

ARTICLE 4
ARCHITECTURAL CONTROL

4.1 Architectural Guidelines.

- (a) Not more than one single family detached Residence, with normal and customary outbuildings, such as a garage, a guesthouse, a barn, a tack room, and an equipment room shall be allowed for each 180,000 square feet of Parcel area. **No mobile homes or trailers are allowed.**
- (b) The minimum size of the interior floor space of Residences, exclusive of carports, garages, breezeways, patios, terraces, and porches, shall be 1500 square feet.
- (c) The maximum height of any building shall not exceed 25 feet above the adjacent average finish grade to the highest roof ridge, peak, or parapet. Chimneys and other similar architectural features are excluded.
- (d) The exterior wall and roof materials, flashing, gutters, vents, metal chimneys, etc. shall be finished or coated so as to minimize reflections on adjacent or neighboring properties. Earth tones of indigenous hues will be encouraged.
- (e) Architectural styles deemed by the Architectural Committee as incompatible or inappropriate to the area shall not be approved.
- (f) All structures shall be constructed in compliance with the latest adopted edition of the Santa Cruz County Building Code and Regulations.

4.2 Architectural Approval Required. No Improvement which would be Visible From Neighboring Property, or which would cause any Person or thing to be visible from Neighboring Property, shall be constructed or installed on any Lot, Tract or Parcel without the prior written approval of the Architectural Committee which shall have the authority to regulate the external design and appearance of the Lots, Tracts and Parcels and all Improvements constructed thereon. No addition, alteration, repair, change or other work which in any way alters the exterior appearance of any part of a Lot, Tract or Parcel, or any Improvements located thereon, which are or would be Visible from Neighboring Property shall be made or done without the prior written approval of the Architectural Committee. Any Owner desiring approval of the Architectural Committee for the construction, installation, addition, alteration, repair, change or replacement of any Improvement which is or would be Visible From Neighboring Property shall submit to the Architectural Committee their written request for approval specifying in detail the nature, kind, shape, height, color, materials, floor plans, and location of the addition, alteration, repair, change or other work which the Owner desires to perform.

Any Owner requesting the approval of the Architectural Committee shall also submit to the Architectural Committee any additional information, plans and specifications which the Architectural Committee may reasonably request. The Architectural Committee shall have the specific authority to establish a fee to be paid for the review process, which fee may include charges for an architect or engineer. The Architectural Committee may decline to process a request if the fee is not paid. If the Architectural Committee fails to approve or disapprove an application submitted for approval within sixty (60) days after an application has been submitted to the Architectural Committee, then the submittal shall be deemed approved if in compliance with the Restrictions set forth herein.

The approval by the Architectural Committee of any construction, installation, addition, alteration, repair, change or other work shall not be deemed a waiver of the Architectural Committee's right to withhold approval of any similar construction, installation, addition, alteration, repair, change or other work subsequently submitted for approval. The Architectural Committee shall have absolute discretion in rejecting any proposed improvement for any reason, including, but not limited to, aesthetics. The Architectural Committee shall have the right to waive a particular prohibition contained in these Restrictions where a hardship would otherwise exist, provided such waiver does not abrogate the overall stated intention and purpose hereof. All subsequent additions to or changes or alterations in any of the above referred to improvements shall also be subject to the prior approval of the Architectural Committee on the same basis set forth above.

4.3 Review of Plans. In reviewing plans and specifications for any construction, installation, addition, alteration, repair, change or other work which must be approved by the Architectural Committee, the Architectural Committee, among other things, may consider the quality of workmanship and design, harmony of external design with existing structures and location in relation to surrounding structures, topography and finish-grade elevation. The Architectural Committee may disapprove plans and specifications for any construction, installation, addition, alteration, repair, change or other work which must be approved by the Architectural Committee pursuant to this **Article 4** if the Architectural Committee determines, in its sole and absolute discretion, that:

- (a) The proposed construction, installation, addition, alteration, repair, change or other work would violate any provision of this Declaration;
- (b) The proposed construction, installation, addition, alteration, repair, change or other work does not comply with any Design Guideline;
- (c) The proposed construction, installation, addition, alteration, repair, change or other work is not in harmony with existing Improvements in the Property, or with Improvements previously approved by the Architectural Committee but not yet constructed;
- (d) The proposed construction, installation, addition, alteration, repair, change or other work is not aesthetically acceptable in the sole and absolute discretion of the Architectural Committee;
- (e) The proposed construction, installation, addition, alteration, repair, change or other work would be detrimental to or adversely affect the appearance of the Property;
- (f) The proposed construction, installation, addition, alteration, repair, change or other work is otherwise not in accord with the general plan of development for the Property; or
- (g) The proposed installation or alteration of landscaping desired to be installed does not comply with the restrictions and limitations thereon set forth in the Guidelines, including, without limitation, the provisions of the Guidelines which provide for the maintenance of natural desert vegetation and limit the area of turf within the Property.

*The approval required by the Architectural Committee pursuant to this **Article 4** shall be in addition to, and not in lieu of, any approvals or permits which may be required under any federal, state or local law, statute, ordinance, rule or regulation. The approval by the Architectural Committee of any construction, installation, addition, alteration, repair, change or other work pursuant to this **Article 4** shall not be deemed a warranty or representation by the Architectural Committee as to the quality of such construction, installation, addition, alteration, repair, change or other work or that such construction, installation, addition, alteration, repair, change or other work conforms to any applicable building codes or other federal, state or local law, statute, ordinance, rule or regulation.*

4.4 Architectural Committee. The Board may appoint an Architectural Committee. The Board may replace any Member of the Architectural Committee which it has appointed at any time with or without cause. In the event the Board does not appoint an Architectural Committee for any reason, the Board shall exercise the authority granted to the Architectural Committee under this Declaration. The Architectural Committee may enact Design Guidelines subject to approval of the Board. The Design Guidelines may include, without limitation, provisions regarding (i) architectural design, with particular regard to the harmony of the design with the surrounding structures and topography, (ii) placement of Residences and other Improvements, (iii) landscape design, content and conformance with the character of the Property and permitted and prohibited plants, (iv) requirements concerning exterior color schemes, exterior finishes and materials, (v) signage and (vi) perimeter and screen wall design and appearance. The decisions of the Architectural Committee shall be final on all matters submitted to it pursuant to this Declaration, but shall be subject to appeal to the Board as the final arbiter, and the decision of the Board in all cases shall be final and binding. The Association may record a Notice of Noncompliance for any Improvement that is installed in violation of this Declaration.