be design with sloped or flat roofs to match the existing home. Open spaced roof structures (lattice or open beam) structures may be sloped or flat. Flat roofed structures must be an open beam lattice type structure with at least fifty (50) percent of

the roof structure open and evenly spaced. Solid flat roofed structures and not permitted.

**d. Acceptable Materials.**

1. The framework of such structures, including any overhead portions, must be made of wood, manufactured wood (aesthetically consistent with the proportions of wood), embossed steel, aluminum or plastic to simulate wood except that vertical support members may be clad with stucco or compatible stone products consistent with the existing home. Posts shall be a minimum six (6) inch x six (6) inch dimension or larger. Post spacing, height and size shall be designed in proportion to size of the structure.
2. Sloped roofing materials shall match or complement the roof materials of the Dwelling.
3. Architectural Grade redwood and cedar is allowed to remain in its natural state, but is subject to painting should it deteriorate.

**e. Unacceptable Materials.**

1. Prefabricated structures that do not simulate the dimension, proportion, texture and framing systems of wood or are inconsistent with the Architecture of the home.
2. Roofing materials which do not match the materials and Architecture of the home or community (e.g. thatch, reed, shade cloth, aluminum, fiberglass, asphalt composition).
3. Prefabricated solid flat paneled (insulated) metal patio roofs

**19. Awnings and Sunshades.** Awnings (fixed and retractable) and sunshades can provide an effective means of controlling glare and excessive heat buildup on windows and doors, and help to reduce energy consumption and utility costs. The manner in which such controls are implemented has a considerable effect on the exterior appearance of a house. Such devices must be compatible with the architectural character of the house in terms of color and materials and must be used only as an architectural accent. Such devices must also be compatible with the overall neighborhood. Additional design considerations are as follows:

- a. The awnings or sunshades may be of cloth in a simple design and color approved by the Architectural Control Committee. Cloth awning material must be maintained in an attractive and un-faded condition;
- b. Metal awnings are not permitted;
- c. Temporary sunshades attached to the vertical face of the house, patio cover, or gazebo (such as rolls of bamboo, fiberglass, or reed) are not permitted;
- d. The size, location, and form must be in scale with the window or door;

## ARCHITECTURAL GUIDELINES - II

### Ritz Cove Homeowners Association

- e. Awnings and sunshades may project no more than three (3) feet into any front, side or rear yard setback. When projecting into a setback, the Architectural Control Committee will consider the impact to neighboring homes;
- f. Some elevation styles and some windows (such as large windows, recessed windows and/or windows designed as accent features themselves) are less suitable for awnings. Awnings in these locations may not be approved by the Architectural Control Committee.

**20. Exterior Colors.** Color is intended to act as a primary theme-conveying element, reflective of the community character. The garish use of colors designed to draw attention to the dwelling or accessory structures or which, in the opinion of the Architectural Control Committee, are inconsistent with the character of the community will be denied. Exterior colors of buildings, fences, walls and structures as approved by the Architectural Control Committee for new construction, additions or alterations shall not be changed or altered without Architectural Control Committee approval. No home is to be painted the same color scheme as any adjacent home. All external repainting requires an Application; if the color scheme is identical to the current color, submission of an Application is still required. The following requirements shall also apply:

- a. Immediately adjacent homes may not be painted the same color scheme. A minimum one house separation between homes painted the same color scheme is required.
- b. Paint schemes with subtle contrast between wall colors, trim colors and accent colors are encouraged. Paint schemes with a monochromatic paint scheme may be denied unless sufficient variation in color and texture can be offered in roofing, siding materials and architectural details.
- c. Flat paint finishes are acceptable for all exterior elements of the home. Semi-gloss finishes are to be limited to window frames, doors and garage doors. No high-gloss finishes are permitted.
- d. White, muted warm earth tones and pastels are permissible colors. Accent colors must be harmonious and offer muted contrast.

**21. Temporary or Portable Structures.** No structure of a temporary character, trailer, basement, tent, shack, garage, barn, or other out-building shall be used on any Lot at any time as a residence, either temporarily or permanently.

- a. Portable spas, canvas cabanas, prefabricated gazebos, etc. shall not be located on a Lot unless approved by the Architectural Control Committee. Such structures may be approved for one specific location and must be harmonious to the architecture of the home and surrounding area. Such structures will require the identical setbacks required of fixed Improvements from property lines to allow landscape screening. Temporary structures must conform to all requirements of the Architectural Guidelines.

## ARCHITECTURAL GUIDELINES - II

### Ritz Cove Homeowners Association

b. See Section II.A.21 for Play Equipment

22. **Exterior Equipment.** All water softeners, water heaters, gas meters, electrical meter panels, air conditioning equipment, pool equipment or other such equipment shall be completely concealed from public view and shall be installed in a place and manner that minimizes any negative impact on neighboring properties. Any electrical meter panel shall be recessed into a wall and shall be painted to match the color of that wall. Placement of each of these, as well as the type of equipment is subject to Architectural Control Committee review. Machinery or exterior equipment which is used for home-hobby or entertainment purposes (televisions and stereo speakers) may be used on a Lot provided such machinery or equipment meets the following standards:

- a. is obscured from view of other Lots by a wall or appropriate screen and such wall or screen is approved by the Architectural Control Committee;
- b. does not constitute a nuisance; and
- c. No horns, whistles, bells or other sound devices, except security devices used exclusively for security purposes, shall be located, used or placed on a Lot.

Security cameras may be used on any Lot and will not be reviewed by the Committee provided such security cameras meet the following standards:

- a. does not project above the roof line and is discretely placed;
- b. does not have a camera tilt feature or adjustable zoom lens;
- c. does not have the ability to look into neighbors yards or homes

23. **Trash Containers and Storage Areas.** Trash, garbage, rubbish and other waste shall be kept only in sanitary containers. Homeowners must consider trash and storage areas in landscape, hardscape and fence designs to assure they are screened for streets, common area and adjacent Lots. All services yards or service areas, clotheslines areas, sanitary containers, and storage piles, woodpiles, machinery and equipment on any property within the community shall be enclosed or walled. Walled trash enclosures shall be setback from property lines and slopes as set forth in Section B2.

24. **Satellite Dish and Antenna:** Satellite dish and antenna installation will not be reviewed by the Architectural Control Committee when the dish or antenna is less than 1 meter in diagonal dimension. Applicants must however comply with the following guidelines:

- a. Satellite dishes and antenna shall not be placed in the Common Area
- b. Satellite dishes and antenna should be placed away from front yards or portions of the roof that face the front yard.
- c. Cabling is to be installed in straight lines under eaves or parallel with fascia and rain gutters. Vertical cable is to be installed adjacent to rain downspouts. Cable installation in the middle of stucco walls is to be



## ARCHITECTURAL GUIDELINES - II

### Ritz Cove Homeowners Association

avoided. Cable, which is unsupported, draped or installed with efficiency rather than aesthetic care must be removed and reinstalled correctly.

- d. Cable and clips colors are to be similar in color to the adjacent surface of the structure.
- e. Provide reasonable screening of the dish and antenna from view by surrounding properties when the dish is located in the yard of a Lot. Such screening shall be accomplished in order of priority by:
  - 1. Lowering the grade elevation of the pad supporting the dish and antenna such that the top of the dish/antenna shall not exceed the height of any existing opaque perimeter Lot wall, fence or landscape screening
  - 2. Installing landscape materials around the dish and antenna to screen the dish/antenna from view
  - 3. Combination of the above.

25. **Pet Houses.** A pet house should be compatible with the main dwelling in color, and should be located where it is not visible from public view and is otherwise visually unobtrusive. The pet house should also be placed away from neighbor's windows and living areas.

26. **Flags, Banners and Signs.** Notwithstanding any provision or restriction contained in the Declaration to the contrary, and in accordance with applicable state and federal laws, flags, banners and signs may be installed within the community subject to prior written approval from the Architectural Control Committee and the following standards:

- a. Freestanding flagpoles are prohibited in front yards. With the exception of an American flag, the design, material, installation and lighting of flagpoles shall be subject to the review and approval of the Architectural Control Committee.
- b. One flag / banner bracket is permitted for each home. The size of flags and banners shall be compatible with the scale of the house. The design and message/content of flags and banners shall be appropriate for residential development.
- c. No other sign or advertising device may be displayed anywhere on an Owner's Lot, with the exception of commonly accepted protective device signs, including for security alarms, "beware of dog" and "no soliciting", or non-commercial signs.

27. **Weathervanes, Windmills, Paddles and Windsocks.** Ornamental wind units such as weather vanes or wind-socks require Architectural Control Committee approval. Size and color limitations include:

- a. Weather vanes may not exceed eighteen (18) inches by thirty-six (36) inches in cross section size and must be constructed of durable materials such as metal;

## ARCHITECTURAL GUIDELINES - II

### Ritz Cove Homeowners Association

- b. Wind-mills and wind paddles are prohibited;
  - c. Weather vanes may not be brightly colored;
  - d. Wind socks may not exceed eighteen (18) inches in length;
  - e. Weather vanes windsocks may not exceed the maximum height restriction for the Lot or create an unreasonable nuisance
28. **Air Conditioners:** Air conditioners may be installed subject to prior written approval from the Architectural Control Committee. Air conditioning equipment may not be placed on the roof of the home or accessory structure. Any such equipment shall be screened from view from adjoining residences and streets. Care must be taken not to place air conditioning units adjacent to neighbor's windows or outdoor living space. Air conditioning units shall comply with the minimum acoustic requirements of City Codes. Through wall or window air conditioners, fans and condensers are prohibited.
29. **Screen Doors and Security Bars:** All screen doors, other than those provided as a standard accessory with sliding glass doors, must be approved by the Architectural Control Committee. Exterior security doors and bars are prohibited. Security doors and bars are to be placed on the interior of the home. The Committee shall consider the approval of screen doors under the following standards and criteria:
- a. Doors shall be painted to match the exterior trim around the front door opening or blend with the same trim.
  - b. Door shall not be ornate or massive in design (i.e., bars, scrolls, etc.).
  - c. Consideration of location of the screen door relevant to its visibility from walks, streets, etc.
30. **Clotheslines:** Clotheslines are permitted in enclosed yards only. Clotheslines are limited to the ground level and may not exceed seven (7) feet in height. Clotheslines are not to be attached to the residence. Clotheslines must be setback from the property line a minimum of three (3) feet to allow landscape screening.
31. **Unspecified Items.** Any material, condition, architectural feature or other item not specifically or clearly described in these Guidelines shall become a matter of discretionary judgment on the part of the Architectural Control Committee acting in good faith on behalf of the best interests of the Association as a whole.

**DEFINITIONS**

The following definitions are derived from the City of Dana Point Zoning Ordinance and the Ritz Cove Homeowners Association CC&R's. The definition of commonly used words and terms is provided to assist Membership in communication. The definition of terms below is not meant to imply that these defined terms are, or are part of, an approvable or prohibited Improvement.

**“Abandon”** means to cease or suspend from developing or maintaining a structure or use for a stated period of time.

**“Abutting or adjoining”** means contiguous to, having boundaries or lot lines in common (i.e. not separated by an alley, public or private right of way, or street, See “Adjacent”

**“Access”** means a safe, adequate, and usable way of approaching or entering a property or use, including ingress (the right to enter) and egress (the right to exit)

**“Accessory Dwelling Unit.”** See “Dwelling Unit, Senior Accessory”

**“Accessory Structure”** means an attached or detached structure that is a part of, and clearly incidental and secondary to, a residence and that does not change the character of the residential structure and not designed for human habitation. Does not include granny units (see “Accessory dwelling unit”). Illustrative examples of these structures include:

- a. Carports
- b. Decks
- c. Fences
- d. Fireplaces and fire pits
- e. Garages
- f. Gazebos
- g. Greenhouses (noncommercial)
- h. Outdoor play equipment
- i. Patios
- j. Platforms
- k. Porches
- l. Spas and hot tubs
- m. Storage or work sheds
- n. Studios
- o. Swimming pools
- p. Tennis and other on-site sport courts
- q. Terraces
- r. Walls
- s. Workshops

**“Adjacent”** means the condition of being near to, or close to, but not having a common boundary or dividing line. Properties that are separated by a public access easement, alley, public or private right of way, street or by a creek, river, stream, or other natural or artificial waterway shall be considered as adjacent to one another.

**“Agent”** means a person authorized in writing by the property owner to represent and act for a property owner in submitting and processing Home Improvement Applications and communicating with Management, Members, Committees and the Board in matters related to these Guidelines.

**“Alteration”** means a change, addition, or modification in construction or occupancy of an existing structure.

**“Alteration, structural”** means a change or replacement in the supporting members of a structure (e.g., bearing walls, columns, beams, girders, foundations, etc.)

**“Application”** shall mean a complete submittal of required forms, drawings and specifications of proposed Improvements, submitted by an Owner, for consideration by the Architectural Control Committee

**“Approval”** of the Association or the Architectural Control Committee shall mean prior written approval.

**“Approved Plans”** shall mean plans and specifications which have obtained Approval by the Architectural Control Committee

**“Approved with Conditions”** shall mean plans and specifications which have obtained Approval by the Architectural Control Committee contingent upon the Owner complying with specific conditions imposed by the Architectural Control Committee on the proposed Improvements

**“Arbor”** means a detached, linear, freestanding, open-air structure designed for the support of vines and flowers and not for habitation. See “Accessory Structure”

**“Architectural Control Committee”** shall mean the committee created pursuant to the provisions of Article VIII of the CC&R’s

**“Articles”** shall mean the Articles of Incorporation of the Association filed in the Office of the Secretary of State of the State of California, as such Articles may be from time to time amended.

**“Association”** shall mean and refer to the Ritz Cove Homeowners Association a California nonprofit corporation, incorporated under the laws of the State of California, its successors and assigns

**“Awning”** means an ornamental roof-like cover that is attaches to the side or wall of a structure and projects over a window, doorway or pedestrian walkway for protection from the sun or weather (see “Canopy” and “Patio cover”).

**“Balcony”** means a platform that projects from the wall of a structure, typically above the first level, with direct access from and upper floor door; and is surrounded by a rail or parapet wall.

**“Basement”**

- a. **“Subterranean basement”** means that portion of a building located below grade, provided the finished floor above is not more than eight inches above grade at any point.
- b. **“Daylight basement”** means that portion of a building that is partly below grade, but with the finished floor more than eight inches above grade at any point. Also includes a “walkout” basement, which provides access from the basement to the outside.

**“Bay Window”** means a window or series of windows that project outward from a wall of a structure forming a bay or alcove in a room within. This definition includes bow, oriel, greenhouse and similar projecting windows.

**“Board”** or **“Board of Directors”** shall mean the Board of Directors of the Association.

**“Building”** means a structure having a roof supported by columns or walls for the housing or enclosure of persons, animals, chattels, or property of any kind. See “Structure”

**“Canopy”** means a roof like cover, supported from the ground or from the floor or walls of a structure, for protection from the sun or weather. Does not include “Carport.” See “Awning” and “Patio Cover”

“**Carport**” means a structure or portion of a structure, open or enclosed by walls or doors on not more than three sides, that is designed and intended to shelter one or more parking spaces.

“**CC&R’s**” shall mean and refer to the Declaration of Covenants, Conditions and Restrictions for Ritz Cove Homeowners Association.

“**City**” means the City of Dana Point

“**Common Area**” means all real property, if any, owned by the Association for the common use and enjoyment of the Members of the Association.

“**Deck**” means a platform, either freestanding or attached to a structure that is supported by a raised foundation, pillars or posts

“**Declarant**” means Stein-Brief Group, Inc., a California Corporation, the original developer / builder and author of the “Declaration”

“**Declaration**” shall mean and refer to the Declaration of Covenants, Conditions and Restrictions for Ritz Cove Homeowners Association.

“**Demolition**” means the removal of all or part of a residential dwelling, accessory structure or other Improvement

“**Dormer**” means an extension projecting from the slope of a roof usually provided with its own roof and housing a window or series of windows. A dormer is located below the highest point of a roof. Examples of a typical dormer include eyelid dormers or eyebrow dormers (i.e., with an arched roof that gives it the appearance of an eyelid); gable dormers (i.e., with a gable roof) and shed dormers (i.e., with a shed roof).

“**Driveway**”

- a. “**Access Drive**” refers to a drive, including those owned and/or maintained by the community association, which provides front, side, or rear access to one or more residential lots. An Access Drive is not a Private Street as that term is used within these Regulations. Driveways on a residential lot are not Access Drives.
- b. “**Primary Access Drive**” refers to an Access Drive, which is designed as the principal means of access to a residential lot.
- c. “**Rear Access Drive**” refers to an Access Drive, which provides access to a residential lot from the rear of the lot.
- d. “**Flag Lot Driveway**” refers to an Access Drive which, although having the appearance and function of an extended driveway, is used to provide access to two or more residential units from a Private Street or Access Drive

“**Dwelling, Single-Unit (land use)**” means a structure containing one dwelling unit located on a single lot for occupancy by one single housekeeping unit (see “Single housekeeping unit”) and is not attached to another dwelling, excluding an accessory dwelling unit (see “Accessory dwelling unit”).

“**Dwelling Unit, Senior Accessory**” means a dwelling unit accessory to and attached to, detached from, or contained within the principal dwelling unit on a site zoned for a single-family dwelling. The unit is intended for the sole occupancy of one or two adults who are sixty-two (62) years of age or older. The floor area of the unit does not exceed six hundred forty (640) square feet.

**“Emergency Work”** means work performed for the purpose of preventing or alleviating the physical trauma or property damage threatened or caused by a natural or manmade disaster.

**“Fence”** means a structure, solid or otherwise, that is a barrier and used as a boundary or means of protection, confinement, or concealment. Does not include hedges, shrubs, trees or other natural growth.

**“Fill”** means material (e.g., earth, clay, sand, concrete, rubble, wood chips, bark, waste, etc.), including pilings placed for the purpose of erecting structures, that is placed, stored, or dumped upon the surface of the ground resulting in an increase in the natural surface elevation.

**“Finished Grade.”** See “Grade, finished.”

**“Floor Area, Gross.”** Single-Unit Dwellings

- a. For single-unit dwellings, the following areas shall be included in calculations of gross floor area:
  1. The surrounding exterior walls; and
  2. Any interior finished portion of a structure that is accessible and that measures more than six feet from finished floor to ceiling.
- b. The following areas shall be excluded:
  1. Stairwells and elevator shafts above the first level.

**“Floor area limit”** means the allowed gross floor area for a residential lot determined by multiplying the allowed buildable area of the lot times the applicable multiplier for the lot

**“Floor area, net”** means the area included within the surrounding walls of a building, exclusive of vent shafts, elevator shafts, stairways, exterior corridors or balconies, rooms containing only mechanical and electrical equipment used for service of the building, utility shafts, and parking structures.

**“Floor Area Ratio (FAR)”** means the gross floor area allowed on a site divided by the total gross area of the site, expressed in decimals. For example, on a site with ten thousand (10,000) gross square feet of land area, a floor area ratio of 1.0 will allow a maximum of ten thousand (10,000) gross square feet of building floor area to be built. On the same site, a FAR of 1.5 would allow fifteen thousand (15,000) gross square feet of floor area and a FAR of 0.5 would allow five thousand (5,000) gross square feet.

**“Gazebo”** means a detached, covered, freestanding, open-air structure designed for recreational use only and not for habitation. See “Accessory Structure”

**“Grade, existing”** means the surface of the ground or pavement at a stated location as it exists prior to disturbance in preparation for a project.

**“Grade, finished”** means the surface of the ground at a stated location as it exists after completion of a project.

**“Grade, natural”** means the unaltered natural surface of the ground at a stated location.

**“Granny Unit.”** See “Dwelling Unit, Senior Accessory.”

**“Greenhouse Window.”** See “Bay window.”

**“Gross Floor Area.”** See “Floor area, gross.”

**“Ground floor”** means the first floor of a structure that is at ground level or street level. Does not include a “Basement.”

**“Hedge”** means a group of shrubs or trees planted in a line or in groups forming a compact, dense barrier that protects, shields, separates, or demarcates an area from view. For purposes of this definition, a shrub is a perennial woody plant smaller than a tree, having multiple permanent stems branching from or near the base and lacking a single trunk; a bush. See “Fence.”

**“Height”** means a vertical dimension above adjacent finished grade

**“Impervious Surface”** means any surface or material that prevents, impedes, or slows infiltration or absorption of water directly into the ground, including buildings, asphalt, concrete, and other surfaces that do not readily absorb water.

**“Improvements”** shall mean and refer to all structures and appurtenances thereto of every kind, including, but not limited to, Residences, buildings, walkways, awnings, shades, screens, screen doors, skylights, room additions, garages, open parking areas, pavement, private streets, driveways, fences, screening walls, retaining walls, stairs, patios and patio covers, mailboxes, windbreaks, irrigation equipment and all related facilities, exterior air conditioning units, landscaping, drainage swales, streetscapes, antennas and related facilities, exterior lighting, hedges and trees.

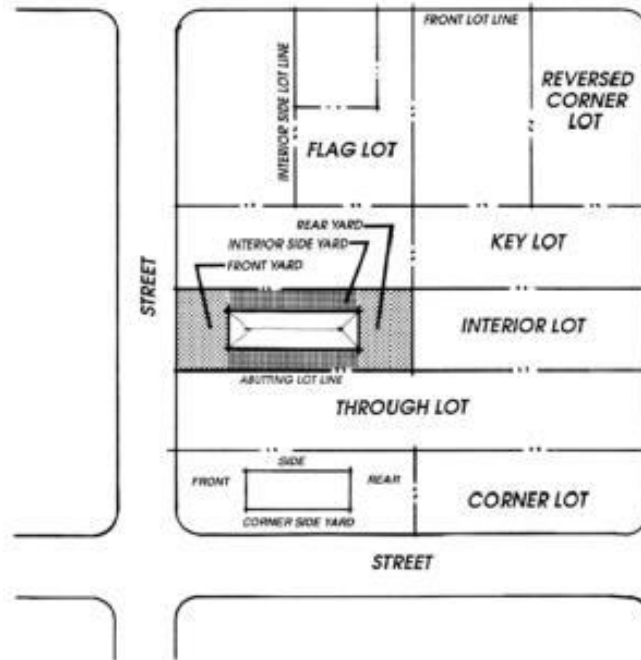
**“Invasive.”** See “Noninvasive plant”

**“Landscaping”** means an area devoted to or developed and maintained with native or exotic plantings, lawn, groundcover, gardens, trees, shrubs, and other plant materials, and associated decorative outdoor landscape elements.

**“Lot”** shall mean and refer to a recorded Lot within the existing property or any other properties annexed pursuant to the Declaration, upon which there has been or will be constructed a single residence, but shall not mean or include Common Area Lot nor public streets and alleys. The basic unit of land development. A designated area of land established by plat, subdivision, lot line adjustment, or as otherwise permitted by law, to be used, developed, or built upon as a unit. Typically, a lot is indicated upon a final map, parcel map, lot line adjustment map, certificate of compliance, or record of merger filed in the Office of the County Recorder. The term "Lot" shall not include the Association Property and/or any area dedicated for public use. Types of lots include the following. See below for Lot types.

- a. **“Corner lot”** means a lot located at the intersection of two or more streets, where they intersect at an interior angle of not more than one hundred thirty-five (135) degrees. If the intersection angle is more than one hundred thirty-five (135) degrees, the lot is considered an interior lot. The front lot line of a corner lot abuts the shortest street property line, unless otherwise determined by the Director.
- b. **“Flag lot”** means a lot not meeting minimum lot frontage requirements and where access to the private or public street is provided by a narrow private access way that is between abutting lots and that is owned in fee.
- c. **“Interior lot”** means a lot abutting only one street.
- d. **“Key lot”** means an interior lot, the front of which abuts the side property line of a corner lot.
- e. **“Reversed corner lot”** means a corner lot, the rear of which abuts the side of another lot.

*Illustration of Terms*



### **Lot Types**

“**Lot area**” means the total area within the exterior lines of a lot including public access corridors, vehicular easements, and areas to be included in future street rights-of-way or other public facilities or uses established by easement, dedication, or ordinance.

“**Lot depth**” means the horizontal distance from the midpoint of the front lot line to the midpoint of the rear lot line; or, for irregularly shaped lots where the side lot lines converge to a point at the rear of the lot, the horizontal distance from the midpoint of the front lot line to a line ten (10) feet long within the lot, parallel to and at a maximum distance from the front lot line.

“**Lot frontage**” means the property line of a lot that abuts a street right-of-way.

“**Lot line**” means a recorded boundary of a lot. Types of lot lines include the following:

- a. “**Front Lot Line**” means, on an interior lot, a lot line separating the lot from the street or the waterfront, if there is no street. For corner lots, the shortest side fronting upon a street is considered the front of the lot regardless of which street is used for vehicle or pedestrian access, or street address. Where two lot lines abutting a street are substantially the same length, the Director shall determine the location of the front lot line.
- b. “**Interior lot line**” means a lot line not abutting a street or alley.
- c. “**Rear lot line**” means a lot line, not a front lot line, that is parallel or approximately parallel to the front lot line and that does not intersect the front lot line. For irregularly shaped lots where the side lot lines converge to a point at the rear of the lot, the rear lot line is a line ten (10) feet long within the lot, parallel to and at a maximum distance from the front lot line.
- d. “**Side lot line**” means a lot line that is not a front or rear lot line.



**“Lot line adjustment”** means, as provided in the Subdivision Map Act, a lot line adjustment relocates one or more lot lines between two or more existing adjacent lots, where land taken from one lot is added to an adjacent lot and where no more lots are created than originally existed.

**“Lot Size”** refers to the total square footage of a residential lot. The boundaries used to determine the lot size of a residential lot shall be those set forth on the subdivision map. The square footage of a residential lot shall be deemed to include those abutting areas extending to the center line of adjoining Access Drives, even where the Access Drive is shown as a separate lot under common ownership.

**“Lot width”** means the horizontal distance between the side lot lines, measured at right angles to the line that defines the lot depth at a point midway between the front and rear lot lines.

**“Manager”** or **“Managing Agent”** shall mean the persons, firm or corporation engaged by the Association by contract and charged with the management of the Association and the performance of other duties of the Association as provided in the Declaration.

**“Member” and compulsory member** shall mean and refer to every person or entity who is required to be a Member of the Association pursuant to the provisions of Section 1 of Article III of the CC&R’s

**“Noise”** means an undesired sound.

**“Nonconforming lot”** means a lot that was legally created before the adoption of the current City Zoning Code or that legally existed at the time of annexation, and that does not conform to current code provisions/standards (e.g., access, area or width requirements, etc.) prescribed for the zoning district in which the lot is located.

**“Nonconforming structure”** means a structure that was approved by the Committee and lawfully erected, but that does not conform to current Guidelines.

**“Nonconforming use”** means a use of a structure or land that was lawfully established and maintained, but that does not conform to the current City use regulations for the zoning district in which it is located by reason of adoption or amendment of the Zoning Code or by reason of annexation of territory to the City.

**“Noninvasive plant”** means a plant that does not invade a habitat to the detriment of native species.

**Notice of Completion** – Exhibit E of the Architectural and Landscape Application, Procedures, Process and Forms package submitted to notify the Architectural Control Committee that the Approved Improvements have been completed and are ready for final inspection.

**“Open space (land use)”** means a lot or area of land or water set aside, designated, dedicated, or reserved for public or private use or enjoyment.

- a. **“Common Area.”** The land area owned and maintained by the Association that is not individually owned or dedicated for public use and that is designed, intended, and reserved exclusively for the shared enjoyment or use by all the residents and their guests.
- b. **“Private Open Space.”** An outdoor or unenclosed area directly adjoining and accessible to a dwelling unit, reserved for the exclusive private enjoyment and use of residents of the dwelling unit and their guests (e.g., balcony, deck, porch, terrace, etc.). Boundaries are evident through the use of fences, gates, hedges, walls, or other similar methods of controlling access and maintaining privacy.
- c. **“Usable Open Space.”** An outdoor or unenclosed area within the community on the ground, or on a roof, balcony, deck, porch or terrace, designed and accessible for outdoor living, active or passive recreation, pedestrian access, or landscaping. Parking facilities, driveways, utility or service areas,

required front or street side setback areas, and sloped or submerged land do not constitute usable open space.

**“Owner(s)”** shall mean: (i) the person or persons or legal entity or entities holding a fee simple interest in a Lot with respect to each Lot so owned, or, (ii) the purchaser or purchasers of a Lot under an executory contract of sale. Owner shall not include any person or entity having an interest in a Lot merely as security for the performance of an obligation.

**“Parking, shared”** means a public or private parking area used jointly by two or more uses.

**“Parking space”** means an unobstructed space or area other than a street or alley that is permanently reserved, maintained, and accessible for the parking of one motor vehicle.

**“Parking space, enclosed”** means a parking space that is in a garage that is enclosed on four sides.

**“Parking space, tandem”** means a pair of parking spaces (i.e., two spaces) arranged one behind the other.

**“Patio”** means a paved outdoor area that is used for lounging, dining, etc.

**“Patio cover”** means a solid-roof or open-roof structure that covers a patio, platform, or deck area. A patio cover may be detached from, or attached to, another structure. See “Awning” and “Canopy.”

**“Pervious Surface”** means any material or surface that permits infiltration, percolation, or absorption of water into the ground through the material or surface.

**“Porch”**

a. **“Enclosed Porch.”** (Also known as screened-in porches or three-season rooms). A platform projecting from or attached to a wall of a building that:

1. Has direct access to a building;
2. Is covered by a roof or roof-like structure;
3. May or may not be heated or cooled; and
4. Is enclosed by:
  - a. Walls;
  - b. Permanent or removable windows or screens; or
  - c. A combination of walls and windows/screens.

b. **“Open Porch.”** A platform projecting from or attached to a wall of a building that:

1. Has direct access to a building;
2. Is covered by a roof or roof-like structure;
3. Is not heated or cooled;
4. Is open to the outside air; and
5. Is not enclosed by:
  - a. Walls;
  - b. Permanent or removable windows or screens; or
  - c. A combination of walls and windows/screens.

Open porches may be partially enclosed by a railing(s) not to exceed forty-two (42) inches in height as measured from the porch floor and may include columns for the purpose of supporting the roof or roof-like structure.

**“Principle Structure”** means a structure in which the principal use of the Lot and/or building site is conducted

**“Private Street”** refers to any street within Ritz Cove Homeowners Association, which is owned and maintained by the Community Association. While a Rear Access Drive may be owned and maintained by the Community Association, a Rear Access Drive is not a "Private Street"

**“Queue Space”** means a temporary waiting area for motor vehicles or persons obtaining a good or service

**“Recreational Vehicle (RV)”** means a motor home, travel trailer, truck camper, or camping trailer, with or without motor power, designed for human habitation for recreational, emergency or other occupancy.

**“Restrictions”** shall mean all of the terms, provisions and restrictions set forth in the Declaration, together with any and all terms, provisions and restrictions set forth in any Supplemental Declaration which may be recorded, as said Declaration and/or Supplemental Declaration may be amended from time to time, and the rules of the Association and/or Architectural Control Committee promulgated in accordance with the provisions of the Declaration as such rules may from time to time be in effect, and the terms, provisions and restrictions of the Articles and Bylaws of the Association, as such instruments may from time to time be in effect.

**“Retaining Wall”** means a wall used to support or retain an earth embankment or area of fill.

**“Rules”** shall mean the rules from time to time promulgated and adopted by the Board and/or the Architectural Control Committee as herein provided

**“Screening”** means a landscaping treatment or a decorative structure to visually conceal an area or on-site utilitarian use that is considered unattractive.

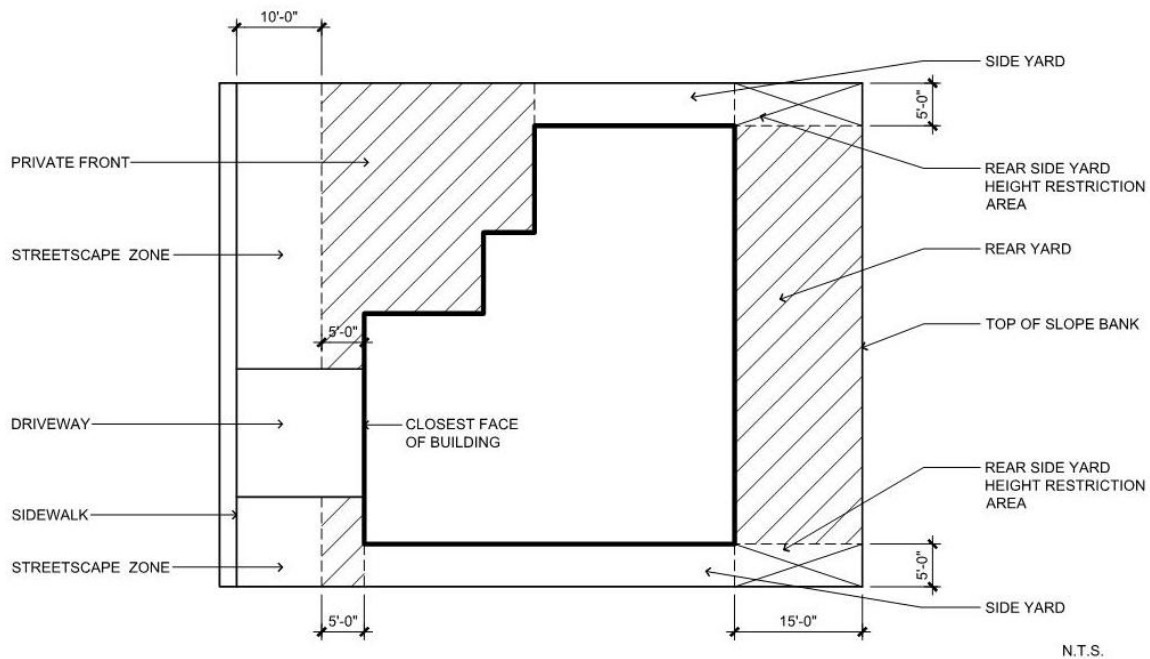
**“Second unit”** means a dwelling unit accessory to and attached to, detached from, or contained within the principal dwelling unit on a site. Does not include “Senior Accessory Dwelling Unit.”

**“Security”** means bonds, cash deposits, letters of credit, and/or other instruments acceptable to the Association that are used to guarantee specific performance.

**“Senior Accessory Dwelling Unit.”** See “Dwelling unit, senior accessory.”

**“Setback”** refers to the minimum distance by which a structure, parking area, or other feature must be separated from the closer of

- a. the property line,
- b. the top of slope,
- c. the back of an adjacent sidewalk, and
- d. the back of an adjacent curb.



### Setbacks

“**Setback area**” means an area within a lot that is established for the purpose of governing the location of structures on a lot. A setback area is located between a setback line and the nearest relevant parallel lot line and is unobstructed and unoccupied from the ground upward, except for permitted encroachments. See “Yard.”

- a. “**Front setback area**” means an area that extends across the full width of a lot between the front lot line and the required front setback line.
- b. “**Rear setback area**” means an area that extends the full width of a lot between the rear lot line and the required rear setback line.
- c. “**Side setback area**” means an area that extends from a front setback line to a rear setback line between the side lot line and the required side setback line.

“**Setback line**” means, within a lot, a line established to indicate the boundary of a specified front, side, or rear setback area. A setback line may be parallel to and equidistant from a lot line (front, back, and side) or from a current or future public right-of-way, whether acquired in fee, easement, or otherwise; or may be coterminous with the lot line.

“**Site**” means a lot or adjoining lots under single ownership or single control, considered as a unit for the purposes of development or other use.

“**Site coverage**” means the percentage of a site covered by structures and accessory structures and by decks more than thirty (30) inches in height.

“**Site plan**” means a drawing of a lot, drawn to scale, showing the actual measurements, the size and location of existing structures or structures to be erected, the location of the lot in relation to abutting streets, and other information.

“**Skylight**” means the portion of a roof that is glazed to admit daylight, including the mechanical fastening required to hold the glazing and to provide a weatherproofing barrier.

**“Slope”** means land gradient, described as the vertical rise divided by the horizontal run, and expressed in percent or ratio. Slope is determined using the following equation:

Slope = (V/H) x 100, where:

V = vertical distance between the highest elevation and lowest elevation of a straight line drawn perpendicular to the sloping surface;

H = horizontal distance of a straight line drawn perpendicular to the sloping surface.

**“Solar Equipment”** means a solar collector or solar energy device whose primary purpose is to provide for the collection, storage, and distribution of solar energy for space heating or cooling, water heating, or for power generation.

**“Street”** means a public or private vehicular right-of-way (e.g., local streets, commuter roadways, arterials, etc.), but not including alleys, driveways, or off-road bikeways. See “Right-of-way.”

**“Story”** means that portion of a building included between the upper surface of any floor and the upper surface of the floor next above and, for the top-most story, from the upper surface of the floor to the top of the ceiling joists, or, where there is no ceiling, to the top of the roof rafters.

**“Structure”** means anything constructed or erected, the use of which requires location on the ground or attachment to something having location on the ground. Includes “Building.”

**“Structure, attached”** means a structure that is connected to another structure by means of a wall, roof, stairway, atrium, breezeway, or other structural connection.

**“Structure, detached”** means a structure that does not have a wall or roof in common with another structure.

**“Surface, Finished.”** See “Finished Floor/Surface”

**“Trellis”** means a vertical frame of latticework used as a screen or as a support for climbing plants

**“Xeriscaping”** means a set of landscape design and maintenance principles and horticultural practices that promote efficient use of water. The term “xeriscape” is a registered trademark of the National Xeriscape Council and means water-conserving, drought-tolerant landscaping.

**“Yard”** means the area between a lot line and a principal structure. May be the same size as or larger than a required setback area. See “Setback area.”

**PROHIBITED TREE AND PLANT PALETTE - IV**  
**Ritz Cove Homeowners Association**

**PROHIBITED TREE AND PLANT PALETTE**

All trees (Palms, Pine, Eucalyptus, Redwood, etc.) which cannot be attractively trimmed or maintained at the height limit of the Lot are prohibited. Plants are to be selected to reduce the potential for spreading to the Common Area and adjacent Lots. The following plants are prohibited due to their invasive nature or root system or their incompatibility with the community planting scheme.

**TREES:**

<b><u>BOTANICAL NAME</u></b>	<b><u>COMMON NAME</u></b>
Ailanthus altissima	Tree of Heaven
Archontophoenix cunninghamiana	King Palm
Arecastrum romanzoffianum	Queen Palm
Bamboo (all species clumping and running)	Bamboo
Broussonetia papyrifera	Paper Mulberry
Chamaerops	Mediterranean Fan
Chorisia speciosa	Floss Silk Tree
Cinnamomum camphora	Camphor Tree
Cupaniopsis anacardiodes	Carrotwood
Cupressus sempervirens	Italian Cypress
Eucalyptus citriodora	Lemon Scented Gum
Eucalyptus ficifolia	Red Flowering Gum
Eucalyptus leucoxylon	White Ironbark
Eucalyptus maculate	Spotted Gum
Eucalyptus nicholii	Willow-Leafed Peppermint Gum
Eucalyptus polyanthemos	Silver Dollar Gum
Eucalyptus rudis	Swamp gum
Ficus benjamina	Weeping fig
Ficus florida	N.C. N.
Ficus nitida "Green Gem"	N.C.N.
Ficus retusa	Indian Laurel
Howea	Kentia Palm
Liquidambar styraciflua	Sweet Gum
Magnolia grandiflora	Southern Magnolia
Magnolia grandiflora "Majestic Beauty"	Majestic Beauty Southern Magnolia
Magnolia grandiflora "Samuel Sommer"	Samuel Sommer Southern Magnolia
Magnolia grandiflora "St. Mary"	St. Mary Southern Magnolia
Magnolia soulangiana	Saucer Magnolia
Nicotiana glauca	Tree Tobacco
Phoenix dactylifera	Date Palm
Platanus acerifolia	London Plane Tree
Platanus racemosa	California Sycamore
Podocarpus gracilior	Fern Pine
Populus nigra 'Italica'	Lombardy Poplar
Schinus terebinthifolius	Brazilian Pepper
Washingtonia Species	Fan Palm

## PROHIBITED TREE AND PLANT PALETTE - IV

### Ritz Cove Homeowners Association

#### SHRUBS AND TALL GRASSES:

<u>BOTANICAL NAME</u>	<u>COMMON NAME</u>
<i>Aralia papyrifera</i>	Rice Paper Plant
<i>Arundo donax</i>	Giant Reed
<i>Aucuba japonica</i> species	No Common name
Cactaceae species	Cactus
<i>Codiaeum variegatum</i>	Croton
<i>Cortaderia selloana</i>	Pampas Grass
<i>Cyperus alternifolius</i>	Umbrella Plant
<i>Cytisus scoparius</i>	Scotch Broom
<i>Drosanthemum</i> species	No Common Name
<i>Echium fastuosum</i>	Pride of Madeira
<i>Nassella tenuissima</i>	Mexican Feather Grass
<i>Pennisetum setaceum</i>	Crimson Fountain Grass
<i>Ricinus communis</i>	Castor Bean
<i>Spartium junceum</i>	Spanish Broom
<i>Tamarix</i> species	Tamarisk

#### GROUND COVERS AND VINES:

<u>BOTANICAL NAME</u>	<u>COMMON NAME</u>
<i>Agrostis stolonifera</i>	Creeping Bent Grass
Alpinia Species	Ginger
<i>Carpobrotus</i> species	Ice plant
<i>Cynodon dactylon</i>	Bermuda Grass
<i>Festuca arundinacea</i>	Tall Fescue
<i>Hedera helix</i>	English Ivy
<i>Hedera helix</i> "Hahn's"	Hahn's Ivy
<i>Hedera helix</i> "Needlepoint"	Needlepoint Ivy
<i>Oxalis pes-caprae</i>	Buttercup Oxalis
<i>Parthenocissus quinquefolia</i>	Virginia Creeper
<i>Parthenocissus tricuspidata</i>	Boston Ivy
<i>Pennisetum clandestinum</i>	Kikuyu Grass
<i>Poa pratensis</i>	Kentucky Bluegrass
<i>Vigna caracalla</i>	Snail Vine
<i>Vinca major</i>	Big Periwinkle

# ASSOCIATION MAINTENANCE AREAS - V

## Ritz Cove Homeowners Association





# ASSOCIATION MAINTENANCE AREAS - V

## Ritz Cove Homeowners Association



- Exhibit C  Association Maintenance Area
- Exhibit D  Common Area

**ORIGINAL PAD ELEVATIONS - VI**  
**Ritz Cove Homeowners Association**

Address	Elev. In feet	Address	Elev. In feet	Address	Elev. In feet
1	71.5	34	96.2	68	140.2
2	72.1	35	96.5	69	140.5
3	72.7	36	96.8	70	140.5
4	73.3	37	97.2	71	141.5
5	73.9	38	97.6	72	137.2
6	74.4	39	97.8	73	137.2
7	74.9	40	98.0	74	135.1
8	75.9	41	98.2	75	133.0
9	77.7	42	88.3	76	130.8
10	80.1	43	89.6	77	127.9
11	83.3	44	90.8	78	124.2
12	86.7	45	91.4	79	119.7
13	89.9	46	92.8	80	102.5
14	93.2	47	93.1	81	106.5
15	95.5	48	93.5	82	110.3
16	70.5	49	93.5	83	114.7
17	69.7	50	93.5	84	119.4
18	68.5	51	108.5	85	123.9
19	67.4	52	109.4	86	127.6
20	66.2	53	110.2	87	130.6
21	65.6	54	111.2	88	132.9
22	65.4	55	112.2	89	134.9
23	66.2	56	113.0	90	137.0
24	66.6	57	113.7	91	139.1
25	67.8	58	114.2	92	141.2
26	68.3	59	114.5	93	143.3
27	93.0	60	114.5	94	145.4
28	93.8	61	114.5	95	146.7
29	94.5	62	130.6	96	147.3
30	95.0	63	133.3	97	147.3
31	95.1	64	135.7	98	147.3
32	95.5	65	137.9	99	147.3
33	95.8	66	139.0	100	146.5
		67	139.6	101	144.4