

TOP O' TOPANGA
3360 North Topanga Canyon Blvd.
Topanga, CA 90290
March 2005
(updated August 2005 and September 2005)
Updated December 2010

ARCHITECTURAL AND LANDSCAPING SPECIFICATIONS

All homes must comply with Title 25, Division 1, Chapter 2 of California Code of Rules and Regulations (“Title 25”) and those standards contained in Top O’Topanga Rules and Regulations, these Architectural and Landscaping Specifications and any subsequent amendments to these referenced documents. These documents are available from the Manager upon request.

Please note that the words “Homeowner”, “Resident” and “you” are used interchangeably throughout the document. In these specifications, we have attempted to use the same definitions and terminology as we have used in our Community Operating Documents, including the CC&Rs (Conditions, Covenants & Restrictions). We have tried to be detailed in describing the Community’s requirements. It is, however, possible that we have unintentionally not specified some requirements or have not described them in full detail. If you have any questions, please contact Management for clarification before proceeding with any work. Also, in some cases the standard may be subjective, for example “quality” vinyl. When a standard such as this is used, the Architectural Review Committee (ARC) reserves the right in its sole and absolute discretion to determine if the Homeowner’s proposed plan and materials comply with this standard. Please read these specifications very carefully to make sure that you fully understand them.

All Homeowners must comply with these Architectural and Landscaping Specifications. A variance from these specifications may be granted if the Homeowner clearly demonstrates to the ARC that the proposed variance has such aesthetic or architectural merit that a variance is warranted. The ARC shall use reasonable discretion in determining whether to approve the variance request. A Homeowner has the right to appeal any decision to the Homeowner's Association Board of Directors. The process for appeal, including hearing rights, shall be the same as found in the Community Operating Documents. The Board of Directors will make a decision within thirty (30) days of hearing the appeal.

I. GENERAL REQUIREMENTS

1. The design, location and appearance of all home, yard, and all other improvements to the home or homesite (including accessory structures and equipment) must be approved by the ARC in advance, in writing, and be in accordance with these Specifications and Title 25.

2. A dimensional homesite plan of all improvements (including the home) to the homesite must be submitted for written approval before any work can take place. The ARC or its representatives must first make a physical inspection of the homesite and review a list of materials to be used. The plan is to be signed and approved by the ARC before the work commences. If required by law, permits must be obtained from the State of California,

Department of Housing and Community Development prior to work commencing. The Homeowner is responsible for obtaining any and all permits required.

3. Any installation of spas, pools, fountains or saunas requires that a plan with manufacturer's specifications be submitted to the ARC for approval.

4. Driveway, carport, patio covers and room modifications (i.e. site-built improvements) must be submitted in advance for approval to the ARC, along with structural plans and a list of materials to be used. Unless required by law, the permitted construction materials are wood, Hardi-Board, high-quality vinyl, stucco, glass, masonry, and metal. Any room additions must match the exterior finish of the existing structure including the colors of the finish and trim.

5. Landscaping must be done in accordance with the specifications detailed below and found in Section II. No trees may be removed without approval of the ARC. The ARC will consent to the removal of trees that are dead, dying, causing damage, are a maintenance problem, or represent a safety hazard to the residents of the Community. Replacement tree or trees are to be planted on the property as soon as possible - please see Top O' Topanga Plant and Landscape Guide for suggested tree list, available at TopOTopanga.com or On-site Manager's Office.

6. All exterior lighting project downward. No lighting project into or onto another unit. The maximum wattage of exterior lighting is 60 watts if tinted, and 40 watts if not tinted.

Low-wattage bulbs may not exceed these ratings on an “equivalent” basis. Use of CFLs (compact fluorescent lights) is encouraged.

7. Homeowner must diligently pursue the installation of the home and all of the other work and improvements required by these specifications and permits. Said work must be completed within 180 days of the close of escrow on the property or removal of the existing home. The foregoing includes all inspections and other approvals so that you may occupy the home at the end of the 180-day period. The home may not be occupied by anyone until governmental approval is received (i.e. Certificate of Occupancy). The only exception to the 180-day rule is the landscaping inside of the fence in the back yard. All yard drains and water controls, including those in the back yard, must be installed within the 180-day period of the home being occupied. Any changes to the original home and site plan or any other improvements including landscaping, accessory structures and equipment must meet all of the requirements of these specifications and be completed within 180 days of the date of the approval of the plans.

8. If a Homeowner does not commence their alterations, additions or modifications per their submitted and approved plans within six months then the architectural approval will no longer be considered valid. The Homeowner must resubmit a new architectural request package for review and approval.

9. All homes that are brought into the community must have two designated Architecturally (ARC) approved parking spaces that are wholly contained within the lot.

Any existing homes that are remodeled or modified will be required to retain a minimum of two designated parking spaces. No parking spaces shall be installed other than in front of a garage or contiguous to the house. All parking spaces must be hardscaped with materials that will not impact the common area through deterioration or migration. The use of loose fill materials such as gravel, sand, wood chips, etc., is strictly prohibited.

II. LANDSCAPING AND FENCING

The following are the Community's general landscaping and fencing standards.

1. Visible yard areas are to be landscaped with flowers, shrubs, grass, ground cover, or trees, as deemed appropriate (see Top O' Topanga Plant and Landscape Guide). This area may also be hardscaped with stone patios, walkways, etc., subject to written pre-approval by the ARC. Homeowner is to landscape approximately 20 to 40% of such areas. All of the area outside of a fence must be landscaped and maintained by the Homeowner. No plastic or artificial flowers, trees or bushes are allowed. High-quality artificial turf is acceptable, subject to ARC approval. Homeowner must make provisions to ensure landscaping materials do not encroach or migrate onto common areas.

2. Drought-resistant landscape principles, xeriscape, are encouraged. These principles include the following water-wise concepts: install your landscape in phases; limit turf areas and irrigate separately from shrubs and groundcover; group plants according to similar water needs; use low-volume drip irrigation in shrub areas; add organic material to your soils prior to planting for improved water holding capacity of the soil and to

provide additional nutrients to the plants; use mulches to cover and cool the soil, minimize evaporation, reduce weed growth and slow erosion; plant low water use plants, continue maintenance through pruning, weeding, proper fertilization, pest control and irrigation system adjustment.

3. Prior to planting, the ARC must approve, in writing, all landscaping plans. Trees and shrubs which have or may develop a large root or intrusive root system that could cause cracking, buckling or otherwise interfere with streets, driveways, utilities or other improvements or facilities, are not permitted. The Homeowner is responsible for trimming and maintaining all of the trees and other landscaping on their homesite.

4. Fencing is permitted but not required. Fencing may not extend past the front of the home or garage and must have a gate to the backyard for utility and fire fighting access. The location of the home, garage, and other improvements will vary as to location on the homesite and this will affect the location of the fence. The location and approval of the fence must be obtained from the ARC prior to installation. All approved fences that enclose areas and limit ease of access must have a gate. Decorative fences are allowed, subject to approval of the ARC. If the yard is to be fully enclosed, the Homeowner hereby acknowledges that the Association has a right of access to read meters and for any emergency maintenance requirements. The Homeowner must make arrangements in advance to have access immediately available during meter reading days each month. Back-to-back fences are not allowed.

5. Fences on a homesite which are adjacent to the Community's Common Areas such as slopes, parks, streets, or other Community facilities are the sole financial responsibility of the adjoining Homeowner to install, maintain and repair, unless the Homeowners Association owns the fence.

6. The ARC must approve in writing any irrigation system to be installed. The ARC shall take into consideration the principles of water conservation in making such a determination. Irrigation systems must be situated and operated such that water does not run into the street, onto a neighboring property, or onto a slope. The use of conservative watering methods such as drip lines and hand-watering is encouraged.

III. HOMES, ACCESSORY EQUIPMENT AND STRUCTURES

The Community's architectural standards for homes, accessory equipment, structures and other improvements are:

1. Homes and Garages:

a. Homes and garages must meet all of the requirements of the State of California Department of Housing and Community Development (HCD) and Title 25. Homes shall have a minimum of 1,000 square feet of living space. No home older than 10 years may be brought in to the community.

b. A garage is not required. However, if one is built, it must meet the following requirements: The garage must be site built. The garage roofline must match the roofline of the existing home. The construction material of the garage must be the same as the home and match the finish and color including the roof materials. The garage doors must be of sectional, roll-up design.

2. Home Installation: All homes must be on permanent foundations, which: (i) are approved by the HCD, and (ii) comply with Title 25. Although homes should be of a low profile nature, a dig-in foundation is not required. A portion of any dirt which may be excavated may be used to backfill and finish grade the homesite. At no time may dirt from the excavation be stored any place except on the homesite or elsewhere as specifically designated by Management. Excess dirt may require removal from the Community at Homeowner's expense. This may include the requirement to remove the dirt from the community. Any dirt, materials or equipment that interferes with the installation of another home must be moved immediately by the contractors, at the Homeowner's expense, regardless of whether or not Management agreed that it could be stored in a particular location. At no time, without Management permission, may dirt, material or equipment be stored and/or parked or otherwise located on lots or streets.

3. Prior to installation of a new home, Homeowner must move utility lines out from under the footprint of the home, garage, and driveway.

4. Two-Story Homes: Two-story homes are permitted in the Community subject to approval by the ARC. There will be no two-story homes approved on perimeter lots. (See Onsite Manager for list of perimeter lots.) In determining whether to approve a two-story home, the ARC will consider, among other factors, the impact the two-story home may have on other units. Any items on the second story that are visible from the street or common area are subject to “Lot Care Standards” and found in the Rules & Regulations. Permanent and semi-permanent structures, e.g. gazebos, cabanas, sail cloth, retractable awnings, etc. must be approved by ARC prior to installation.

5. Rain Gutters and Drainage: All homes and garages must have rain gutters and/or adequate concrete grade gutters to contain and direct the run-off away from the home to the street. Down spouts are to direct the flow of water to the yard drains in a manner that prevents surface flooding and must follow gravity flow to the street. All drainage from the homesite must be constructed in a manner that does not flood or direct water on to other homesites and slopes. Homeowner will not alter, under any circumstances, the drainage of the homesite so that a negative flow results. All downspouts and gutters must be finished or painted to match or complement the color scheme of the home.

6. Setback requirements: The minimum home setback requirements are 3 feet from the side property boundaries, 5 feet from the rear boundary, and 3 feet from the front lot line. The Homeowner will confirm all homesite corners and will locate the home on the homesite in order to maintain proper setbacks, eliminate encroachments, and minimize any physical complication that may occur due to slopes, existing utility locations or other

physical considerations. In the event there is a conflict with existing utility/service lines or prior construction materials of situations during the development phase to a homesite, it is the responsibility of the homeowner to resolve them at their expense.

7. Colors and Materials: To ensure architectural and aesthetic integrity in the Community, all surfaces of improvements, accessory equipment and structures, are to be painted or finished in matching or complementary colors. Prior to starting work, the ARC must approve, in writing, any and all selections. Please see Community's pre-approved Exterior Color Palette, available at the Community Management Office.

8. Exterior Finishes: All homes and accessory structures must be surfaced with a non-combustible material such as stucco, fiber cement board siding, metal, etc. All accessory structures must be painted a color matching or complementary to the home and garage.

9. Roofs: Garages and other structures attached to the home or garage must have roofing materials that match the style, material, and color of the home and be Spanish-style tile, concrete tile, composition shingles, or metal roofing.

10. Surfaces: A concrete, wood, Trex (or similar material) step, or metal walkway or handicapped ramp must be provided at the front door entrance. Concrete or paved driveways must be installed from the garage door to the intersection with the street and be a minimum of three inches wider than the garage door on each side. All driveways, sidewalks and any other concrete (or similar) surface must provide adequate drainage to

the homesite drain system or to the street. The garage floor shall also be concrete and shall slope a minimum of 2 inches from the back of the garage to the front and provide a smooth intersection with the driveway. All concrete areas shall be a minimum of 3.5” thick over a sand base or reinforced with steel-wire mesh. There shall be expansion joints installed in all concrete flatwork as appropriate to prevent cracks and breakage.

11. Storage sheds: Homeowners may have up to two storage sheds whose combined square footage does not exceed 120 square feet. All storage sheds must be painted or stucco finished in a matching or in a complementary color of the home. Storage sheds must be constructed of non-combustible materials and subject to the ARC approval, in similar standards as the construction of the home and must be the same roof design as the home. Any electrical service in the storage shed must have a permit from the State of California, Department of Housing and Community Development, and be designed so as not to overload the house circuits. The ARC shall take into consideration the effect the height of a shed has on the aesthetics of the home and the Community in determining whether to approve it.

12. Air Conditioners: All air conditioning condensers or coolers, including evaporative “swamp” coolers, must be installed on the ground and not on the roof. If the air conditioner is to be located at the front or side of the house, it must be camouflaged with fencing or landscaping. Air conditioners and coolers should be located where they have the least visual and audible impact to neighbors. Drippings or flow from the air conditioner must be drained away from the home and may not fall or puddle on the

ground beneath the home. All window AC unit must be approved by ARC in writing prior to installation.

13. Only the following exterior antennas are permissible: 1) an antenna or satellite dish that is designed to receive direct broadcast satellite service, that is one meter or less in diameter; 2) an antenna that is designed to receive video programming services via multipoint distribution services, including multi-channel multipoint distribution services, instructional television fixed services, and local multipoint distribution services, and that is one meter or less in diameter or diagonal measurement; or 3) an antenna that is designed to receive television broadcast signals. Exterior TV antennas and dishes should be discreetly located out of view from the street if this can be done without significant expense or interference with the signal. Whenever reasonably possible, a dish or antenna that must be visible from the street should be colored or shielded to be inconspicuous.

14. Utilities: All utility meters must be accessible by Community Management for reading and servicing. All utility extensions will be in accordance with approved drawing and be installed in accordance with the required permits and codes. Due to safety and health requirements and to protect the Community's electrical system, all home connections to the main electrical system shall be performed only by Management or our subcontractors because the lines are "live" and "hot taps" are required.

15. Site Preparation: Site preparation plans must be submitted to the ARC for approval prior to starting construction and appropriate building permits must be obtained from the

State of California, Department of Housing and Community Development and a copy of the permit must be given to Management for your file. Certain homesites may require extraordinary excavation, installation of retaining walls and other improvements, including the relocation of utility and services in order to install the home. Work may be required to establish adequate drainage to protect your homesite or of the adjoining homesites, slopes and adjacent property outside of the Community. In addition, all lots with a downslope are required to obtain and provide a geology and soils report. It may also be necessary to remove asphalt overflow that encroaches on the site. If the work required is in the Common Area, then it shall be a common expense, to be paid by the Homeowners Association. The ARC reserves the right to not approve a home that due to its size and/or location will be too costly for the Homeowners Association to do the Common area work required to place the home on the lot. The aforementioned plans, permits and all liabilities are the responsibility of the Homeowner.

16. Building Permits: Building permits are required before installation and construction of any manufactured home, certain accessory equipment and buildings, which must comply with all Federal, State and local laws and ordinances. All repairs, replacements and additions must comply with all applicable laws and regulations.

IV. SPECIFICATIONS

Specifications and documents referenced in these specifications are incorporated by reference. Subject to the terms of the Community Operating Documents, if applicable, and the law, Top O' Topanga which shall mean the Top O' Topanga Community

Association, Inc. (aka "HOA") may change any of these specifications. Subject to the terms of the Community Operating Documents and the law, any such change(s) may occur at any time and at Top O' Topanga's sole discretion and option. This includes, for example, changes in the landscaping specifications, for homesites without landscaping and the architectural style, appearance, or size of homes and accessory buildings to be placed on unoccupied homesites.

V. CONTRACTOR AND SUB-CONTRACTOR REQUIREMENTS

1. All contractors, sub-contractors, and/or any other licensed individuals that are hired to do work on any lot, except for emergency health and safety repairs, must meet and comply with the requirements outlined in this section. If they do not, they will not be allowed to do the work and must promptly remove themselves, all their equipment and materials from Top O' Topanga. For convenience and ease of reference, only the word "Contractor(s)" is used in the following paragraphs to refer to all such contractors, sub-contractors or others performing any work required by these specifications. It is the sole responsibility of the Homeowner to ensure that their contractors comply with regulations.

2. No work, including delivery or removal of materials/equipment or other tasks, which would cause noise or other disturbances, may begin before 7:00 a.m. All said work must cease no later than 7:00 p.m. The foregoing applies to work scheduled Monday through Friday. Work hours on Saturday will be 8:00 a.m. to 7:00 p.m. No work is allowed on Sundays or Federal Holidays.

3. Contractors are required to completely clean up the homesite and the streets in front of the homesite each day before stopping work. The intent of this requirement is to preclude creating a sustained problem for the Residents in the surrounding homes or traffic access.

4. All equipment, tools, and vehicles belonging to the contractor must be removed from the flow of traffic and secured on the homesite under construction, on other designated areas or removed from the Community when outside of contractor hours specified in Section 2 above. Equipment, tools, vehicles and other associated items must be maintained in good condition and repair so that they may be safely operated. Contractors must supply their own trash container service and portable sanitary toilet facilities. Contractors must also supply proper caution signs and safety devices around the construction area.

5. For any work, including the placement of a new home, which requires a permit or approval from a governmental authority, only licensed contractors that are fully insured are permitted. Liability and property damage insurance with a minimum of \$1,000,000 per occurrence coverage is required for each contractor. Homeowner is responsible for selecting contractors who will perform to these specifications. If the contractor selected fails to perform, Top O' Topanga will have no responsibility to the Homeowner.

6. The Homeowner is responsible for all damage to property and injury to all persons, Residents, visitors or Guests at Top O' Topanga during the performance of the contracted work.

7. The Homeowner is required to provide Management with not less than 48 hours prior notice of a Contractor coming to work at the property and provide a general description of the work to be undertaken.

VI. PAYMENT TO TOP O' TOPANGA HOMEOWNERS ASSOCIATION FOR INSPECTIONS AND RELATED WORK

The ARC shall be permitted to charge a reasonable fee for undertaking its duties pursuant to the Community Operating Documents and these Architectural and Landscape Specifications. Notwithstanding this provision, upon the first submission of plans for approval, there will be no charge unless the ARC engages third parties to assist in determining whether to approve the submission. Thereafter, the ARC may charge up to \$100 for review of each subsequent submission, depending on the scope of the submission and the work undertaken by the committee. Within Thirty (30) days following completion of the work on your home or homesite, which has been approved in writing by the ARC, members or representatives of the ARC shall review the work to ensure that it was properly completed. In the event that the ARC determines that the work was not completed in compliance with the approved plans, it shall provide written notice to the Homeowner of the corrections required and Homeowner shall make such

corrections as soon as possible but in no event more than sixty (60) days from receipt of the notice from the ARC. If such corrections are not made in a timely manner, Homeowner shall be in violation of these Architectural and Landscape Specifications. In that event, in addition to other remedies it may have under the law and the Community Operating Documents, Top O' Topanga may but shall not be obligated to, make the necessary corrections at Homeowner's expense. In that event, the charge shall be in an assessment billed to the Homeowner.

The ARC, in reviewing plans, does not intend to engage professional engineers or other professionals to determine if the work proposed by the Homeowner will pose an undue health and safety risk. It shall be the sole responsibility of the Homeowner to engage all professionals needed for such determinations. The ARC, its members and the HOA shall be released from all liability related to any decision the ARC made, unless such decision was made in bad faith. Homeowner shall indemnify and defend, with counsel of the Indemnified Parties (as defined below) choosing, the HOA, the HOA's officers and directors, the ARC and the ARC's member (collectively the "Indemnified Parties") from any and all claims, causes of action or damages related in anyway to a decision to approve or disapprove proposed work pursuant to these Architectural and Landscape Specifications. These indemnification rights are in addition to any rights to indemnification found in the Community Operating Documents.

In the event that the ARC disapproves of proposed work due to health and safety concerns, then the Homeowner has the option of engaging an engineer or other

professional, provided that the third party professional is not an affiliate of Management, to determine if the proposed work will meet the health and safety guidelines of these Architectural and Landscape Specifications, the Community Operating Documents and the law. The cost of this professional shall be paid solely by the Homeowner proposing the work. The third party may, but shall not be required to, make recommendation to the proposed work, so that it will comply with these standards.

If the denial of the work is due to aesthetic or concerns other than health and safety, as provided for in these Architectural and Landscaping Specifications, the decision of the ARC shall be final. The Homeowner's right to challenge such a decision shall be as provided for in the Community Operating Documents and the law. If appealed, the Board of Directors will make a decision within thirty (30) days of hearing the appeal.

A check for \$1,500.00 payable to the Association must accompany the architectural application to cover the cost of a new, changed or relocated gas, electrical, water or sewer lines and meters. Applicants are responsible for connections between the utility meters or ends of the utility lines. The Association will refund any difference should the charges be less than the deposit; conversely, the applicant agrees to reimburse the Association for actual charges over the deposit amount. No utility lines can be located under any home. The relocation of any line will be the responsibility of the applicant.

It is hereby acknowledged that any exterior modifications done without prior written approval by the Top O' Topanga ARC Committee will be subject to fines of up to \$2,500.00 per infraction levied by the Homeowners Association.