

**TAHQUITZ CREEK VILLAS  
HOMEOWNERS ASSOCIATION**

**ARCHITECTURAL and  
LANDSCAPE  
GUIDELINES/RESTRICTIONS**

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The specified items listed below are the **ARCHITECTURAL/LANDSCAPE GUIDELINES/RESTRICTIONS** as dictated by the CC&Rs of Tahquitz Creek Villas. Architectural and/or landscape plans, including all required documentation, must be submitted via an Architectural/Landscape Request Form to the Tahquitz Creek Villas Management Company. This form can be obtained at the Online Portal, or a copy requested from the Tahquitz Creek Villas Management Company.

All Architectural/Landscape Request Forms will be reviewed for approval on a case-by-case basis by the Homeowner's Association Board of Directors herein referred to as the HOA Board. During the approval process, the Homeowner's Association (HOA) may require, at homeowner's expense, an architect, landscape consultant, attorney or other contractor to review the proposed request/plans. These reviews are limited in scope and may not be relied upon by the Owner to ensure correctness of this request from a legal, architectural, structural, engineering, and/or landscape standpoint. Any work commencing prior to approval-- or that is done without submitting an Architectural/Landscape Request form and supporting documentation-- is subject to removal at homeowner's expense.

**1. Accessory Buildings**

Buildings or structures such as doghouses, tool sheds, fences etc., which are intended for permanent, or semi-permanent use are not permitted.

**2. Antennas/Satellites**

(see Satellite Antenna referenced in CC&Rs Article XI, Section 5)

Except for satellite dishes measuring 36" or less in diameter, no television, radio, or electronic antenna device of any type shall be allowed unless approved and is totally contained within the AC unit area and not visible from street. An Architectural/Landscape Request Form must be submitted for HOA Board approval. Unused satellite dishes must be removed at homeowner's cost. Any costs associated with repairs incurred during removal shall be homeowner's responsibility.

**3. Air Conditioning Units Heating/Furnace New Installments and Replacements**

An Architectural/Landscaping Request Form application must be submitted for HOA Board approval. A roof inspection by the HOA roofing contractor must be completed within 30 days of installation at homeowner's cost. Upon said roof inspection a final sign off will take place.

**4. Landscape Specifications - Carport and Back Patio Areas**

An Architectural/Landscape Request Form must be submitted for all privacy hedges to be planted along homeowner's patio/carport area. Plant selection is to be recommended by the HOA landscaping company and approved by the HOA Board. Bender board or similar edging material is to be installed to closely outline area of hedge on grass side of patio at homeowner's expense.

All associated costs of privacy hedges planted along homeowner's back patio and/or along carport are the responsibility of the homeowner. This includes any installation

costs in exclusive-use common area when applicable, any plant replacement, and all costs that may incur in maintaining adequate irrigation by the HOA landscaping company. Watering restrictions imposed by City ordinance resulting in the loss of any plants of said privacy hedges or the loss of plants planted by homeowners within homeowner's exclusive-use common area is the responsibility of the homeowner to replace.

Homeowners' and HOA-planted foliage growing adjacent to condo walls, carport and patio covers, carport support posts and privacy hedges shall be maintained by the HOA landscaping company between 5 and 6 feet to a maximum of one (1) foot below lowest point of condo roofline – whichever is applicable. These heights may vary due to (but not limited to) trimming schedule, plant species, location and HOA landscaping company recommendation.

Homeowners are responsible for the cost to repair damage to exterior walls caused by homeowner-planted foliage in exclusive-use common areas. These costs may include (but are not limited to) the cost to repaint or repair walls; as well as the cost to remove, trim or replace plants, as deemed necessary.

A tree or shrub planted by a homeowner without Board approval surrounding their unit that may compromise structural integrity will be subject to removal at homeowner's expense.

Personal potted plants are to be contained within homeowner's exclusive-use common area. Said plant pots are the sole responsibility of homeowner to provide and maintain adequate irrigation or watering and plant replacement.

Plants planted by homeowners in flowerbeds within homeowner's carport/breezeway and patio (deemed as exclusive-use common area) are the responsibility of the homeowner to maintain and replace. When designing these exclusive areas, individuality is welcomed. Consideration of plant selection should be given to the desert climate and plant size in width and height with allowance of adequate space for growth without compromising structural integrity and in keeping a safe and clean pathway to homeowner's private entrance. Landscape rock used in these areas is to be similar in size and color of that already used within the community. The HOA Board retains the right to reject any said plant or rock selection if not adhered to the above recommendations. If said area is deemed to be overgrown and/or unsightly due to lack of maintenance by homeowner causing (but not limited to) probable rodent presence and/or damage to building structure the HOA shall take necessary measures to have areas cleaned which may be at the expense of the homeowner.

Planting of foliage that climbs up patio covers is not permitted. Pre-existing foliage attached to a homeowner's patio cover is to be maintained by the homeowner at a height of 5 to 6 feet to a maximum of one (1) foot below lowest point of condo roofline. Said foliage shall be grandfathered until such time as new ownership, patio cover or foliage replacement, requiring homeowner to submit an Architectural/Landscape Request Form for Board approval.

Hedges between neighbors are permitted upon written agreement of both parties and submitted for Board approval.

Freestanding water fountains are permitted in homeowner's exclusive-use common area. Water fountains may only be attached to exterior condo wall after submitting an Architectural/Landscape Request Form and receiving HOA Board approval. The homeowner is to ensure fountains are maintained in a "like-new" operating condition and free from stagnant water. Homeowners are responsible for the cost to repair damages to exterior walls (including but not limited to termite or dry rot damage) from water spillage from any said water fountain.

#### **5. Patio Extensions/Replacements**

An Architectural/Landscaping Request Form must be submitted for HOA Board approval.

Construction may require the relocation of some of the irrigation system. Any necessary irrigation changes and all related expenses such as inspection fee and sign off by association's contractor shall be at the sole expense of the homeowner.

Sprinkler piping may not be left under any patio extension and/or wall footings.

Homeowner is responsible to ensure proper drainage away from building structure.

Patio extensions must not exceed 14 feet measured from the condo wall (not from the fireplace wall). Patio-extension dimensions shall be determined by location, building footprint, and impact on common area which may result in less than 14 feet. Plantings along patio edge are either to be included within the 14' foot allowance or within the determined extension.

An unobstructed line-of-sight easement may be required on patio extension.

All exterior patio areas must be constructed of either concrete or stamped concrete. Concrete color either of a brown or grey tone is to be submitted for Board approval. A tile application in colors of greys and browns may be applied over the concrete after submitting an Architectural/Landscape Request Form and receiving HOA Board approval.

The applicant is responsible for all costs and repairs for any damages to the common area that may have resulted during the construction process.

#### **6. Patio and Front Entrance Covers**

Newly constructed patio and front entrance covers and/or replacements require city permits. An Architectural/Landscape Request Form must be submitted for HOA Board approval.

Patio cover extension shall be determined by location, building footprint, patio size and/or patio extension and impact on common area.

An unobstructed line-of-sight easement may be required on patio covers and/or extensions.

The applicant is responsible for all costs and repairs for any damages to the common area that may have resulted during the construction process.

Maintenance, repair and/or replacement of existing and new patio covers are the sole responsibility of the homeowner. Regular cleaning and the removal of debris off patio cover is homeowner's responsibility.

Homeowners shall ensure patio and front entrance covers are structurally sound and maintained in a clean "like-new" condition at all times.

*Semi-permanent back patio and carport front/entrance awnings* are not permitted. (These awnings, may also be referred to as sunscreen or sunshades, defined as a sheet of canvas or other material that is stretched over a window, doorway, deck, etc.)

*Permanently* fixed patio cover made of maintenance-free aluminum (Alumawood) in carport/front entrance is permitted upon submission of an Architectural/Landscape Request Form for HOA Board approval.

Sunscreens or roll-down shades may be added to patio covers only if recessed in material compatible with Alumawood. Color of sunscreen or roll-down shades shall match exterior stucco color of condo and maintained in a clean "like-new" condition. An Architectural/Landscaping Request form is to be submitted for Board approval.

Patio gates are not permitted

## **7. Material Specifications for Patio and Front Entrance Covers**

All material used (specificity of the gauge for post, post covers, rafters and rail tops) are to be within the standard of Palm Springs City requirements when city permit is obtained.

All aluminum posts shall have foam filler. Rafters cannot be installed higher than the adjacent roof level or below the overhang.

The patio/front entry covers shall be made of maintenance-free aluminum (Alumawood). It is noted that the higher the gauge number, the stronger/thicker the material.

The patio/front entry covers color must be almond in tone. Different manufacturers may name the color differently (Color sample is to be submitted with Architectural/Landscape Request Form). The top covering shall consist of spaced rails or louvers (Spacing must be included on application form). Material shall carry a

lifetime warranty. Drawings shall include how the patio cover attaches to the condo, patio, and flooring. All architectural requests must include a detailed drawing and dimensions.

**8. Patio Concrete Slab & Carport Concrete/Tile Maintenance**

Homeowners are responsible for the maintenance, repair and replacement of concrete in homeowner's exclusive-use areas - front door entrance, carport/breezeway and back patio. These areas are to be maintained in an aesthetically pleasing manner free from trash, discarded items and may not be used for storage. Painted patios, carports and front entrance concrete are to be in the grey or brown tones. Tiled carports are to be maintained in a "like-new" condition, free from missing tiles and tripping hazard. An Architectural/Landscape Request Form for any concrete/tile work or painting must be submitted and approved by the HOA Board.

**9. Permits / Insurance**

Any required permits by the City of Palm Springs must be obtained by homeowner at their expense. All contractors must carry Liability Insurance.

**10. Signage, Flags, Banners, Posters**

Refer to Davis-Stirling Act (Civ. Code §4710)

Signs and posters may not be larger than 9 square feet in size.

Flags and banners may not be larger the 15 square feet in size.

Security Signs: Signs indicating that a residential structure is protected by a security service may be placed adjacent to the residential structure. A maximum of two security service signs are permitted. Security signs shall be made of durable metal or plastic material, with all painting prepared by silkscreen or other professional sign painting technique. Hand-lettered or painted signs are not permitted. Security signs shall not be affixed to gates, doors, or the structure of the residence. Window stickers and/or decals depicting "security" and measuring no larger than 6 square inches are permissible to supplement the above-described security signs.

**11. Skylights/Sun tubes**

An Architectural/Landscaping Request Form must be submitted and approved by the HOA Board. A detailed drawing of the precise location of each skylight/sun tube is to be included in the application. Any post original construction of skylights/solar tubes must be maintained and repaired by homeowners. Any repairs must be through current HOA roofing company at owner's expense.

**12. Solar Panels and Solar Energy Systems\***

An Architectural/Landscape Request Form must be submitted and approved by the HOA Board. Conditions of approval shall remain in perpetuity applying to each successive owner of said property.

Homeowner requesting to install a solar energy system on a multifamily common area roof shared by more than one homeowner, shall notify each owner of a unit in the building on which the installation will be located of the architectural application. Requesting homeowner shall provide HOA Board with signatures from notified owners or certified mail receipts showing notification was sent. Cal. Civ. Code §4746(a) (1)

Homeowner and each successive owner of said unit shall maintain a homeowner's liability coverage policy and provide the certificate of insurance within fourteen days of approval and **annually** thereafter on date specified in approval letter. Cal. Civ. Code §4746(a) (2)

Homeowner and each successive owner shall be responsible for costs of any damage to the common area, exclusive use common area or unit; costs for the solar energy system; and disclosures to prospective buyers. Cal. Civ. Code §4746(b) (2)

Homeowner, at their expense, shall submit a solar site survey provided by a certified, fully insured contractor showing the placement of the solar energy system. The solar survey shall include a determination of an equitable allocation of the usable solar roof area among all owners sharing the same roof, garage, or carport. Cal. Civ. Code §4746(b) (1). Said equitable allocation shall only include owner's share of the rooftop. Said allocation shall provide the least visual impact to association and, if possible, not visible from street view.

Homeowner shall be required to remove the solar energy system, at their own cost, to allow for common area maintenance or repair and said homeowner shall be responsible to replace the system, at their own cost, after said maintenance or repair of common area.

Homeowner, at their expense, shall sign a License, Maintenance, and Indemnity Agreement stating the conditions of approval. This agreement, at owner's expense, shall be recorded on title so all prospective buyers are put on constructive notice of the agreement.

\*for purposes of this Guidelines, the term "solar energy system" refers to both solar domestic water heating systems and/or photovoltaic systems, as applicable to an Owner's request.

### **13. Sports Apparatus**

Any sports apparatus shall be removed and stored when not in use. Said apparatus shall not remain in place for more than 24 hours.

### **14. Window Treatments**

Windows may be covered only by drapes, shades, blinds or shutters and cannot be painted or covered by aluminum foil, cardboard, or other similar materials. Only manufactured bronze tone tinted windows are allowed. Exterior window awnings and exterior window roller shades/screens are not permitted.

Security bars or metal shutters of any type or other such security devices visible from outside the residence are not permitted.

### **15. Windows, Entry Doors and Garage Overhead Door**

An Architectural/Landscaping Request Form must be submitted and approved by the HOA Board for the following;

- Exterior window frame color is to be either dark bronze or black, color sample submitted with application.
- Front entry doors are to be constructed of wood or metal (optional with glass insert) and HOA Board approved. Front door color selection is listed in #16. Paint Specifications.
- Units with a side garage door are to be painted the color of either existing building trim color or existing wall color.
- Garage Overhead door must be the same pattern and color currently in place within the community.

### **16. Paint Specifications**

Building Stucco color:

- Vista Paint Exterior – Arizona Heat (Flat)
- Building stucco walls are not to be painted except to fill holes.

Wood Trim:

- Vista Paint Exterior – Olive Branch (Semi-gloss)

Front Doors:

- Paint color may match either the existing building trim or stucco color.
- Front entry doors and its supporting trim shall be that of a wood/brown tone, bronze or black. Color to be approved by the HOA Board.
- Said approval will be based on the specific condition that the property owner (not the Association) shall maintain, repair, and replace both exterior and interior of said front doors and supporting trim.

### **17. Front Door Security Screens**

Colored frame required is Bronze, Black or Almond in tone. (Different manufacturers name the color differently.) An Architectural/Landscaping Request form is to be submitted including a color sample for HOA Board approval.

### **18. Contractor Work Hours**

The City of Palm Springs has an ordinance governing when such work can be done. Construction is limited to between 7:00 a.m. and 6:00 p.m. weekdays and from 8:00 a.m. to 5:00 p.m. on Saturdays. It is not allowed on Sundays or on certain holidays (Thanksgiving, Christmas, New Year's Day, July 4<sup>th</sup>, Labor Day and Memorial Day).



**19. Structural Integrity**

Any improvement to interior of condo that affects it's structural integrity requires notification to Homeowner's Association as per CC&Rs Article XXV Section A (note Article number may change after CC&Rs have been amended).

**20. Garage Conversions**

A city permit and an Architectural/Landscape Request Form must be submitted for any garage conversion. All city permits to be obtained at homeowner's expense.

**21. Perimeter Wall Hedge**

Perimeter wall hedges are maintained by HOA landscaping company. The height and width of the hedges are determined with priority given to protecting the integrity of the concrete wall and in creating a naturalized uniformity. Temporary height variances can be anticipated due to fluctuating growth rates and scheduled trimming.

The HOA Board of Directors, the Landscaping Committee or the office of the Management Company, solely instructs direction to the gardeners of the HOA landscaping company.

**22. Residential Pools and Spa**

Individual residential pools and spa either above or in ground are not permitted. Spa installed at inception of Tahquitz Creek Villas community must adhere to all City of Palm Springs and County of Riverside Department of Building and Safety, Residential Swimming Pool, Spa, Hot Tub and Barrier Plan Check Requirements.