

FOXMOOR PROPERTY OWNERS ASSOCIATION

January 13, 2022

FOXMOOR PROPERTY OWNERS ASSOCIATION

RE: Notice of Adopted Amended Rules for Architectural Committee Rules

Dear Member:

Pursuant to Civil Code Section 4360, the Board of Directors is providing notice to the community that the Foxmoor Property Owners Association Architectural Committee Rules are now amended to include the attached, this amended rule is now fully operational.

Should you have any questions please feel free to contact The Emmons Company.

Very truly yours,

THE BOARD OF DIRECTORS
FOXMOOR PROPERTY OWNERS ASSOCIATION

Enclosure

The Emmons Company
One Boardwalk, Suite 102 Thousand Oaks, CA 91360

FOXMOOR
PROPERTY OWNERS ASSOCIATION
ARCHITECTURAL COMMITTEE RULES

(Supersedes Rules Issued May 1997)

Effective: January 11, 2022

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ARCHITECTURAL COMMITTEE RULES**

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INTRODUCTION

The current Architectural Committee Rules were created from those in effect since May 1997. The revised Rules were developed as a joint effort between the Foxmoor Property Owners Association Board of Directors and the Architectural Committee. The document has been reviewed by both The Management Company, and our attorney. Every attempt has been made to consider the Homeowners, the Foxmoor neighborhood and the area known as Westlake Village as the primary factors guiding the revision of this document.

This version of the Architectural Committee rules, unlike previous versions, will make the distinction between maintenance/repairs (do not require Architectural Committee Approval) and improvements (do require Architectural Committee Approval). This distinction will provide for a more efficient application/review process and allow homeowners to maintain their property/ homes unencumbered.

In all cases, references are made to the Foxmoor CC&Rs for basis, as that document, established in 1968, and restated in 1990 provide the foundation for the structure and operation of our Homeowners Association. All Foxmoor Homeowners should already have current copies of the Restated Foxmoor Covenants, Conditions & Restrictions (CC&Rs) for ready reference. (If a copy is required, the current Homeowners Association Management Company can provide duplicates for the cost of copying and postage.) Going forward all homeowners will be provided a copy of this revision of the Architectural Committee Rules.

Section A: Architectural Committee Purpose

The Architectural Committee is a volunteer group comprised of interested Homeowners appointed by and reporting to the Foxmoor Property Owners Association Board of Directors. It is recommended no one person sit on the Architectural Committee more than 5 consecutive years to allow for differing interpretation of community norms be incorporated into decisions.

The Architectural Committee operates and is directed by various sections of the Foxmoor Property Owners Association's CC&Rs, Rules and Regulations and these Architectural Committee Rules.

The purpose of this document is to familiarize each Homeowner with the essential elements of the Architectural Committee Rules and to make the application process simple and well-defined.

The Architectural Committee is dedicated to the improvement and maintenance of Foxmoor in general, and specifically, to the efforts of each Homeowner to improve and maintain their own property. The Architectural Committee is concerned with those elements (improvements and maintenance/repairs) that affect not only the appearance of your home as it faces the public streets, but also as it affects your home's visible appearance to the neighbors on the sides, rear and across the street.

This Architectural Committee has the responsibility of reviewing and approving all plans which are deemed improvements of any Foxmoor home which is visible from the streets or surrounding neighbors. Plans of homeowners to conduct maintenance/repairs on home or property using "like for like" material, colors, styles, etc do not require Architectural Committee approval. The vast majority of improvement plans are ultimately approved. In appropriate cases, the Architectural Committee may make suggestions which are incorporated into the plans by the Homeowner. The Architectural Committee always try to provide alternatives to any submitted plans which do not meet the standards established by the current Committee Rules.

Reference Foxmoor Governing Documents:

- | | |
|------------------------------|---|
| CC&Rs- | Article 3, Section 3.02E, H, J, M, N |
| CC&Rs - | Article 4, Section 4.01 through 4.08 |
| Rules and Regulations | Section B, Paragraph 1 through 9 |

Section B: Overall CC&R Rules

Per CC&Rs Article 3, Section 3.02 E, H, J, M, N:

Paragraph E: Improvements and Alterations

No improvement, excavation or other work which in any way alters the exterior appearance of any lot or the improvements located thereon from its natural or improved state existing on the date such lot was first conveyed in fee by the original developer to an Owner or annexed to Foxmoor, whichever is later, shall be made or done without the prior approval of the Architectural Committee given pursuant to the terms of Section 3.03 hereof, except as specifically authorized herein.

Paragraph H: Maintenance of Lawns and Plantings

Each OWNER shall keep all shrubs, trees, grass, and plantings of every kind on their lot, including set back areas and planted areas between adjacent sidewalks and the street curb, if any, neatly trimmed, properly cultivated, and free of trash, weeds, and other unsightly material. The requirements of this Paragraph are subject to the provisions of Paragraph R, Maintenance of Indigenous Oaks. The ASSOCIATION shall have the right at any time to plant, replace, maintain, and cultivate trees, shrubs, or lawns on each lot within the area bounded by the line represented on the tract map by a dashed line adjacent to any dedicated street and a line drawn toward the interior of such lot and parallel to and six feet distant from such dashed line. No OWNER shall remove, alter, injure, or interfere in any way with any tree or shrub placed in such area by GRANTOR or the ASSOCIATION without written consent of the ASSOCIATION having first been obtained. The ASSOCIATION or its authorized agents shall have the right to enter any lot at any reasonable time for the purpose of planting, replacing, maintaining, or cultivating such trees, shrubs or lawns and shall not be liable for trespass for so doing.

Paragraph J: Repair of Buildings

No building, structure or fence upon any lot shall be permitted to fall into disrepair, and each such building, structure or fence shall at all times be kept in good condition and repair and adequately painted or otherwise finished.

Paragraph M: Sidewalk Encroachment

No tree, shrub or planting of any kind shall be allowed to overhang or otherwise to encroach upon any sidewalk or other pedestrian way from ground level to the height of 10 feet without the prior approval of the Architectural Committee obtained pursuant to Section 3.03.

Paragraph N: Right of Entry

During reasonable hours any member of the Architectural Committee or any member of the Board of Directors, or any authorized representative of any of them, shall have the right after reasonable notice to enter upon and inspect any building, site lot or parcel and the improvements thereon for the purpose of ascertaining whether or not the provisions of the Foxmoor Restrictions have been or are being complied with, and such persons shall not be deemed guilty of trespass by reason of such entry.

Reference Foxmoor Governing Documents:

Per CC&Rs - Article 4.01 – 4.08

Section 4.02 - Duties

It shall be the duty of the Architectural Committee to consider and act upon such proposal or plans submitted to it pursuant to the terms hereof, to adopt Architectural Committee Rules, to perform other duties delegated to it by the Association, and to carry out all other duties imposed upon it by the Foxmoor Restrictions.

Section 4.04 - Architectural Committee Rules

The Architectural Committee may, from time to time, and in its sole discretion, adopt, amend and repeal, by unanimous vote, rules and regulations, to be known as "Architectural Committee Rules." Said Rules shall interpret and implement the provisions hereof by setting forth the standards and procedures for Architectural Committee review and the guidelines for architectural design, placement of buildings, landscaping, color schemes, exterior finishes and materials and similar features which are recommended for use in Foxmoor.

Reference Foxmoor Governing Documents:

Per Rules and Regulations - Section B:

Paragraph 2 - Design Criteria for Improvements

The following general criteria are particularly important:

1. Regard for architectural character of neighborhood.
2. Appearance of structure from all angles.
3. Organization of exterior design elements.
4. Consistent use of exterior materials.

5. Structural designs must be signed by a qualified architect or licensed contractor.

Section C: Procedures and Process

Foxmoor Restrictions (CC&Rs) are very thorough and specific in their description of the process involved in application for and approval of Improvements to the exteriors of houses and property. Highlighted below are some of the major topics addressed in the CC&Rs.

In Appendix "A" you will find a line-by-line summary of activities followed as part of the application process for improvements. These are not in place of the CC&Rs, they are to merely compliment them. A copy of the Foxmoor Restrictions should be at-hand while walking through this process. Questions should be addressed to the management company for clarification or direction.

Architectural Improvement Application Process

1. SUBMISSION of Application for Improvement

- Application for Improvement Submitted by Homeowner (if possible, with pictures of existing site of proposed improvements).
- Application Administrative Review is completed by Architectural Committee member.
- Verify Application is COMPLETE and APPROPRIATE for scope of work in application (e.g. certain minor improvements may not require schematics/drawings).
- Verify application does not pertain to maintenance/repair
- Application Determination: 1) More Information Needed, 2) Approval to Proceed, 3) Request homeowner to alter and re-submit application.

2. Completed work reviewed/inspected

- Homeowner to notify Architectural Committee when work is done.
- Performance of Inspection and Written Findings: Final work may be reviewed either in person by an Architectural committee member(s) or by having the homeowner submit pictures of the completed work.

3. Inspection Hearings/Disputes

- Non-compliance notice may be provided in case the completed work does not align to that requested/approved in the original application.

- Enforcement actions may be required if Non – Compliances are not properly mitigated.
- Fining procedures (See Attachment “B”) will be implemented if a resolution cannot be reached between the homeowner and Architectural Committee.

Reference Foxmoor Governing Documents:

CC&Rs- Article 3, Section 3.03, Paragraph A through H (entire Section)

Rules & Regulations- Section B, Paragraph 9

Section D. Guidelines for Specific Elements for Improvement Requiring Approval

1. Different Color (compared to existing) Exterior Paint

- The Rules include a list of standardized colors for Foxmoor. As guidance, there is a "color display board" available from the Management Company or in the possession of a specified committee member for help in determining the color choices for your particular home. The colors give you a wide selection to use on your home although these are not the only colors which can be used. There are several variables the Architectural Committee will consider when approving any colors:
 - Clash with existing colors, such as current roof color or colors of neighboring houses, and/or trim of houses.
 - The colors are identical to an adjacent home.
 - The base color modifies the color of the new color.
 - In recent years, due to environmental regulations, paint companies can no longer use certain base pigments of the past. As a result, colors vary considerably from lot to lot, and colors are more subject to chemical change as a result of exposure to the pigments in base layers. The Architectural Committee suggests that the Homeowner or their painting contractor apply at least one square foot of each planned color over the same base for this reason. This is for the Homeowner's protection also. You would not want to find, after the expensive painting *is* complete, a color that does not meet your or the Architectural Committee's expectations.

- Paint Improvement/Change applications are to be accompanied by two color match samples (two square inches minimum size) for each color. In addition, the Homeowner must provide one of the following:
 - Paint at least one square foot of each color on the material to be painted on your home. The painting contractor, or paint supplier should be willing to provide this sample.
 - Provide the addresses of at least two homes in the nearby neighborhood that are painted as your house is to be painted.
- Please allow proper time (2+ weeks) for review and consider having alternatives available if necessary.

2. Garage Doors

- Replacement Garage Doors ("Overhead Doors") must be of an approved color and style. Metal door systems typically have a factory "baked-on" color and finish. Doors should complement the current overall house color scheme, with matte finishes preferred over gloss finishes. If your proposed garage door color is not white or almond, please provide photos of similar door systems in Foxmoor, as well as a brochure and color specification with your application for replacement.
- Refinishing existing doors with a different finish falls into the "Exterior Paint" category, with appropriate requirements for application and approval. If the refinish is a "like for like" it will fall under "repairs/maintenance" and not require Architectural Committee approval.

3. Fences

- There are two categories, by location:
 - Between lots/or front facing
 - These fences must be stained or painted to match the house color or trim color for either adjoining home. If neither is agreeable, then the default color is Mushroom (Do-It Center #47101).
 - Greenbelt facing/or side facing streets
 - These fences must either be composed of slumpstone, vinyl, wooden slat fence material, or black wrought iron. The wooden fences must be capped and of a style/color

matching other fences in the same category in Foxmoor. Wooden border fences must be painted Mushroom (Do-It Center #4710T). Slumpstone fences must match the existing slumpstone fences in color, size, and texture.

4. Backyard

- Architectural Committee approval is not required for this category, unless visible from streets or other public areas. The only guideline for this location is that you discuss the colors and style of common fencing with the neighbor adjoining the fence run. The Architectural Committee suggests colors similar to Mushroom and discourages brilliant colors. Caution must be taken when applying paint to "common" fences, as the color can run through to the other side, between slats.
- Important Note:
 - City ordinance states that you and your neighbors are jointly responsible for upkeep and maintenance located along property lines.

5. Roofing

NOTE: County ordinance does not allow new wood shake roofs and will only allow limited replacement of wood shakes. This is due to the extreme fire hazard this material presents. If you are considering any work on your wood shake roof, your roofing contractor should advise you as to whether you are within the current requirements of the law and should provide the appropriate permits and City approval documents.

- Roof Improvements/Changes: There is a wide selection of materials, colors, textures, and styles available. Many of these are already visible in Foxmoor as a result of a large number of roof replacements since 1990. The Management Company is a good resource for this information.
- Roof Repairs/Maintenance: Assuming a "Like for Like" material, color, style, etc is used, no Architectural Committee approval is required.

Roofing materials specifically not approved in Foxmoor are:

- Rock Roofs -- Tar paper and tar with stone.
- Steel or Aluminum roofing systems.

- Roofing colors should be in keeping with the overall appearance of the home and neighborhood. Standard approved colors are brown, terra cotta clay and most shades of gray.
- All vents, pipe stacks and other protrusions must be painted to match the roof and must be approved as to the shape and size unless they are a “like for like” replacement.
- Roofing applications must be accompanied by a color brochure from the manufacturer of the proposed material. In addition, the Homeowner must provide one of the following:
 - The address of at least one home with the same material and color.
 - Provide a sample of the proposed material for an Architectural Committee member to review.
- Your roofing contractor should have samples available for this evaluation.

6. Landscaping

- The Foxmoor Restrictions specifically address areas of regulation concerning neat appearance, trimming, cultivation and removal of weeds, trash and other windblown debris.
- Several other overall guidelines are:
 - No tree, shrub or planting shall be allowed to overhang or otherwise encroach upon any sidewalk or other pedestrian way.
 - Ivy beds, ivy on the home and palm trees are discouraged as they tend to harbor rodents. If these do exist, they should be kept well-trimmed, with dead growth and palm fronds removed. Also, palm fronds present a particular danger during windy periods, as the dead fronds break loose and can injure people or otherwise cause damage to parked cars and property.

**Reference Foxmoor Governing Documents:
CC&Rs Article 3, Section 3.02M, 3.03H**

7. Trees

- The Foxmoor Restrictions specifically address areas of regulation concerning removal of trees, as well as requirements pertaining to the Maintenance of Indigenous Oaks.

- In particular, no tree of six feet or more in height can be removed without written consent of the Architectural Committee.
- The Board of Directors is required to provide for limited maintenance (a process known as "dead-wooding") for Lill Indigenous Oaks (*Quercus Lobata*) in the Foxmoor development. All of these trees have been cataloged, and maintenance is provided according to schedules determined by Foxmoor POA Board of Directors after consultation with an expert in that field.
- Other specific issues concerning Indigenous Oaks are regulated by the City of Thousand Oaks, and experienced Arborists are available to provide assistance to individual Homeowners.

Reference Foxmoor Governing Documents:
CC&Rs Article 3, Section 3.02M, 3.03H

8. Driveways and Paved Areas

- Driveways are to be kept free of oil spots and other stains.
- Exterior paved areas exposed to the street and right of ways must be one of the following materials:
 - Masonry
 - Textured Concrete
 - Aggregate
 - Brick
 - Pavers
- Recent popular upgrades include brick accents and stamping and embossing. Improvement plans which include pigmented concrete require Architectural Committee approval.

9. Other Elements

- Basketball Backboards
 - Basketball Backboards, installed so as to be visible from Foxmoor streets, must be fan shaped and painted to match the color of the house or roof trim. Permanent installations must be located above the center of the driveway and attached to the roof line. Proper maintenance is required, or removal will be necessary.
 - Basketball backboards may not be attached to streetlight poles.

- Lighting of basketball backboard or playing areas is unacceptable.
 - Portable basketball hoops must be placed out of sight after each use and, in conformance with City of Thousand Oaks Municipal Code, may not be placed or used in the street for safety and liability reasons.
 - No permanent free-standing basketball apparatus is allowed.
 - Recommended basketball playing hours are 8:00 a.m. to 9:00 p.m. seven days a week.
- Air Conditioning Units
 - Air Conditioning units shall be mounted so that they are not visible from neighboring property and noise/vibration resulting from their operation should not routinely create a nuisance. Window units protruding from the exterior are not allowed.
- External Antennae, Satellite Dishes and Fixtures
 - Residential properties within the City of Thousand Oaks are permitted to install a satellite dish, not to exceed 36" in diameter, per residence.
 - Dishes larger than 36" in diameter are not permitted in residential zones.
 - It is recommended the Architectural Committee be informed of any satellite dishes prior to their installation.
 - Dishes shall be installed at a location not readily visible from neighboring properties and shall be screened from view from public streets and private common areas, if possible, without unreasonably creating expense or impacting the function of the dish. The visibility of these antennae is of primary concern to the City of Thousand Oaks and Foxmoor Property Owners Association, and the desired location of the dishes may be requested to be altered to reduce visibility as much as possible.

APPENDICIES

APPENDIX A

Architectural Committee Rules Application for Architectural Approval

Outline of Procedure as Specified in Foxmoor CC&Rs Article 3. Section 3.03

Paragraph A. Application for Approval of Improvements

Application is submitted to the Architectural Committee through the Management Company and may require any of the following that are applicable:

- Plot Plan showing location of improvement.
- Floor Plans.
- Drawings showing elevations.
- Description of exterior material and color with color samples. which will also be painted on a specific portion of the home.
- Owners proposed construction schedule.
- If an outside subject matter expert is required to complete the review, the Architectural Committee may require that Application have an "Inspection Fee".

Paragraph B. Basis for Approval of Improvements

Granted only if:

- Complies with Paragraph A.
- The Architectural Committee finds compliance with Foxmoor Restrictions and Architectural Committee Rules.
- The Architectural Committee shall act in good faith when assessing if proposals are compatible with Foxmoor standards and surrounding homes.

Paragraph C. Form Of Approval

- Must be in writing.
- Any request not rejected in 45 days is approved unless communications from the Architectural Committee have been received.
- The Architectural Committee retains one set of plans as a permanent record.

Paragraph D. Proceeding With Work

- Owner to start/complete work within six months of anticipated start/finish dates provided in application unless this would cause great hardship to the Owner.

- If Owner fails to comply within six months, then approval is revoked, unless Owner requests in writing, an extension from Architectural Committee.
- Any changes to original application would be addressed through a new application.

Paragraph E. Failure to Complete Work

- If Owner fails to comply, the Architectural Committee notifies the Association.
- Association proceeds with Paragraph F. as if it were a non-compliance.

Paragraph F. Inspection of Work

1. Owner to give the Architectural Committee written "Notice of Completion"

Within 60 days, the Architectural Committee or representative may inspect (either in person or by photos) to determine whether "job" completed is in compliance with approved application. If the Architectural Committee finds it is not, Architectural Committee notifies Owner within same 60-day period by "Notice of Non Compliance".

- Specifies particulars of non-compliance and requires owner to remedy or meet with Architectural Committee to reach a mutually agreed path forward.
- If a mutually agreeable path forward is not reached, the Homeowner may schedule an Internal Dispute Resolution with a Board Member appointed by the Board to seek to resolve the issue (Civil Code Section 5920).
- If Owner fails to remedy with 30 days of "Notice of Non-Compliance", the Architectural Committee notifies Association in writing of failure to comply. Association sets hearing date before Board of Directors.
- Hearing date: min. 15 days/max. 30 days from date of Architectural Committee notification to Association.
- Notice of Hearing date in writing via U. S. mail: at least 10 days in advance - to Owner's current address of record, Architectural Committee, Board of Directors & "other interested parties " at Board of Directors discretion.
- At hearing, all parties present relevant information to question of alleged non-compliance.

- After considering all information, Board of Directors determines whether there is a non-compliance, and nature and estimated costs of correcting or removing.
- If a non-compliance, Board of Directors requires Owner to remedy or remove in not more than 45 days from ruling.
- If Owner still non-compliant, Association may remedy or remove and specially assess Owner for all expenses incurred, after Notice and a Hearing.
- If not promptly repaid by Owner to Association, Board of Directors levies Reimbursement Assessment against Owner per Section 6.03 of the CC&Rs.

Paragraph G. Application for Preliminary Approval

Purpose is to allow guidance on substantial improvements prior to Owner spending money on plans, etc. required for final approval

1. The Architectural Committee must consider and act on Application for Preliminary Approval within 45 days
 - Approval of Application for Preliminary Approval is based on characteristics such that a full Application would be approved.
 - Failure of Architectural Committee to act in 45 days conveys preliminary approval.
 - In granting or denying, the Architectural Committee may direct form and substance for final Application.
2. Application for Preliminary Approval is effective for 90 days
 - During 90-day period, any final Application For Approval consisting of proper proposal must be approved by the Architectural Committee.
3. No Application For Preliminary Approval shall be an authorization to proceed with construction or improvements.

Paragraph H. Appeals Process

- Any Owner can appeal the Architectural Committee decision within 45 days in writing.
- Board of Directors reviews the Architectural Committee decision within 45 days of appeal and may enter decision different from the Architectural Committee.

- If Board of Directors does not alter decision, reflected in Board of Director minutes after 45 days, the Architectural Committee decision stands.
- If Homeowner still does not agree with Board of Directors Decision, they may schedule IDR with a Board member appointed by the Board to further pursue an agreeable resolution.

APPENDIX B

FOXMOOR PROPERTY OWNERS ASSOCIATION

FINE SCHEDULE FOR VIOLATION OF CC&Rs AND RULES AND REGULATIONS

1. For the first separate violation of any provision of the governing documents - \$250.00.
2. For the second separate violation of any provision of the governing documents - \$500.00.
3. For the third and any subsequent separate violation of any provision of the governing documents - \$1,000.00.
4. Total monetary sanctions which may be imposed for identical repeated separate violations of any provision of the governing documents shall not exceed \$5,000.00 during any twelve-month period.
5. The suspensions and sanctions provided for herein are intended to be cumulative and may be imposed singly and/or in such combination as the Board determines to be appropriate to be effective.
6. All monetary sanctions imposed by the Board shall be due and payable on the day such discipline has become final. No authority to charge interest on fines.