

MORNINGSTAR ONE COMMUNITY ASSOCIATION

NEIGHBORHOOD DESIGN GUIDELINES / RULES & REGULATIONS

*Adopted by the Board of Directors
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I. INTRODUCTION

Living in a planned community such as Morningstar One offers many privileges. It also involves certain restrictions. In order to preserve the value, desirability, attractiveness and architectural integrity of Morningstar One, Master Declarations of Restrictions, hereinafter referred to as “CC&R's”, have been prepared which authorize the formation of an Architectural Review Committee for the single family home neighborhood at Morningstar One.

The Architectural Review Committee, hereinafter referred to as the “ARC”, is charged with the responsibility to review and approve certain proposed exterior improvements to residential dwellings in this community, prior to any submittal to the County of Riverside and/or construction.

The purpose of the ARC and these Design Guidelines is not to restrict individual creativity or personal preferences, but rather to assure continuity in design which will help preserve and improve the appearance and value of your neighborhood. The ARC has established Design Guidelines that define standard acceptable treatments of improvements. In most cases, when these guidelines are followed and complied with, submittal to the ARC can be avoided. However, certain improvements have been deemed substantial and will require submittal to the ARC at all times.

These Design Guidelines are also intended to assist property owners in planning home improvements. This information is provided to increase the homeowner's awareness of the ways to maintain neighborhood integrity. It is important to note that although these Design Guidelines reflect certain aspects of the CC&R's; they do not cover all possible situations that may be defined in the CC&R's. It is recommended that the CC&R's be carefully reviewed and that all questions be directed to the Management Company, which is Avalon Management, (951) 699-2918.

Before beginning any addition, alteration, or construction involving the exterior appearance of a home, the homeowner must first review these design guidelines to determine whether or not a submittal to the ARC is required. If your improvement plans comply with the guidelines, and do not need ARC approval, you may still need a building permit from the County of Riverside. In those instances which these design guidelines state that a submittal to the ARC is not required, the ARC shall be deemed to have given approval to the improvements (or alteration) but such approval is conditional on full compliance and continued compliance with these design guidelines. The ARC does not assume any responsibility for homeowners' improvements or the failure to obtain necessary permits.

II. ARC OPERATING PROCEDURES

If your improvement plans are required to be submitted to the ARC in accordance with these design guidelines, you must first file an application with the ARC prior to any County of Riverside building permit application. Failure to obtain the approval of the ARC when required will constitute a violation of the CC&R's and may require modification or removal of unauthorized work or improvements at the homeowner's expense.

Once an application for home improvement has been approved by the ARC, the plans must be followed as approved if the home improvements are constructed. Any modification to the approved plans must receive ARC approval prior to construction. It is important to understand that ARC approval is not limited to major alterations such as room additions, but may also include other items, especially when they don't comply with the guidelines.

If submittal to the ARC is required in accordance with these design guidelines, plans must be submitted, even if the identical improvement may have been previously approved for a neighboring property owner. During an evaluation of an application, the ARC will consider the characteristics of the housing type and the individual site, because what may be an acceptable design in one instance may not be acceptable in another.

THE ARC MAKES NO WARRANTY OR REPRESENTATION THAT ANY “VIEW” WILL BE PRESERVED OR PROTECTED.

III. SUBMITTAL AND REVIEW PROCEDURES

- 1) Review design guidelines to determine if submittal to the ARC is required for your proposed plans.
- 2) If submittal is required, prepare two sets of the construction drawings that include the following information on them:
 - a. Plan (top) view drawn to an appropriate scale of all improvements including those required by the ARC per the design guidelines (i.e. screening of pool equipment). Show overall dimensions. **Note on plans those items that are not covered by the Design Guidelines and therefore must be approved by the ARC.**
 - b. Elevation (side) view drawn to an appropriate scale of each side of the improvements. Show overall dimensions.
 - c. Location of improvement as it relates to the home and all adjacent property lines including setback dimensions if any.
 - d. Description of plant material (species and/or common name, and size and height at maturity), building materials and colors including brand name and specification name and number if any. Show this information on plans.

III. SUBMITTAL AND REVIEW PROCEDURES (con't)

- e. Any appropriate construction details.
 - f. Name and license number of contractor.
- 3) Complete the Morningstar One “Architectural and Landscaping Improvement Request” form (See Exhibit “A”).
 - 4) Sign the “Conditions of Approval & Disclaimer” form (See Exhibit “B”).
 - 5) Complete the “Facing and Adjacent Neighbor Statement” form with appropriate signatures from neighbors on the plans and the forms (See “Exhibit C”).
 - 6) Keep a copy of the completed application forms for your future reference, and include the following items with your submittal:
 - a. Two sets of construction drawings. It is highly recommended that a professional architect, landscape architect, or engineer prepare the construction drawings.
 - b. Photographs of all affected exterior building elevations (sides of home).
 - c. Material samples and color samples if those proposed deviate from the original standards or are new.
 - 7) Send the submission fee and all information noted above to the Management Company at the following address:
 - c/o Avalon Management
 - 43529 Ridge Park Drive
 - Temecula, CA 92590
 - (951) 699-2918 Telephone
 - (951) 699-0522 Fax

FAILURE TO INCLUDE ALL OF THE INFORMATION REQUESTED WILL CONSTITUTE AN INCOMPLETE APPLICATION, AND THE APPLICATION WILL BE STAMPED INCOMPLETE AND RETURNED TO THE HOMEOWNER FOR COMPLETION PRIOR TO ARC REVIEW.

- 8) The ARC will evaluate all complete applications within ninety (90) days of submittal to the Management Company and will indicate its approval, approval with conditions, or denial. Two sets of the construction plans and the application will be sent back to the Management Company.

III. SUBMITTAL AND REVIEW PROCEDURES (con't)

- 9) The Management Company will record the ARC's decision in the Architectural Modification Request Log and notify the applicant of the decision as follows:
- a. Approved: A copy of the executed request form and an approval report or a copy of the plans stamped and signed by the ARC will be returned to the applicant. All use restrictions contained in the CC&R's shall be in full force and effect and shall control the construction activities of the homeowner.
 - b. Approved with Conditions: A copy of the executed request form and an approval report or a copy of the plans stamped and signed by the ARC will be returned to the applicant. The plans will contain ARC changes or stipulations that shall become a part of the plans and shall represent conditions of approval to be satisfied by the applicant. All use restrictions contained in the CC&R's shall be in full force and effect and shall control the construction activities of the homeowner.
 - c. Denied: If the applicant is denied, the applicant will be advised of the reasons for the ARC's decision and, if appropriate, will be provided with information or direction needed to receive ARC approval.
- 10) Improvements must be completed within ninety (90) days of the approval. Upon construction completion, the homeowner shall within ten (10) days notify the Management Company with the "Notice of Completion" form which has been attached for your use (See Exhibit "D").
- 11) Upon receipt of "Notice of Completion," the Management Company will advise the ARC and a site observation for plan conformance will be scheduled within thirty (30) days of receipt of said notice.
- 12) The ARC shall have the right to review the improvements to confirm that they have been completed and are in conformance with the plans, all ARC approvals and conditions of approval.
- 13) If following site review, the management company deems the improvements have been installed as approved, written notice will be given to the homeowner. If following site review, the management company deems the improvements have not satisfactorily complied with the approved plans, then the Management Company will respond to the homeowner in the following way:

III. SUBMITTAL AND REVIEW PROCEDURES

Denial: The management company will send a "Notice of Noncompliance" to the owner with a request to remedy the noncompliance. This notice will be sent within thirty (30) days after the site review and will specify the particulars of noncompliance. Once the

III. SUBMITTAL AND REVIEW PROCEDURES (con't)

noncompliance is remedied by the applicant, the ARC will review the work again and respond accordingly.

- 14) Following site review, review and conformance report results will be maintained in the Architectural Modification Log by the Management Company. This log is part of the association documents and is available to all Association members upon request.

The following guidelines apply to any and all work performed on your home whether ARC approval is required, or not:

- 1) Excess debris shall be removed from the site or properly contained on a daily basis.
- 2) Work shall be performed so as to minimize noise, dust and disruption of neighbors.
- 3) Construction shall be from 7 a.m. to 8 p.m. only, Monday – Saturday, excluding holidays.
- 4) All workers must comply with the Association's Rules and Regulations, if any.

IV. LANDSCAPING, HARDSCAPING AND IRRIGATION

Submittal Requirements

- 1) Unless front yard landscaping has been previously installed, all front yard landscape plans must be submitted to the Architectural Review Committee (ARC).
- 2) Changes in previously installed front yard landscaping need not be submitted for approval if they comply with all the front yard landscaping guidelines listed below. **If the plan includes changes that do not comply with the guidelines, submittal to the ARC is required.**

A. FRONT YARD

Guidelines

- 1) **Unless previously installed, each owner is required to submit plans within thirty (30) days to install and maintain landscaping on all unpaved front yard areas of the lot within ninety (90) days of close of escrow.** Front yard is defined as that portion of the yard which is in front of an entryway fence or gate or side yard fence or gate and, which is viewable from a public street.
- 2) The root system of ground-cover, bushes, and trees must not encroach at maturity on any neighbor's yard or disturb foundations, walls, or sidewalks.

A. FRONT YARD (con't)

- 3) Irrigation lines must be subterranean, except drip systems, which must be substantially covered. Irrigation shall meet UPC (Uniform Plumbing Codes) and have appropriate backflow devices installed.
- 4) There shall be no interference with the on-site lot and off-site drainage pattern or from that which exists at the time the overall grading is completed by the developer or which is shown on any plan that may have been previously approved by the ARC. Appropriate drainage must be installed and directed to the street in order to prevent runoff over banks or onto adjacent or common area properties.
- 5) Sprinklers must be placed so they do not spray adjacent properties or public sidewalks.
- 6) The use of synthetic grass or other synthetic plant material is prohibited unless approved by the Architectural Review Committee.
- 7) No more than 5% of the surface area of the front yard may be used for rock beds of any kind unless approved by the ARC.
- 8) Additional hardscaping is limited to a 4-foot strip on one side of the driveway unless otherwise approved by the Architectural Review Committee. Standard grey concrete with standard finish treatments such as broom finish, salt finish, and exposed aggregate are acceptable. Colored concrete, painted concrete, stamped concrete, brick, rock and tile finishes are prohibited unless they are of a natural warm color or subtle grey color that matches the dwelling unit color unless approved by the Architectural Review Committee.
- 9) No figures or sculptures shall be permitted in the front yard.
- 10) Trees that will at maturity grow over public sidewalks must be of a species that do not drop berries or other fruits that will stain or hamper access on the sidewalk.
- 11) Precast planter blocks are prohibited unless approved by the Architectural Review Committee.

B. REAR AND SIDE YARD

Submittal Requirements

- 1) Approval is hereby given for rear and side yard landscaping and hardscaping to be installed without the plans being submitted to the ARC for approval. **HOWEVER,**

IF ALL OF THE FOLLOWING GUIDELINES ARE NOT MET, SUBMITTAL TO THE ARC IS REQUIRED.

B. REAR AND SIDE YARD (con't)

Guidelines

- 1) Unless rear and side yard landscaping has been previously installed, each owner is required to install and maintain rear and side yard landscaping within twelve (12) months of close of escrow.
- 2) The root system of ground-cover, bushes and trees must not encroach at maturity on any neighbor's yard or disturb foundations, walls, or sidewalks.
- 3) Irrigation lines must be subterranean, except drip systems which must be substantially covered. All irrigation shall meet UPC (Uniform Plumbing Codes) and have appropriate backflow devices installed.
- 4) There shall be no interference with the off-site drainage pattern or from that which exists at the time the overall grading is completed by the developer or which is shown on any plan that may have been previously approved by the ARC. Appropriate drainage must be installed and directed to the street in order to prevent runoff over banks or onto adjacent or common area properties.
- 5) Sprinklers must be placed so they do not spray adjacent properties or public sidewalks.
- 6) The use of synthetic grass or other synthetic plant material is prohibited unless approved by the Architectural Review Committee.
- 7) Hardscaping is limited to an area of no more than 40% of the rear yard area and 80% of the side yard area. Additional hardscape must be approved by the ARC.

V. FENCING AND WALLS

Submittal Requirements

- 1) Fencing and wall plans need not be submitted for approval if they comply with the guidelines listed below. **If the plan includes features that do not comply with the guidelines, submittal to the ARC is required.**
- 2) Any changes in or removal of the existing fencing installed by the developer must be approved by the ARC.

Guidelines

- 1) Placement of the fence and support structures shall not be outside buyer's legal lot or within LMD, HOA areas.

V. FENCING AND WALLS (con't)

- 2) All fences and walls must be finished as not to show structural framing or unfinished material on any side of the fence or wall if such side is exposed to any common area, public street, sidewalk walkway, park, recreation area, open space, or neighboring lot.
- 3) The maximum height of all fencing and/or walls shall be six (6) feet from finished grade.
- 4) All support posts shall be set in concrete footings.
- 5) Front yard fencing is not allowed unless approved by the ARC.
- 6) Side yard fences may not extend more than four (4) feet forward from the front face of the dwelling unit and may be extended only for the purpose of constructing a single side entry gate. In no case shall fencing extend into the County required setbacks. A wood fence stained the original color and manner provided by the builder, does not need approval. All other materials need to be approved by the Architectural Review Committee.
- 7) The following fences are acceptable and do not need approval from the ARC prior to installation as long as all of the above guidelines are also met.
 - a. Wood fence stained with original color or manner provided by the builder.
 - b. Tubular steel painted to match original color provided by builder.
 - c. Masonry, only if material conforms to type, quality, color, and character of masonry walls built elsewhere in the neighborhood.

Manufacturer	Size (W/H/L)	Type	Description	Color
Angelus	6616	Slumpstone	Wall Block	Mission
Angelus	8616	Slumpstone	Wall Block	Mission
Angelus	8416	Slumpstone	ProCap (top for walls)	Mission
Angelus	16616	Slumpstone	Column Block	Mission
Angelus	22x22	Peaked Plaster	Column Cap	Granada White
EZ Mix	94lb	Type S	Mortar	Medium Tan

V. FENCING AND WALLS (con't)

The Architectural Committee has negotiated contractor prices for all Morningstar residents at the following location (you will need to ask for the owner, Tim Bal):

Brandel Masonry Supplies
(951) 296-3433
42368 Rio Nedo
Temecula, CA 92590
www.brandelmasonrysupplies.com

- d. Masonry with tubular steel or (3/2) wall fence. Comprised of 3 feet of masonry and topped with 2 feet of tubular steel. This is highly recommended for partial privacy/partial view situations, but may not comply with Health Department standards for security fencing around pools or spas.
- 8) The following may be acceptable, but must be approved by the ARC prior to installation:
- a. Wood fence painted any color or stained with a finish other than the original color provided by the builder.
 - b. Tubular steel painted any color other than what was originally provided by the builder.
- 9) The following are not acceptable fence and wall materials:
- a. Galvanized chain link.
 - b. Aluminum or sheet metal.
 - c. Chicken wire, barbed wire, or wire mesh.
 - d. Plastic webbing, reed, bamboo, or straw-like material.
 - e. Corrugated or flat plastic sheets or panels.
 - f. Rope or other fibrous strand elements.
 - g. Stucco over wood frame.
 - h. Wrought iron on top of wood frame unless approved by the Architectural Review Committee.

VI. PATIO COVERS AND TRELLISES

Submittal Requirements

- 1) Any patio cover or trellis that does not conform to all of the following guidelines must be submitted to the ARC.
- 2) Any patio cover or trellis that is larger than 20 feet in width and/or 15 feet in depth must be approved by the ARC.

VI. PATIO COVERS AND TRELLISES (con't)

Guidelines

- 1) Patio covers and trellises shall be of wood construction only with the exception of vertical supports which may be of stucco or masonry to match color of that existing on the dwelling unit. Alumawood is an acceptable construction material.
- 2) The following materials are not acceptable for patio covers and trellises and are not all inclusive:
 - a. Metal or pre-fabricated metal
 - b. Plastic
 - c. Fiberglass
 - d. Plastic webbing, split bamboo, reed or straw-like materials
 - e. Asphalt shingles or composition shingles
- 3) Patio covers and/or trellises must comply with all applicable setback requirements as set forth in the County of Riverside Code.
- 4) Patio covers and trellises must be painted to match the exterior paint of the home, or stained a natural wood color. The color white is an acceptable color for trellises and patio covers.

VII. AIR CONDITIONERS

Submittal Requirements

- 1) Permanent air conditioners need not be submitted for ARC approval provided they conform to the following guidelines.

Guidelines

- 1) Units extending from windows are not permissible. Exceptions can be approved by the ARC if units are not visible from a public street, other lots or homes.
- 2) Compressors and equipment are to be screened from the view of public streets, lots and homes by fencing or landscaping.
- 3) Air conditioning equipment may not breach the properties drainage swales or facilities.

VIII. BALCONIES

Submittal Requirements

- 1) Any balcony that does not conform to all of the following guidelines must be submitted to the ARC.

Guidelines

- 1) Balconies are limited to an eight (8) foot projection from the rear wall and must have direct door access from the dwelling.
- 2) No balcony shall extend into or be built over slope areas.
- 3) Balconies must be made of wood and/or stucco that match existing material and color of the dwelling unit.

IX. EXTERIOR PAINT

Submittal Requirements

- 1) Any proposed exterior paint color not installed by the builder on your home must be submitted to the ARC for approval prior to paint application.

Guidelines

- 1) Pastel, bright, and fluorescent colors are prohibited.
- 2) Colors should be representative of the architectural style of the neighborhood, and should blend well with existing paint colors.

X. PERMANENT BARBEQUES

Submittal Requirements

- 1) Permanent barbecues and exterior fireplaces need not be submitted for ARC approval provided they conform to the following guidelines.

Guidelines

- 1) Permanent barbecues and exterior fireplaces are to be located in the side or rear yard and must not exceed the height level of the rear yard fence.

XI. DOG HOUSES

Submittal Requirements

- 1) Dog houses need not be submitted for ARC approval provided that they conform to the following guidelines.

Guidelines

- 1) Dog houses are to be located in the side or rear yard and only in areas which are not centrally visible from surrounding property,
- 2) Chain link fencing may be used for a dog run only when a solid privacy fence surrounds the yard.

XII. GUTTERS AND DOWNSPOUTS

Submittal Requirements

- 1) Gutters and downspouts need not be submitted for ARC approval provided that they conform to the following guidelines.

Guidelines

- 1) Gutters and downspouts must be primed and painted to match existing adjacent surface color.
- 2) Run-off from gutters and downspouts must not drain onto the common area landscaping or another lot and must be directed toward the street.

XIII. FLAGS AND POLES

Submittal Requirements

- 1) Flags need not be submitted for ARC approval provided that they conform to the following guidelines.

Guidelines

- 1) Flagpoles are permitted in rear yards only to a maximum height of 25 feet.
- 2) Homeowners may display a single flag of a reasonable size mounted from the exterior wall below the fascia of the dwelling unit.

XIV. EXTERIOR LIGHTING

Submittal Requirements

- 1) Exterior lighting need not be submitted for ARC approval provided that they conform to the following guidelines.

Guidelines

- 1) Exterior lighting is to be directed onto the applicant's property and shall be adjusted or screened to prevent light from falling onto adjacent properties.
Maximum height is 8 feet.
- 2) Open or uncovered floodlights or other uncovered lights are not permitted.
- 3) Exterior lights must be housed in fixtures.
- 4) Exterior lighting fixtures must be finished with the following:
 - a. Polished brass
 - b. Antique brass
 - c. Verde green finish
 - d. Black painted materiel.

XV. ROOM ADDITIONS

Submittal Requirements

- 1) All room or other home additions must be submitted to the ARC for approval.

Guidelines

- 1) Architectural style shall be compatible with that existing.
- 2) Additional rooms shall be compatible in scale, materials, color, and style with the existing structure.
- 3) To the extent possible the location of proposed additions shall not materially impair the view or sunlight of adjacent properties.
- 4) Roofs must match or be complimentary to the existing structure in pitch, scale, form, and materials.
- 5) No addition shall exceed the roof height of the existing structure except for chimneys or second story additions on a single story house.

XV. ROOM ADDITIONS (con't)

- 6) Windows, window groupings, and doorways shall integrate with existing exterior openings.
- 7) Excess debris shall be removed from the site or properly contained on a daily basis.
- 8) Work shall be performed so as to minimize noise, dust and disruption of neighbors.
- 9) Construction shall be from 7:00 am to 5:00 pm only, Monday – Saturday, excluding holidays.
- 10) All workmen must comply with the Association's Rules and Regulations, if any.

XVI. SWIMMING POOLS AND SPAS

Submittal Requirements

- 1) Pools and spas need not be submitted for ARC approval provided that they conform to the following guidelines.
- 2) Portable or above ground spas are permitted if they comply with the following guidelines.

Guidelines

- 1) Maximum height of two (2) feet below fence top.
- 2) Pool/spa equipment must be enclosed so as to screen the noise disturbance from adjacent properties.
- 3) Plumbing lines to a spa or pool must be completely concealed or installed underground.
- 4) Drain lines must not drain onto adjacent properties or common area properties.
- 5) Pools and spas must not be located as to adversely affect the stability of adjacent slopes.
- 6) Homeowners must obtain certification and approval from a licensed soils engineering professional prior to constructing pools.
- 7) Installation of pool must comply with County Health Department requirements and County permit requirements.

XVII. TOOL SHEDS AND FREESTANDING STRUCTURES

Submittal Requirements

- 1) Tool sheds and/or freestanding structures must be submitted for ARC approval prior to being constructed or erected.

Guidelines

- 1) Tool sheds shall not exceed the fence line, which in no case shall exceed six (6) feet.
- 2) Tool sheds shall not be visible from the street.
- 3) The color of the shed shall match the color of the dwelling unit.
- 4) Prefabricated metal or aluminum sheds are prohibited.
- 5) Sheds are limited to one per lot and must not be larger than 100 square feet.

XVIII. BASKETBALL HOOPS

Submittal Requirements

- 1) Basketball hoops that are portable and not attached to real property are allowed and need not be submitted for ARC approval. Portable basketball hoops must be screened from public view when not in use.
- 2) Basketball hoops that are attached to real property must be submitted for ARC approval.

Guidelines

- 1) Backboards mounted flush to the house are prohibited.
- 2) Freestanding basketball stands mounted permanently in the ground must be located so as to minimize disturbances to adjacent properties and may only be installed in rear yards.
- 3) Hoops must be of standard size with a rope net. Metal or chain nets are prohibited. The net must be kept in good repair at all times.

XIX. SCREEN DOORS

Submittal Requirements

XIX. SCREEN DOORS (con't)

- 1) Screen doors need not be submitted for ARC approval provided that they comply with all of the following guidelines. Screen doors that do not comply with all of the following guidelines must be submitted to the ARC for approval.

Guidelines

- 1) All screen doors must be installed within the existing door jam.
- 2) Screen doors must be of high quality construction.
- 3) Wire mesh screen doors are prohibited. Plastic mesh is permitted.
- 4) Screen doors must be kept in a maintained condition.
- 5) Screen door color and design must conform to the existing color and materials of the dwelling unit.

XX. WINDOW TINTING/SHADING/BLINDS

Submittal Requirements

- 1) Window tinting, shading, and blinds need not be submitted for ARC approval provided that they comply with all of the following guidelines.

Guidelines

- 1) Windows may be tinted provided that no reflective materials are used to create a mirror effect from the outside unless approved by the Architectural Review Committee.
- 2) No temporary materials such as sheets, paper, or foil shall be used for shading purposes.
- 3) Colors of blinds, curtains, or shades visible from the exterior of the home should be compatible with the exterior dwelling unit color scheme.
- 4) All window coverings must be kept in good repair.
- 5) Exterior wrought iron or metal bars are prohibited.

All possible architectural characteristics have not been covered in these design guidelines.

XXI. OTHER ISSUES

These design guidelines are subject to change, and further restrictions may be imposed at a later date. Please refer to the CC&R's on the following issues:

XXI. OTHER ISSUES (con't)

- 1) Solar Panels - Please refer to Article X, Section 3 of the CC&R's.
- 2) Antennae - Please refer to Article X, Section 3 of the CC&R's.
- 3) Satellite Dishes - Please refer to Article X, Section 3 of the CC&R's

XXII. GATES

Submittal Requirements

- 1) Gates do not need to be submitted for approval if they comply with the guidelines. Window tinting, shading, and blinds need not be submitted for ARC approval provided that they comply with all of the following guidelines.
- 2) Any changes or removal of existing gates installed by the developer must be approved by the Architectural Review Committee.

Guidelines

- 1) Gates shall not enable any conspicuous visibility into any part of the yard or home. Gates may include tight weave mesh or mesh-type material, but only with extremely limited and obscure see-through attributes, and only with prior approval by the ARC.