

# Paradise Cove Homeowners Association

C/O C & C Property Management

## Architectural Standards *and* Rules & Regulations

**Revised February 1<sup>st</sup>, 2018**

The Declaration of Covenants, Conditions, and Restrictions (CC&Rs) for Paradise Cove in the City of Fairfield, recorded on July 30, 1998, in the office of the Solano County Recorder in Document #98-59294, and any amendments thereto (CC&Rs). Specifically, Article XI of the CC&Rs authorizes the formation of an Architectural Committee which shall have the duty to consider and act upon such proposals or plans submitted to it pursuant to the terms of the CC&Rs, to adopt Architectural Standards and to carry out all other duties imposed upon them by the CC&Rs. **PLEASE NOTE:** In accordance with Article 11.2 of the CC&Rs, the Board of Directors may, at its sole discretion, assume the role of the Architectural Committee. If so, the term "Board of Directors" shall be interchangeable with the term "Architectural Committee" throughout this document.

**Article XI, of the CC&Rs further provides that no alterations, modifications, additions, or other improvements including fences, walls, structures of any kind, awnings, screens, major re-landscaping, etc. may be made to the exteriors of residences and/or lots without first obtaining architectural approval in accordance with the provisions of the CC&Rs and subject to the approval of the City of Fairfield.**

**FEES FOR APPLICATION:** There is a nominal fee of \$50.00 for having all plans processed and reviewed by the Board, however, this fee will be waived if both of the following requirements are met:

1. The application is submitted for approval and subsequently approved by the Board BEFORE any of the proposed work has commenced.
2. If approved, the completed project matches the plans and specifications as submitted with no substantive changes.

**PLEASE NOTE:** Failure to submit an application and plans BEFORE performing any work to make a visible change to your property is a violation of the CC&Rs. The Board may impose a fine of up to \$250.00 even if your plans are eventually submitted and approved.

### **1. SUBMISSION OF PLANS FOR APPROVAL**

The following Rules have been adopted by the unanimous vote of the Members of the Board of Directors and/or Architectural Committee and apply to submission of plans for approval by the Architectural Committee. These Rules contain minimum standards and any plans submitted which do not meet or exceed these standards shall not be approved.

- 1.1. All plans, specifications and any work there under must conform to the requirements of the CC&Rs or these Rules, whichever is more restrictive. In the event of a conflict between these Rules and the CC&Rs, the more restrictive shall apply. It shall not be the obligation of the Board of Directors and/or Architectural Committee to determine if plans, specifications or any work thereunder comply

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with any governmental law, ordinance or regulation, including but not limited to applicable laws regarding building permits, building codes and standard or safety regulations. All applicants must comply with such laws, ordinances and regulations, in addition to the CC&Rs and these Rules. **The Board of Directors and/or Architectural Committee shall have no responsibility to determine the structural or drainage adequacy of any plans submitted for approval.**

- 1.2. The Architectural Committee may review and act upon plans submitted by prospective Owners prior to their acquisition of title. Any such action of the Architectural Committee for prospective Owners shall be conditioned upon such prospective buyer acquiring a fee simple interest in the property described in the plans. Such approval is not applicable to any other property without the express written consent of the Architectural Committee.
- 1.3. Plans must be submitted IN DUPLICATE AND ACCOMPANIED BY THE APPROVED APPLICATION, showing the Homeowner's name, address, lot, number, telephone number, and Owner's signature, to:

**Paradise Cove Homeowners Association  
C/O C & C Property Management  
425 Merchant Street, Suite 101  
Vacaville CA 95688  
Fax 707-447-2831  
Email: c-c.properties@sbcglobal.net**

- 1.4. Plans must be drawn to scale, showing location, color and dimensions of existing structures, driveways, sidewalks and fences, as well as location, setbacks, color and dimensions of proposed additions and/or improvements, including but not limited to patios, patio covers, visible landscaping areas, walls and fences, gazebos, screens, structures of any kind, sports apparatus, balconies, spas and pools. Plans shall be accompanied by an application and a description and/or sample of all materials and colors proposed to be used and a proposed construction schedule.
- 1.5. No landscaping on a lot visible from the street shall be undertaken until plans and specifications have been submitted to and approved in writing by the Committee pursuant to the Association's CC&Rs.
- 1.6. Front yard landscaping plans shall include the type of sod, seeding, trees, hedges, shrubs, and irrigation. Once installed, minor changes to front yards including planting of flowers, rose bushes, plants, shrubs or replacement of existing trees, shrubs or plants do not require the approval of the Committee. Major changes to front yards including deletion or addition of turf areas, trees, rock, cement, stone work, structures or improvements requiring electricity (i.e. lamp posts, spot lights, vapor lights, etc.) must be submitted for review and approval by the Committee. Driveway or walkway additions should match the existing driveways/walks. Additional driveway areas to access a side yard should be separated from the main driveway so not to show expansive cement areas. Grass stone, pavers or cement

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strips should be utilized to assist in not having a continuous pour of concrete area from the main driveway.

- 1.7. Backyard landscaping plans need only to show any structures or trees that will exceed the height of the existing fence or are visible from adjoining lots or streets. Backyard hardscape (walkways, patios, etc.) and decks which are not visible from the streets or exceed the height of the fence do not need Committee approval.
- 1.8. **POSITIVE DRAINAGE MUST BE CONSIDERED TO ASSURE THAT WATER DOES NOT DRAIN TOWARDS THE FOUNDATION OR INTO A NEIGHBORS YARD.**
- 1.9. If there is a particular view of importance or obstruction to any Homeowner, it should be noted.
- 1.10. The Board of Directors and/or Architectural Committee may request any additional information, plans and details as it reasonable sees fit to adequately review the request for approval.
- 1.11. Within thirty (30) days of receipt of plans for approval which comply with the above Rules, the Board of Directors and/or Architectural Committee shall review the plans (as set forth under "Architectural Committee Meetings" below) and shall grant written approval, written denial, or a written request for additional information or clarification of information submitted. Any plans submitted which do not comply with these rules may be rejected by the Architectural Committee. Such rejection shall be accompanied by a statement of what deficiencies must be corrected prior to formal review by the Architectural Committee.

## **2. GENERAL ARCHITECTURAL RULES**

The following are general Rules which the Board of Directors and/or Architectural Committee will follow in approving or disapproving your plans. The Committee reserves the right to amend them from time to time without prior notice. For more specific Rules, refer to the CC&Rs.

- 2.1. **LOT 41.** A PORTION OF lot 41 is subject to a "Visibility Easement." Sight lines through and across the Visibility Easement must be unobstructed from two (2) feet above the ground to six (6) feet above the ground. The Owner of Lot 41 shall not allow any Improvement, including landscaping, to encroach within the area described. If the Owner fails to promptly remove any such obstruction, the Association shall trim, prune or remove the obstruction immediately.
- 2.2. **Basis for Approval of Improvements:** Accessory structures, such as storage buildings, gazebos, detached patio covers and similar structures, only if: (i) the Owner demonstrates that they have complied with all requirements of the City zoning and building codes; (ii) the accessory structure does not exceed eight (8) feet in height measured from the surface of the ground surrounding the structure if the structure is located within ten (10) feet of a Lot line adjacent to any street; (iii) the accessory structure is constructed of the same or complimentary material to that of the Residence and (iv) the accessory structure is painted the same color as the Residence.

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- 2.3. **Patio Structures, Sunshades, Arbors, Sheds, Trellises, and Gazebos:** The side elevations of the above structures shall not be enclosed in any manner, except for sheds and in the case where a wall on a main dwelling forms a natural enclosure to some or all portions of a side elevation.
- 2.4. The following materials shall NOT be used for the roof (top cover surface) on sheds, patios and sunshades:
- ✓ Corrugated Metal structures and panels.
  - ✓ Plastic and fiberglass panels.
  - ✓ Plastic webbing, reed or straw like materials.
- 2.5. No balcony may be built that may infringe upon a neighbor's privacy unless the neighbor gives their consent in writing. Such consent letter shall be attached to the submitted plans.
- 2.6. No cutting into or encroachment upon a slope or hillside will be permitted without approval first obtained from the Architectural Committee. Slope areas within any lot shall be maintained by the Owner in a neat, orderly and safe condition and in such a manner as to enhance their appearance, maintain established slope ratios, prevent erosion and sliding problems and to facilitate orderly discharge of water through drainage systems. No structure, planting, debris or other materials shall be placed or permitted to remain or other activities undertaken which might damage or interfere with established slope ratios, create erosion or sliding problems, or interfere with established drainage function or facilities.
- 2.7. **Exposed Equipment:**
- 2.7.1. **No basketball standards, fixed sports apparatus or similar equipment shall be attached to the exterior of any Residence or permanently placed on any Lot** without the approval of the committee. They should be placed in side or backyards at a location which will not result in balls directed towards neighbor's yards. **Portable or movable basketball equipment or other movable sports apparatus may not remain out overnight on any Lot where it is visible from other Lots or from any streets in Paradise Cove.** Portable basketball standards may not be placed on public sidewalks or the public streets at any time.
- 2.7.2. No outside television antenna, microwave or satellite dish, aerial, or other such device (collectively "Video Antennas") with a diameter or diagonal measurement in excess of one (1) meter shall be erected, constructed or placed on any Common Area or Lot. Video antennas with a diameter or diagonal measurement of one (1) meter or less may be installed only if they conform to the following reasonable restrictions which do not significantly increase the cost of the Video Antenna system or significantly decrease its efficiency or performance they should:
- ✓ They are not mounted on the roof or chimney of the residence.
  - ✓ They are located at the rear or side of the residence (except corner lots) in the least conspicuous (obvious) location visible from the common areas or public streets.

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- ✓ All wiring shall be painted to match the exterior of the residence.
- 2.8. **Fences:** No fences, hedges or walls shall be erected or maintained other than those initially installed by the Developer, unless first approved by the Board of Directors and/or Architectural Committee. **Existing fences may not be altered, modified, or changed in any way that affects their appearance without prior written approval from the Board of Directors and/or Architectural Committee.**
  - 2.8.1. **Guidelines for replacement of existing fence:** The following guidelines are offered to assist members who wish to replace their existing fence due to excessive deterioration of the wooden materials due to the age of their original fence. Please take notice that ANY visible change MUST be approved prior to the commencement of any work.
    - 2.8.1.1. **Materials and Dimensions:** The pickets of the fence shall be constructed with redwood or cedar dog-eared boards of the exact same dimensions as the original fence. Fences shall be no taller than six (6) feet measured from the immediate adjacent ground level to the top of the tallest fence board. Posts and rails may be constructed of redwood, cedar, or pressure treated lumber.
    - 2.8.1.2. **Finish:** If an owner elects to refinish their fence by either painting or staining it, the color must be a natural wood tone and must be approved first. **ANY PAINT OR STAIN COLOR MUST BE APPROVED BY THE BOARD OF DIRECTORS AND/OR COMMITTEE PRIOR TO APPLICATION.**
    - 2.8.1.3. **Location:** The location of any new fence shall be the same as the original fence. Any change in location to increase or decrease the enclosed area must be approved by the Board prior to installation. No fence installation shall prevent adequate driver visibility from the streets within the project.
- 2.9. **Signs:** Please refer to Article IV Section 4.1 1 of the CC&Rs regarding various sign uses permitted and Section B-5 of the adopted Rules and Regulations.
- 2.10. **Landscape Materials:** It is recommended that a mixture of lawn, plant materials and ground cover be used. Any use of statuary, water features or fountains are not permitted in the front yards. Coverage of any colored rock, gravel, sand or wood chips need approval of the Committee.
- 2.11. **Commercial Use:** No part of any residence shall be used, or cause to be used or allowed or authorized in any way, directly or indirectly, for any business, commercial, manufacturing, mercantile, storing vending or non-residential purposes unless specifically permitted by local ordinance and Article IV, Section 4.15 of the CC&Rs.
- 2.12. **Utility Service:** No lines, wires, or other devices for communication or transmission of electric current or power, shall be constructed, placed or maintained anywhere in or on any lot, unless contained in conduits or cables underground or concealed

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in, under or on a buildings or other approved structures, excluding temporary power or telephone services incidental to construction of approved buildings.

- 2.13. **Temporary Occupancy:** No trailer, tent, shack, barn, garage, basement of any incomplete building, or temporary building or structure will be used as a residence, either temporary or permanent.
- 2.14. **Nuisances:** No plans shall be approved which might, in the opinion of the Architectural Committee, render any lot portion thereof, unsanitary, unsightly, harmful or detrimental to any property in the vicinity or to the occupants thereof. No exterior speakers, horns, whistles, bells, or other sound devices, except security devices used exclusively for security purposes shall be located, used or placed on any lot.
- 2.15. **Clothes Drying Facilities:** No outside clotheslines or other outside clothes drying or airing facilities are allowed on a lot.
- 2.16. **Fires:** No open fires, such as rubbish burn piles or bonfires, are permitted. Barbecue fires or small fires contained within receptacles designed for such purpose are permitted, but must be approved by the Board and acknowledged by the adjacent lot owners. Retail charcoal and gas-fired grills intended for residential use may be used without advance approval by the Board. In accordance with state law, outdoor fire pits must not exceed a total fuel area of 3 feet in diameter and 2 feet or less in height for pleasure, cooking, warmth or similar purposes.
- 2.17. **Structures for Animals:** No structure for the care, housing or confinement of any animal shall be maintained so as to be visible from neighboring property unless approved by the Architectural Committee. Please refer to Article IV, Section 4.2 of the CC&Rs for additional animal restrictions.
- 2.18. **Outside Lighting:** No exterior yard lighting without adequate and proper shielding shall be installed on any residence or erected in any yard without Committee approval.
- 2.19. **Holiday Lights:** Seasonal decorations are permitted under the following conditions:
- ✓ Decorations such as lights and lawn ornaments may not be installed earlier than November 15th of each year.
  - ✓ Decorations shall not be offensive in nature, nor shall they be allowed to create a safety hazard.
  - ✓ All Decorations must be removed by January 30th of each year.
- 2.20. **Approval of the City of Fairfield:** Without approval of the City of Fairfield, no Owner may construct an addition to or remodel a residence, or construct or architecturally alter a swimming pool, spa, accessory structure, or fence.
- 2.21. **Storage of Materials:** Storage of construction materials is not allowed in the streets or in the visible portion of any lot. Construction debris shall be removed from the front yard of a residence on a daily basis.

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- 2.22. **Garbage Cans:** Trash receptacles must be stored behind the fence or in the garage where they are not visible from the street, except that they may be placed curbside on the night before, and the day that garbage pick-up occurs.
- 2.23. **Minimum Setbacks:** Minimum setbacks for all structures including accessory structures (pools, spas, sheds, etc.) shall be in accordance with the City of Fairfield Codes and Ordinances.
- 2.24. **Construction Activities:** Construction activities are permitted in accordance with the City of Fairfield Ordinances.

## **3. ARCHITECTURAL COMMITTEE MEETINGS**

- 3.1. The Architectural Committee shall meet as necessary to properly perform its duties.
- 3.2. Notice of meetings need not be in writing and may be given by telephone. Meetings shall be held not more than thirty days after receipt of a plan submitted for approval.
- 3.3. The Committee shall keep records including copies of its Rules, Guidelines and Procedures, plan approvals and/or rejections, and copies of correspondence to Homeowners and others.
- 3.4. In reviewing plans, the Committee may, but is not obligated to, have the plans reviewed by and consider the opinions of professional consultants and others including those who are not Members of the Association, conduct open hearings and consider evidence and comments from all relevant sources, and make a personal inspection of the property involved without the presence of other Members of the Architectural Committee or the Owner of the property. If the Architectural Committee chooses to conduct an open hearing, at least five (5) days prior written notice of such hearing must be given to the Owner submitting plans for approval. Such hearing may be adjourned and reconvened at a time no later than twenty-five (25) days from the date the plans were submitted for approval.
- 3.5. The Board of Directors and/or Architectural Committee Members will review the plans and either grant approval in entirety, disapproval in entirety, or approval subject to conditions. Management shall notify the Homeowner in writing of the action taken by the Committee.
- 3.6. Any Member of the Architectural Committee, or any consultant retained by the Architectural Committee who has an ownership or financial interest in the property for which an application is being processed, or is legally related to the applicant, must disqualify himself or herself from participating in the architectural review process of that application.
- 3.7. Approval of any plan by the Board of Directors and/or Architectural Committee does not waive the necessity of obtaining City permits which may be required. If Architectural Committee approval is obtained and modifications to the plans are required by the City or other authority, such modification to the plans must be

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reviewed and approved by the Architectural Committee pursuant to procedures set forth in these Rules, prior to the start of any work.

## **4. PROCEEDING WITH WORK**

- 4.1. Upon receipt of approval from the Board of Directors and/or Architectural Committee, the Owner shall begin and complete work within one year from the date of approval or approval given shall be deemed revoked.

## **5. NON-COMPLIANCE AND ENFORCEMENT PROCEDURES**

- 5.1. If the Board of Directors and/or Architectural Committee finds that the work has not been done in substantial compliance with the approved plans, the Committee shall notify the Owner in writing and request that the Owner remedy same. Notice of non-compliance or non-completion may be recorded by the Association in accordance with the CC&Rs. If the Owner fails to remedy the non-compliance within thirty days after the date of the notice of non-compliance, the Board of Directors and/or Architectural Committee shall then set a date on which a hearing will be held before the Board. The Board of Directors may elect to impose a fine for non-compliance in accordance with the established Fine Policy.

## **6. WORK PERFORMED WITHOUT PRIOR APPROVAL**

- 6.1. If work is commenced or completed without Board of Directors and/or Architectural Committee approval, the \$50.00 application fee will not be waived and the Board/Committee will require the Homeowner to submit plans immediately. The plans may be either approved or disapproved, notwithstanding the fact that work has commenced prior to Board/Committee approval.
- 6.2. If plans submitted for approval are found to be in violation of the CC&Rs, these Rules or otherwise by the Architectural Committee, or the Owner fails to submit plans as requested by the Architectural Committee within thirty days after the date of written request from the Architectural Committee, the Architectural Committee shall then set a date on which a hearing will be held before the Board of Directors which may result in a fine being imposed.
- 6.3. In the event the Board of Directors and/or Architectural Committee receives a complaint that work has been commenced or completed without Architectural Committee approval, the following procedures will be taken.
  - 6.3.1. The Architectural Committee will make an investigation to verify the complaint is accurate.
  - 6.3.2. The Architectural Committee will make a determination whether such construction is in violation of the CC&Rs, including the failure to obtain Architectural Committee approval.
  - 6.3.3. If a determination of violation of the CC&Rs is made by the Architectural Committee, the Committee will notify the Owner in writing of the violation and request that the violation be remedied.

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6.3.4. If, within thirty days from the date of notice of violation, the Owner fails to remedy the non-compliance, the Architectural Committee shall set a date on which a hearing will be held before the Board of Directors. This may, at the Boards sole discretion, result in a fine being imposed of up to \$250.00 even if the application is ultimately approved by the committee or the Board.

## **7. GENERAL CONDITIONS**

7.1. Any condition or material not defined within these Rules shall become a matter of judgment on the part of the Board of Directors and/or Architectural Committee unless described in the CC&Rs. See the CC&Rs for the general use restrictions.

7.2. Neither the Board of Directors and/or Architectural Committee nor any Member thereof shall be liable to any Owner for any damage, loss, or prejudice suffered to claimed on account of:

- ✓ the approval or disapproval of any plans, drawings and specifications, whether or not defective;
- ✓ the construction or performance of any work, whether or not pursuant to approved plans, drawings and specifications;
- ✓ the development of any property within the project; provided, however, that such Member has acted in good faith on the basis of such information as may be possessed by him.

7.3. The Architectural Rules may be amended only by a unanimous vote of the Board of Directors.