

PERSIMMON HILL HOMEOWNERS ASSOCIATION, INC.
ARCHITECTURAL COMMITTEE RULES
May 2004

I. RULES

A. Scope

1. The Architectural Committee (ARC) will be governed as set forth in Section 8 of the Declaration of Covenants, Conditions and Restrictions (CC&R) and Section VI-Committees of Bylaws of the Association.
2. The codes and ordinances in effect now and as modified from time to time, of the City of Ojai (OJAI), County of Ventura (VENCO) and the State of California (CA) regarding architectural design conformity and construction, variances, lot set backs, landscaping, lighting and other environmental controls, apply to all lots in Persimmon Hill.
3. These Architectural Committee Rules (CC&R 8.5) are subordinate to the CC&R and Bylaws of the Association. Use Restrictions defined under CC&R-Section 2 apply in particular to ARC actions.
4. The ARC shall review any request for a variance from OJAI, VENCO or CA Codes or Ordinances, or CC&R or Bylaws of the Association.

B. Design

1. No main residential dwelling shall contain less than two thousand (2,000) square feet of living area, excluding garage, guesthouse, porches, and decking.
2. Exterior colors for all permanently fixed exterior structures shall be approved by the ARC. Color shall conform to project neighborhood tones, earth tones, or tones complimentary to existing structures as determined by ARC.
3. Garage door openings should be screened by landscape or placed to eliminate visibility into the interior from the street. Garage doors on corner lots should be screened with landscaping or utilize architecturally distinctive doors as determined by ARC.
4. Choice of roof material should be compatible with the structure design.
5. Exterior texture of all structures shall be approved by the ARC.

6. Outbuildings shall conform to or be compatible with the main residential design. Metal buildings must be approved by the ARC and should be obscured from neighbor and street view.

7. Geodesic domes and log cabins are not permitted.

8. Material for driveways and pathways surfaces must be approved by ARC.

C. Placement of Structures

1. Placement of buildings on lot shall minimize the effect on view shed of nearby established residents.

D. Landscape

1. Planting and landscaping shall minimize the effect on view shed of nearby established residents.

2. Ojai city tree and landscaping ordinances govern the trimming of trees, especially oaks, and are referenced to apply to the Persimmon Hill project.

E. Persimmon Hill Community Lighting Regulation

Purpose: In order to preserve and enhance the unique qualities of the Persimmon Hill community and its visual environment, this regulation provides for limits for the use of outdoor lighting to prevent the problems associated with light trespass and sky glow, while recognizing the benefits of lighting for safety, security and emergency purposes.

1. Light Trespass

a. Definitions

i). Light Trespass. It is the intent of this rule to limit the amount of light that trespasses beyond the boundaries of a homeowner's property and to prevent "direct glare" to an adjoining property.

ii). A "Foot Candle" is a unit of illumination, which equals one lumen falling on one square foot of area.

iii). The term "vertical foot candle" defines the plane at which the amount of light at the property and curb line is to be measured. The measurement is to be made at the "vertical plane".

iv). "Direct glare" is defined as the visual discomfort from insufficiently shielded and/or improperly positioned high intensity light sources in the field of view.

b. Rules for Light Trespass

- i). The permissible limit for exterior lighting originating on a property at no point is to exceed a maximum of 0.5 vertical foot candles, from sunset until 9:00 PM and at no point is to exceed a maximum of 0.25 vertical foot candles at any time after 9:00 PM until sunrise, as measured at the property line and curb line as applicable.
- ii). Lighting that results in "direct glare" on adjoining property is prohibited, even if such lighting complies with the permissible vertical foot candle limitations set forth in section 1.5 above. The most common sources of offensive "direct glare" are spotlights, floodlights and high intensity light sources that are unshielded and/or improperly positioned. "Direct glare" exists when an observer has a direct line of sight to a light source that results in visual impairment. One should see the effect, not the light source.
- iii). "Direct glare" can be easily eliminated. For example, by locating the light source so that it is placed at or near the property line of the light owner and is directed toward the light owner's own property rather than directing the light toward a neighbor's property. "Direct glare" is also easily eliminated by the use of shielding that covers the light source (i.e. lamp, lens and reflective surface) so that the adjoining property owner does not have a direct line of sight to the light source itself.

2. Sky glow

a. **Definition:** Sky glow is the adverse effect of brightening the night sky due to manmade lighting.

b. Rules for Sky Glow

- i). It is the intent of these rules to limit sky glow in the Persimmon Hill community.
- ii). In order to minimize sky glow, all exterior light sources are to be so designed, placed and shielded so as to minimize light dispersion that shines upward at any point beyond the roof line of a residence.
- iii). In order to minimize sky glow, all exterior light sources shall have a shield above the light source and the light emitting, distributing, reflecting and refracting components of the light fixture, meaning lamp, lens, reflective surface, etc., shall not extend beyond the light source shielding of the fixture.

iv). Search lights, being any lighting source projector, either fixed or mobile, that are designed to produce an approximately parallel beam of light that is aimed above the horizontal plane, are prohibited.

3. Exemptions: Safety, Security & Emergency Lighting

The Persimmon Hill community recognizes the need and benefits for nighttime illumination for the protection of property and persons and for those purposes, herein provides for exemptions from the above lighting limitation provisions of Sections 1 and 2, as follows:

- a. Lighting that is intended and designed for safety and security is permitted, provided such lighting is designed and maintained to minimize light trespass, direct glare and sky glow, as such is defined and provided for above and under no circumstances shall safety or security lighting operate continuously for more than three (3) minutes.
- b. Emergency lighting is exempt; provided such lighting is temporary and is discontinued immediately upon the abatement of the emergency necessitating said lighting.
- c. Security lighting should not shine on neighbor's homes. Wattage of Outdoor lights shall be kept to the minimum required to serve the purpose intended.

F. Fencing

1. Front property line fencing along the riding trail circuit shall be maintained by the Association. Driveway posts may be individualized to accent dwelling style with approval of ARC.
2. All fences must be approved for type, style or color by the ARC. Chain link and other wire fencing is discouraged and if permitted by the ARC must be vinyl coated or planted with irrigated vines of such a nature as to completely cover the fence.

G. Miscellaneous

1. Signs showing address designation and/or family marker signs are acceptable if signs are approved by the ARC.
2. All rubbish, trash, garbage or other inoperative or unusable objects shall be regularly removed from property. All rubbish containers shall be obscured from public view.
3. No portion of any antennae will be visible from any ground location outside of a structure, except satellite dishes less than two (2) feet in diameter.
4. No exterior clotheslines shall be erected in view of the public.

II. PLAN REVIEW

"No work on any new residence, guesthouse, out building, fence, wall, shed, patio cover, or other structure and no grading... shall be commenced, nor shall any addition, attachment, change or alteration be made to the exterior of any dwelling, including any fence or wall, or change of color...without the prior written approval of the Architectural Committee and compliance with any building codes or similar regulations or ordinances." CC&R, Sec 8.6

A. Conditional Review

1. For the purpose of obtaining constructive feedback regarding compliance with these Architectural Committee Rules for a proposed project, it is recommended that the applicant/owner request a meeting with the ARC prior to submission of the project to OJAI planning. The result of this ARC review is not binding on applicant or ARC and there is no fee for this service.
2. Request for conditional review of a project is accomplished by submitting short notes to the ARC on style and design of building and placement on lot. A pencil sketch, not to scale, and worded description are adequate. This is encouraged so that money is not spent on building plans that may not be approved.
3. Discussions should be held with the ARC before proceeding with formal construction or alteration documents for buildings, grading, fence, wall, pool, shed, patio cover, addition, attachment, change or alteration to be made to the exterior of any dwelling, or similar structure, including change of color.
4. Improvements not requiring OJAI permit such as, fencing, color change, minor changes during repairs etc. may be submitted to ARC for conditional review and approval at the discretion of ARC.

B. Preliminary Approval

1. Preliminary approval as defined under CC&R 8.12 applies only to a residential structure or guesthouse or outbuilding exceeding 700 sq. ft. This approval is considered following complete submission of preliminary architectural drawings, including elevations of the structure(s), accompanied by topographical plot plan showing location of dwelling(s), and a list of general specifications for exterior materials. The application shall not be accepted for review until all required documents and the inspection fee of \$150 is paid.
2. Once the application is accepted as complete, the ARC shall notify the owner and either approve or disapprove the plans, or request more information from the owner by written notice. Preliminary approval is valid for ninety (90) days. Failure of the ARC to

respond to the applicant/owner within thirty (30) days after receipt of the complete application shall constitute an approval.

C. Final Approval

1. A project to be accepted for review and final approval must include the following plans and materials which will be retained as a permanent record:
 - a. Plot plan, including location of all existing and proposed improvements, as well as possible future improvements which may be penciled in. For example: pool, guesthouse, barn, animal areas, etc.
 - b. Working drawings of floor plans
 - c. Working drawings of elevations
 - d. Engineering plan
 - e. Samples of exterior materials and colors
 - f. Grading plan with emphasis on drainage
 - g. Landscaping plan
 - h. Owners proposed construction schedule
 - i. Inspection fee of \$150.00, unless paid when seeking a preliminary approval (B.1)

D. Approval Schedule

1. *ARC shall grant the “requested approval only if:*
 - a. *The Owner shall have strictly complied with the provisions of Section 8.6 of the CCR,*
 - b. *The ARC shall find that the plans and specifications conform to these CC&R, and to the ARC Rules in effect at the time such plans were submitted to such Committee, and*
 - c. *The members of the ARC in their sole discretion determine that the proposed improvements would be compatible with the standards of the Persimmon Hill Community, and the purposes of these CC&R as to quality of workmanship and materials, as to harmony of*

external design and quality with existing structures and topography, and as to location with respect to natural topography and finished graded elevations.”

2. The ARC will respond in writing within sixty (60) days of receiving the complete submission of required plans, materials list and fee. Failure of the ARC to respond to the complete request for approval within sixty (60) days shall be deemed approval of project. The owner will be invited to attend the ARC meetings reviewing the proposed project.
3. Two or more ARC members will view the site. Applicants shall cooperate with requests for site access from ARC members or impacted neighbors.
4. If necessary, the ARC will send a list of required changes and/or suggested changes to the applicant. Applicant must sign and return any list of required changes to the ARC within thirty (30) days of receipt or plans are considered denied and reapplication is required.
5. When all requirements are met, a letter of approval will be sent to the owner with a copy to OJAI.
6. Approval is valid for a period of one year. Requests for extensions in writing will be considered by ARC. Changes made to approved plans must be re-submitted for approval. Depending on scope of changes, additional fee may be assessed.

E. Enforcement

1. During construction, the ARC may inspect the work to determine if it is in compliance with approved plans.
2. Upon completion of construction, the Owner shall notify the ARC in writing.
3. If the ARC finds the work is not in compliance with approved plans, it shall notify the owner of that fact within ten (10) days of the inspection or within sixty (60) days of receipt of completion notice by the owner, whichever come first.
4. If the work, which is not in compliance with approved plans, has not been corrected within thirty (30) days of notice by the ARC, the matter will be sent to the Board of Directors of the Association for review.
5. The Board of Directors, following hearing procedures, may find the work in compliance with the plans approved by the ARC, in which case action of the Board is final. If the Board finds the owner's project is noncompliant, then enforcement clauses of CC&R and applicable law take effect.

6. Violation of the ARC Rules is subject to enforcement and remedy by the Board of Directors, which may include at cost to the owner:

- a. Removal of noncompliant work
- b. Completion or replacement of noncompliant work
- c. Fines