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**Design Guidelines**  
**for**  
**Pinnacle Estates**

**EXHIBIT**

"B-4"



## **1. DESIGN REVIEW PROCEDURES**

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Site sensitive, contextual design will be fundamental at Pinnacle Estates ("The Pinnacle"). Design drawings should evolve from the careful and thorough analysis of a site's specific setting, views, topography and natural features. Therefore, Owners and their designers should avoid approaching a site with a predetermined design expecting to "make it fit," with little regard to natural features.

*Most of the Lots at The Pinnacle are steeply sloping "hillside" Lots where the siting of building pads, the determination of grades, the location and design of retaining walls, and the careful handling of cut and fill slopes are of critical importance.*

Under the terms of the Declaration of Covenants, Conditions and Restrictions of Pinnacle Estates (the "Declaration") The Pinnacle has established this review procedure to assist the applicant through the design process. Plans and specifications shall be submitted to the Architectural Committee in accordance with the following submittal requirements and review procedures. The capitalized terms used in these Design Guidelines have the same meaning given to such terms in the Declaration, unless the text of these Design Guidelines state otherwise.

### **1.1 PRE-DESIGN CONFERENCE**

Prior to preparing preliminary plans for any proposed improvement, it is mandatory that the Owner, architect/designer and/or builder meet with a representative of the Architectural Committee on site to discuss proposed plans and to resolve any questions regarding building requirements at The Pinnacle. This informal review is intended to offer guidance prior to initiating preliminary.

### **1.2 PRELIMINARY DESIGN SUBMITTAL**

A Preliminary Design Submittal must follow within twelve months of the fulfillment of the requisite Pre-Design Conference. When the Preliminary Design is complete, its submittal for consideration must include all of the following exhibits. Review by the Architectural Committee will not commence until the submittal is complete.

1. Survey (scale at 1" = 10' or as agreed) by a registered land surveyor or licensed civil engineer showing Lot boundaries and dimensions, existing topography (2 feet contours or less) major terrain features, edge of pavement or curb, and utility locations.
2. Site plan (scale at 1" = 10' or 1" = 8"), showing the entire property, location of the proposed building envelope, the residence and all structures, driveway, parking areas, existing and proposed topography SHOWN AS EXISTING AND FINISHED CONTOUR LINES AT AN INTERVAL OF 1 FOOT, proposed finished floor elevations, limit of disturbance, and special terrain features to be preserved.

3. Floor plans (scale 1/4" or 1/8" = 1'-0") showing proposed finished floor elevations and the layout of all structures.
4. All exterior elevations (scale 1/4" or 1/8" = 1'-0") showing both existing and proposed grade lines, plate heights, ridge heights, roof pitch and a preliminary indication of all exterior materials and colors.
5. If the Committee deems it appropriate due to slope considerations or complexity of design, a study model may be required (same scale as site plan), which accurately depicts all the proposed improvements and their relationship to the site.
6. Any other drawings, materials or samples requested by the Architectural Committee.

The submittal shall consist of two sets of prints, one of which shall be retained by the Architectural Committee and the other returned to the Owner with "redline" comments and a letter from the Architectural Committee.

### 1.3 PRELIMINARY DESIGN REVIEW

The Architectural Committee will typically review the plans and respond in writing no later than 30 calendar days after a submittal is accepted as complete.

The results of reviews will not be discussed over the telephone by members of the Architectural Committee.

Any response an Owner may wish to make regarding the results of a design review must be addressed to the Architectural Committee in writing.

The Architectural Committee's approval of a preliminary design is valid for twelve months.

### 1.4 FINAL DESIGN SUBMITTAL

A Final Design Submittal must follow within twelve months of the Architectural Committee's approval of a preliminary design. When the final design is complete, its submittal must include the following exhibits. Review by the Committee will not commence until the submittal is complete.

1. Site plan (scale at 1" = 10' or 1" = 8') showing the entire property, location of the building envelope, the residence and all structures, driveway, parking area, existing and proposed topography, finished floor elevations, limit of disturbance, all protected plans or special terrain features to be preserved, trees to be removed, all utility sources and connections, and site walls.
2. Floor plans (scale 1/4" = 1'-0") showing finished floor elevations.

3. Roof plan (scale 1/4" = 1'-0") showing all roof pitches.
4. Building sections (two at scale 1/4" = 1'-0" or larger), indicating existing and proposed grade lines.
5. All exterior elevations (scale 1/4" = 1'-0") showing both existing and proposed grade lines, plate heights, roof pitch and an indication of exterior materials and colors.
6. Paint chips and literature as requested by the Architectural Committee depicting and describing all exterior materials.
7. Complete landscape plan (scale 1" = 10' or 1" = 8'), showing size and type of all proposed plants, revegetation seeding and methods, irrigation system, all decorative materials or borders, and all native plants to be salvaged and re-used.
8. On-site staking of all building corners and other improvements, if requested by the Architectural Committee.
9. Construction Site Plan as described in paragraph 4.3.

The submittal shall consist of two sets of prints, one of which shall be retained by the Architectural Committee and the other returned to the Owner marked "approved" and carrying any final "redline" design changes, which shall be kept on the site during construction.

#### 1.5 DEFERRAL OF MATERIAL OR COLOR SELECTION

An applicant may wish to delay the confirmation of landscape design and final color or stonework selections until some time after the start of construction, in order to better visualize landscape considerations, or to test an assortment of potential colors with actual material intended for use. The Architectural Committee will cooperate with the applicant in this regard, provided that no landscape work may be started, nor color or material applied, until such time as the Committee has had the opportunity to review and consent to the final selections. We advise that the resubmittal should occur before the placement of any orders for materials to avoid potential costs in the event of denial of the submitted item(s). Further, the provision stated here shall be a condition of Final Design Approval; therefore application of any material, coating or finish without the requisite resubmittal to the Architectural Committee shall have the effect of voiding the approval.

#### 1.6 SITE INSPECTION

A representative of the Architectural Committee may inspect the site to verify conditions.

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**THE DEVELOPMENT ENVELOPE BOUNDARY MUST BE FENCED AND UNDISTURBED DURING CONSTRUCTION.** Owner must identify and fence the envelope boundary as follows:

1. The line appearing on the Plat, including the driveway access route, must be surveyed-in by a licensed surveyor and marked by stakes at no less than 50 ft. intervals.
2. Notify the Architectural Committee and have the envelope field-reviewed. At this time, the owner may propose modifications to the shape of the envelope. The area of the envelope must remain the same.
3. Prior to the start of ANY construction activity, including grading, trenching and clearing, install a steel-post-and-wire fence along the entire envelope perimeter except for one 20 ft. access gap meeting the street. The fence must be min. 48" high, mesh maximum grid of 6"x6", minimum 16 gage wire, fence posts at max. spacing of 15 ft.
4. This fence must remain in place until all construction is completed and a certificate of occupancy is issued.
5. Variation from these requirements may result in fines or a stop-work order.

## **2.2 SITE WORK**

Great care must be taken in designing the site improvements to avoid:

- o Undue adverse visual impact on surrounding Lots
- o Surface erosion
- o Erosion affecting neighboring properties
- o Unsafe conditions prone to slippage or structural failure

## **2.3 GRADING AND DRAINAGE**

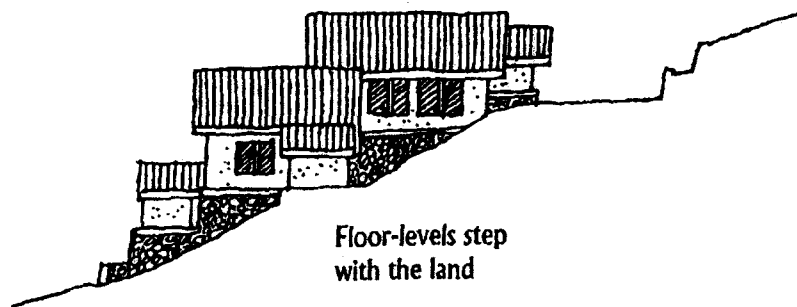
Site grading and drainage must be in accordance with approved grading and drainage plans for each Lot. Site grading and drainage must occur with minimum disruption to the Lot, without altering natural drainage patterns as runoff leaves the Lot, and without causing conditions that could lead to significant soil erosion. In some cases, the Architectural Committee may allow the re-routing of a portion of a drainageway within the boundaries of the Building Envelope. This will be considered on a case-by-case basis.

It may be necessary to export surplus cut material from the Lot, and the Architectural Committee may require this for aesthetic reasons and/or to limit the extent of grading impacts.

Surface drainage upon and across any Lot must be addressed through the implementation of sound construction and grading practices. Any improvement which creates an obstruction to surface flows resulting in a back-up of storm waters onto a neighboring Lot or tract is strictly prohibited.

Ground floor levels should be established at a vertical elevation such that the final placement of backfill, walks, drives, and porches will produce a positive drainage away from the structure in all directions. The inclusion of foundation waterproofing and a perforated pipe foundation drainage system are recommended along uphill and sidehill foundation walls on hillside Lots.

Residential designs for any Lot with a surface slope of more than 10:1 (ten feet horizontal to one foot vertical) must incorporate slope into the design solution, so that the proposed structure steps up or down with the natural slope. Artificial terracing of sloped sites to create an engineered pad to accommodate a "flat Lot design" will not be allowed. See Figure 2.1.



*Figure 2.1, Building on Sloping Lots*

## 2.4 ACCESS DRIVES

Each Lot may be accessed by a single driveway only. Access drives shall be located to preserve and avoid important natural features, such as drainage-ways and rock outcroppings, so as to minimize disruption of the existing landscape. Drives shall be field-staked for review by the Architectural Committee or its designee, and shall be sited to avoid excessive cut and fill, adverse visual impacts, and other undue disturbance.

The graded or paved surface of an access drive shall not exceed 14 feet in width (unless a wider surface is required by city code) where it crosses the road right-of-way and the front setback of the Lot. The proposed driving surface is subject to approval by the Architectural Committee. Driveways must be integrally colored exposed aggregate concrete, integrally-colored concrete or brick pavers. On steeply sloping drives, a well-drained textured surface is highly recommended. No uncolored concrete or asphalt is permitted. A concrete or ADS-type black PVC culvert pipe, with a diameter of 18 inches or greater, shall be installed where necessary beneath each access driveway, between the road shoulder and the property line, unless otherwise approved by the Architectural Committee. If concrete is used the visible ends must be darkened by "Permeon" or other

approved stain. In some cases an 18-inch pipe may be too large to install due to site conditions. If this is the case, the Architectural Committee will consider an alternative. The invert flowline of the pipe shall be aligned and sloped so that storm flows will continue unimpeded beneath the driveway crossing. The exposed ends of the pipe shall be aesthetically finished with stone headwalls approved by the Architectural Committee. A construction detail of the headwall shall be part of the final design review submittal.

## 2.5 ON-SITE PARKING

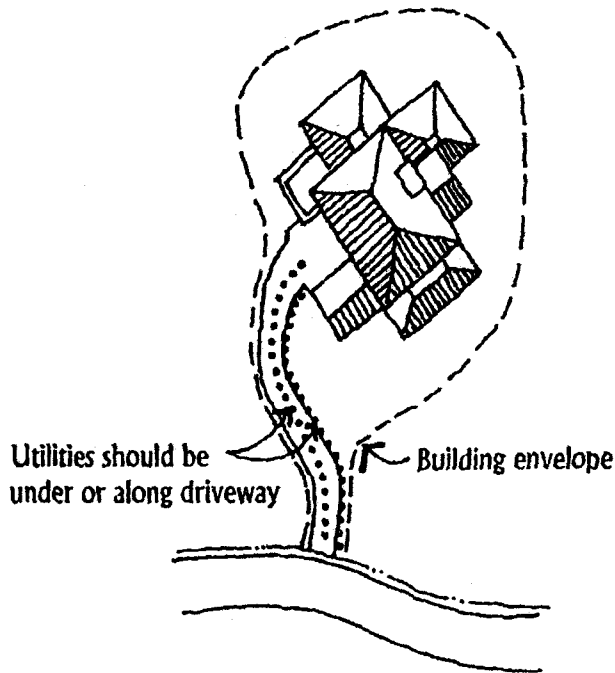
Each Lot must have an area for the parking of at least two guest automobiles within the building envelope, outside of all required setbacks. Homeowners who possess trucks, buses, motor homes, campers, boats, trailers, motorcycles or any other motorized vehicle other than a conventional automobile, must store or park such vehicles within an enclosed garage so as to be completely hidden from view. Open parking of a motor home or other recreational or commercial vehicle, object or bus is prohibited within The Pinnacle.

No on-street parking on the Private Street (as defined in the Declaration) will be permitted at The Pinnacle.

## 2.6 UTILITIES

Utility services are stubbed to the front property line of each Lot. Sewer, electricity, telephone and cable television service locations are clustered in a utility easement located on each Lot. The extension of services from these stub locations to the residence shall be the responsibility of each Owner, and shall be routed to minimize disruption to the natural landscape, following the alignment of the driveway unless otherwise approved by the Architectural Committee. Utility trenches may not encroach into any required setback except where they cross the front setback between the service tap and the building envelope. In most cases, this should be done where the driveway enters the property. *See Figure 2.2.*

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**Figure 2.2, Utility Routing Along Driveway**

All disturbed areas of the site must be restored to a natural condition through all of the following procedures:

- Hydroseeding with an approved seed mix.
- Treating disturbed rock with "Permeon" or other approved staining agent.
- Temporary watering system(s) to water hydroseeded areas until plants are established.
- Re-planting of salvaged native plants.

Information regarding current tap and service fees, as well as connection procedures, may be obtained by contacting the respective utility companies.

Connecting to The Pinnacle waste water system may require special construction due to steepness of slope, elevation change or other factors. The Architectural Committee will supply information provided by the waste water system engineer.

## 2.7 WALLS AND FENCING

Site walls or fences must appear as visual extensions of the residence, using harmonious materials and finishes. In no case will site walls or fences be permitted to arbitrarily delineate the building envelope, although it is understood that such walls or fences may define pet runs or small yards, courtyards or terraces in close proximity to the residence for the purpose of privacy. Privacy or screen walls must not exceed eight feet in height, measured from exterior finished grade.

NOTE that any wall or fence that forms part of a pool or spa enclosure must meet current city and county requirements for pool safety enclosures.

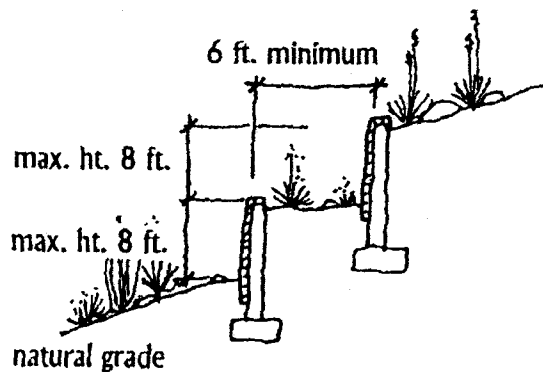
Retaining walls and free-standing walls must be finished with natural stone or artificial stone approved by the Architectural Committee.

The use of ornamental iron or other metal fencing is subject to approval by the Architectural Committee. Chain link exposed galvanized steel, exposed concrete block, and wire fencing are prohibited.

Fencing must be painted a dark hue approved by the Architectural Committee.

Both walls and fences should be stepped in the horizontal plane, so that no straight runs exceed 30 feet; this is a guideline that can be reviewed by the Architectural Committee.

Structural retaining walls may not exceed an above natural grade height of eight feet. Multiple terraced retaining walls must be utilized where the overall height of retained earth exceeds eight feet. Where multiple retaining walls are used, each tier must be separated by a 6' planting area. Tiered retaining walls cannot exceed 16 ft. above natural grade unless approved by the Architectural Committee and allowable by city code.



Stepped retaining walls

*Figure 2.3, Retaining Walls*

Retaining walls may be constructed of cast concrete, concrete masonry units or natural stone; however, all exposed surfaces and edges must be real or synthetic stone veneer.

## 2.8 OUTDOOR STORAGE

Outdoor areas housing trash containers, maintenance or service equipment such as snowblowers, etc., or overflow storage shall be screened from all adjacent properties by a wall

conforming with Section 2.7. Firewood may be stored in an unscreened area provided it is neatly stacked in an inconspicuous location.

## **2.9 MECHANICAL AND ELECTRICAL EQUIPMENT**

No exposed visible roof mounted or wall mounted mechanical equipment will be permitted. Whenever feasible, exterior mechanical equipment must be ground mounted adjacent to the residence and hidden from view by walls of sufficient height to hide the equipment. The equipment and enclosure must be contained within the building envelope. Equipment must be placed with consideration to the adjacent Lot, so as to minimize noise intrusion on the outdoor living spaces. All electrical meters must be screened from the street and adjacent Lot with a wall or permanent screen of sufficient height.

## **2.10 STORAGE TANKS**

All fuel tanks, water tanks or similar storage facilities must be shielded from view by walls or installed underground, EXCEPT that underground tanks for fuel, solvents and other hazardous liquids are prohibited. All propane storage tanks shall be buried or screened from view by solid walls.

## **2.11 ANTENNAS AND SATELLITE DISHES**

Electronic equipment for receiving or transmitting communications is allowed but MUST be reviewed by the Architectural Committee prior to installation, and shall be located so that it is not Visible From Neighboring Property. Such equipment must be painted a color matching house colors or materials. No satellite dishes, television or radio aerials or antennas may be installed that are not adequately screened from the road or adjacent Lots. This includes screening from view from upper windows of adjacent Lots. No satellite dish may be installed that is larger than 24 inches in diameter. Any screen wall is subject to design review approval and must be an integral component of the house design.

## **2.12 SIGNAGE AND ADDRESS IDENTIFICATION**

Address identification is required for each residence and must conform to the standard design provided by the Architectural Committee.

No additional signage of any kind will be permitted, except temporary construction signs by each builder and directional and street signs provided by the developer. Real estate sale or lease signs are prohibited.

## **2.13 LIGHTING**

Low-level, low voltage lighting of the address and of the driveway is required, subject to Architectural Committee approval. Driveway lighting must be of the "Malibu" type with

a maximum height of 24 inches above grade. Allowable fixture colors are verdigris copper-patina, metallic copper, dark bronze and black. 12-volt quartz halogen MR-16 lamps are recommended.

Additional site lighting is permitted within the building envelope, provided such lighting does not result in excessive glare toward the street or neighboring properties. All exterior lighting must have the source of light fully shielded and directed downward, and is subject to approval by the Architectural Committee. Security lighting must also comply to the shielding requirement and be connected to a timer or motion detector.

#### **2.14 SWIMMING POOLS AND SPAS**

Swimming pools and spas must be designed as a visual extension of the residence through the use of walls or patios and should be shielded from view. All pumps, motors, and heaters must be fully screened from view from the street and adjacent properties. NOTE that the Owner is responsible for conforming with current city and county requirements for pool safety enclosures.

#### **2.15 TENNIS, SPORT COURTS, AND BASKETBALL GOALS**

Tennis courts and other large sport courts are discouraged due to the steepness of the topography, but may be permitted with Architectural Committee approval. Lighting of tennis and sport courts is of special concern, and low-height, fully shielded light sources are mandatory. The Association may establish hours of lighting and require lighting to be turned off after a specific time.

Wall-mounted or free-standing basketball goals may be allowed subject to Architectural Committee approval. Support posts of a freestanding basketball goal shall be painted to blend unobtrusively with its visual backdrop surrounding, and the backboard must be clear.

#### **2.16 PLAY STRUCTURES**

Play structures, trampolines, play houses, swing sets, slides, or other such devices are allowed only when the application is made in advance with the Architectural Committee. Approval for such equipment may be given when it is placed within fenced rear yard areas, is constructed and finished with materials which are complementary to the structure, is limited in height to eight feet or less unless the equipment is not visible from adjoining Lots, and uses subdued colors. Timber and dark-colored metal structural components are encouraged.

#### **2.17 REVEGETATION AND REMEDIATION OF DISTURBED GROUND**

Owners must re-vegetate all ground disturbed by construction or other activity, both within and outside of the building envelope. The Owner is responsible for the establishment of vegetation within 3 months of occupancy or 3 months from the start of a

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season suitable for planting. Disturbed natural areas (areas outside the building envelope and along the driveway) must be revegetated only with native species and must be watered until vegetation can survive on natural rainfall. Specifications for a recommended revegetation seed mix is available from the Architectural Committee.

Re-naturalization of disturbed ground will consist of:

- Hydroseeding of native seed mix
- Watering using surface sprays until vegetation can survive without watering
- Re-placement of surface rock to create an appearance resembling undisturbed adjacent ground
- Applying "Permeon" or other approved stain to disturbed rock to re-establish a natural oxidized appearance.
- Planting salvaged native plants.

## 2.18 PRIVATE AREA

The private area is that part of the building envelope which is screened from view from adjacent Lots and the street by site walls or structure, within which an Owner may create as varied a landscape as desired, provided that no plants with a mature height of 20 feet or more are allowed unless they appear on "*Plant List, The Pinnacle.*"

## 2.19 APPROVED PLANT LIST

"*Plant List, The Pinnacle*" lists the allowed species of plants. Owners MUST submit a landscape planting plan prior to installation for Architectural Committee approval. Plants not on the approved list may be allowed by exception only with the approval of the Architectural Committee.

The purposes and intent of regulating landscape planting include:

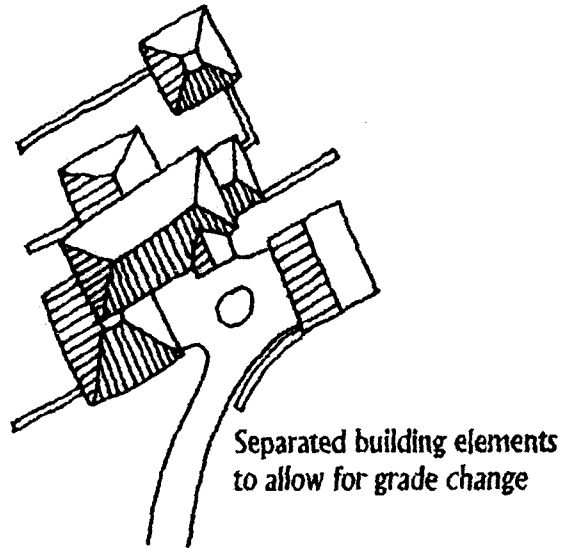
- Preventing the use of large trees that may block views
- Establishing a definite community character, especially in the most visible portions of the Lot, expressed through a common landscape theme
- Avoiding highly exotic species such as Italian Cypress or Purple Leafed Plum that have no relationship to the El Paso region
- Preventing the spread of invasive plants
- Promoting the use of plants that can withstand the harsh hillside growing conditions found at The Pinnacle

## 2.20 PROHIBITED PLANTS

All species not appearing on the approved plant list are prohibited, unless allowed by exception by the Architectural Committee.







**Figure 3.1, Detached Structures**

### **3.2 PREFABRICATED BUILDINGS**

No building that is constructed off-site and requires transportation to any Lot, whole or in partial assembly, will be permitted, includes mobile homes, stock modular buildings, or any other structure requiring transportation and set up in a partially completed state.

### **3.3 HEIGHT AND MASSING OF STRUCTURES**

No portion of a structure (except for chimney elements) may exceed a true vertical height of 35 feet above original natural grade directly below (or as stipulated in the city-approved development plan), but in no event higher than the height limitations prescribed in the applicable municipal ordinances, and must be stepped to conform to steep slopes. On difficult steeper Lots, where the average slope across the footprint of the proposed structure exceeds 15%, the Architectural Committee may allow additional height for a limited unobtrusive ridge projection at its downslope terminus. Roof forms for homes on sloping sites must step down with the grade to integrate with the natural grade.



### 3.5 EXTERIOR MATERIALS

A variety of architectural styles is encouraged, but exterior materials used at The Pinnacle are limited in order to create a sense of unity and identity.

Encouraged exterior materials, subject to Architectural Committee approval:

- Natural Stone
- Synthetic (faux) stone
- Painted Stucco, dark/earth color ranges
- Integrally-colored cast concrete in earth color ranges (this should not be the dominant exterior material)
- Wood trim, framing and detailing
- Vinyl window framing is allowed subject to Architectural Committee approval.

Prohibited materials:

- Plywood, chipboard and board-and-batten siding
- The use of metal siding, fiberglass siding, vinyl siding, plastic or asbestos siding is prohibited. The Architectural Committee may consider on a case-by-case basis some high quality composition siding products, which in the opinion of the Architectural Committee would be virtually indistinguishable from their natural counterparts.
- All exterior surfaces including gutters, chimneys and their covers, and window frames are to be finished or painted. Unfinished metallic exterior surfaces are not permitted.
- The use of brick or textured masonry block as an exterior finish material will be considered on a case-by-case basis, and shall be limited to accent segments of the building facade.
- Simulated or cultured stone will only be allowed when in the opinion of the Architectural Committee the product and pattern proposed for use resembles its natural native counterpart to the degree that it will not appear artificial.
- Reflective glass is prohibited.
- Colors not approved by the Architectural Committee are prohibited.

### 3.6 ROOFS

The profile and articulation of the roof should be sufficiently irregular to break up any appearance of "boxiness" or disharmony with the topography. Expansive roof structures shall be articulated by way of gable or shed dormers. Overhangs with a minimum horizontal projection of 18 inches shall be provided at all sloping roof edges. Covered terraces or porches must be fully integrated into the design of the house. See Figure 3.6.

The roofs of all two-story homes should include single-story elements. For both one and two-story residences, the roof profile should be richly varied, including individual masses of sufficient size, in plan and elevation to convey the desired result. The higher masses should generally occur toward the center, with the lower profiles occurring toward the outer portions of the house.

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Residences at The Pinnacle will have pitched/gabled roofs with the exception that up to 1/3 of the horizontal roof area may be flat. Flat roofs without parapets will be allowed, but only when the design of the fascia presents an edge of sufficient dimension and character.

The predominant roof material at The Pinnacle is to be flat, earth-colored (brown, terra cotta, tan or gray color ranges) concrete roof tiles. Other colored roof tiles (e.g. red, green, blue) will not be allowed. "Mission" barrel tiles and colored standing-seam metal roofing, including non-reflective copper roofing, will be allowed only with the approval of the Architectural Committee.

Flat roofs must be finished with a colored aggregate ballast or cap sheet matching the walls or other roof materials of the residence. All roof-top mechanical equipment must be fully screened from view.

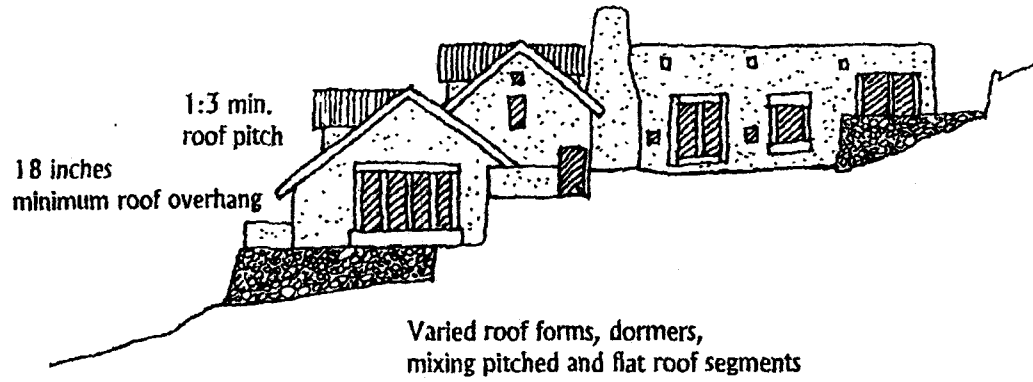


Figure 3.3, Roof Design

**3.7 ENTRANCES**

Entries that are extremely ornate, monumental, or imposing will not be approved. Trellised or porched entries can be used as a welcoming transition between indoor and outdoor space. Entrances that are a part of covered front terrace or porch are preferred.

**3.8 PORCHES, TERRACES and DECKS**

The focal point of the house should be the entry, not the garages. Side-entry and hidden garages are encouraged.

Although not required, front porches and view-decks are strongly encouraged.

### 3.9 CHIMNEYS AND OUTDOOR FIRES

Well-proportioned chimney masses can be used as sculptural features complimenting the overall qualities of the house. Exposed metal flues will not be approved.

The area (measured in plan view) of any one chimney should be no less than 12 square feet and no more than 48 square feet. Chimneys lend themselves to a variety of angular and rounded forms which can enliven the three-dimensional quality and profile of the overall design.

All chimneys, including outdoor fireplaces, must be equipped with a U.L. or I.C.B.O. approved spark arrestor. Open outdoor fire pits are prohibited unless they are propane or natural gas.

Permanently installed barbecues and fireplaces must be approved by the Architectural Committee.

### 3.10 EXTERIOR COLORS

The color of exterior materials must generally be subdued to blend with the natural landscape. Earth tones are recommended, although accent colors which are used judiciously and with restraint may be permitted.

In no case will colors approaching the primary and secondary range (red, orange, yellow, green, blue, indigo, violet) be permitted, nor will drastic contrasts in value (light to dark) be allowed. White may only be used as an accent or "trim" color; light-gray-to-buff siding stains which approach white or off-white in appearance will not be allowed. This also applies to garage doors.

Proposed colors must be shown to the Architectural Committee in a sample format which adequately depicts the hue, tone and shade of the proposed color in its final application. Sample swatches on the structure itself are preferred; as an alternative, stained or painted sample boards of the actual siding to be used would be the second choice. Small color samples, printed on paper, may not accurately depict how a finished color will appear on an expansive wall of real construction materials, and are therefore discouraged. The Architectural Committee may at its discretion require the color selection to be applied to an area of the house prior to approval.

All colors must be within a Light Reflectance Value range (LRV) of 25 to 40.

It is the intent at The Pinnacle to preserve the aesthetic unity of the development and preclude the use of colors that would appear out of place.

### 3.11 WINDOWS, SKYLIGHTS, SHADE SCREENS AND SHUTTERS

Windows should not appear as openings cut into the side of a box, but rather as architectural features either recessed, projected, or bordered by projections which provide a shadow pattern and reduce reflectivity.

While the elevations will differ on various sides of the house, windows on all sides must be treated with the same attention to detail given to the front or street elevation. All facades shall contain doors, windows, or other openings in the walls. Openings shaped as octagons, circles, hexagons, triangles, etc., are subject to Architectural Committee approval. Window heads must be shaped to match roof lines or remain level. No scissor truss windows will be permitted with slopes not matching the roof line.

The glass of windows and the lens of skylights must not be highly reflective. The lens of skylights must be clear, gray or bronze. No white lenses are allowed, nor may their frames consist of reflective material that is left unfinished. This especially applies to aluminum frames, which must be anodized or finished with baked enamel. All skylights must be low profile flat type. Bubble type skylights are prohibited. Shutters and drapery linings must be in neutral color ranges when visible from outside the home. White is not considered a neutral color.

Shade screening is permitted if black or brown in color, used either as a replacement for typical insect screening or as a roll-down fixture guided on tracks. If roll-down screens are used, the housing unit must be recessed into the window opening and not attached above the window as a projecting box. Reflective films or coatings are not permitted.

External security shutters are expressly prohibited. (This applies to roll-down and other types of metal, wood or synthetic shutters and coverings intended to provide security). Internal (inside the window) security shutters are permitted if they meet City of El Paso building code. No window may be barred or otherwise armored. Doors may have ornamental metal security/screen doors that are either black or match the color of the frame or wall color, and are subject to Architectural Committee approval.

### 3.12 BUILDING PROJECTIONS

All projections from a residence or other structure including, but not limited to, chimney flues, vents, flashing, louvers, gutters, downspouts, utility boxes, porches, railings and exterior stairways shall match the surface from which they project, or must be painted or stained an approved color to blend unobtrusively with adjacent materials. All building projections must be contained within the building envelope and required building setbacks.

### 3.13 GARAGES, AND GARAGE DOORS

Garages for each residence are required, either attached or detached, accommodating at least three automobiles. Additional garages or carports may be permitted if approved by

the Architectural Committee. Garage doors shall not dominate the residence when viewed from the street, especially in areas visible from rights-of-way and adjacent homesites. Design submittals with the garage door(s) as a primary focal point from the street will be rejected. Garage doors may not be white or of a color or value that radically contrasts with the building.

### **3.14 SOLAR APPLICATIONS AND OTHER STRUCTURES**

Passive solar design is encouraged. Active solar applications may be approved by the Architectural Committee if the hardware is integrated into the structure or located so as to be unobtrusive. Dog houses and runs, utility sheds, play houses, gazebos, ramadas, shade structures, pavilions, flag poles, and permanently installed recreational equipment must be approved by the Architectural Committee.

### **3.15 CHANGES OR ADDITIONAL CONSTRUCTION**

All changes or additions to the approved plans before, during, or after the construction must first be approved by the Architectural Committee.

### **3.16 PROTECTION SYSTEMS**

All residences are encouraged to have monitored fire alarm systems and monitors for gas leaks and carbon monoxide, if applicable.

## **4. CONSTRUCTION REGULATIONS**

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The following regulations shall be enforced during the construction of all improvements at The Pinnacle. The Owner of a Lot, as such terms are defined in the Declaration, shall be responsible for violations of the Residential Development Standards, including construction regulations contained therein by any contractor, subcontractor, agent, or employee performing any activities within The Pinnacle, whether located on the Lot or elsewhere within The Pinnacle.

### **4.1 BUILDING ENVELOPE**

The building envelope, which is the limit of development on each Lot, is also the area within which all activities related to the improvements to be constructed must be confined. To this end, the building envelope must be temporarily fenced per Section 2.1 above during the entire construction period.

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## 4.2 SAFETY COMPLIANCE

All applicable Occupational Safety and Health Act (OSHA), Uniform Building Code, state, county and city regulations and guidelines must be observed at all times.

## 4.3 CONSTRUCTION SITE PLAN AND CONSTRUCTION TRAILERS

As part of the Final Submission, a construction site plan must be prepared and approved which indicates construction access, parking areas off of the street, sanitary facilities, including approved access drives, relating to construction activities on any Lot.

Upon approval of the Construction Site Plan a construction trailer or portable field office may be located on the building site within the building envelope, clear of all setbacks. The type, size and color of any portable office must be approved by a representative of the Architectural Committee as part of the construction site plan. The field office may not be placed on-site earlier than two weeks prior to the actual onset of continuous construction activity. At the same time, the provision of temporary power and telephone will be allowed. A construction trailer may not remain on site for a period of time exceeding six months without written approval of the Architectural Committee.

## 4.4 TRASH RECEPTACLES AND DEBRIS REMOVAL

Owners and builders shall clean up all trash and debris at the end of each day; an approved trash receptacle must remain on the site at all times for this purpose to contain all lightweight materials or packaging. The receptacle must be positioned on the site alongside the access drive, clear of side and rear setbacks, adjacent road right(s)-of-way and neighboring properties. Trash receptacles must be emptied on a timely basis to avoid overflow of refuse; disposal shall be at a suitable off-site facility. Owners and builders are prohibited from dumping, burying, or burning trash anywhere on the Lot or in The Pinnacle. Heavy debris, such as broken stone, wood scrap, or the like must be removed from the site immediately upon completion of the work of each trade that has generated the debris.

All concrete washout, from both trucks and mixers, must occur within the building envelope of the Lot in a location where it will be ultimately concealed by structure or covered by backfill. Washout in road rights-of-way, setbacks or on adjacent properties is strictly prohibited.

During the construction period, each construction site shall be kept neat and shall be properly policed to prevent it from becoming a public eyesore or detriment to other Lots or open space. Any clean-up costs incurred by the Architectural Committee or the Association in enforcing these requirements shall be payable by the Owner. Dirt, mud, or debris resulting from activity on each construction site shall be promptly removed from public or private roads, open spaces and driveways or other portions of The Pinnacle.

The Owner and Contractor must make reasonable provisions for site security and for fire suppression during construction.

#### **4.5 SANITARY FACILITIES**

Each Owner or builder shall be responsible for providing adequate sanitary facilities for construction workers. Portable toilets must be located within the building envelope, clear of all setbacks.

#### **4.6 CONSTRUCTION ACCESS**

The access drive approved by the Architectural Committee will be the only construction access to any Lot.

#### **4.7 VEHICLES AND PARKING AREAS**

Construction crews will not park on, or otherwise use, undeveloped portions of Lots or open space. All vehicles shall be parked within the building envelope. During very busy construction periods involving multiple trades such that all construction vehicles cannot be confined to the site proper, the overflow vehicles may be temporarily parked along the shoulder of the private roadway in locations and for time periods solely as approved by the Architectural Committee. During these limited occurrences, vehicles must be off of the paved surface of the roadway or cul-de-sac to allow continual unconstrained access by normal traffic and emergency vehicles, including fire trucks. Vehicles may not be parked on neighboring Lots, in nearby driveways or on open space. Changing oil or other vehicle maintenance is prohibited.

#### **4.8 CONSERVATION OF NATIVE LANDSCAPE**

Each Lot Owner shall salvage, re-plant and irrigate ocotillo, yucca and other native plants from the building envelope and driveway areas for use in the re-vegetation of disturbed ground.

#### **4.9 EXCAVATION MATERIALS AND BLASTING**

If any blasting is to occur, the Architectural Committee must be notified two weeks in advance and appropriate approvals must be obtained from the city and county. Blasting may only be done by licensed demolition personnel, with all requisite insurance coverage as mandated by county and state statutes, specific to their blasting activity at The Pinnacle. The Architectural Committee shall have the authority to require in writing documentation that such blasting will not be injurious to other persons or properties, public or private, and that all appropriate protection measures have been utilized. The Architectural Committee may require additional insurance to cover potential damages from blasting to subdivision improvements and common areas.

SECTION 4.5 TO 4.9

All excess material resulting from blasting, as well as all other excess excavation materials, must be removed from The Pinnacle.

#### **4.10 DUST AND NOISE CONTROL**

The contractor shall be responsible for controlling dust and noise from the construction site, including the removal of dirt and mud from public or private roads that is the result of construction activity on the site.

The sounds of radios or any other audio equipment used by construction personnel must not be audible beyond the property perimeter of any Lot; repeated violations of this provision will precipitate a total prohibition of any on-site use of radios or audio equipment during construction.

#### **4.11 MATERIAL DELIVERIES**

All building materials, equipment and machinery required to construct a residence on any Lot at The Pinnacle must be delivered to and remain within the building envelope of each Lot, clear of all setbacks. This includes all building materials, earth-moving equipment, trailers, generators, mixers, cranes and any other equipment or machinery that will remain at The Pinnacle overnight. Material delivery vehicles may not drive across adjacent Lots or tracts to access a construction site.

#### **4.12 FIREARMS**

The possession or discharge of any type of firearm by construction personnel on any construction site, Lot, tract or right-of-way at The Pinnacle is prohibited.

#### **4.13 ALCOHOL AND CONTROLLED SUBSTANCES**

The consumption of alcohol or the illegal use of any controlled substance by construction personnel on any construction site, Lot, tract or right-of-way at The Pinnacle is prohibited.

#### **4.14 FIRES AND FLAMMABLE MATERIALS**

Careless disposition of cigarettes and other flammable materials, as well as the build-up of potentially flammable materials constituting a fire hazard, are prohibited. At least two 20 pound ABC-Rated Dry Chemical Fire Extinguishers shall be present and available in a conspicuous place on the construction site at all times.

No on-site fires are allowed.

#### **4.15 PETS**

No pets may be brought onto the property by a member of any construction crew.

#### **4.16 PRESERVATION OF PROPERTY**

The use of or transit over any other Lot without permission of the owner of such Lot, is prohibited. Similarly, the use of or transit over the natural area or setbacks outside the building envelope of any Lot is prohibited. Construction personnel shall refrain from parking, eating, depositing of rubbish or scrap materials (including concrete, stucco or plaster washout) on any neighboring Lot, tract, or right-of-way.

#### **4.17 PROTECTION OF SUBDIVISION IMPROVEMENTS AND RESTORATION OF PROPERTY**

Each Owner shall be responsible for the protection of all subdivision improvements, roadways, common areas, or improvements of any other Lot which may be damaged by the activities of such Owner's contractor, subcontractor, agents, or employees.

Upon completion of construction, each Owner and builder shall clean his construction site and repair all property which has been damaged, including but not limited to, restoring grades, planting shrubs and trees as approved or required by the Architectural Committee, and repair of streets, driveways, pathways, drains, culverts, ditches, signs, lighting and fencing.

In addition, the Owner and general contractor shall be held financially responsible for site restoration/ revegetation and refuse removal necessitated on any and all adjacent properties as a result of trespass or negligence by their employees on sub-contracted agents.

#### **4.18 CONSTRUCTION SIGNAGE**

Temporary construction signs shall be limited to one sign per site not to exceed six square feet of total surface area. This sign is intended for job site identification only; therefore, it must be located within the main building envelope or at the street-end of the driveway, facing the street frontage of the Lot. It may identify the general contractor and architect/designer by name with address, license number and telephone number(s) and it may identify the job site by Lot number or Owner's name, but it may not include marketing related terminology such as "for sale," "available" or "offered by". The sign shall be free standing, not to exceed four feet in height above natural grade and 20 square feet in area, and of a design and in a location approved in advance of installation by the Architectural Committee. The construction sign may not be erected on a site earlier than two weeks prior to the onset of continuing construction activity and must be removed within two weeks of the issuance of a certificate of occupancy by the County, or immediately upon the passage of 30 calendar days without significant construction activity.

Individual signs, or construction sign attachments, identifying individual sub-contractors, tradesmen, or suppliers are prohibited; identification of licensed tradesmen, when



#### 4.23 FINAL APPROVAL

When construction is complete, a representative of the Architectural Committee will inspect the Lot to determine that the "as-built" conditions match those depicted in the final submittal, that the site has been cleaned up, and that re-vegetation is underway. Significant non-complying construction may void the design approval and result in fines or liens levied against the Owner.

LVA 9635 revision of 7-10-02

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