

## **APPENDIX II**

### **ARCHITECTURAL REVIEW BOARD ADDITIONAL REQUIREMENTS**

#### **1. Construction Performance Deposits**

Performance Deposits are \$1,500 for new construction within Estancia Primera. Any construction deposit paid to a subdivision ARB, up to the amount of \$500, will be credited toward the total of \$1,500 due. Minor project Performance Deposit is \$250.

If a request for final approval is not received by the ARB within 12 months of preliminary approval, any portion of the deposit not used for costs is forfeit unless an extension has been requested and granted by the ARB. Further, following such forfeiture, the property shall be automatically deemed not in compliance with EPCSA requirements.

#### **2. Fines**

Upon failure by the Builder and/or Owner to comply with the instructions or requirements set forth in Section 6 of the Application/Checklist, the ARB may impose a fine of \$100 against the Builder and/or Owner. For each subsequent infraction, the ARB may impose an additional fine against the Builder and/or Owner in an amount not to exceed \$2,500. In the event fines against the Builder and/or Owner at any time exceed the amount of the Performance Deposit, the ARB will require the Builder and/or Owner to make an additional deposit to bring the Performance Deposit up to the required amount of \$1,500 before the construction is allowed to continue.

Funds collected by such fines will be used for beautification of the subdivisions.

The ARB will notify in writing the Lot Owner, as well as the Builder, of any and all restrictions and fines imposed by the ARB. The ARB may levy any unpaid fines imposed on the Builder against the Lot Owner on whose property the construction is taking place.

#### **3. Plan Review**

All plans for new houses within Estancia Primera, including guest houses, will be reviewed by the architect hired by the ARB for this purpose, and payment of any and all fees charged by this architect shall be paid by the ARB from the applicant's Performance Deposit. More than one architect's review may be necessary and the applicant shall be charged for each review.

#### **4. Fence and Courtyard Height**

No fence or courtyard wall shall be taller than 6', as measured from the ground surface on the outside of the wall. On sloping ground, no more than 4' of horizontal wall shall exceed the 6' height limitation, and may only exceed 6' by a maximum of 12" at any point along the slope. Walls and fences on slopes shall be stepped if necessary to meet this requirement.

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#### **5. Metal Roofs**

No metal of any type will be approved as a roof surface after 8/1/2002.

#### **6. Neighbor Notification**

For all modifications to the exterior of existing homes, including walls and fences, the homeowner must notify all neighbors who face the remodeling of the request to the ARB for approval, and of the date of the ARB meeting to review the plans. The ARB suggests that every

effort be made to discuss the plans with neighbors, and address any concerns they might have prior to the ARB meeting which will review the request for modifications.

### **7. Exterior Lights**

No exterior light fixture shall be permitted where the light output from the fixture shines in any direction except up or down. This specifically excludes globe light fixtures and others which illuminate a broad area and which fail to shield the light from horizontal view. The sole exception will be for security lights, which must be pointed as downward as possible, which must have metal shields to focus the light to the ground, and which must be on infrared motion detectors with an on function lasting no more than 5 minutes. When submitted for approval, the ARB would like to see samples of the lights whenever possible, although photographs or printed material may be presented instead.

### **8. Lines, Conduits, Ducts and Drains on Home Exteriors.**

The ARB does not allow ducts, conduits, wires or drains of any type that run up the facades of homes, over parapets or on the exteriors of walls and fences that enclose outdoor spaces. This requirement does not apply to ground-level home access lines for cable television, telephones and City utilities. *Approved by the Estancia Primera ARB on May 28, 2008 and by the Estancia Primera Board of Directors on June 10, 2008.*

### **9. Retrofitting of Air Conditioning Systems.**

The ARB must approve the retrofitting of all Air Conditioning systems including Evaporative Coolers (swamp coolers), Ductless Air Conditioning systems and traditional Refrigerated Air Conditioning systems. The following requirements apply:

- a. Location: Evaporative coolers and condenser units may be placed only on rooftops, preferably on the highest part of the roof. Ground-level, garage-roof and through-wall units are not allowed. When applying for ARB permission the homeowner or contractor shall provide a roof plan showing the proposed location of the unit and the heights of the adjoining parapets. Additional diagrams of the home's facades showing the unit in place shall be provided. The ARB generally discourages the use of window units. The ARB may, however, approve them on a case-by-case basis if the homeowner provides evidence in the ARB application that the proposed unit will be aesthetically acceptable, that it will be acceptable to and not disturb adjacent neighbors and that it has been approved by the neighborhood subdivision's Architectural Review Committee.
- b. Specifications: The ARB application shall include the dimensions of the unit, its noise level (in decibels) and the height of the supports on which it will be mounted. The manufacturer's brochure must be included with the application.
- c. Electrical Power and Water Supply: The electrical power supply to a rooftop evaporative cooler or condenser unit and the water supply tubing for an evaporative cooler shall not run on the facade or over the parapets of the home. These shall be run from existing water and electrical sources in the home either along interior walls or through wall cavities to emerge on the roof side of a parapet or on the roof surface.
- d. Condensate Drains: Exterior condensate drains for the interior components of ductless air-conditioning systems shall be run through wall cavities so that only the lower 6-12" are visible on the exterior. These shall open about 6-12" above the existing grade and the

exterior ends shall be angled away from the wall so that the condensate does not damage or discolor the wall surface.

- e. Refrigerant Piping: In the case of ductless air conditioners, roof mounted refrigerant lines connecting the condenser to interior wall-mounted fan coils (evaporators) shall not be run over the parapets or facade of the home. The lines must be connected to the wall-mounted interior evaporators via angled penetrations through the roof side of the parapets that access the wall cavity.
- f. Ducts: Where a traditional refrigerated air-conditioning system is planned, the ducts from the condenser unit shall penetrate the roof at the desired locations and must be confined to the rooftop.
- g. Color: All rooftop evaporative coolers and condenser units and their associated ducts, conduits and condensate drains shall be painted to match the color of the adjoining stucco. Winter covers used for evaporative coolers must be light tan in color. Cover colors such as red, blue, mustard or dark brown are not allowed. If a light tan cover is not commercially available, evaporative cooler covers can be custom made by Awning Companies. In such instances, a fabric sample must be submitted with the application.
- h. Screening: When a neighborhood subdivision requires that a rooftop evaporative cooler or condenser be screened by a frame and stucco or adobe enclosure, the homeowner must include the dimensions of the enclosure and submit the stucco manufacturer's color sample with their application to the ARB for review and approval. The EP ARB will request the neighborhood subdivision's recommendations and comments.

*Approved by the Estancia Primera ARB on May 28, 2008 and by the Estancia Primera Board of Directors on June 10, 2008.*

## **10. Roof Replacement Projects:**

- a. **Routine Maintenance:** Routine maintenance of an existing roof does not require submission of an ARB notice/checklist (see attachment) unless the maintenance will entail partial "replacement" of a roof and not merely repair or upkeep.
- b. **Basic Roof Replacements:** All roof replacements, whether partial or complete, that involve **ONLY** replacement of a roof with one that has a color substantially similar to the existing roof require submission, at least two weeks prior to the start of any work, of a formal notice (using the attached notice/checklist) to **both** the neighborhood subdivision Architectural Review Committee (ARC) and to the EP ARB chairs signed by the submitting owner and the project contractor indicating that:
  - The roof color shall be substantially similar to the existing roof as shown on an included color sample (note that **white roofs are strictly prohibited**);
  - No changes other than a roof replacement will be done; and
  - The owner shall inform adjacent neighbors of the intention to replace the roof and the owner shall take necessary precautions to protect adjacent properties from damage of any kind.
- c. **Roof replacements with color changes and other roof changes:** Roof replacements that include additional roof-related changes which alter the property's appearance or the existing roof drainage in any way require submission by the owner of a formal Appendix

III ARB application. No work may begin before ARB approval is obtained. Such changes include, but are not limited to, the following:

- Significant roof color changes (a roof color sample shall be submitted in all cases);
- Installation of new or additional canals or modifications of existing ones;
- Installation of new (non-replacement) or additional skylights;
- Parapet changes of any kind;
- Addition of new roof drains or modifications of existing ones;
- Installation of exterior downspouts; and
- Installation of new rooftop structures such as refrigerated air-conditioning units, to include mechanical units, or electrical installations, evaporative coolers and ducts and vents of any kind or modifications to any existing structures.

If on completion of a roof replacement the EP ARB or Board of Directors determines that the roof color violates community standards or that unapproved structures (other than the roof) have been added **by a contractor with or without the owner's consent**, the ARB may require that the owner correct the work to comply with ARB requirements at his/her own expense. *Approved by the Estancia Primera ARB on May 6, 2020 and by the Estancia Primera Board of Directors on May 14, 2020; earlier version approved on September 17, 2019 by the EP ARB and by the EP Board on October 11, 2019, respectively.*

### **11. Re-Stucco Projects**

Re-stucco projects that will not substantially change the existing stucco color are regarded as maintenance projects. As such, they do not require submission of a formal ARB application or EP ARB permission before commencement of the re-stucco. However, such projects require the submission of a notification, at least one week prior to the start of the work, both to the neighborhood subdivision Architectural Review Committee (ARC) and to the EP ARB chairs signed by the submitting owner indicating that the new stucco color will be substantially similar to the existing stucco color.

If an owner wishes to change the stucco color of the home, a formal Appendix III ARB application with the submission of a color sample is required and the project may not proceed without formal written approval by the EP ARB Chair.

If on completion of the project the EPCSA ARB or Board of Directors determines the work has altered the property's appearance in a way that violates community standards, the owner may be required to correct the work to conform to the community standards at his/her own expense. *Approved by the Estancia Primera ARB on May 6, 2020 and by the Estancia Primera Board of Directors on May 14, 2020. Earlier version approved by the Estancia Primera ARB on September 17, 2019 and by the Estancia Primera Board of Directors on October 11, 2019.*

### **12. Rooftop Solar Panel Installations**

Installations of rooftop solar panels inevitably will change the exterior appearance of a home as seen both by nearby neighbors and by more distant owners whose homes look down at the home

from a higher level. In accordance with the existing Architectural Guidelines, any proposed rooftop solar installation therefore requires the submission of a formal Appendix III ARB application and the written approval of the ARB Chair before any work may proceed. The ARB will work with applicants to ensure that their installations will not cause aesthetic and other problems for nearby and distant neighbors. Applicants and their contractors should familiarize themselves with the rules and regulations regarding installations on roof tops to insure compliance. *Approved by the Estancia Primera ARB on September 17, 2019 and by the Estancia Primera Board of Directors on October 11, 2019.*

**ESTANCIA PRIMERA COMMUNITY SERVICES ASSOCIATION (EPCSA)**

**ARCHITECTURAL REVIEW BOARD**

**Notice/Checklist for Basic Roof Replacements**

Date \_\_\_\_\_

A **Basic** roof replacement is one in which only the roof will be replaced in whole or in part with one that has a color similar to the existing roof and no changes will be made to any roof-related structures. (No white roofs are permitted.)

Please respond to all pertinent questions on the notice/checklist and submit it to the chair of your neighborhood Architectural Review Committee and to the chair of the Estancia Primera ARB.

a. Neighborhood Subdivision \_\_\_\_\_ b. Lot # \_\_\_\_\_

c. Street Address \_\_\_\_\_

d. Owner's name \_\_\_\_\_ e. Phone \_\_\_\_\_

f. Current mailing address \_\_\_\_\_

g. Email address \_\_\_\_\_

h. Contractor \_\_\_\_\_ i. Phone \_\_\_\_\_

j. Email address \_\_\_\_\_

k. Est. start date \_\_\_\_\_ l. Est. finish date \_\_\_\_\_

m. Roof type (e.g. membrane or foam roof) \_\_\_\_\_

n. Roof color (supply color sample) \_\_\_\_\_

o. Neighbors have been notified \_\_\_\_\_

p. No changes will be made to roof-related structures \_\_\_\_\_

(Roof-related structures include skylights, canales, parapets, roof drains, air-conditioning units & ducts/vents)

\_\_\_\_\_  
(Owner's signature)

\_\_\_\_\_  
(Contractor's signature)