

Castellammare Mesa Home Owners Architectural Guidelines

Introduction

These Guidelines are intended to assist property owners in the Association in understanding their obligations and the role of the Architectural Committee (AC) in enforcing the Covenants, Conditions and Restrictions (CC&Rs) as contained in the Revised Declaration of Restrictions and Conditions of Tract 8923 dated January 2, 1964 and amended on March 11, 1989, July 21, 1998 and November 21, 2002. It is emphasized that these are guidelines and in all cases the CC&R's is the controlling document in the determination of how these guidelines are applied.

A great deal of time, thought and effort went into developing these Guidelines for the benefit of all property owners in our community. Particular attention was paid to the consistency of application of the CC&Rs based on precedent. The AC strongly encourages property owners to discuss preliminary plans with the AC before proceeding to final plans to avoid inconvenience and expense in the event the proposed project may not meet the requirements of the CC&R's.

The main restrictions in the CC&Rs are:

- "In all cases the Architectural Committee shall have the right and power to reject plans for new buildings or alterations to existing buildings if, in their opinion, the proposed height or location on the lot would cause unreasonable interference with views from other lots." CC&Rs, Article II, Sections 6 & 7.
- "No alteration shall be made in the exterior design of any structure, residence, garage, outbuilding, fence, walls, steps, or other structure, or in any parking area or driveway, unless written approval shall have been first obtained from the Architectural Committee." CC&Rs, Article III, Section 2.
- "No new building shall be erected and no existing building shall be altered to exceed one story in height, except that the AC is empowered to approve an additional story or stories as underfloor space." CC&Rs, Article II, Section 6.
- The depth of front and rear yards shall not depart materially from those of adjoining dwellings or other dwellings in the block. CC&Rs, Article II, Section 7.

1. CC&Rs, ARTICLE II – Building Restrictions and Conditions

- a. Section 1: Single Family Residences. Only single family residences are permitted to be constructed. No residence shall be used for any purpose other than exclusively for private, single family, residential occupancy.
- b. Section 2: Moving of Buildings or Trailers onto Property Prohibited. Trailers, buildings or other structures may not be moved onto the property.
- c. Section 6: Height of Buildings & Underfloor Space: No new or existing building shall exceed one story in height. The AC can approve an additional story or stories as "under floor space". The AC has the right and power to reject construction if, in its opinion, the proposed height would cause "unreasonable interference" with views from other lots.

Guidelines for applying Article II, Section 6 with respect to height:

- "One story in height" means that (a) buildings are limited to a single story above the Grade of a lot when the buildings are seen from the street or any adjoining lot and (b) the vertical distance from Grade to the highest elevation of the roof, parapet or roof deck

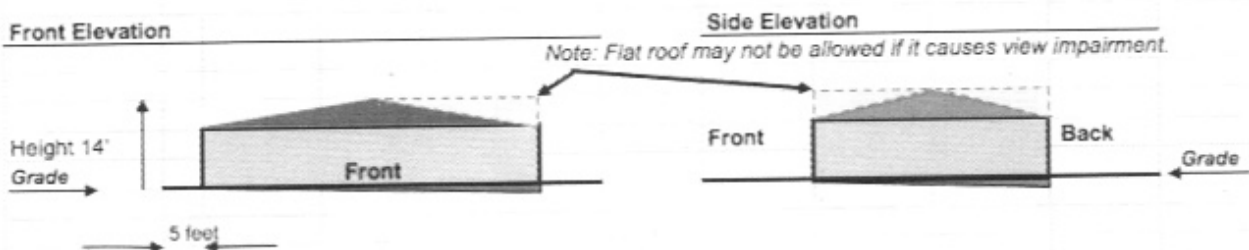
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railing, whichever is higher, shall be limited to the higher of 14' or to the height of the roof, parapet or roof deck railing of the existing building being remodeled or replaced

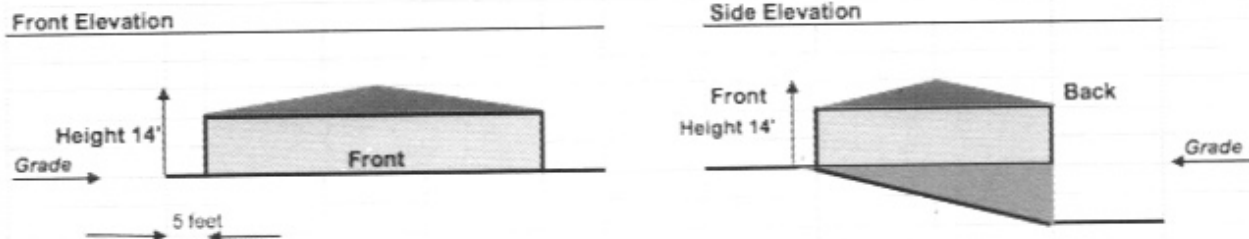
- For this guideline, "Grade" means the highest point of elevation of the natural or finished surface of the ground, whichever is lower, on which the current or planned structure is to be remodeled or built. Grade is measured within a 5' perimeter around the planned structure.
- The "natural" surface of the ground refers to the elevations across the property prior to grading or excavating or adding fill material. The "finished" surface of the ground refers to the final elevations of the property after grading, excavating or adding fill material. The finished surface of the ground may also refer to the elevation at the top of a paved or otherwise improved surface.
- Certain elements may be excluded in the measurement of height such as antennae and chimneys--**if the element does not impair the view.**
- In determining height, reference may be made to the diagrams below. Note that, for all illustrations, building height is limited to 14' or to the height of the existing building., the standard used for most houses in the tract.
- As required by the CC&Rs, proposed buildings may not cause unreasonable interference with views from other lots. To meet this requirement, the height of all or part of new sections of the proposed buildings may be restricted to heights below 14'.

Height Measurement Illustration #1 -- Mostly Flat Lot

Note: Height limited to 14' or height of existing building per guidelines.

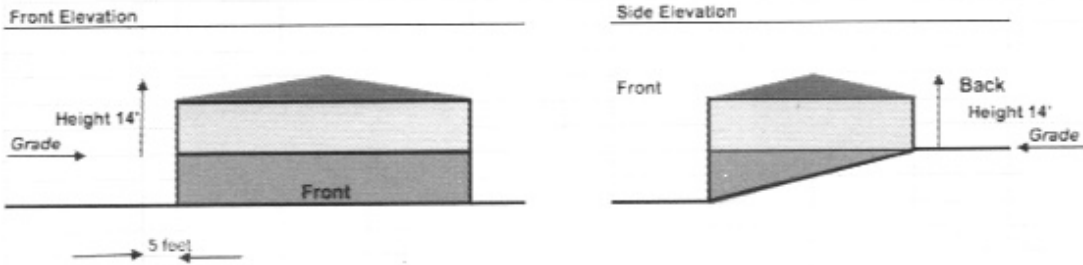


Height Measurement Illustration #2 -- Descending Sloped Lot from Front to Back

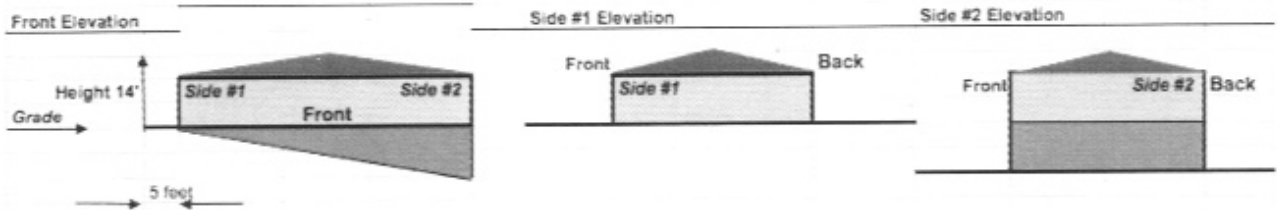


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Height Measurement Illustration #3 – Ascending Sloped Lot from Front to Back



Height Measurement Illustration #4 – Lot Slopes Down from Left (or Right) *



* Lot is neither ascending nor descending front to back

Guideline for applying Article II, Section 6 with respect to approving underfloor space as a story or stories:

- Underfloor space may be used for one or more additional stories below the single, top story provided that a) the criteria for "one story in height" above have been met and b) the finished ceiling of any part of the story immediately below the single, top story does not exceed 2 feet above Grade.
- Notwithstanding how "underfloor space" is defined in any city, county or state regulation, for this guideline, "underfloor space" means any enclosed or unenclosed space between the floor of the single-story building and the ground (earth) below it, either finished or natural. In the above illustrations, "underfloor space" would be the dark shaded areas beneath the upper story. "Grade", for this guideline, is defined the same as for the guideline on height.

d. Section 7: Front, Rear and Side Yards. Side yards must be of a width of not less than 5 feet from the property line or whatever the current city codes require. The depth of front and rear setbacks shall NOT depart *materially* from those of adjoining dwellings or other dwellings on the block. In determining the location on the lot of a new home or an addition to an existing home, "reasonable" effort must be exercised to ensure that new construction does not obstruct views from other lots.

Guideline for Applying Article II, Section 7: Note: The proposed building may not cause an unreasonable interference with views from other lots.

- "Adjoining dwelling" means a property which shares a common boundary with the property that is the subject of the AC review. The AC has the sole discretion to use either adjoining dwellings or "other dwellings on the block" to determine setback departures.

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- The setback and view requirements in this section are independent of one another. In determining compliance with this section, the AC must ignore the view issue and first ensure that there are no material setback departures from the "adjoining buildings or other dwellings on the block".
- The setback of a structure from the front, side or rear property line is the shortest distance between the front, side or rear property line and the existing or proposed structure measured along a line perpendicular to the property line.
- If the AC determines that the setback of the proposed construction is not materially different from adjoining or other dwellings on the block but the proposed construction creates a view impairment from another lot or other lots, then the AC and applicant-owner should work on the "location" of the proposed construction and exercise "reasonable effort" to avoid obstruction as determined by the AC in its sole discretion.


2. Guidelines for View Considerations: Story Poles and Possible View Criteria

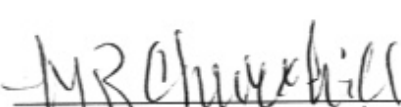
- a. "Story Poles": Height and setback issues invariably involve potential view impairment issues. In such cases, the erection of "story poles" is customarily required for the AC to carry out its duties under the CC&R's. Story poles represent a combination of vertical poles and horizontal strips of tape or other material to show the dimensions of the proposed construction. Guidelines for erecting story poles include the following:
 - 1) The number of story poles may vary with each project and should ensure that the proposed height, width and depth of the portion of the project under review are shown.
 - 2) The story poles must accurately reflect the proposed structure or portion of the structure under consideration as shown in the submitted plans. In most instances, the AC will require the location of the story poles be certified by a licensed surveyor.
 - 3) The material for story poles should be constructed of such material and in such manner to ensure that they accurately represent the proposed construction and that they remain correctly positioned in various weather conditions.
 - 4) The AC, in their sole discretion, may approve a method for assessing view impact other than story poles.
 - 5) The AC assumes no liability for the construction of story poles and may require that the poles be taken down if, in the AC's opinion, the poles represent a safety risk of any kind.
 - 6) Due to changes in the initial plans to meet requirements of the CC&Rs, the initial story pole placement may also require adjustment as many times as deemed necessary in the sole discretion of the AC.
- b. There is no mathematical or strictly objective method to determine if a proposed construction meets the standards of the CC&Rs as they relate to views. Factors that may be considered, however, in determining whether a proposed construction should be rejected or modified because of view obstruction include, but are not limited to, the following: 1) precedent, 2) quantity or quality of view obstruction, 3) evidence of view impact and 4) neighbors' objections.

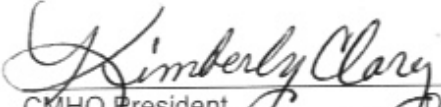
Lack of any negative input, however, does not necessarily mean that the AC should approve the construction because the AC's obligation is to enforce the CC&Rs regardless of neighbor opinions.

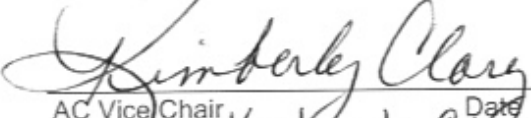
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3. Approval Signatures

 5/15/2017
AC Chair Mo Sahabi Date

 5/15/17
AC Secretary Margaret Churchill Date

 5-15-17
CMHO President Kimberly Clary Date

 5/15/17
AC Vice Chair Kimberly Clary Date