

LAVENDER TRAILS & CONTESSA'S VINEYARD
 AT
 CITY IN THE HILLS HOMEOWNERS ASSOCIATION
 RULES & REGULATIONS
 ARCHITECTURAL GUIDELINES
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LAVENDER TRAILS & CONTESSA'S VINEYARDS
AT
CITY IN THE HILLS HOMEOWNERS ASSOCIATION
IMPORTANT CONTACT NUMBERS

M.D. Atkinson Co. Inc.	(661) 29-5673
City of Bakersfield:	(661) 326-3712
City of Bakersfield Planning Department:	(661) 326-3733
Park District	(661) 326-3866
Water District:	
California Water Service	(661) 396-2400
Electricity - PG&E:	(800) 743-5000
Telephone - SEC:	(800) 310-2355
Company PG&E:	(800) 743-5000
Sewer: City of Bakersfield	(661) 862-8900
Cable, Bright House	(661) 323-4892
Trash:	(661) 588-7844
US Postal Service:	(800) 275-8777

RULES AND REGULATIONS

The following Rules and Regulations Include sections of the Covenants, Conditions, & Restrictions (CC&R's) and further clarify sections in the recorded CC&R's. The attached Rules have been approved by the Board of Directors and are to be enforced In addition to the CC&R's.

No alterations to landscaping, buildings, etc. shall be made without first submitting proper architectural request forms and receiving appropriate approval from the Architectural Control Committee

The Lavender Trails & Contessa's Vineyard governing documents enable the Association to conduct hearings and levy fines to enforce compliance with these and any other adopted rules.

These rules may be reviewed and updated periodically.

GENERAL RULES

No Commercial Business

No part of the Properties may be used for business, commercial, manufacturing, mercantile storage, vending, or other non-residential purposes This residence may be used incidentally for the purpose of operating a home based small business if, and only if, (a) the business is operated solely within the Residence, (b) is merely incidental to the use of the lot as a residence, (c) the business is operated by the Owner of the Residence whose principal residence is the Residence, by a tenant whose principal residence is the Residence or by a member of such Owner's or tenant's family whose principal residence is the Residence, (d) the operation of the business is permitted by, and is at all times in compliance With, all applicable laws and ordinances, and (e) the operation of the business does not result In (I) the violation of any of the other provisions of the CC&R's, (ii) any unreasonable increase in the flow of traffic within the property, (iii) any odor, noise, or vibration outside of the Residential Unit, or (iv) parking problems within the Project All uses **must** be permitted by local ordinance.

Nuisances —

No noxious or offensive activities, including but not limited to, repair of automobiles or other motorized vehicle, shall be conducted with the Project. Nothing shall be done on or within the Project that may be or may become an annoyance or nuisance to the residents of the Project, or that in any way interferes with the quiet enjoyment of occupants of the Residential units.

Additional Provisions: All horns, whistles, bells, or other sound devises, except security devices, used to exclusively protect the security of a Residence and its contents, are also prohibited. Noisy, unsightly, unusually painted or smoky vehicles, large power equipment and large power tools (excluding lawn mowers and other equipment used in connection with ordinary

landscaping maintenance), off-road motor vehicles or items which may unreasonably interfere with television or radio reception to any residence and objects which create or emit loud noises or noxious odors may *not* be located, used or placed in the properties or on any public street abutting or visible from the properties or exposed to the view of other owners without the Board's written approval

Signs -

No skin advertising device or other display of any kind shall be displayed in the Properties or on any public street in or abutting the property except for the following signs:

- a) Entry Monuments, community identification signs, and traffic or parking patrol signs.
- b) One (1) nameplate or similar Owner name or address identification sign, which complies with the Design Control committee.
- c) One (1) sign advertising the home for sale or lease within the following requirements:
 - 1 The sign is not larger than eighteen inches (18") by thirty inches (30") in size;
 - 2 The sign is placed within the owners lot.
 - 3 The sign color, style, and location authorized by the Design Review Committee.
- d) Any noncommercial signs permitted by Civil Code Section 1353.6 and authorized by the Board

Parking and Vehicular Restrictions –

Authorized Vehicles Standard passenger vehicles including automobiles, passenger vans designed to accommodate ten (10) or fewer people, motorcycles, and pick-up trucks having a manufacturer's rating or payload capacity of one (1) ton or less and vehicles which are the principle source of transportation for the owner. Authorized vehicles may be parked within the garages or any portion of the property as deemed approved by the Board of Directors; however, no Owner may park a vehicle in a manner which the Association determines either restricts the passage of pedestrians or vehicles over driveways, streets or sidewalks in the Properties, or extends beyond the limits of the space where the vehicle is parked The Association has the power to identify additional vehicles as Authorized Vehicles in the Rules and Regulations and to adapt this restriction to other types of vehicles.

Prohibited Vehicles – The following vehicles are "Prohibited Vehicles"; (a) Recreational vehicles (e.g. motorhomes, travel trailers, camper vans and boats), (b) commercial type vehicles (e.g. stake bed trucks, tank trucks, dump trucks, step vans, concrete trucks, and limousines), (c) buses or vans designed to accommodate more than ten (10) people, (d) vehicles having more than two (2) axels, (e) trailers, (f) inoperable vehicles or parts of vehicles. (g) aircraft, (h) boat (I) any vehicle or vehicular equipment deemed a nuisance by the Association, (j) and any other vehicles not classified as authorized vehicles. Prohibited Vehicles may not be parked, kept, or stored on any public or private street, in, adjacent to or visible from the Properties, except for brief period for loading, unloading, making deliveries, or emergency repairs. If the vehicle is classified as both authorized and prohibited, it will be deemed to be prohibited.

There will be no parking in areas where it impedes the access to fire hydrants, mailboxes, driveways or garages and no parking in areas marked by red curbs or "no parking signs".

All Authorized vehicles owned or operated by or within the control of an Owner and kept within the Project shall be parked in that Owner's garage. There shall be no parking in the project that

obstructs free traffic flow, constitutes a nuisance, violates the Association Rules, or otherwise creates a safety hazard.

No parking is permitted by residents in the guest parking area, if applicable.

No maintenance, repair, restoration, or construction of any vehicle shall be conducted in the Property

The Board may establish additional regulations including designated "parking," "guest parking" and "no parking" areas. The Board may take all actions necessary to enforce all parking and vehicle use regulations for the property, including removing violating vehicles pursuant to California Vehicle Code Section 22658.2 or other applicable laws.

The garages shall be used for parking vehicles only and shall not be converted for living, recreational activities, business or storage that would prevent the ability of an Owner, tenant or lessee to park the number of vehicles in the garage that the garage was designed for

Doors to garages shall be kept closed except during the removal or entry of vehicles. Each owner shall ensure that any such garage accommodates at least the number Of Authorized Vehicles for which it was originally constructed by Declarant.

Pets —

The only animals that may be raised, bred, or kept in any unit are dogs, cats, fish, birds, domestic reptiles, and other usual household pets provided that they are not kept, bred, or raised for commercial purposes.

No livestock or poultry shall be kept, maintained, or bred in the project.

No more than a total of two dogs or two cats or a combination of the two. No dogs may be kept that are deemed to be a threat to the safety of the occupants of the Project (based on the opinion of the Board)

Domestic reptiles, birds, rodents and fish can be kept only within the interior of a Residential unit and are a) kept as household pets, h) are not so excessively noisy as to disturb the quiet enjoyment by each owner of his or her residential unit, c) are not kept, bred, or raised for commercial purposes or, as determined by the Board, in unreasonable numbers, and d) do not constitute a nuisance or threat to the personal safety of other Owners and their guests in the project.

The Association Rules may still further limit the restriction of such pets.

The Board shall have the power to prohibit the keeping or maintenance of any animal, which in the opinion of the Board after Notice and Rearing, is deemed by the Board to constitute a nuisance to any owner

The Association may prohibit maintenance of any animal, which in the Association's opinion, constitutes a nuisance to any other owner.

Animals must be either kept in an enclosed area or on a leash held by a person capable of controlling the animal

Each person is liable for any unreasonable noise and for damage to person or property caused by any animals brought on or kept on the properties by such person.

Each person shall clean up after such person's animals.

Any person who keeps any animal, insect or reptile in the properties shall indemnify, defend and hold harmless the Association, its officers, directors, contractors, agents, and employees from any claim brought by any person against the Association for damage caused by an animal.

Authorized Antennas –

Owners are prohibited from installing any antennae, satellite dish, or other over-the-air receiving device 1) on any real property which such Owner is not entitled to exclusively use or control per Title 47 U.S.C. and any other applicable laws, rules and regulations, 2) in a particular location if in the Board's opinion, the installation, location or maintenance of the antenna unreasonably affects the safety of the owners or any other person, or for any other safety-related reason as established by the Board, 3) or is of a size larger than is permitted under the antenna laws

If the owner is entitled to install an antenna under these requirements, the owner shall provide the board with written notice that they have installed or are about to install the antenna.

If the owner desires to install any other type of antenna, they may do so only upon obtaining the prior written approval of the Board per Article 9 of the CC&R's.

The Design Review Committee may require that the location of the authorized antenna be moved so long as such review by the Design Review Committee does not (i) unreasonably delay or prevent installation, maintenance or use of an Authorized Antenna, (ii) unreasonably increase the cost of installation, maintenance, or use of an Authorized Antenna, or (iii) preclude acceptable quality reception

An "Authorized Antenna" is described as:

- (a) Designed to receive direct broadcast' satellite service, including direct-to-home satellite service that is one meter or less in diameter, and
- (b) Designed to receive video programming service, including multichannel multipoint distribution service, instructions television fixed service, and local multipoint distribution service and that is one meter or less is diameter, or
- (c) An antenna that is designed to receive television broadcast signals.
- (d) A mast supporting an antenna as described above.

An owner may install one satellite dish or "authorized antenna," as long as the following criteria are met

1. The dish shall be one meter or lest in diameter or diagonal measurement;
2. The installation shall be wholly contained within the owners separate property
3. Installation in the common area is prohibited. The authorized antenna must be installed at the rear of the property. If this installation is not feasible due to reception, it shall then be installed in a place shielded from view of the common area and streets as long as an acceptable quality signal can be received Suitable verification must be received from your provider to indicate sole location for reception as installed.
- 4 Owners are responsible** for the maintenance of their authorized antenna as well as the property that they are placed on. Owner shall not permit their authorized antenna to fall into disrepair or to become a safety hazard. Owner shall be responsible for maintenance

repair and replacement and for the correction of any safety hazard Any authorized antenna that fall into disrepair or become a safety hazard shall be removed.

5. Authorized antennas must be professionally installed with all wires hidden under fascia boards, run through the attic and where limited wiring is exposed, painted to match the exterior of the home. Authorized antennas must not *be* installed in a manner that will result in increased maintenance costs for the association or for other residents. The owner is solely responsible for all costs associated with the professional Installation and relocation if not installed in the prescribed location.
- 6 Each owner who is not in compliance with the specified installation guidelines will be given 14 days to correct the installation In addition to any other remedies contained in these rules, if these rules are violated, after a notice of a hearing, fines *may* be imposed pursuant to the association's fine policy contained herein.

Trash -

No trash may be kept or permitted upon the Properties or on any private street abutting or visible from the Properties except in containers that will be only placed on the street immediately before trash pick-up. Trash must be property placed in the trash receptacle and may not be permitted to spill onto the ground. Any items such as furniture should not be placed in the trash receptacle and should be removed via a special trash pick-up arranged through the trash company by the owner

Storage of building materials, refuse, or any other materials in the Properties is prohibited, except building materials may be kept In areas designated by the Board temporarily during construction, which has been approved by the committee.

GENERAL REGULATIONS

No outside installations including clotheslines, balcony, patio, or deck covers, wiring, air conditioning equipment, water softeners, other machines, and other improvements.

No improvements to deck or balcony railings or any other alterations to a home without Board approval.

No exterior laundering or drying of clothes.

No open fires or fire pits, or charcoal burning barbeques. Only properly maintained portable gas barbeques are permitted and they must not be placed in a location that creates an increased risk of fire or lability. Cooking, barbecuing and serving of food may only be done on the owner's lot.

Any exterior artificial lighting on a home must be positioned, screened, or directed and focused so as not to unreasonably disturb the residents of other units. The Board or architectural committee must first approve all exterior lighting.

No sports equipment of any kind may be attached to any building in the association without written approval of the Board or Architectural Committee.

Portable sports equipment (i.e. portable hoops, etc.) must be stored in the garage after 9:00 p.m. every day

Holiday decorations may be put up 30 days before the holiday and must be removed no more than 15 days after the holiday.

Temporary window coverings in a design and color that does not conflict with the surrounding improvements are permitted for a maximum period of 60 days from the date a unit is conveyed to the owner. No aluminum foil, newspapers, or any other contrasting material shall be permitted.

Landscape areas, common areas, sidewalks, driveways, walkways, and front lawns shall be kept clear of toys, bicycles, skateboards, or any item that shall be considered an eyesore or hazard. A majority of the Board of Directors shall set the standard for what is considered an eyesore.

Flowerpots and planter boxes shall contain healthy plants or be removed from view.

Any portion of the home or landscape that is deemed to be maintained by the homeowner shall be kept in good repair and attractive at all times.

Willful destruction of landscape, (shrubs, trees, grass, walls, sprinklers, etc), will be dealt with on an individual basis and will be charged directly to the responsible party.

No roller skates, skateboards, bicycles, or powered vehicles shall be operated or used in the landscaped or common area

No exterior alterations, changes or additions to the home or lot may be done without prior written approval from the architectural review committee (see architectural guidelines).

Please read your CC&R's very carefully as they will provide further requirements, guidelines and information pertaining to your home and the community. These rules are in addition to the CC&Rs, and although they may contain some clarifications or duplications of the CC&Rs, they are not meant to replace them. The Board of Directors reserves the right to establish new rules at any time, as situations arise and are evaluated, in the interest of the safety and health of all residents and guests. Any violations of the Rules and Regulations should be reported in writing to the Board of Directors through M.D. Atkinson Co. Inc at:

1401 19th Street Suite 400
Bakersfield, CA 93301
Or telephone (661) 864-2464

Violation / Fine Schedule:

Pending a hearing before the Board, the Association may Implement the following fine procedure(s) if a violation has been deemed to exist based on the rules and regulations and CC&R's for the community.

Fine Schedule for Violations:

1st CC & R

Violation: Any violation of the governing documents will result in a warning notice.

However, the Board of Directors has the discretion to assess fines for first time serious offenses such as violations that threaten damage or destruction to the common area and conduct that creates a life safety concern. Notice would be given in advance of the fine being assessed. Owners are also subject to being charged the cost to repair damage to the property and other reimbursement assessments, which are not fines.

2nd CC & R Violation (same rule): Request for Hearing and possible first level fine of \$100.00

3rd CC & R Violation (same rule): Request for Hearing and possible second level fine of \$150.00.

4th CC & R Violation (same rule): Request for Hearing and possible third level fine of \$200.00.

Ongoing uncorrected violations: Further violations (fifth and on) of the same rule will result in an additional \$50.00 per month until corrected.

Failure to obtain HOA approval when required: \$100.00 (This applies even if the plans or project are ultimately approved.

ARCHITECTURAL CONTROL GUIDELINES

I. INTRODUCTION

The Architectural Control Committee ("Committee") of the Lavender Trails & Contessa's Vineyard at City in the Hills Homeowners Association ("Association") has the responsibility to control the building and landscaping architecture and design aesthetics within the Project, pursuant to the Declaration of Establishment of Conditions, Covenants, and Restrictions (the "CC&R's"). An Owner cannot commence the construction, alteration, Installation, reconstruction, erection, or addition of an Improvement(s) within the Owner's Home until the Owner submits plans and specifications showing the nature, kind, shape, height, color, materials and location of the proposed Improvement(s) to, and obtains the approval of such plans and specifications from, the Design Control Committee. An Improvement includes, but is not limited to, a building, fence, wall, landscaping, or other form of improvement.

No construction, installation or alteration of an improvement, Including landscaping, in the Properties may be commenced until the plans and specifications thereof showing the nature, kind, shape, height, width, color, materials, and location thereof have been submitted to and approved in writing by the Committee. Any Improvement may be repainted without Committee approval so long as the Improvement is repainted the identical color which it was originally painted

The following guidelines and standards embodied in these Architectural & Landscape Guidelines ("Guidelines"), along with the architectural provisions of the CC&R's, form the basis and criteria for evaluation of plans and specifications submitted for approval by the Committee (the "architectural review process"). These Guidelines are designed to insure that all newly constructed, altered, or added Improvements will be in harmony with the surrounding structures and topography within the Project with regard to both external design and location. Because the Project is continuously growing and developing, these Guidelines are subject to amendment from time to time.

By way of illustration, but without limitation, submissions of plans and specifications to the Committee for approval are required for the following:

A. New construction or installations, including dwellings, accessory buildings, garages fences, retaining walls, steps, canopies, poles, trellises, free standing patio overheads and decks, gazebos, sun decks, windscreens, swimming pools, fountains, built in Barbeques, spas, hot tubs, recreational apparatuses, antennae, exterior lighting, sound or solar energy systems.

B Installation or modification of landscaping, hardscaping, or surface Improvements, including ground covers, trees shrubs, sprinkler systems. This does not include minor planting (i e. ground cover, color plants, roses, etc). The Association may review a list of approved or suggested plant material for the community.

C. Reconstruction, exterior additions to or alterations of any building, structure, fence, wall, Irrigation or drainage system, or other Improvement, including changes in color, material, exterior surface, or location thereof.

LANDSCAPE CONTROL GUIDELINES

I. INTRODUCTION

The following landscape criteria have been established to ensure the continuity and visual quality of the neighborhood image. This image is communicated primarily through the treatment of walls, streetscapes, and the Recreation Areas. Therefore, it is Important that the rear yard development continue to enhance the local neighborhood.

Any individual homeowner or tenant shall not alter the common area landscaping at any time for any reason. No changes to the elevation of the front yards by addition or removal of dirt or other material

Landscape areas, common areas, sidewalks, driveways, walkways, and front lawns shall be kept clear of toys, bicycles, skateboards, or any item that shall be considered an eyesore or hazard. A majority of the Board of Directors shall set the standard for what is considered an eyesore.

Flowerpots and planter boxes shall contain healthy plants or be removed from view

Any portion of the home or landscape that is deemed to be maintained by the homeowner shall be kept in good repair and attractive at all times.

Willful destruction of landscape, (shrubs, trees, grass, walls, sprinklers, etc.), will be dealt with on an individual basis and will be charged directly to the responsible party.

No roller skates, skateboards, tricycles, or powered vehicles shall be operated or used in the landscaped or common area.

Owners may not impair any site visibility areas as noted in the CC&R's and may not permit any interference with established drainage patterns except as approved by the Board

Each owner shall complete the installation of the rear yard landscaping within three (3) months after the close of escrow, all such landscaping shall be in accordance with a plan approved by the Design Review Committee. Each Owner shall obtain all permits necessary and shall comply with all requirements of the City

Please refer to the attached Architectural & Landscape application and checklist to assist in the completion of this process.

II. HARDSCAPE STANDARDS

General Walls, walks, patios, decks, and courtyards shall be integral to the design of the Residence and surrounding landscape. Textured surfaces such as brick, stone, textured, and integral color concrete, etc. are encouraged

Patio Additions I Patio Covers and Decks: If any patio additions, covers, or deck structures are to be constructed by any Owner in the future, under the Declaration and applicable guidelines:

- i. A licensed professional engineer must design the patio addition, cover, or deck.
- ii. Bakersfield or Kern County may **have specific planning, building** and safety regulations and will require building permits and adherence to specific codes if the Buyer improves the property.
- iii. Prior to constructing any improvements to the Property, it shall be the responsibility of the Buyer to check with the City to determine whether the City and or other agencies will require a building permit or other permits for planned improvements.
- iv. All improvements will be subject to review by the Architectural Committee.

SELLER WILL NOT BE RESPONSIBLE FOR THE DESIGN OR CONSTRUCTION OF ANY SUCH FREESTANDING STRUCTURE. EACH OWNER SHALL OBTAIN ALL NECESSARY PERMITS **FOR SUCH CONSTRUCTION AND SHALL COMPLY WITH ALL LOCAL LAWS AND ORDINANCES** IN CONNECTION WITH SUCH CONSTRUCTION AS WELL AS APPROVAL FROM THE ARCHITECTURAL COMMITTEE PRIOR TO BUILDING.

Walls it is not permitted for owners to modify in any way the walls constructed by the master builder

Landscape walls are walls used to retain grade and create raised planters, or free standing low walls used as accents at walls, patio enclosures, etc.

No residential rear yard wall may exceed the height of adjacent neighborhood walls. Walls may not be built on artificially created mounds or berms used solely for the purpose of gaining additional height.

Fences. Owner is permitted to add additional fencing within the rear yard **so long** as fence does not exceed the height of adjacent neighborhood walls.

Gates*. It is not permitted for owners to modify in any way the gates constructed by the master builder without specific written approval from the Board of Directors.

Driveways: It is not permitted for owners to modify in any way the driveways constructed by the master builder without specific written approval from the Board of Directors.

Special Paving: Special paving such as patterned concrete, scored concrete, brick or stone pavers, cobblestones and various paving materials in walks, patios and courtyards is encouraged to create texture and character.

Outdoor Art and Landscape Ornaments: Statues, outdoor art, fountains, birdbaths, and similar landscape elements are subject to review. Vertically mounted, stand-alone flagpoles are not permitted. Flagpoles, which are mounted at an angle on the side of a residence, may not **exceed** 6' in length

Water Features: Decorative water features, waterfalls, fountains, birdbaths and ponds are subject to review. Swimming pools and spas may be allowed but subject to review.

Landscape Lighting: Owners are encouraged to use exterior or landscape lighting to enhance their residence or yard. Only indirect low-level lighting is permitted. No lighting, which causes glare, discomfort, or disruption to the visual environment of neighboring residences and yards, is permitted. Any lights mounted higher than 6' off the ground must be pointed downward and away from neighboring residences. No light on any building, tree, pole, or any other vertical element within the lot may be located higher than the eaves of the house. Ground mounted spotlights and uplights are acceptable provided they point towards plants and do not provide nuisance light levels in adjacent lots. The Board or Architectural Committee must approve all exterior lighting prior to installation.

Fire Pits: Fire pits of any fuel type (gas, propane, or wood) are not allowed.

Fireplaces: Masonry fireplaces (gas, propane, or wood) are allowed but must incorporate a spark arrestor in the chimney and a screen or glass doors covering the front opening.

Barbecues: Properly maintained portable gas barbecues are permitted and they must not be placed in a location that creates an increased risk of fire or liability. Homeowners are allowed to construct masonry built gas, propane or charcoal fueled barbecues but must incorporate a built in hinged lid. All barbecues are subject to stringent review of location, construction, and liability.

III. **LANDSCAPE STANDARDS**

Front Yard Landscape Area: It is not permitted for owners to modify in any way the front yard landscape area without express written approval of the Board of Directors.

Lot Grading: Minor adjustments and additions to the lot grading can be made, however these changes cannot alter the overall hydrology of the yard or impact neighbors drainage systems or requirements. Lot grading should respect existing topography, including existing property grades near adjacent Lots, with techniques that are safe, aesthetically pleasing, and suitable for soil stabilization.

Grading design shall

- i) Minimize soil instability by providing adequate vegetative cover upon completion of building construction.
- ii) Ensure adequate site drainage.
- iii) Ensure that drainage is directed away from all walls built by the master builder, unless specifically indicated on the master builders rough grading plans. No drainage onto the Recreation Centers or common areas is permitted, unless specifically indicated by the master builders rough grading plans.

Grading should result in a graceful contouring of the Lot rather than harsh geometric slopes, banks and pads. Where graded slopes meet natural terrain, there should be a smooth, gradual transition. Turf areas should not exceed a 4:1 slope and have a minimum 1.5% slope for proper drainage unless detention is desired. Shrub and groundcover areas should not exceed a 3:1 slope and should have a minimum 0.5% slope. Irrigation nuisance water shall be directed to outfall in the established swales.

Irrigation. Automatic irrigation systems that are water efficient and low maintenance must be installed on Lots to conserve water and ensure proper watering of plant materials. No manual valves are allowed

Planting areas requiring overhead spray shall be minimized, and shall be restricted to turf and flowerbeds.

A backflow preventer is required for all residential irrigation. Atmospheric breakers are allowed.

Head to head spray irrigation coverage is required in all lawn areas. Systems shall be designed so peak summertime lawn Irrigation can be completed between the hours of 10 P.M and 6 A.M

Spray heads shall not throw water directly onto a foundation structure, walk, or paved surface. Spray heads must remain a minimum of 3'-0" from all neighborhood walls,

Installation: Owners must install plant materials in a manner generally acceptable to the horticultural practices of the area and in a manner, which will maximize chances of survival.

Maintenance: Owners are expected to maintain **their** landscapes in a good condition at all times. This includes but is not limited to weekly lawn mowing, weeding, **pruning** trees and shrubs, fertilizing, watering, removal of dead plants or parts of plants, replacement of plants and overseeing of lawn areas and removal of debris.

PLEASE NOTE THAT ALL TREES THAT ARE INSTALLED MUST HAVE ROOT BARRIERS.

In order to make major landscaping changes to the yard, homeowners must submit a plan to the Architectural Control Committee (ACC) for review (see "The Submission Process"). Such plans must contain all pertinent details (see attached "What Should My Plan Include") necessary to make an **effective** review of the proposed alterations, including neighbor's signatures where appropriate. The ACC will forward such plans with their recommendation to the Board of Directors for their approval or disapproval.

Examples of Major landscaping alterations are:

- a) The addition of permanent planters, lighting or other construction as part of the yard landscaping
- b) Significant changes in the size or shape of the lawn relative to the planting area of the yard.

The addition, removal, or replacement of trees in the yard area. The changing of bushes or plants within the planting area.
- d) Please note that some Front yard and parkway trees cannot **be** removed.

Homeowners are enabled to make minor alterations to existing front and rear yard landscapes without the need of submitting plans to the Architectural Control Committee (ACC).

Examples of Minor landscape alterations are:

- a) The planting of "color," either perennial or annual within the planting area.
- b) The removal and/or addition of ground cover within the planting area.

Homeowners who wish to make minor alterations to their yard areas may do so within the following guidelines:

- a) The homeowner takes responsibility for the successful planting and growth of the shrubbery and/or plants involved. In the case of annuals, the homeowner is responsible for removing dead plants at **the** end of the growing season

- b. The plants and shrubbery are planted in a manner consistent with good taste and acceptable landscaping practices.

If alterations to a lot impact negatively on the property or community in general, the Board of Directors will notify the homeowner involved. If the situation is not corrected within a reasonable amount of time, which time will **be** stated in the notification, the Board of Directors will correct the situation using whatever contractors or means necessary at the homeowner's expense

If the homeowner is unsure, what alterations constitute Major or Minor alterations, the homeowner should contact the board or Association for further clarification.

THE SUBMISSION PROCESS

All yard landscaping must be submitted for approval and completed within three (3) months or 90 days after the close of escrow.

If your proposed improvements include major structural improvements Including but not limited to patios, spas, and any changes in the established drainage patterns, architectural drawings must be prepared and signed by an architect licensed in the State of California, unless the expertise of a California-licensed landscape architect or structural engineer would be more appropriate. Where architectural drawings are necessary to avoid the time and cost of the reproduction of the plans, (2) submissions, one a preliminary, and the second submission a set of working drawings may be submitted. There is a fee of \$150.00 to cover the cost of the initial review by a landscape architect. Please make your check payable to Lavender Trails & Contessa's Vineyard HOA and submit with your application. This fee will include one resubmission for corrections to your submission once it has been reviewed. Any additional submissions will be subject to an additional review fee.

The responsibility for obtaining and paying for any applicable building permits, for all applicable improvements required by the City of Bakersfield ("City") lies within the Owner. Preliminary or final Committee approval is not intended to be, nor shall it be considered, a substitute for approval by the necessary and appropriate City agencies.

Please submit your application and support documentation package to the Architectural Review Committee by certified mail as follows:

*Lavender Trails & Contessa's Vineyard
M.D. Atkinson Co. Inc.
ATTN: Sue Bryan
1401 19th Street Suite 400
Bakersfield, CA 93301*

When Should I Submit My Architectural Application?

The Covenants, Conditions, and Restrictions ("CC&R's") suggest the Architectural Review Committee respond to all written requests within thirty (45) days of their receipt. We therefore recommend plans be submitted with a complete application at least ninety (90) days prior to the scheduled commencement of construction to allow the ARC ample time to complete their review. Only complete submittals will be considered, and will be accepted after Close of Escrow. If you do not receive approval within 45 days, please forward a letter in writing to M.D. Atkinson Co. Inc. **ATTN:** Sue Bryan 1401 19th Street Suite 400, Bakersfield, CA 93301 and status of your plan will be determined.

Appeal:

An appeals process is noted in the CC&R's if the architectural Committee denies the architectural application and the owner would like to dispute their findings. If the owner must resubmit their package due to missing or incomplete sections then the owner should resubmit to the architectural committee first– this is not considered a part of the appeals process.

Submittal to the City / County:

Upon obtaining the written approval from the ARC, the Owner shall thereafter submit plans and specifications to the City/County if the proposed Improvements require the issuance of a building permit or other City/County approval. In the event of a discrepancy between this document and City/County requirements, the most restrictive standard shall prevail. The Architectural Review Committee will not be responsible for actions taken by governmental agencies.

Neighbor Awareness Statement:

Any neighbor that is impacted by your improvements must sign off on the "**Neighbor Awareness**" **portion of the application**. For instance, immediate neighbors on either side must sign-off on the form if they are able to view the improvements on your property from their home. Your rear neighbor may also be able to view your yard, depending on the elevation of his or her Lot. Consider who may be impacted by your improvements and obtain signatures with this in mind. A sales associate may review and sign the "Neighbor Awareness" form, in the event of an adjacent unsold unit.

All improvements require notification by the Owner to all of his/her neighbors who will be visually affected or otherwise Impacted by the proposed Improvement(s). Evidence of such notification shall be the signature of the affected neighbors on the Owner's application. The neighbor's approval of the proposed improvement(s) will not be a condition for the approval of plans and specifications by the Committee. Neighbors who disagree with the proposed Improvement(s) are welcome to submit their concerns in writing to the Committee, care of the Association's property management company.

Notice of Completion:

After completing installation of approved changes, you must submit a completed "Notice of Completion Form" (NOC) to the Management Office.

Upon the ARC's receipt of the NOC form, the Committee shall have 60 days to Inspect approved improvements completed upon the Owner's unit/lot and shall notify the Owner in writing of failure to comply within 30 days from the inspection, specifying the particulars of noncompliance, if any. The Owner shall remedy such noncompliance or remove the same within a period of not more than 30 days from the date that notice of the Architectural Committee ruling is given to the Owner

What Should My Plan Include?

Plans may be drawn on 8-1/2 x 11 sheet of paper, or a formal plan may be submitted. The plan should detail all proposed improvements. The following are examples of items your plan should include. You may wish to review the list below as you are drawing your plan and detail those items as applicable to your individual -improvement proposals.

1. **Plot Plan.**

- (a) Show lot lines accurately as to length, angles and amount of curve. Show all existing buildings, structures, fences, walls, sidewalks and proposed improvements; indicate all required setbacks and easements.
- (b) Show all dimensions on work to be considered, distances between existing and proposed work, distances between proposed work and property lines, setback lines and slopes.
- (c) When proposed improvements involve changing existing drainage, show contours or spot elevations, flow lines, finish grades and proposed drainage systems. Drawings for proposed improvements, which will change existing drainage, shall be prepared by a registered civil engineer or licensed landscape architect. All drainage changes shall maintain drainage on homeowner's Lot unless other approved drainage patterns are specified.

2. **Landscape Plan: (may be included as Part of Plot Plans)**

- (a) Include proposed and existing hardscape, planting areas and plant names, trellises, arbors, ponds, fountains, ornamental rocks, barbecues, and yard lighting. Call out all easements on or over property.
- (b) Show surface water flowline and drainage to include system for irrigation and storm run-off. Plans must also show sprinkler lines, sprinkler heads and spray pattern(s).
Note: The owner must comply with any storm drain provisions as noted in the CC&R's.
- (c) All trees installed must have root barriers

Exterior Elevations:

- (b) Note all finish materials, colors, and textures of proposed work. Note if proposed finishes and material are to match existing finishes and materials.
- (c) If the proposed finish materials or colors are to be different from those of the existing structure, color and material samples must be submitted clearly depicting the materials and/or color that are to differ.

4 **Roof Plan.** (If applicable for structural changes)

- 1. Show plan of all proposed and existing roof systems with slope pitches: noted
- 2. Show materials of all proposed and existing roof systems.

5 **Floor Plan** (If applicable for structural changes)

- 1. Indicate all walls, columns, openings, and any condition or feature that will affect exterior design of proposed or existing Improvement.
- 2. Accurately depict all items on plans, Including balconies, decks, atriiums, garages, spas, recreation areas, patio structures or covers, sunshades and gazebos.
- 3. Note square footage of area under roof of existing and proposed Improvements.

4. Note all items of the exterior that cannot be clearly noted on the elevations.

B. Fence and Wall Plans

1. Fencing must conform to the standard design specifications approved by the City. Further, fences and walls shall not diminish adequate vehicular and pedestrian sight visibility at any intersections of public or private streets or private driveways.
2. Plans shall include specifications of materials, colors, finish, and height, including height in relation to adjacent ground elevations.
3. Location shall be clearly shown on plot plan
4. **Must** have neighbors' approval on both sides, and rear (if applicable).

Window Covers:

Curtains, drapes, shutters, or blinds may be installed as window covers. **No** window shall be covered with **aluminum** foil, sheets, newspapers or similar material not intended or designed for use as a window cover.

Rights of the Disabled:

Subject to the provisions of the CC&R's entitled "ARCHITECTURAL CONTROL," each Owner shall have the right to modify their home, at such Owner's sole expense, in order to facilitate access to their residence by persons who are blind, visually handicapped, deaf or physically disabled, or to alter conditions which could be hazardous to such persons in accordance with Section 1360 of the California Civil Code or **any** other applicable law or ordinance. In the event it is also necessary to modify a **portion** of the Association Property to facilitate access, Owner shall obtain **prior** written approval from Architectural Committee, and the Owner shall be responsible for all **costs associated** with such modification; provided, however, such modification to the Association Property shall be removed and restored to its original design by the Owner, at the Owner's sole expense, when the home is no longer occupied by persons requiring those modifications

DESIGN CONTROL COMMITTEE REVIEW PROCESS

The committee reviews and acts upon all plans and specifications submitted for its preliminary or final approval.

A. As discussed in the Introduction, the Committee approves applications submitted for its final approval if the Committee determines:

1. A complete application, including plans and specifications, has been submitted for its approval and
2. The nature, kind, shape, height, materials, and location of the proposed Improvement(s) will be in harmony with the surrounding structures and topography within the Project with regard to external design and location..

The Committee will disapprove plans and specifications. If it determines:

1. That the application and/or plans and specifications required by these Guidelines are not complete or
2. That the nature, kind, shape, height, materials, and location of the Improvements are not in harmony with the surrounding structures and topography within the Project with regard to external design and location.

THE REVIEW PERIOD WILL NOT COMMENCE UNTIL THE COMMITTEE OR ITS AGENT VIA CERTIFIED OVERNIGHT MAIL HAS RECEIVED A COMPLETE APPLICATION FOR FINAL APPROVAL.

The Committee's approval or disapproval will be based on the considerations set forth above. The Committee will not be responsible for reviewing any plans or designs from the standpoints of structural safety, engineering, or conformance with buildings or other codes. Further, the Committee's approval of any plan or design shall not be deemed approval of it from the standpoint of structural safety, engineering, or conformance with building or other codes. Each Owner will be responsible for obtaining all necessary approvals or permits from applicable governmental entities or agencies, and shall comply with all laws, codes, and regulations concerning the construction of any such Improvement(s).

NO CONSTRUCTION MAY BEGIN UNTIL THE OWNER RECEIVES FINAL APPROVAL FROM THE COMMITTEE. PRELIMINARY APPROVAL WILL NOT BE DEEMED TO BE THE FINAL DECISION OF THE COMMITTEE. THE COMMITTEE HAS THE RIGHT TO DENY AN APPLICATION FOR FINAL APPROVAL, PENDING ANY SECOND SUBMISSIONS AND OR WORKING DRAWINGS IF APPLICABLE.

LAVENDER TRAILS & CONTESSA'S VINEYARD AT CITY IN THE HILLS
HOMEOWNERS ASSOCIATION
APPLICATION FOR ARCHITECTURAL CONTROL COMMITTEE APPROVAL

Dear Members of the Design Control Committee:

Attached hereto is my/our application for preliminary/final (Circle one) approval, including the plans and specifications depicting the proposed Improvement. This application has been completed in accordance with Lavender Trails & Contessa's Vineyard Architectural Guidelines.

I/we understand that building permits for these Improvements may be required and the cost and responsibility of obtaining necessary permits and any subsequent inspections will be borne by the undersigned. I/We acknowledge that architectural approval is not intended to be, nor shall it be considered a substitute for, approval by the appropriate City and/or County agencies.

I/WE AGREE THAT NO CONSTRUCTION MAY BEGIN UNTIL THE ARCHITECTURAL CONTROL COMMITTEE GIVES ITS FINAL APPROVAL IN ACCORDANCE WITH THESE GUIDELINES AND THE CC&R'S.

IME FURTHER UNDERSTAND AND AGREE THAT ANY PRELIMINARY APPROVAL GRANTED PRIOR TO THIS APPLICATION SHALL NOT BE DEEMED TO BE FINAL APPROVAL BY THE ARCHITECTURAL CONTROL COMMITTEE, AND THAT THE ARCHITECTURAL CONTROL COMMITTEE HAS THE RIGHT TO DENY AN APPLICATION FOR FINAL APPROVAL. REGARDLESS OF WHETHER PRELIMINARY APPROVAL WAS PREVIOUSLY GRANTED.

I/We understand that the 45-day architectural review period will not commence until a properly completed and submitted application for final approval has been received by the Committee via certified mail, or other overnight mail. Subject 45-day review period will not commence upon the submission of an application for preliminary approval.

DATED _____

Signature of Owner-Applicant

DATED: _____

Signature of Owner-Applicant

APPLICANT INFORMATION:

Name

Address

() _____ () _____
Home Phone Number Work Phone Number

Lot and Tract Number

Note. A check must accompany your application for \$150.00 payable to Lavender Trails & Contessa's Vineyard HOA to cover the cost of the review by the licensed architect per the information in this package

BRIEF DESCRIPTION OF PROPOSED IMPROVEMENTS.

NAME, ADDRESS AND TELEPHONE NUMBER OF ARCHITECT CONTRACTOR OR OTHER REPRESENTATIVES'

ANTICIPATED WORK SCHEDULE:

Commencement Date. _____

Completion Date: _____

Attached are my Neighbor Awareness Form and my plans and specifications for the above proposed Improvement.

All applications should be submitted to the Lavender Trails & Contessa's Vineyard at City in the Hills Homeowners Association, Design Control Committee: M.D. Atkinsons Co. Inc.
Attention: Sue Bryan
1401 19th Street Suite 400, Bakersfield, CA 93301.

LAVENDER TRAILS & CONTESSA'S VINEYARD HOMEOWNERS ASSOCIATION
NEIGHBOR AWARENESS FORM

AR improvements require notification by the Owner-Applicant to the neighbors of the Owner who will be most visually affected or impacted by the proposed Improvement. Evidence of such notification shall be the signatures of the affected neighbors on the Owner's application. The neighbors' acknowledgment or approval of the proposed improvement(s) will not be condition for the approval of plans and specifications by the Committee. Further, the Committee is not necessarily required to deny a set of plans based on the disapproval of affected neighbors. Neighbors who disagree with the proposed Improvements) are welcome to submit their concerns in writing to the Committee, care of the Association's property management company.

1. Name of Neighbor _____

Address of Neighbor: _____

I/We have been notified of Owner-Applicant's proposed Improvement, and I/We approve/disapprove (Circle one) of Owner's plans and specifications for the proposed Improvement. (If applicable only) I/We disapprove of Owners plans and specifications for the following reasons.

Dated. _____

Signature of Neighbor

Dated. _____

Signature of Neighbor

2 Name of Neighbor _____

Address of Neighbor _____

~~I/We~~ have been notified of Owner- Applicant's proposed Improvement, and I/We approve/disapprove (Circle one) of Owner's plans and specifications for the proposed Improvement. (If applicable only) I disapprove of Owners plans and specifications for the following reasons

Dated _____

Signature of Neighbor

Dated' _____

Signature of Neighbor

3. Name of Neighbor _____

Address of Neighbor _____

I/We have been notified of Owner-Applicant's proposed Improvement, and *I/We* approve/disapprove (Circle one) of Owner's plans and specifications for the proposed Improvement. (If applicable only) I disapprove of Owners plans and specifications for the following reasons:

Dated: _____

Signature of Neighbor

Dated _____

Signature of Neighbor

4 Name of Neighbor _____

Address of Neighbor _____

I/We have been notified of Owner- Applicant's proposed Improvement, and *I/We* approve/disapprove (Circle one) of Owner's plans and specifications for the proposed Improvement (If applicable only) I disapprove of Owners plans and specifications for the following masons:

Dated' _____

Signature of Neighbor

Dated. _____

Signature of Neighbor

Architectural Review Checklist

The members of your architectural control committee would like to expedite the approval process for your plans. Please make sure that the following items have been addressed in your submission. Submissions are required for improvements including but not limited to, rear/front yard landscaping, painting, patio covers, permanent structures (i.e. planters, walkways, etc.), satellite dishes, tree installation, etc. Should you have any questions concerning the contents of your package, please feel free to contact your association representative at M.D. Atkinson Co. Inc. for further details.

Completed architectural application including,

- a) Signed Master Application Form
- b) Applicant Information Form
- c) A brief description of your plans
- d) Neighbor awareness forms — Note. all submissions require the "acknowledgment" of all surrounding neighbors prior to review by the ARC committee.
- e) Check for \$150.00 payable to Lavender Trails & Contessa's Vineyard HOA for initial architect review.

Drawing of Proposed Improvements/Plans

Note Plans may be hand drawn and do not necessarily warrant an architect or civil engineer, for those plans such as landscaping, patio covers, etc. **However, if allowable, all structural changes, as well as spas, will require more in depth plans. Please make sure that you address each of the following items on your drawing.**

Drainage

This is perhaps one of the most important items to consider when planning any type of improvement. While the builder may have provided drainage as part of the finished grade, any type of modification will require approval and possibly the installation of additional drains. This includes all hardscape and landscaped areas as well as planters

Locations

All improvements must be noted on your plans in relation to the location of your current structures, property lines and home.

Planters

All planter elevations must be included as this may affect the requirement for additional drainage. For example, if you are planning to build a retaining wall or raised planter, there must be drainage in the planter areas as well as a water barrier against the fence to provide for an adequate water/dirt vapor barrier. An **approved option is bricks or cinder block at the rear of the planter.**

Patio Covers & Other Structures

Awnings or patio cover elevations, including, dimensions, color, and proposed materials must be included in your plans. Please also provide a site view' plan of your cover, this

is represented by a three dimensional picture of the cover A manufacturer's picture is suitable for submission as part of this requirement.

☐ Set Backs

In addition to the city requirements for set backs for permanent structure, please note that all cement must be poured at least three inches away from the fence, or property lines

☐ Other Structures

Items such as sheds, waterfalls, play equipment, may be very obtrusive and may extend above the fence level and be visible from the common areas. Please use caution and submit your plans prior to work commencement Include all structural elevations and construction materials.

☐ Plantings

Plantings for trees, shrubs, and sod are required to be submitted to the architectural control committee prior to installation. NOTE: All trees must have root barriers and identified by type on your plans. Plantings such as general color, roses, or flowers are not items, which require architectural approval.

NOTICE OF COMPLETION FOR ARCHITECTURAL IMPROVEMENT
LAVENDER TRAILS & CONTESSA'S VINEYARD AT CITY IN THE HILLS HOMEOWNERS
ASSOCIATION

Homeowner Name: _____

Address: _____

Date of Completion: _____

Upon execution of this document, I hereby notify the Architectural Control Committee of the completion of my proposed improvement(s). The following improvements as reviewed and approved by the Committee have been completed.

Signed _____ Date _____

Please return this completed form to:

LAVENDER TRAILS & CONTESSA'S VINEYARD

c/o M.D. Atkinson Co. Inc. – Attn: Sue Bryan

1401 19th Street Suite 400,

Bakersfield, CA 93301