



## HOMEOWNERS' ASSOCIATION ARCHITECTURAL RULES



REVISED and RESTATED  
Approved by the Board of Directors  
XXX

## TABLE OF CONTENTS

## PAGE NUMBER

<b>SECTION (A) - INTRODUCTION .....</b>	<b>4</b>
SECTION (B) - PROJECT APPLICATION PROCESS .....	4
<b>SECTION (C) - RESIDENTIAL STANDARDS .....</b>	<b>6</b>
C1. ACCESSORY AND JUNIOR DWELLING UNITS (ADUS) (JADUS) .....	6
C2. ACCESSIBILITY MODIFICATIONS .....	6
C3. ADDITIONS AND REMODELS .....	6
C4. ADDRESS NUMBERS .....	6
C5. AIR CONDITIONING UNITS / HEAT PUMPS .....	6
C6. ANIMAL ENCLOSURES .....	6
C7. ARBORS, AWNINGS, GAZEBOS, PERGOLAS, SUNSHADES, TRELLISES AND OTHER GARDEN STRUCTURES .....	7
C8. AUXILIARY POWER – BACKUP BATTERIES AND GENERATORS .....	7
C9. CATWALK ENCLOSURES .....	7
C10. DECKS AND BALCONIES .....	7
C11. DECORATIVE EXTERIOR PLAQUES, ARTWORK, AND ENHANCEMENTS ....	8
C12. DOORS .....	8
C13. DRAINAGE .....	8
C14. DRIVEWAYS .....	8
C15. EXTERIOR LIGHT FIXTURES, LANDSCAPE LIGHTING AND OTHER LIGHTING .....	8
C17. FENCES .....	8
C18. FOUNTAINS AND WATER FEATURES .....	9
C19. GARAGE DOORS .....	9
C20. GATES .....	9
C21. GENERATORS (SEE AUXILIARY POWER – C8) .....	10
C22. GRADING .....	10
C23. GUTTERS AND DOWNSPOUTS .....	10
C24. HOT TUBS AND POOLS .....	10
C25. INTERNET, MEDIA, ELECTRICAL AND OTHER CABLE CONNECTIONS .....	10
C26. IRRIGATION – ASSOCIATION MAINTAINED AREAS .....	10
C27. LANDSCAPE - ASSOCIATION MAINTAINED AREAS .....	10
C28. LANDSCAPE – OWNER MAINTAINED AREAS .....	10
C29. MAILBOXES .....	11

C30. OUTDOOR FLAME DEVICES .....	11
C31. OUTDOOR TELEVISIONS AND SOUND EQUIPMENT .....	11
C32. OUTDOOR DRYING AND LAUNDERING .....	11
C33. PAINT COLORS.....	11
C34. PATIOS .....	11
C35. PLANTERS AND WINDOW BOXES.....	11
C36. RETAINING AND DECORATIVE GARDEN WALLS.....	12
C37. ROOF ATTACHMENTS .....	12
C38. ROOFS, ROOF VENTS, AND FLASHINGS .....	12
C39. SATELLITE DISHES AND ANTENNAS .....	12
C40. SHUTTERS.....	12
C41. SIDING REPAIR OR REPLACEMENT .....	12
C42. SKYLIGHTS AND SOLAR TUBES.....	12
C43. SOLAR PANELS.....	13
C44. SPORTS APPARATUS.....	13
C45. STORAGE OF PERSONAL GOODS, STORAGE SHEDS, OUTBUILDINGS AND WASTE BINS .....	13
C46. TREES .....	13
C47. VENTS - OTHER THAN ROOF VENTS.....	13
C48. WALKWAYS .....	13
C49. WINDOW REPLACEMENTS AND ADDITIONS .....	14
D1. UNAPPROVED CHANGES TO A LOT, EXTERIOR SURFACES, EXTERIOR STRUCTURE, OR FAILURE TO COMPLY WITH APPROVED PLANS.....	15
D2. QUALITY OF WORKMANSHIP .....	15
D3. FAILURE TO COMPLETE PROJECT.....	15
D4. OWNER'S RESPONSIBILITY FOR CONTRACTOR'S RULES AND CONDUCT .....	15
D5. ARCHITECTURAL MISCELLANEOUS RULE VIOLATION .....	15
D6. FAILURE TO MAINTAIN PROPERTY .....	15
<b>EXHIBIT (1) - IMPROVEMENTS REQUIRING APPROVAL .....</b>	<b>16</b>
<b>EXHIBIT (2) - REQUIRED DOCUMENTATION FOR PROJECT APPROVAL.....</b>	<b>17</b>
<b>EXHIBIT (3) - OWNERS RESPONSIBILITIES FOR PROJECTS .....</b>	<b>18</b>
<b>EXHIBIT (4) - ARCHITECTURAL STANDARDS .....</b>	<b>19</b>
<b>EXHIBIT (5) – FENCING SETBACK GUIDELINES .....</b>	<b>25</b>
<b>EXHIBIT (6) - SATELLITE DISHES AND ANTENNAS .....</b>	<b>27</b>

## SECTION (A) - INTRODUCTION

Moraga Country Club Homeowners Association (Association) is a residential community of 521 lots and related recreational facilities. The Association is governed by legally binding documents: Articles of Incorporation; Covenants, Conditions and Restrictions (CCRs); Bylaws; Rules and Regulations; and Architectural Rules.

Moraga Country Club's CCRs recognize the role of the Architectural Committee in preserving property values through the Architectural Rules designed to maintain a well-kept, cohesive and harmonious neighborhood environment. Through the CCRs, the Architectural Committee is assigned the responsibility to regulate the aesthetics for the Association by establishing the criteria for style, materials and modifications using the highest standards to ensure the reasonable enjoyment of Owners and their property.

The Board of Directors (Board) has given authority to the General Manager and operational staff to enforce all Governing Documents including the Architectural Rules. Failure to comply could result in fines imposed by the Board and other enforcement efforts. See **Section D**.

The process of making any changes to the exterior of the home begins with contacting the Association office, [hoa@moragacc.com](mailto:hoa@moragacc.com). The office will determine if the alteration or improvement requires an Architectural Project Application.

## SECTION (B) - PROJECT APPLICATION PROCESS

A "Project" is defined as any replacement, alteration or improvement to the exterior or landscaping of a home that requires Architectural Committee approval. Owners are responsible for providing the Association with Town of Moraga (Town) and Contra Costa County Planning Departments' building permits.

Applications are subject to all architectural standards outlined in these Architectural Rules. The Architectural Committee's approval is limited to exterior architectural appearance only and is not subject to any liability for structural changes.

The following application process must be completed before any Project begins:

- Homeowner obtain and submit a Project Application Packet from the Association Office. For projects needing approval, see **EXHIBIT 1**.
- For documents to include with submission, see **EXHIBIT 2**.
- Association sends notification of Project will be sent to neighboring properties for comments.
- Architectural Committee conducts onsite review with Applicant and/or Architect and Contractor.
- Applicant will be notified of the Architectural Committee meeting when the project is formally considered for approval.
- Applicant will be notified in writing of the Project's approval or disapproval. Commencement of work must begin within 12 months of the Project approval after which the application must be resubmitted for approval.

- Project applications resulting from a Notice of Disrepair must comply with 60-day completion, see **CCRs 10.5**.
- Applicants are responsible for obtaining necessary permits.
- A damage deposit will be charged against the Owner's account upon Project approval.
- Project Approval signage will be posted upon the lot for the duration of the Project.

If the Project or any portion thereof is not approved by the Architectural Committee, the Owner has the right to appeal the decision to the Association's Board of Directors by contacting the Association Office (**hoa@moragacc.com**) within 30 days after the date of disapproval. Prior approval of like Projects within MCC does not obligate the Architectural Committee to approve similar subsequent submissions.

### **Owner's Responsibilities**

- Obtain necessary permits and approvals from the Town and/or Contra Costa County, as required.
- Prior to commencement of construction, arrange a meeting at construction site with Owner, Contractor, and Association to establish existing site conditions.
- Provide a copy of the contractor's license.
- The project may require a general liability insurance policy naming the Association as an additional insured for any claims that might involve the Association arising out of or during the course of construction. Evidence of such insurance and additional insured endorsements must be provided at least five (5) days before construction begins.
- Compliance with **EXHIBIT 3 - Contractor's Rules**.
- Notification to Association of commencement and completion of Project.
- Notification to Association of any deterioration, dry rot, or damage to siding or exterior surfaces detected before or during construction.
- Provide the Association with a copy of the final, signed-off agency permit(s).
- Restore all utilities (drainage, water, irrigation, gas, electrical, and communications) as needed.
- Complete construction within one year of commencement. Notify the Association immediately if the Project is expected to continue longer than one year. See **CCRs 11.11**.

### **Changes to an Approved Project**

- Any changes to approved Projects must be submitted to the Association for further Architectural Committee approval prior to commencement of additional work.

### **Project Completion**

A Project is deemed Complete when all of the following has occurred:

- The Town and/or Contra Costa County Building Department(s) signed permits are submitted to the Association.
- A final inspection by the Architectural Committee is conducted to determine all workmanship is satisfactory, no damage has occurred to Common or Maintained Areas, Project complies with the approved plans, and Owner's Responsibilities have been met. **See Section (B).**

If the Project is deemed not complete by the Architectural Committee, the Applicant is given 30 days to comply.

Damage Deposits will be refunded to the Applicants account once Project is deemed completed. Any consultants' fees incurred by the Association for the Project will be deducted from the Applicant's deposit.

## **SECTION (C) - RESIDENTIAL STANDARDS**

Exterior improvements must be consistent with the character, style, and scale, of both the existing home and the MCC community. If a Project includes changing the existing style of the home, then the Project must include all exterior features of the design elements to be consistent. For example, if modern elements are introduced, all design features should be modern.

### **C1. Accessory and Junior Dwelling Units (ADUs) (JADUs)**

The Association can "reasonably regulate" ADUs and JADUs. In all instances, materials, finishes, location of entrance, parking pads and essential elements of style may be regulated to the greatest extent permitted by law. Designs, locations, and other features should blend with the surrounding homes, not be out of scale in mass or form, respect established setbacks and must comply with Town building requirements.

### **C2. Accessibility Modifications**

All exterior accessibility modifications must meet Town building and setback requirements and should blend with existing home finishes. The Association will make reasonable accommodation of the architectural standards in all applications for exterior accessibility modifications.

### **C3. Additions and Remodels**

All additions and remodels begin with contacting the Association Office for general guidelines and requirements.

### **C4. Address Numbers**

Only one set of address numbers may be displayed on the exterior of the home and must conform to Moraga Orinda Fire Department standards for identification purposes. Extremely decorative or numbers larger than eight inches will not be approved.

### **C5. Air Conditioning Units / Heat Pumps**

Units needing replacement should be re-installed on the existing pad and comply with the Architectural Committee standards that minimize the view from streets, neighboring properties, golf course and Common Area spaces. The unit must sit on an air conditioner condenser pad and not be installed into siding or windows. Details of the supporting pad must be submitted with the manufacturer's brochure and proposal describing the unit and its location. Noise impact to neighbors must be taken into consideration if relocating the equipment.

### **C6. Animal Enclosures**

Enclosures for confining pets cannot be visible from adjacent lots, Common Areas, or Recreation Areas.

## **C7. Arbors, Awnings, Gazebos, Pergolas, Sunshades, Trellises and Other Garden Structures**

Arbors, awnings, gazebos, pergolas, sunshades, trellises and other garden structures must be consistent with the style, finishes and color of the home. Due to the size limitations of many lots, all structures must be appropriate for the lot size and scale of the home. Town building and setback requirements must be followed. Impact on neighboring properties will be considered. Future maintenance, including painting and repair of arbors or trellises, is the sole responsibility of the Owner.

## **C8. Auxiliary Power – Backup Batteries and Generators**

All battery backup systems and generators must be installed to minimize the view from streets, neighboring properties and Common Areas. Every effort should be made to run conduit through the attic or crawl space. If exposed, conduits and pipes must be neatly attached to the home or eaves and painted to match the adjacent surface. Installation must be done by a licensed contractor in accordance with manufacturer's guidelines and all applicable Town building and setback requirements. Impact on neighboring properties will be considered.

- **Self-Contained Home Battery Systems:** Battery storage systems are allowed and strongly preferred over standby home generators.
- **Standby Home Generators:** Noise muffling covers, such as Zombie covers, are required.
- **Portable Generators:** Portable generators can be used for emergency use only and must follow the manufacturer's guidelines. The utmost care should be taken to prevent harm to yourself and others. Fumes and exhaust may not be so extensive as to be offensive to others.

## **C9. Catwalk Enclosures**

When applying for an enclosure of the catwalk between the main home and bonus room above the garage, the Architectural Committee will consider the impact on neighboring properties so as to not interfere with their reasonable enjoyment.

## **C10. Decks and Balconies**

Town building and setback requirements must be followed. This includes all new and replacement decks, railings, bracings, and balconies. Cross bracing is not permitted. All deck railings must match. Notify the Association immediately if siding or stucco damage is detected.

No exterior portion of a Lot shall be used for the storage of building materials other than temporarily in connection with approved construction. Storage is not allowed under decks unless located behind approved screening. For approved deck railings, screening materials, and balcony standards, see **EXHIBIT 4**.

Project Application must include:

- Paint and/or stain finishes
- Railing materials, post brackets, and deck mounts
- Under deck screening materials & design
- Type of deck footings and supports
- Landscape changes under and around decks

- Owners are responsible for damage or repair to siding that results from dry-rotted decks; worn-out window, deck or chimney flashings; leaky roofs; and work performed in conjunction with the homeowner's contractor or by the homeowner,

### **C11. Decorative Exterior Plaques, Artwork, and Enhancements**

Architectural Committee approval is on a case-by-case basis.

### **C12. Doors**

Replacement or addition of exterior doors including front doors, sliding doors and garage doors must conform to the style and color of the home. Paint colors must be consistent with the approved color palette.

### **C13. Drainage**

Drainage changes must tie into existing subterranean drainage infrastructure and are the responsibility of the Owner. Surface drainage is not allowed.

### **C14. Driveways**

Replacement of an existing driveway must conform to the style and color of the home or existing driveway material. The use of gravel, decomposed granite, or other loose materials is not permitted. A sleeve or conduit for electrical or irrigation use is required across the driveway.

### **C15. Exterior Light Fixtures, Landscape Lighting and Other Lighting**

Exterior lighting must follow Town statutes and avoid night glare, light trespass, and not exceed the needs for security and safety or detract from the aesthetics of the community. Additionally, exterior lighting must be:

- Consistent and conform to the style and finishes of the exterior of the home.
- Exterior lights other than for safety must be off between the hours of 10:00 pm and 8:00 am.

### **C16. Exterior Staircases**

Exterior staircases must meet Town building codes, fire codes and setback requirements. Design, materials and finishes should be consistent with the surrounding homes, not be out of scale in mass or form, and the location may not interfere with neighboring Owner's reasonable right to enjoyment.

### **C17. Fences**

All fences, gates or garden walls, including replacements, must be approved by the Architectural Committee. Moving an existing fence or constructing a new fence, gate or garden wall must also be approved by the Architectural Committee and comply with Town setback and building requirements. The front fence may not extend beyond the façade of the garage. See **EXHIBIT 5**.

The Architectural Committee will consider, location, style, height, and neighbor impact of all new fence applications. If the Project includes using a material that has a

finished and an unfinished side, the finished side of the fence must face out to the community. Fences can be left natural, stained a neutral shade, or stained the body color of the house. Gates should blend with the fence style and style of the home. For approved fencing materials and styles, see **EXHIBIT 4**.

#### **Fence Extensions into Maintained Area – CCRs 5.15**

*“The Architectural Committee shall have the right to permit an Owner to construct or extend a fence into the Maintained Area on that Owner's Lot; provided, however, that the Committee shall withhold its consent to the Owner's application if the location, style, or height of the proposed fence, the amount of area proposed to be enclosed, or the configuration and/or orientation of the Owner's Lot are such that approving the Owner's request will negatively impact open sightlines, limit the spaciousness of streetscapes, reduce the size of neighborhood grassy play areas, cause pathways or sidewalks to be closed in, restrict enjoyment of lagoons and water features, or increase the Association's maintenance burdens. The Committee may only grant such fence extensions for purposes the Committee deems to be appropriate and not inconsistent with the purposes and interests of the Association. Once a fence extension is approved and the fence is constructed, the area enclosed by the fence shall no longer be the Maintained Area and shall be the responsibility of the Owner to maintain, repair or replace, at that Owner's sole cost and expense. The Owner, or any successor interest, shall be responsible to disclose this maintenance responsibility to any prospective purchaser of the Lot.”*

#### **Guidelines for all Fences**

Fence setbacks, heights and style requirements vary per location. For specific height and setback details, see **EXHIBIT 5**.

#### **C18. Fountains and Water Features**

Water features are allowed in private yard areas but must be self-contained and not create a noise nuisance for neighboring properties.

#### **C19. Garage Doors**

Standard sectional paneled garage doors are allowed. Door style must conform with the style of the home. Doors may have windows of rectangular shape horizontally across the top of the door or vertically down one side of the garage door. Garage door windows must not be multi-paned or divided. Swing doors or tilt-up doors are not allowed. See **E34** for paint color requirements.

#### **C20. Gates**

Gate style must conform with both the fence and home style as well as fence height. The backyard and side gates must blend with the fence and be non-ornamental.

## **C21. Generators (See Auxiliary Power – C8)**

## **C22. Grading**

A grading plan is required if there are any changes to the lot terrain and drainage requiring cuts and fills. Changes from existing grades and/or drainage lines are the responsibility and liability of the Owner and must be subject to approval by appropriate governmental agencies. The Association may require expert approved drainage plans where appropriate.

## **C23. Gutters and Downspouts**

Gutters must be painted to match the trim or body color of the home. Downspouts must be rectangular or square, metal, connected to existing underground drainage and painted to match the body color of the home.

## **C24. Hot Tubs and Pools**

Hot tubs and pools must meet all Town building and setback requirements. Equipment, such as pumps, filters, and heaters must be screened from view. Noise and visual impact to neighbors or the golf course must be taken into consideration when locating the equipment.

## **C25. Internet, Media, Electrical and other Cable Connections**

All wiring, including all loose cords, cables, or conduit must be tacked neatly at the foundation line, under the eaves or otherwise concealed and painted to match the color of the adjacent surfaces of the siding, trim, eaves or roof.

## **C26. Irrigation – Association Maintained Areas**

Any changes to existing irrigation in Maintained Areas require an irrigation plan, must follow the Association's irrigation standards, and controllers must be installed in the Association Maintained Area. All new irrigation is at the Owners sole expense. The Association reserves the right to decline the owners' applications for changes to existing irrigation in Maintained Areas if doing so increases the scope or cost of Association maintenance obligations.

## **C27. Landscape - Association Maintained Areas**

The Association's landscape standards include adherence to Firewise standards, vegetation that is drought tolerant, deer resistant, low maintenance and appropriately spaced. Fruit trees, fire-prone, invasive species, and ornamental trees and shrubs requiring specialized pruning are not permitted. The Association has the right to decline Owners' applications to make changes to existing landscape in Maintained Areas if doing so increases the scope or cost of the Association maintenance obligations or does not meet Moraga – Orinda Fire Department (MOFD) Fire Code. Association Plant Palette and Prohibited Fire Prone Species Lists are available on the MCC Website. See **EXHIBIT 4**.

## **C28. Landscape - Owner Maintained Areas**

For Owner-Maintained Areas, any permanent landscape changes require Architectural Committee approval. This includes shrubs, trees, and hardscapes. Owners may select outside of the Association Plant Palette but in all instances the MOFD Fire Code must be met, and fire-prone and invasive species are not allowed.

For hardscape elements see individual listings.

### **C29. Mailboxes**

The Association provides and maintains USPS mailboxes. USPS-approved locked mailboxes are permitted with Architectural Committee approval.

### **C30. Outdoor Flame Devices**

Wood burning flaming devices are prohibited. Barbeques, firepits and outdoor cooking facilities must be located where property, structures and vegetation are not endangered, and neighbors' enjoyment of their property is not impacted.

### **C31. Outdoor Televisions and Sound Equipment**

Outdoor televisions must face away from the golf course or any neighbors' view or should be suitably screened. Care should be taken to avoid night glare and light trespass. Speakers and other sound equipment must not be carried to the surrounding area to disturb neighbors or golfers. Owners must follow Town of Moraga noise ordinances for restricted use between 10:00 pm and 8:00 am.

### **C32. Outdoor Drying and Laundering**

Except to the extent permitted by law, no permanent outdoor clotheslines or other outdoor clothes washing, drying, or airing facilities shall be allowed on any lot. Temporary laundering must be screened and taken down after use.

### **C33. Paint Colors**

Color selections must be finalized 30 days prior to the paint schedule. If an Owner does not select paint colors in a timely manner, the Architectural Committee may make the selection for the Owner. Elastomeric paint applications are allowed at the Owner's expense. Architectural Committee paint approvals are subject to the following guidelines for all homes:

- All color selections must be made from the approved paint palette.
- Body color selection must be compatible with the roof.
- Exceptions must be approved by the Architectural Committee.
- Stained doors are not refinished or re-stained by the Association.
- Garage doors must be painted the body color of the home. If a darker trim and fascia color are selected for the home, it may be applied as the garage door color.
- Garage side doors and trim must be painted the body color of the home.

### **C34. Patios**

Patio materials and colors should be consistent with the style of the home. Drainage and irrigation changes resulting from patio installation must be submitted to the Architectural Committee with plans and are at the sole expense of the Homeowner.

### **C35. Planters and Window Boxes**

Planters must be free standing and consistent with the style and color of the home. Window Boxes are not allowed. Damage caused to siding or stucco due to any attachment is the sole responsibility of the Owner.

### **C36. Retaining and Decorative Garden Walls**

Town building and setback requirements must be followed. All retaining wall materials must be consistent with the style and color of the home. Approved materials are shown on **EXHIBIT 4**.

### **C37. Roof Attachments**

Other than skylights, solar tubes, solar panels and satellite dishes, no decorative enhancements such as weather vanes or cupolas are allowed on roofs.

### **C38. Roofs, Roof Vents, and Flashings**

Roofs, roof vents, and flashings require Permitting and follow Town and / or Contra Costa County ordinances.

- Roof vents and spark arrestors must be fire and ember resistant. Roofing materials must be compatible with the body color of the home.
- Sheet metal and other metal items such as vents, spark arrestors and flashing must be properly primed, and painted to match the color of the adjacent surfaces of the home, trim, eaves, or roof.
- When replacing tile roofs with composition shingles, the new roof materials must lay on top of the fascia.
- New wood or newly exposed wood must be properly primed and painted to match the color of the adjacent surfaces of the home, trim, eaves, or roof at Owner's expense.

#### **C38.1 Attached Homes**

Roof color and materials may be different but must be compatible with other homes.

### **C39. Satellite Dishes and Antennas**

The Association may regulate the type, size and location of satellite dishes and antennas to the greatest extent permitted by law. The following guidelines will be applied:

- Satellite location must be installed with the least visible impact from any neighboring homes, golf course or Common Areas.
- All loose cords, cables or wires must be tacked neatly to the home or eaves and painted to match the color of the adjacent surfaces of the home, trim, eaves, or roof.

### **C40. Shutters**

Decorative shutters are not permitted.

### **C41. Siding Repair or Replacement**

Damage to siding or stucco due to lack of Owner maintenance or water penetration from decaying or faulting flashing, decks, air conditioning units, gutters, downspouts, roofs, chimneys, power walls, skylights, satellites, roof vents, windows and other attachments are the sole responsibility of the Owner.

### **C42. Skylights and Solar Tubes**

New or replacement skylights and solar tubes must have a flat surface, and flashing must blend with the color of the roof.

#### **C43. Solar Panels**

Installation must be by a California-licensed professional and follow all permitting requirements of the Town and/or Contra Costa County. The entire installation must follow the manufacturer's warranted guidelines. Black-on-black solar panels and matching frames are preferred. Solar system components such as inverters, conduits, and batteries must be installed to minimize the visual impact from any neighbors, golf course or walkway. If possible, equipment should be installed in the garage and conduit run through attic or crawl space. All exposed conduits and pipes must be tacked neatly and tightly to the home or eaves. In addition, they must be painted to match the color of the adjacent surfaces of the home, trim, eaves, or roof. Tree or vegetation removal on the Owner's lot necessary for solar system installation or operation requires additional review. Solar panel installations on lots adjacent to the golf course are at the risk of the Owner should damage occur.

No portion of the panels that are tilted above the roof plane should exceed one foot in height. All panel arrays must be fixed and not motorized. See **C8 Auxiliary Power – Backup Batteries and Generators**.

#### **C44. Sports Apparatus**

No fixed Sports Apparatus shall be allowed on any lot. Portable standards are permitted on lots and may not be visible from other properties within MCCHOA when not in use. Portable standards are not permitted on streets. **(CCRs 4.11)**

#### **C45. Storage of Personal Goods, Storage Sheds, Outbuildings and Waste Bins**

Storage of personal goods, storage sheds, outbuildings and waste bins shall not be visible from any street or other properties within MCCHOA.

#### **C46. Trees**

All tree removals, severe tree alterations, or new installations both in Association Maintained Areas and Owner Maintained Areas, including private backyards, must be reviewed and approved by the Architectural Committee and, if required, by the Town. The new tree installation must meet Fire Code and not impact the neighboring Owners right to enjoyment. Fruit trees and ornamental trees requiring specialized pruning are not permitted in Association Maintained Areas. **(CCRs 4.17)**

#### **C47. Vents - Other Than Roof Vents**

All new and replacement vents must be fire and ember resistant and meet the Town and/or Contra Costa County ordinances. In addition, they must be painted to match the color of the adjacent surfaces of the home, trim, eaves, or roof. See **C38 Roof Vents**.

#### **C48. Walkways**

New or replacement walkways must conform to the style and other elements of the home and the maintenance becomes the sole responsibility of the Owner. Gravel, decomposed granite, or other loose materials are not acceptable for front entrance walkways.

#### **C49. Window Replacements and Additions**

New and replacement windows must conform to the style of the home and match existing windows. When adding or relocating windows, the impact on neighboring properties will be considered. Retrofit windows are not permitted.

Owners are responsible for damage or repair to siding that results from worn-out window, deck or chimney flashings; dry-rotted decks; leaky roofs; and work performed in conjunction with the homeowner's contractor or by the homeowner,

DRAFT

## **SECTION (D) – NON-COMPLIANCE OF ARCHITECTURAL RULES**

### **D1. Unapproved Changes to a Lot, Exterior Surfaces, Exterior Structure, or Failure to Comply with Approved Plans**

Changes to a lot, exterior or structure of a home without prior approval from the Association Manager or Architectural Committee or later deviation from an approved Project without additional approval, may result in fines or other actions. Exceptions are at the discretion of the Association Manager. **See Rules and Regulations Schedule of Fines (Section R1).**

### **D2. Quality of Workmanship**

The quality of workmanship is determined by the Architectural Committee. **See Rules and Regulations Schedule of Fines (Section R3).**

### **D3. Failure to Complete Project**

Failure to complete construction within one year of commencement. **See Rules and Regulations Schedule of Fines (Section R5).**

### **D4. Owner's Responsibility for Contractor's Rules and Conduct**

The Association reserves the right to seek immediate action, at the Owner's expense, without recourse to First and Second Notices. **See Rules and Regulations Schedule of Fines (Section R2).**

### **D5. Architectural Miscellaneous Rule Violation**

See Rules and Regulations Schedule of Fines **(Section R4).**

### **D6. Failure to Maintain Property**

See Rules and Regulations Schedule of Fines **(Section R6).**

## EXHIBIT (1) - IMPROVEMENTS REQUIRING APPROVAL

Please contact the Association Office regarding any plans involving construction even if your improvement is in the Owner-Maintained Area. The project may or may not require Architectural Committee approval, but the Association should be informed of work.

Home or Lot improvements requiring approval may include, but are not limited to the following list:

Additions	Fire Pits and Barbecues	Play Structures
Address Numbers	Fountains & Water Features	Remodels
Air Conditioning Units	Garage Doors	Retaining Walls
Arbors, Trellises, Sunshades	Garden Windows	Roofs
Awnings	Gazebos, Garden Structures	Roof Vents and Flashing
Balconies and Railings	Gates	Satellite Dishes
Catwalk Enclosure	Grading	Shutters
Decks	Gutters	Siding Replacement
Exterior Plaques	Handicap Access Ramps	Skylights and Solar Tubes
Exterior Doors	Handrails	Sports Apparatus
Downspouts and Decorative Roofline Trim	Hot Tubs, Spas, Pools	Solar Panels and Energy Systems
Drainage Changes	Landscape Figurines, Garden Enhancements	Storage Sheds and Waste Container Enclosures
Driveways	Landscape Changes (Maintained Area)	Media Connections
Entryway Changes	Landscape Changes (Private Area)	Tree Planting, Removals, Severe Pruning
Exterior Elevators or Lifts	Mailboxes	Walkways and Hardscapes
Exterior Stairs	Paint Color Changes	Exterior Walls
Fences	Patios	Windows

## **EXHIBIT (2) - REQUIRED DOCUMENTATION FOR PROJECT APPROVAL**

Project packets are available at the Association Office or on the MCC website. In addition to the application, the following documents are required.

### **Fence Replacements or New Installation Projects**

- Copy of installers contract including a diagram, photograph of proposed style and materials specifications.

### **Landscape Projects**

- Copy of landscape plan including hardscape, irrigation and plant schedule.
- For plant replacements, provide plant species, quantities and locations.

### **Addition and Remodel Projects (Pre-meeting recommended)**

- Architectural plans to show existing and proposed exterior changes, with elevations and site plan of neighboring lots.
- Manufacturer product data/specification sheet for all exterior materials and finishes being proposed.

### **Roof Replacement and Garage Door Replacement**

- Copy of Installers contract.
- Manufacturer product data/specification sheet including color.

### **Solar Panel Installation**

- Copy of Installers contact to include location of panels, equipment, and conduits.
- Manufacturer product data/specification sheet including color.

### **Window and Door Replacements or New Installation**

- Copy of contract to include a diagram showing location of window / door and verification that windows / doors are not retrofit.
- Manufacturer product data/specification sheet on proposed window/sliding door.

### **All Other Projects**

- Copy of installers contract.
- Manufacturer product data/specification sheet.

## **EXHIBIT (3) - OWNERS RESPONSIBILITIES FOR PROJECTS**

- Homeowners are responsible for their contractors and service provider's conduct.
- The hours of construction are Monday through Saturday—8:00 am to 5:00 pm. No Construction on Holidays.
- The use of alcohol and drugs is strictly prohibited. Smokers must oblige when asked to extinguish a cigarette and dispose and remove smoking products from the job site.
- Shouting and loud music audible to other lots or beyond is prohibited.
- No contractor or crew are permitted to occupy the residence overnight. No vehicles, equipment, or materials may impede local traffic or pedestrian walkways. All vehicles must adhere to posted speed limits and parking restrictions.
- All contractors and crew must display professional decorum. Vulgar or profane language or boisterous conduct is prohibited.
- Construction fencing may be required and must be removed within 7 days of project completion.
- Chemical toilets must be placed with the access door opening away from public view. Screening is recommended. Chemical toilets may not be placed on any public or private street. Remove chemical toilet within 7 days of project completion.
- Contractors are required to keep their job sites neat and clean. Refuse and discarded materials, shall be disposed of daily into appropriate waste container. All debris and containers must be removed within 7 days of project completion.
- Washing of any equipment or materials is not allowed to enter storm drains. Special wash-out stations are required. Ground shall be wetted to control dust.
- Mud, debris, spillage or damage from deliveries or construction occurring on Association grounds shall be cleaned or repaired daily. Any additional clean-up or repair to Association property will be the sole responsibility of the Owner.

## EXHIBIT (4) - ARCHITECTURAL STANDARDS

Examples of approved Deck and Balcony Railings, Screening Materials, Fences, Landscape Rock, Landscape Edging, Mulch and Retaining Walls are shown below.

### DECK AND BALCONY RAILINGS

**Horizontal Cable**



**Aluminum / Iron**



**Hog Wire**



**Wooden Rails**



**Glass**



**Glass**



## SCREENING MATERIALS

**Horizontal Thin Wood Slats**



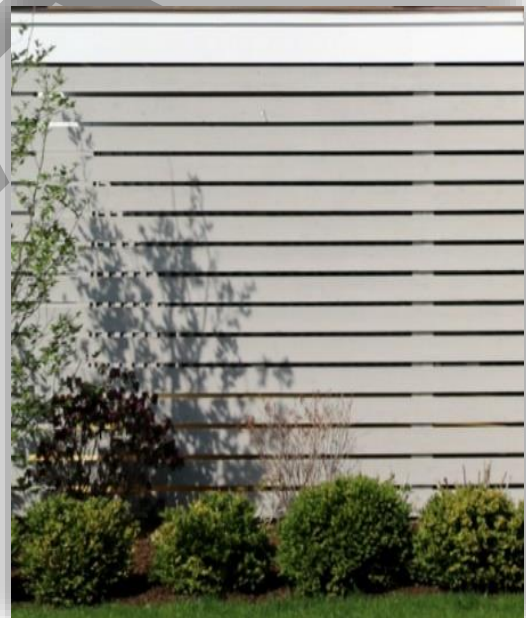
**Square Lattice**



**Vertical Wood Slats**



**Horizontal Wood Slats**



## FENCING AND LATTICE STYLES

<b>Board on Board Good Neighbor</b>	<b>Horizontal</b>
	
<b>Hog Wire - Black Wire</b>	<b>Non-Decorative Wrought</b>
	
<b>Square Lattice</b>	<b>Open Style Horizontal Lattice</b>
	

## NON-COMBUSTIBLE FENCING STYLES

Fiber Cement Product to match existing home siding, metal fencing similar to approved fencing styles and stucco fencing.



## LANDSCAPE ROCK

Muted tones are preferred. White and Red Lava rocks will not be approved.



**LANDSCAPE EDGING**  
**Black Metal**



**MULCH**  
**Black Mini-Bark**



**RETAINING WALLS**

**Moss Rock or Basalt Rock**



**Engineered Stone in Natural Tones**



**Wood**



## EXHIBIT (5) – FENCING SETBACK GUIDELINES

**All fence installations require ARC approval for location, design, and materials.**

Fence Location	Setback	Height Limits	Notes
Front Yard	Within 20' from curb	3 Feet	Fences taller than 3' require Town Zoning approval.
Side Yard	15' from curb	3 Feet	Fences taller than 3' require Town Zoning approval. Fences within setback allowed from 6'-7.5' with Town Design Review Board approval.
Corner Lot - Front and Side Yards	20' from curb on Front Yard  15" from curb on Side Yard.	3 Feet	<b>Front Fence</b> - No taller than 3' within 20' setback.  <b>Side Fence</b> - No taller than 3' within 15' setback.  Fences within setback from 6' to 7'.6" require Town Design Review Board approval.
Lots - Facing Two Streets	20' from each curb	3 Feet	Fences taller than 3' require Town Zoning approval. Fences within setback allowed from 6'-7.5' with Town Zoning and Design Review Board Approval
Common Driveway	20' from driveway	3 Feet	Fences taller than 3' require Town Zoning approval.
Between Lots - Side Yard	10 feet	6 Feet	Fences within setback 6' -7.6' require Town Design Review Board approval
Golf Course Lots - Rear fence facing course	In line with neighboring fences	4 Feet	Open fencing required.
Golf Course Lots - Side fence	Lot line	6 Feet	Must step down to 4' at the course Must not impede neighbors' view of the golf course.

Illustration of Various Setbacks

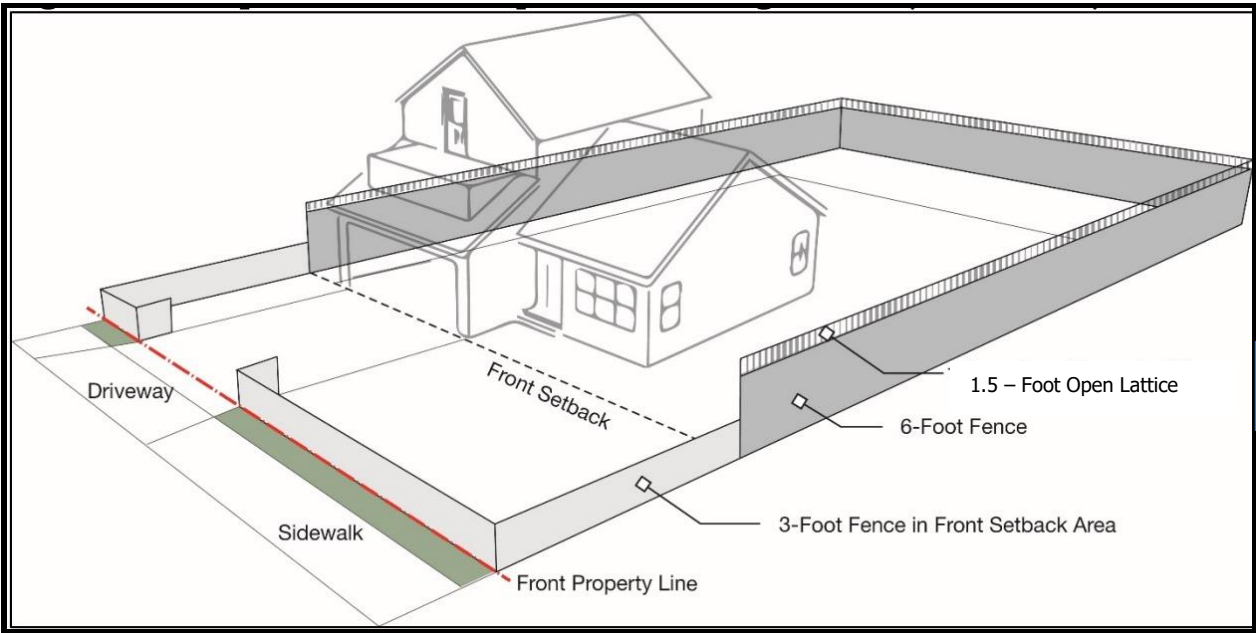
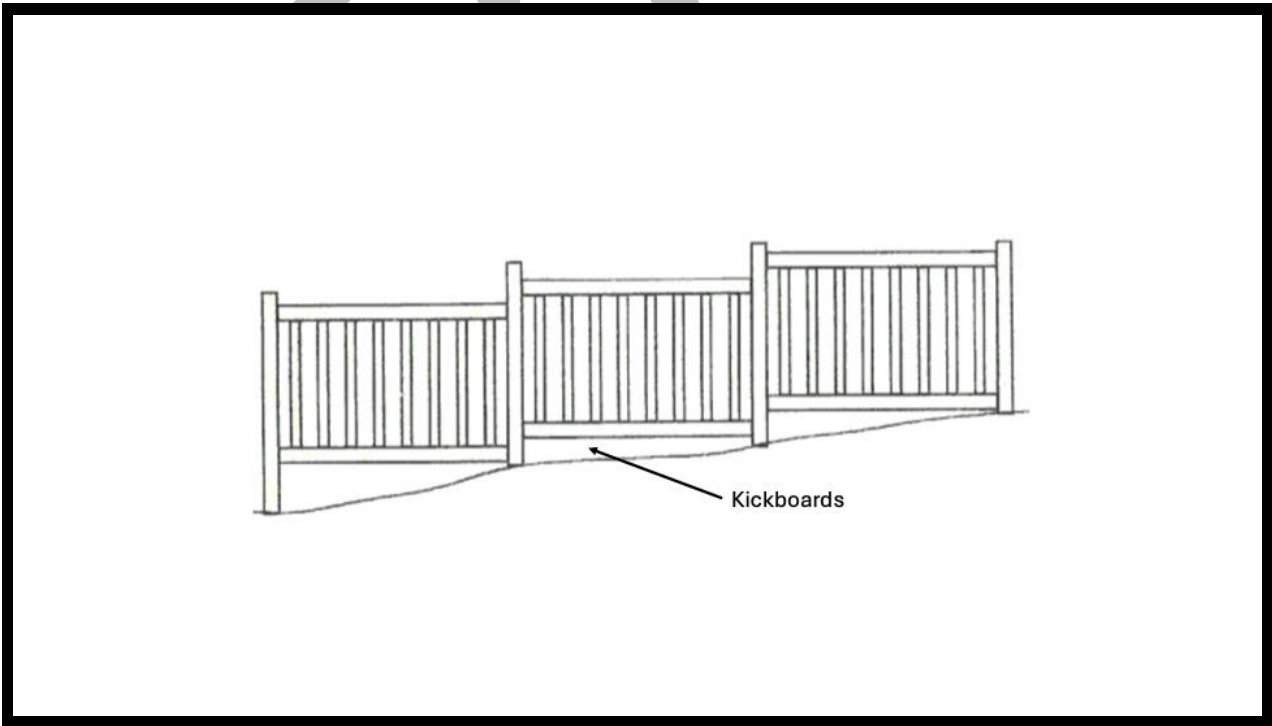


Illustration of approved stepped fence style.  
Steps should take into account the slope of the terrain and be at regular intervals in height and length.



## **EXHIBIT (6) - SATELLITE DISHES AND ANTENNAS**

The following policies for the installation and maintenance of satellite dishes and antennas within the Association are in conformance with Section 207 of the Federal Telecommunications Act of 1996 and the CCRs.

### **A. ANTENNA TYPE AND SIZE**

For the purposes of these Rules, the term "antenna" includes any direct broadcast system (DBS) satellite dish, wireless cable antenna system Multipoint Distribution Service (MDS) or Multichannel Multipoint Distribution Service (MMDS) fixed wireless device (voice/data disk), television broadcast antenna system (TVBS), including any high-definition television (HDTV) antenna, and any component of or addition to such antenna, including, without limitation, poles, masts, brackets, cables, or wiring.

These Rules apply to DBS, MDS and MMDS antennas designed primarily for video reception and fixed wireless devices that are one meter or less in diameter or diagonal measurement, and to TVBS antennas sufficient in dimension to receive an acceptable quality signal in the local viewing area. Larger antennas, antennas used for purposes other than for video, voice and data signals, and ham radio antennas are not permitted.

### **B. NOTIFICATION**

Within 14 days of the proposed antenna installation date, owners are asked to notify the Architectural Committee of their intent to install an antenna. Owners are encouraged to work with the Architectural Committee to determine the most suitable location for the antenna pursuant to these Rules.

### **C. INSTALLATION**

Any antenna on a lot must be installed in the least obtrusive location possible that does not unreasonably delay the antenna's installation, unreasonably increase the cost of its installation, maintenance, or use, or unreasonably interfere with the user's ability to obtain an acceptable quality signal ("preferred location"). Depending on the configuration of a particular lot, the Association's preferred location might be ground mounting, behind chimney chases, in rear or side yards, or on the portions of roofs or building surfaces that face away from streets, Common Areas or neighboring lots.

If an acceptable quality signal can be received by placing the antenna inside a residence, without an unreasonable increase in delay or cost, then indoor installation is preferred. In the case of a fixed wireless device, if similar services of reasonably similar cost and speed are available over in-ground systems (e.g., Digital Subscriber Line or broadband services), then fixed wireless devices may be restricted or prohibited.

Any mast or pole extending more than 12 feet above the lot's roofline will require the prior written approval of the Architectural Committee and, if required by the Town, a use permit. No mast or pole may be erected nearer to a lot line than the total height of the antenna above the roof. Masts or poles may not be located near power lines.

To the maximum extent reasonably possible, wiring or cabling shall be installed to be minimally visible and blend into the material to which it is mounted or placed. Where not

unreasonable to do so, the antenna must be painted to blend into the background to which it is mounted or placed, and masts must be painted to match the antenna mounted on it.

The Architectural Committee may require Owner to install screens or landscaping, at the Owner's expense, that do not unreasonably delay the antenna's installation, unreasonably increase the cost of its installation, maintenance, or use, or unreasonably interfere with the user's receipt of an acceptable quality signal.

All antenna installations must be made in accordance with applicable building, fire, electrical and related codes. No antenna will be permitted that unreasonably interferes with the reception or transmission of video, voice, data, or radio signals on another lot or, if applicable, a Common Area.

Fixed wireless devices must be professionally installed and labeled in accordance with federal law. The installation or use of any fixed wireless device in a location or manner that exceeds federal health and safety standards is prohibited.

#### **D. INSPECTION**

The Architectural Committee may, following written notice, enter the Owner's lot to inspect the antenna to ensure that it was installed in the least obtrusive location and manner possible and in accordance with these Rules. If the Architectural Committee determines that the antenna could have been installed in a preferred location, the Architectural Committee may require the antenna be moved to that location or to change the manner of its installation at the owner's expense.

#### **E. MAINTENANCE, REPAIR AND REMOVAL**

Owner shall be responsible for the maintenance and repair of any antenna and for any damage that results from the installation, relocation, or removal of any antenna at the Owner's sole expense.

It shall be the Owner's responsibility to remove the antenna if, in the sole discretion of the ARC, the Owner fails to maintain the antenna to the minimum architectural standards in effect for MCC, if the antenna creates a safety hazard, or if for any reason the Association must maintain, repair, or replace the area where the antenna is installed. The cost of removing and, if applicable, replacing the antenna will be the responsibility of the Owner. The Owner must permanently remove any prohibited antenna.