

The Peak

Highland Place Property Owners Association (HPPOA)



Design Guidelines

THE PEAK DESIGN GUIDELINES

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Section 1
Introduction

INTRODUCTION

Located on the south side of Pinnacle Peak, The Peak is a special place within the desert community. It is the intent of the architectural standards and design restrictions set forth in the Peak Design Guidelines (hereinafter Guidelines), to preserve, protect and enhance, to the extent justified, the special environment in the north Scottsdale area.

These revised Guidelines shall apply to all lots within The Peak. These Guidelines have been promulgated pursuant to the Amended and Restated Declaration of Covenants, Conditions and Restrictions for The Peak Unit One which is administered by the Board of Directors of The Highland Place Property Owners Association, hereinafter "HPPOA".

These Guidelines are binding upon all persons who at any time construct, reconstruct, refinish, alter or maintain any Improvement within The Peak or make any change in the natural or existing surface, drainage or plant life thereof.

These Guidelines are administered and enforced by the HPPOA Architectural Control Committee (hereinafter "Committee") in accordance with the CC&R's, the HPPOA Board of Directors and the procedures herein set forth. Each Residence must meet the intent of these design guidelines to be finally approved for construction.

The Committee may create additional guidelines, policies and procedures to these Guidelines, the Master Design Guidelines or current policies prior to proceeding with design.

The purpose of the Committee is to evaluate each proposed design for appropriateness to its own Lot in the context of The Peak as a whole. The Committee may determine that what was found acceptable in one situation, may not be acceptable in another. The goal is for the appearance and character of all Residences and other Improvements to harmonize with and enhance their natural and manmade surroundings rather than to dominate and/or contrast sharply with them.

It is expected that the design of each Residence in The Peak will be tailored to the unique features of each individual Lot in effort to achieve a synthesis of nature and Residence. To preserve the natural features of each Lot, such as views, existing vegetation, boulder outcroppings, and significant washes, each Residence will need to be sited so as to minimize disruption of the existing environment.

Architectural styles are not dictated by Committee Design Guidelines, but instead a natural architectural character appropriate to the desert environment and surrounding community context is recommended for the design of each Residence to make it a unique reflection of each Owner, while still remaining consistent with the image of The Peak. The Committee encourages creative architecture, yet warns against architectural styles that are not appropriate to the desert or community context. The desert environment is unlike most others and requires special attention to massing, proportion, texture, color, height, solar orientation, materials and landscape in order to create a Residence which will be compatible with the natural desert environment and provide the Owner with a comfortable, livable home to enjoy for many years.

All submissions of plans and specifications as required by these guidelines are to be made in DUPLICATE to the administrative office of Highland Place Property Owners Association, which may change from time to time as the Board of Directors directs. It is up to the individual property owner to be sure the delivery is made to the correct address. As of September 1, 1999, plans can be delivered to the personal office of the President of the Board of Directors.

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It is suggested that deliveries be made by hand between the hours of 8:00 am and 4:00pm Monday – Friday, and a receipt obtained.

These guidelines are intended to supplement and not replace the CC&R's. Therefore, both these guidelines and the applicable provisions or the CC&R's are to read as a whole. In case of any direct conflict between these guidelines and the CC&R's, the CC&R's prevail, but it is up to the individual property owner, or his agent, to first raise any questions of such conflict, or questions of interpretation, in written communication to the Committee before proceeding further with plan design.

Section 2
Review and Approval Process

2.0 REVIEW AND APPROVAL PROCESS

In order to assist Owners to take full advantage of the unique opportunities of their Lots in the planning and designing of their Residence, a comprehensive design review process administered by HPPOA Design Review, (hereafter referred to as the Committee) has been established. This process provides an opportunity for the Owner to draw upon expertise and knowledge which has been acquired during the planning and development of The Peak.

In general, the design review process is divided into three phases

- 1) **Preliminary concept meeting-**
Owner and or Builder and Architect meet with HPPOA Architect for initial concept review, \$1750 design review fee (\$500 non-refundable to HPPOA). Owner/builders should become familiar with Scottsdale ordinances dealing with hillside and environmentally sensitive lands and other pertinent ordinances which will impinge on successful approval by Scottsdale.
- 2) **Initial Plan Submittal-**
Design submitted to HPPOA Design Review Committee. During this phase, the plan is reviewed by HPPOA Design Review Architect as well as HPPOA Design review committee members and HPPOA Directors. Changes to the submittal are worked out prior to the final approval which is given at the Site meeting only after all checklist items are received.
- 3) **Pre-construction Site Meeting-**
Owner or agent for owner, Builder and HPPOA Architect meet on site (or at another location as necessary) with a member of the Committee or HPPOA Board of Directors. The HPPOA Construction Guidelines are reviewed and any questions answered. After review of the Construction Guidelines, A copy will be signed by all parties involved and maintained by HPPOA during the construction process. At this time the owner/builder will provide to the HPPOA:
 1. Copy of Scottsdale building permit
 2. Project contact list -addresses and phone numbers for Owner, General Contractor, Architect and all sub-contractors known at this time
 3. \$10,000 construction cash bond (made to HPPOA)
 4. Full Set of Plans

Construction cannot begin until all the above items are provided to HPPOA. Once all items are received, the HPPOA Boardmember or Committee Member will give the Owner/Builder the official start of Construction Approval Letter. The official start date of the project will be affixed to the record copy of the construction guidelines. (Start date should be within 30 days of the site meeting.)

The design review process was developed to provide adequate checkpoints along the way, in an effort to minimize time and money spent on designs which do not adhere to the overall philosophy of HPPOA and to streamline this process to eliminate excessive time delays. Nevertheless, each Owner is directly responsible for complying with the Committee guidelines, as well as all rules and regulations of any governmental authority, in order to bring the design review process to a speedy and satisfactory conclusion.

The Committee will conduct reviews of projects at such times as it deems appropriate.

Although the Committee will enforce all provisions of the Guidelines, the following will be of particular concern:

- (a) Siting of the Residence within your Building Envelope to be sensitive to views and privacy from other Lots or open spaces. Committee shall have final say on siting concerns.
- (b) Architectural character as viewed from all sides and specifically as viewed from the roads, where applicable. The massing, texture and materials of the design are critical.
- (c) Architectural character and color of the roof, the massing of the roof, and the roof details as viewed from other homes, common areas, and Lots.
- (d) Building heights and masses as per Section 4.3 of these Guidelines.
- (e) Finished Floor Levels and Cut and Fill Conditions as per Section 3.7 (and others) of these Guidelines.
- (f) Exterior elevations of the Residence, including a high level of aesthetic quality and use of multiple materials.
- (g) Exterior paint and material colors, as well as color usage and distribution.
- (h) Landscape character and plant materials appropriate to the environment. Scottsdale requires a landscape plan for permit and Committee will review plan as part of design approval process.

2.1 DESIGN PROFESSIONALS

Due to the difficulty of the sites, the extreme topography, and the high visibility of homes within The Peak, the Committee requires Owners to use the services of qualified professional architects, designers, and engineers. While the Committee has no intention of recommending or endorsing any architect, designer or engineer, the Committee will require the use of design professionals that in the opinion of the Committee are qualified to create design solutions appropriate to these sites and within the intent of these Guidelines or CC&R's.

Your architect or designer should be carefully selected to ensure their understanding of the unique environment of these Lots. A qualified civil engineer may also be required to design driveways, service utilities, retaining walls, and evaluate and solve any site drainage issues. Owners should very carefully interview and evaluate potential design professionals to ensure that the design professionals have sufficient experience and knowledge to properly perform the design services in a manner that will result in a Residence and other Improvements that are properly sited within the Lot and with an architectural character that meets both the technical aspects as well as the intent of these Guidelines.

The Committee will not allow the use of what is known in the industry as "standard" plans, as they are not designed for the unique characteristics of the Lots in The Peak. The Committee also strongly discourages the use of designers, drafting services, builders who design, or design/build firms who do not understand the intent and goals of these Guidelines or those who have not demonstrated the ability to design harmoniously with the desert environment and in the unique topographic conditions of this community. Experience has proven that good design, specific to the Lot, is well worth the money.

2.2. PRE-DESIGN MEETING

To initiate the review and approval process prior to preparing any drawings for a proposed Residence or other Improvement, it is a requirement that the Owner and/or his Architect meet with the Design Review Architect to discuss the proposed Residence and to explore and resolve any questions regarding building requirements in The Peak or the interpretation of the HPPOA Design Guidelines. Any amendments to these Guidelines, as well as the current policies and procedures, may be obtained at this time.

2.3. BUILDING ENVELOPE

There are no designated existing building envelopes in The Peak subdivision. However, committee requires a site plan for the preliminary meeting and reserves final approval for the chosen building envelope. The chosen Building Envelope will be determined by the existing building setback lines and any existing natural land features and view corridors.

A Site Plan, at a scale no less than 1' = 20', showing Lot boundaries, existing surface contours at one foot intervals, all protected plants, and a general footprint of the proposed Residence and other Improvements. This plan shall clearly delineate the proposed Building Envelope.

2.4. THE PRELIMINARY SUBMITTAL

Preliminary drawings, including all of the exhibits outlined below, must be submitted to the Committee:

- (a) A **Survey**, at no less than 1"=20', prepared by a land surveyor registered in the state of Arizona, showing Lot boundaries and dimensions, easements, setbacks, centerline of adjacent streets, utility tap locations, existing surface contours at one foot intervals, major terrain features such as washes, and all Protected Plants, highlighting those plant materials that will be removed during construction or that are within twenty (20) feet of the proposed Improvements. The survey shall also show all major boulders or boulder clusters (in excess of four (4) feet in diameter) and bedrock outcrops. Major boulder outcroppings shall be protected and maintained as determined jointly by the City, the Owner or his Architect, and the Committee at the time of site plan review. Each Owner submitting drawings for approval to the Committee shall be responsible for the accuracy of all information contained therein.
- (b) A **Site Plan**, at the same scale as the survey, showing the graphic locations and the Numerical area calculations of the Building Envelope, the Residence and all other buildings or major structures, driveway, centerline of adjacent streets, parking areas, patios, pools, walls, proposed utility service facilities and routes, site grading including existing and proposed contours and topographic features such as washes, rock outcroppings and existing trees and major shrubs to be retained and to be relocated, and elevations (datums) of all building floors, patios, and terraces, shown in relation to site contour elevations. The Site Plan must also include the sized to the Lot in square feet, the NAOS requirements, and the proposed location and numerical area calculations for the proposed NAOS areas.
- (c) A **Massing Diagram** which includes the roof plan of the Residence and the plan of the Site improvements superimposed over existing topography. This drawing shall indicate:
 - all parapet and roof ridge heights and any changes in elevation of the parapet and roof ridge heights
 - heights of site walls or retaining walls
 - a **bold** outline of each building mass in plan
 - existing pre-construction topography with one foot contour interval; contour lines must be legible beneath the footprint of any Residence or other Improvements
 - area calculations, in square feet, identifying the area of the building footprint at or below the lower mass height limit and area of the building footprint above the lower mass height limit. See Section 4.3(e) of these Guidelines for specific details. For the submittal, these areas should be shaded or color coded to designate each height category.

- (d) **Roof Plan and Floor Plans** (at a scale of no less than 1/8" = 1'-0"). Roof plans should show areas and heights of flat and sloped roofs, location of crickets, and locations and heights of all roof mounted equipment (if allowed) and skylights. Floor plans shall show vertical elevations for each floor level change.
- (e) **Exterior Elevations** of all sides of the Residence, at the same scale as the floor plans, identifying all structure heights, delineating both existing and proposed grade lines and designating all exterior materials and general colors. Color selections may be general and not specific for the Preliminary Submittal. More detailed color site elevations showing the home as it would appear on site are recommended for the initial submittal.
- (f) A **Study Model** is encouraged, but not required by the HPPOA.
- (g) The Preliminary Submittal shall include one (1) 8 ½ "x 11" paper **reduction** of each of the required drawings in (a), (b), (c), (d) and (e) above.
- (h) Any other drawings, materials, or samples requested by the Committee or necessary to explain the design.
- (i) A **Design Review Fee** of \$1,750 dollars must accompany the submittal. In the case of an addition to an existing home, the Design Review Fee will be based on the total area under roof of the addition and will be fifty cents (\$0.50) per square foot, up to a maximum of \$500, provided all exterior finishes match the home as previously approved. If the exterior finishes are to be different, a full design review fee will be necessary. Checks should be made out to the Highland Place Property Owner's Association.

All accessory Improvements contemplated on the Lot must be shown on the Preliminary Submittal.

To assist the Committee in its evaluation of the Preliminary Submittal, the Owner shall, if requested, provide preliminary staking of the locations of the corners of the Residence or other Improvements deemed by the Committee to be major and at such other locations as the Committee may request.

2.5. FINAL SUBMITTAL

After preliminary approval is obtained from the Committee, the following documents, which clearly comply with, or satisfactorily resolve, the stipulations for preliminary approval, are to be submitted to the Committee for final approval.

Final Submittals shall include:

- (a) **Complete Construction Documents** for the Residence including:
- all data noted in Section 2.4 paragraphs (b), (c), (e) and (f)
 - building sections as required to illustrate the Residence and other Improvements
 - all utility locations, electric meter, transformer and exterior mechanical equipment locations
 - any adjustments to locations and/or areas of the Building Envelope or the Residence
 - height of the top of all skylights and parapets shown on the roof plan
 - locations and manufacturer's catalog cuts of all exterior lighting fixtures
- (b) **Samples** of all exterior materials and colors, and window and glass specifications, mounted on an 8 ½"x 11" (maximum size) heavy stock cardboard identified with manufacturer's name, color, and/or number. Sample boards shall include Owner's, Architect's/ Designers and Builder's name, and the Lot number. Samples of exterior materials such as stone should be submitted via the use of photographs that show color and coursing patterns.
- (c) A complete **Landscape Plan** at the same scale as the site plan, showing:
- proposed contours and grading if finished grading is different than that on the Final Site Plan.
 - areas to be irrigated, if any, including location of backflow preventer.
 - locations and sizes of all existing and proposed plants. Indicate which plants will be relocated and the proposed location of plants within the landscape plan.
 - locations of areas to receive revegetation.
 - locations of areas to receive enhanced vegetation.
 - decorative features such as pools or imported rocks.
 - specifications as to color and size of mineral landscape elements including approximate size of any boulders proposed.
 - a list of all proposed plants including both the common and the botanical plant name and the plant size. Proposed plants not included on the Approved Plant list must be listed on the Landscape Plan with an asterisk before the plant name. A photograph and description of any non-approved plant must be submitted in order to be considered for approval.
 - locations of all existing protected plants as defined by the City of Scottsdale's Native Plant Ordinance including species, size and condition, as well as the status proposed for each plant (i.e., remain, salvage, or destroy). All plants proposed for salvage and transplanting shall be tagged in accordance with City requirements.
 - location of all exterior lighting, including cut sheets for all fixtures and a list of proposed bulb types and wattages.

- (d) A **Hydrology Report**, if required by the Committee, performed by a civil engineer registered in the state of Arizona, in a form determined by the Committee.
- (e) A fully executed and notarized copy of the **Natural Area Easement** on the form required by the City, including a legal description of the Natural Area, which will be delivered to the City by the Owner for recording upon approval by the Committee.

2.4.1. Final Submittal Approval

Upon receipt of the- complete Final Submittal, the Committee will review the submittal for conformance to HPPOA Design Guidelines, and to any stipulations by the Committee from the Preliminary Submittal and will provide a written response to the Applicant. If the Final Submittal is approved, the Committee will provide a Construction Approval letter to the owner/builder.

2.5. CONSTRUCTION APPROVAL

Obtaining plan check approval from the City and securing of a building permit is the responsibility of the Owner and/or Builder. Construction shall be in accordance with the Final Submittal approved by the HPPOA Design Committee. No construction may begin without a Pre-Construction conference and HPPOA Construction Approval Letter.

2.6. ADDITIONAL CONSTRUCTION AND/OR EXTERIOR CHANGES

Any changes to the approved drawings before or during the construction of an Improvement must first be submitted for review to, and must be approved by, the Committee.

2.7. RESUBMITTAL OF DRAWINGS

In the event of disapproval by the HPPOA Design Committee, of either a Preliminary Submittal or a Final Submittal, any resubmission of drawings must follow the same procedure as the original submittal.

2.8. COMMENCEMENT OF CONSTRUCTION

Upon receipt of approval from the Committee, the Owner shall commence the construction pursuant to the approved Final Submittal within one (1) year from the date of the approval. If the Owner fails to comply with this paragraph, any approval given shall be deemed revoked unless, upon the written request of the Owner made to the Committee prior to the expiration of the one year period and upon a finding by the Committee that there has been no change in circumstances, the time for commencement is extended in writing by the Committee.

The Owner shall, in any event, complete the construction of the foundation and all exterior surfaces (including the roof, exterior walls, windows, doors and all landscaping) of any Improvement on his Lot within 18 months after commencing construction except when such completion is impossible or would result in great hardship to the Owner due to strikes, fires, national emergencies, or natural calamities. If the Owner fails to comply with this paragraph, HPPOA, at its option, may complete the exterior in accordance with the approved drawings or remove the Improvement(s), and the Owner shall reimburse the HPPOA for all expenses incurred in connection therewith. For late completion penalties, refer to Construction Guidelines, item 17, as the Committee shall determine.

2.9. WORK IN PROGRESS-OBSERVATION FOR DESIGN CONFORMANCE

The Committee may review all work in progress and give notice of non-compliance if found. The Builder is required to inform the Committee in writing at least ten (10) days prior to the completion of rough framing so that a review for design conformance may be made prior to completion of sheathing. A written note stating this requirement shall be shown by the Architect on the floor plan or framing plan as part of the Final Submittal. Absence of such review and notification during the construction period does not constitute approval by the HPPOA Design Committee.

2.10. FINAL CONSTRUCTION REVIEW

- (a) Upon completion of any Residence or other Improvement for which final approval was given by the Committee, the Owner shall give written Notice of Completion to the Committee prior to occupancy by the Owner.
- (b) The written notice required in paragraph (a) above shall include a copy of the "Certification of Finish Floor Level and Building Height" signed by the Builder on a form provided by the Committee and signed and sealed by a land surveyor or civil engineer registered in the state of Arizona. This form shall certify that the finished floor levels and building heights of the Residence were constructed in accordance with the approved Final Submittal. Any changes to the finish floor levels or building heights during the course of construction require specific approval of the Committee prior to the change pursuant to Section 2.7 of these Guidelines.
- (c) Within such reasonable time as the Committee may determine, but in no case exceeding twenty (20) calendar days from receipt of a required written Notice of Completion and the Certification of Finished Floor Level and Building Height, the Committee may review the Residence and/or other Improvements. If it is found that work was not done in strict compliance with the approved Final Submittal, the Committee shall notify the Owner in writing of such non-compliance within thirty (30) calendar days of its receipt of the Owner's Notice of Completion, specifying in reasonable detail the particulars of non-compliance, and shall require the Owner to remedy the same.

- (d) If the Owner has failed to remedy any non-compliance within thirty (30) calendar days from the date of the Committee's notice, the Committee shall notify the Owner, and may take such action to complete or remove the non-complying Improvements as is permitted in these Guidelines, including, without limitation, injunctive relief or the imposition of a fine.
- (e) If, after receipt of written Notice of Completion from the Owner, the Committee fails to notify the Owner of any failure to comply within the provided period following the Committee's review, the Improvements shall be deemed to be in accordance with the approved Final Submittal.
- (f) If an Owner chooses to occupy the Residence following receipt of a Certificate of Occupancy from the City, but prior to Final Construction Review by the Committee, he may do so provided that the work is continued and the written Notice of Completion is given to the Committee within forty-five (45) days of occupancy. If Improvements are not completed within forty-five (45) days of occupancy, the Committee reserves the right to take such action to cause the completion of the Improvements as is permitted in these Guidelines, without limitation, the imposition of fines. Fines up to \$200 per day, after 30 days, as the Architectural Control Committee shall determine. All fines must be ratified by the Board of Directors after being assessed by the Architectural Control Committee.

2.11. NON-WAIVER

The approval by the Design Committee of any drawings or specifications for any work done or proposed, or in connection with any other matter requiring such approval under these Guidelines, including a waiver by the Committee, shall not be deemed to constitute a waiver of any right to withhold approval as to any similar drawing, specification, or matter whenever subsequently or additionally submitted for approval or of a nonconforming design or aspect that has not been identified earlier. For example, the Committee may disapprove an item not in conformance with the Guidelines shown on the Final Submittal even though it may have been evident and could have been disapproved at the Preliminary Submittal.

2.12. RIGHT OF WAIVER

The Committee reserves the right to waive or vary any of the procedures or standards set forth herein at its discretion, for good cause shown.

Section 3
Site Development Guidelines

SITE DEVELOPMENT GUIDELINES

The natural topography, vegetation and environment in The Peak is unique and requires special design attention for site development. Each Lot has unique features of topography, slope, views, drainage, vegetation, boulders, and access that need to be analyzed in the design process. The Committee stresses the importance of integrated site and Residence design so that homes respond to the natural characteristics of each specific Lot. It is important to realize that designs that may work on one Lot most likely will not on another Lot. The following site development guidelines deal with issues of siting, grading, excavation and landscaping.

The Upper Sonoran Desert landscape is fragile and may take years to naturally mitigate impacts to the site or the vegetation. Due to these concerns, the City has also developed regulations intended to provide protection for the natural desert areas. Although an effort has been made to have these Guidelines be consistent with the City's regulations, each Owner, through his Architect, is responsible for reviewing applicable City regulations and making certain the design and construction are in compliance.

3.1. THE BUILDING ENVELOPE

The chosen Building Envelope will be determined by the existing building setback lines and any existing natural land features and view corridors.

The Building Envelope is the portion of each Lot within which all Improvements must be built and alterations to the existing landscape may occur. A Building Envelope will be identified for each Lot based on the natural features of the Lot, views, relationship to adjacent lots, drainage and topography and relevant consideration such as views, privacy, and the overall character of the development.

The Building Envelope acts as a limit beyond which no construction activity, including grading and access, may take place or materials may be stored. Therefore, all constructed Improvements (i.e., walls, buildings, etc.) must be held a minimum of five (5) feet within the Building Envelope line to allow construction activity to be contained.

Before any conceptual planning is done, and before a Preliminary Submittal can be made, an Owner and/or his Architect/Designer must discuss the Building Envelope with the Committee during the Preliminary meeting. Since the Building Envelope is a maximum conceptual allowable building area, screen walls, berms or other landscape elements will not be permitted to delineate Building Envelope borders arbitrarily nor be permitted without relation to other elements of the Residence.

3.2. NATURAL AREA

The Natural Area is that portion of the Lot (as designated on the following illustration) which lies outside of the Building Envelope and must remain as natural desert in accordance with City regulations. Additional plant material may be added in the Natural Area if specific approval is granted by the City and the Committee. If allowed, only plants indigenous to the general area of development may be used in the Natural Area.

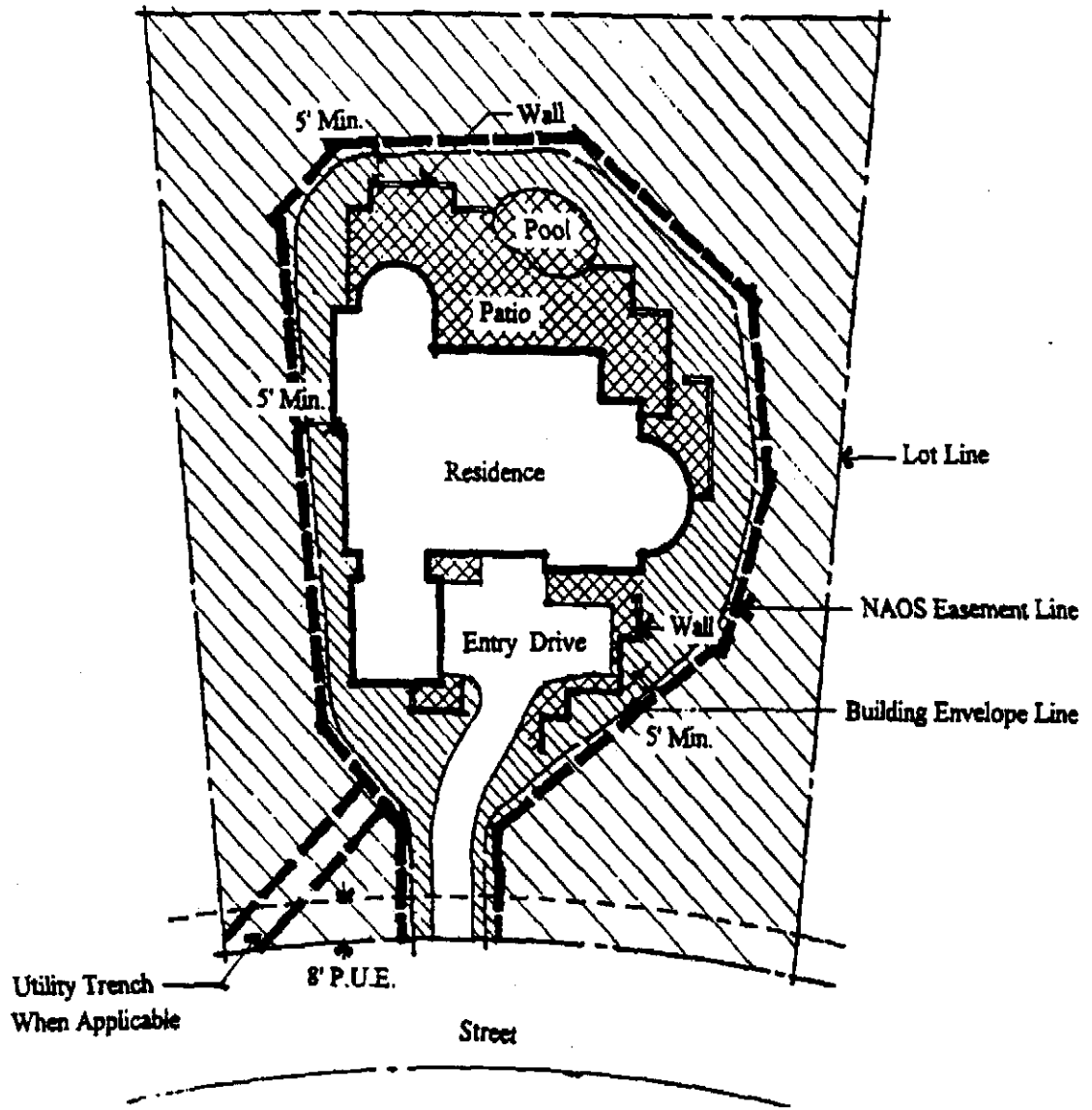
In addition, the density and mix of any added plant material in the Natural Area should approximate the density and mix found in the general area. Irrigation of the Natural Area is not permitted since the indigenous vegetation does not require additional water. Irrigation of the Natural Area can lead to disease and death of the native plants, particularly cactus, and aid in the spread of undesirable plant species or weeds. After approval of the Final Submittal by the Committee, the Owner will be required by the City to execute and record a Natural Area Easement in the form required by the City, to include a satisfactory legal description of the Natural Area Open Space (NAOS), which may require the preparation of a survey of the Lot at the Owner's expense, and which can be amended after recording only with the approval of the Committee and the City.





3.3. TRANSITIONAL AREA

The Transitional Area is that part of the Building Envelope (as designated on the following illustration) which lies between the Natural Area and the wall of a Residence or other Improvement. Upon completion of construction, this area must be replanted to match the adjacent Natural Area in appearance. An irrigation system, carefully designed to avoid overspray or runoff onto the Natural Area, may be installed to maintain the transitional planting until it has become established (approximately 1 year). Once the plants are established, use of the system must be discontinued. Only indigenous plant material as specifically identified on the Approved Plant List (Appendix "C") may be planted in the Transitional Area.

3.4. PRIVATE AREA

The Private Area is that part of the Building Envelope (as designated on the following illustration) which is within the site walls and patios or is located in the immediate vicinity of the entrance to the Residence. The Private Area is the least restrictive in terms of what plants, shrubs, and trees can be planted therein. These include those plant materials listed in the Approved Plant List (Appendix "C") and, if first approved in writing by the Committee, any other plant not included in the Prohibited Plant List (Appendix "D"). The Private Area includes, for example, a courtyard, entry, or atrium, or the area behind a patio wall where non-indigenous plants would be appropriate despite their increased watering needs. In keeping with the goal to harmonize with the natural desert, the visibility of lawns and other non-indigenous plants from a street, Common Area, or Adjacent Lot must be minimized.



-  Natural Area (NAOS)
-  Restored Natural Area (50% NAOS Credit)
-  Transition Area
-  Private Area

3.5. MINIMUM SETBACKS

Example Not to Scale

The minimum building setbacks are administered by the City of Scottsdale and the CC&R's and this building setback information is available from the City. The Building Envelopes as per the Building Envelope Exhibit may require greater setbacks than the minimum standards of the City approved for this project. The minimum City setbacks are not grounds for any increases in a Building Envelope. As a general rule, the setback requirements are 60 feet from the street, 60 feet from the rear property line, and 30 feet from adjacent lots. The owner is responsible for determining the actual city setback requirements of the lot prior to construction.

3.6. SITE WORK

Typically, Residences and other Improvements should be nestled into the land, remaining low, so as to part of the site rather than being perched on it. When the construction is completed, the finish grade around the Residence and site walls should lie against the walls as near as possible to the original angle of slope.

When preparing a preliminary site plan, consideration should be given to the impact of the proposed Residence on Adjacent Lots and common Areas with respect to their privacy, view preservation, natural drainage, and ease of access.

While the natural topography varies considerably from Lot to Lot, the following general limitations will apply in the absence of special circumstances justifying exceptions as may be approved by the Committee:

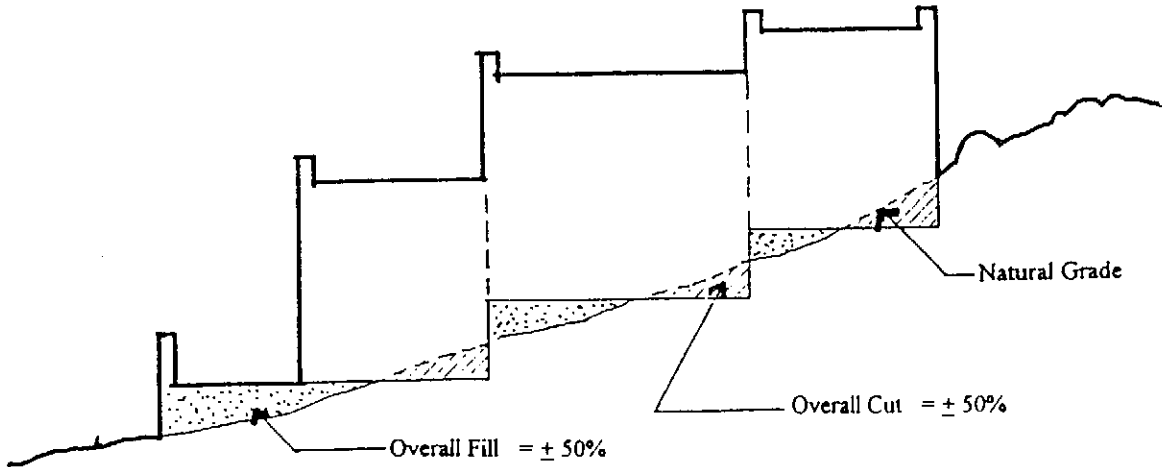
- (a) No change in natural or existing drainage patterns for Surface waters shall be made upon any Lot that could adversely affect another Lot, Common Area, or open space.
- (b) No Protected Plants, as defined by the City of Scottsdale's Native Plant Ordinance, shall be damaged, destroyed, or removed from any Lot, although such plants within the Building Envelope and outside the Natural Area Easement may be relocated. Protected plants are subject to the requirements and restrictions of the City's Native Plant Ordinance.

3.7. CUT AND FILL

The intent of this section is to have the residence nestle into the natural landforms. The various landforms and slopes require different treatments of the Cut and Fill conditions to create a Residence that nestles into the existing site and appears as an extension of the natural landforms. Wherever possible, significant Cut and Fill conditions should be contained within retaining walls or within the Improvements as to avoid Cut and Fill conditions should be contained within retaining walls or within the Improvements as to avoid Cut and Fill slopes from being exposed. Cut and Fill conditions will also vary depending on whether the Residence and other Improvements are on a single level or terraced multi-levels to fit with the topography. Cut and Fill conditions are evaluated based on conditions directly under the footprint of the Residence, as well as for the overall site improvements, patios and driveways. The Committee may request that the proposed finished floor elevations be adjusted due to Cut and Fill conditions regardless of compliance with Building Heights. Cut and Fill conditions must meet the intent and goals of these Cut and Fill guidelines as well as their technical application. The Committee may allow exceptions, on a case by case basis, to the technical Cut and Fill guidelines when, in the opinion of the Committee, the objectives and intent of these Guidelines are still met.

a) **Sloping Site - Terraced Floor Levels**

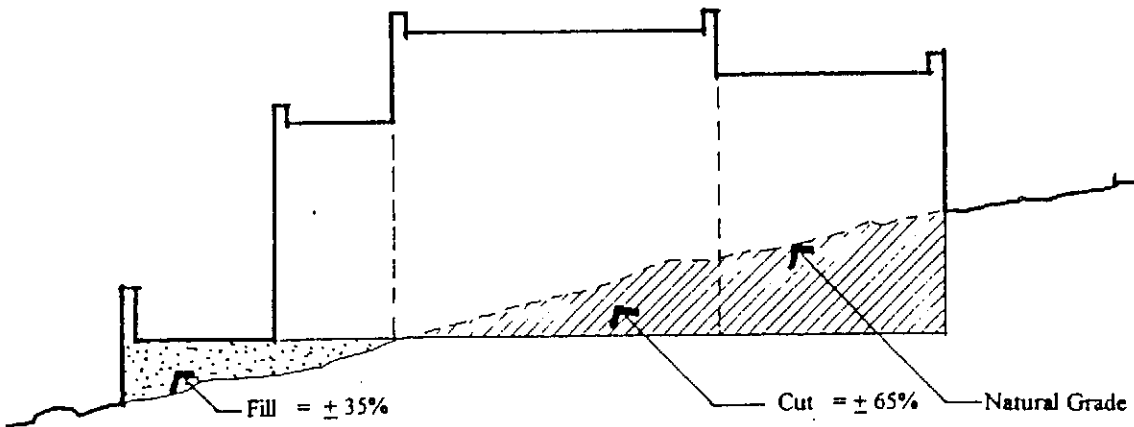
In cases where the Building Envelope slopes generally in one direction and the Residence and other Improvements are on multiple floor levels that step down with the terrain, the Cut and Fill conditions shall generally be as follows:



Sloping Site - Terraced Floor Levels

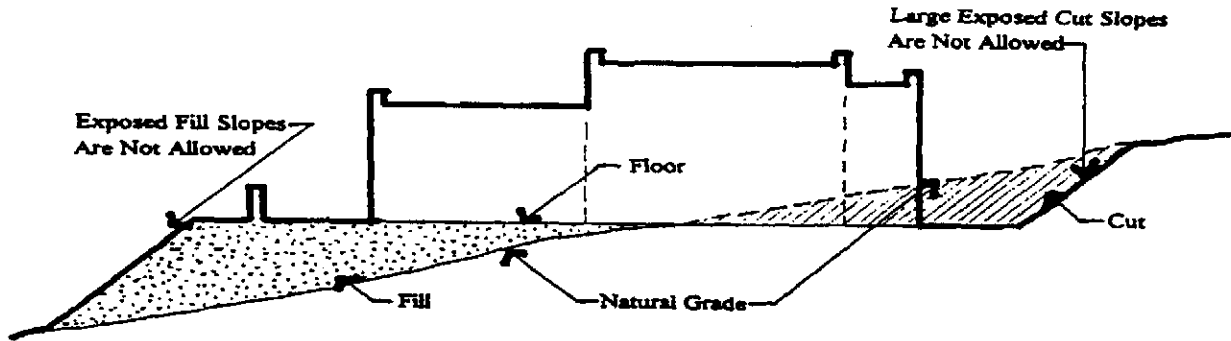
(b) **Sloping Site - Single Floor Level** (See Section 3.7(c) for limitations)

In cases where the Building Envelope slopes generally in one direction and the Residence and other Improvements are primarily on a single floor level, the Cut and Fill conditions shall generally be as follows:

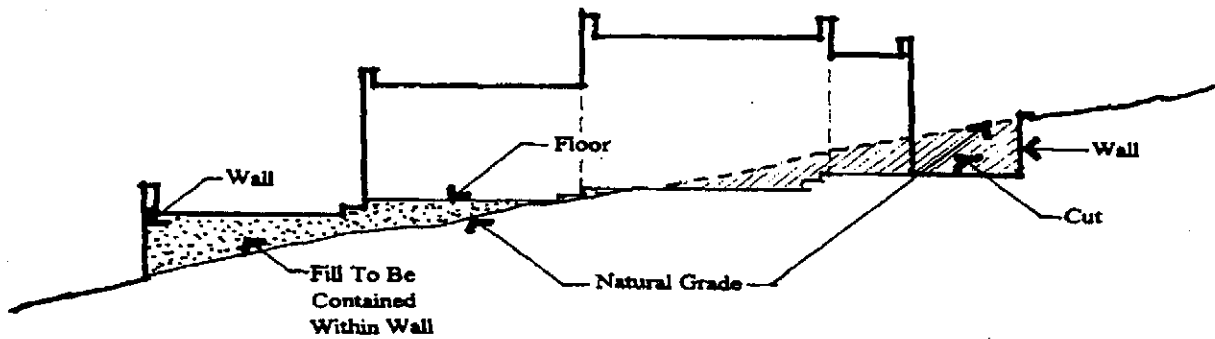


Sloping Site - Single Floor Level

- (c) Cut and Fill slopes may not remain exposed following Completion of construction (see sketch). "Flat pads" will not be allowed to extend beyond the perimeter of the building and/or site walls. Cut slopes may be regraded and naturally contoured to match existing terrain if all grading is contained within the Building Envelope and if, in opinion of the Committee, the regraded slope will have a natural appearance upon completion.



Unacceptable Cut & Fill Technique



Approved Cut & Fill Technique

3.8. WASHES AND DRAINAGE EASEMENTS

These natural drainageways occur frequently throughout The Peak and should not be obstructed. Structures and other Improvements should be sited to avoid these washes, although they can be sited near the edge of a wash.

Drainage easements have been established encompassing some washes with projected 100-year storm flows greater than fifty (50) cubic feet per second. These easements are areas of special consideration due to the potential for water flows of a high volume and must remain unaltered and unobstructed. As with any wash, Improvements should avoid these easement areas. Improvements considered to be absolutely necessary within a drainageway should be designed and constructed to bridge these easements; however, in such cases, if required by the Committee, a backwater flood analysis prepared by a civil engineer licensed in the state of Arizona and ensuring the safety and feasibility of the design, must be submitted and will be subject to review by a licensed civil engineer retained by the Committee.

Driveways that cross established drainage easements are required to use culverts or other similar drainage structures that will convey the drainage flow equal to the culverts downstream at the street crossings and in accordance with City drainage standards. A qualified civil engineer licensed in the state of Arizona should be retained to prepare the necessary drainage design for these situations.

3.9. SITE DRAINAGE AND GRADING

Site drainage and grading must be done with minimum disruption to the Lot. Structures, roads, driveways and any other Improvements should be designed to fit the existing contours of the site, minimizing Excavation rather than altering the site to fit a poorly designed structure or Improvement. Surface drainage shall not drain to Adjacent Lots, Common Areas or open spaces except as established by natural drainage patterns, nor cause a condition that could lead to off site soil erosion on to or Adjacent Lots, Common Areas or open spaces.

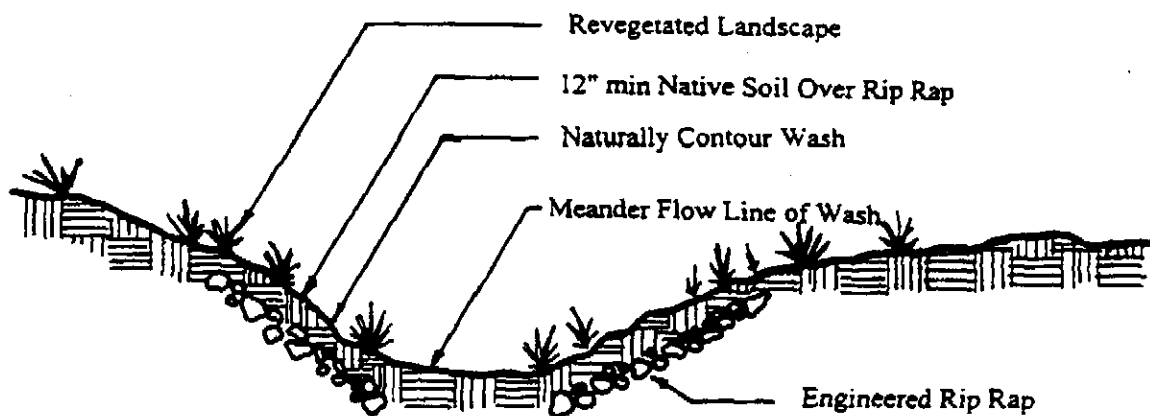
Designs should carefully evaluate the erosion potential and safety of the site drainage based upon the percentage and direction of slope, soil type and vegetation cover. When a change in the natural drainageway within a given Lot is absolutely necessary, avoid right angle diversions, and create positive drainage in a logical and natural manner. Minimize soil erosion in disturbed areas through the use of native rock and plant materials. Any changes in a drainageway shall require contour grading and mature landscape to return the drainageway to a natural looking appearance.

It is the intent of these Guidelines to discourage excessive Cut and Fill and no grading may be done outside the Building Envelope unless such grading is proven to be the only means of providing necessary flood protection. Any alterations to washes carrying fifty (50) cubic feet per second or more resulting from a 100 year, two hour storm may require special consideration for approval by the Committee.

If culverts are used at any location, concrete culverts are preferred instead of corrugated metal culverts. In either case, the inside of the culvert must be painted a minimum distance of two times the opening of the culvert at each end. Colors should match the building sitewalls or natural earth colors. The termination of culverts, including the use of headwalls, must result in a well designed termination with finished edges. Rough, bent or chipped ends of culvert must not be exposed.

3.10. RIP RAP AND EROSION PROTECTION

If rip rap or other rock-type methods of erosion control are proposed for significant drainageways, the drainageway must be naturally contoured and the rip rap or rock must be covered with a minimum of 8" of native soil and revegetation. This method can still provide the necessary engineered erosion control, but creates a more natural looking drainageway that blends with the natural environment and topographic conditions. River run rock or other rounded stone, will not be allowed as a rip rap material.



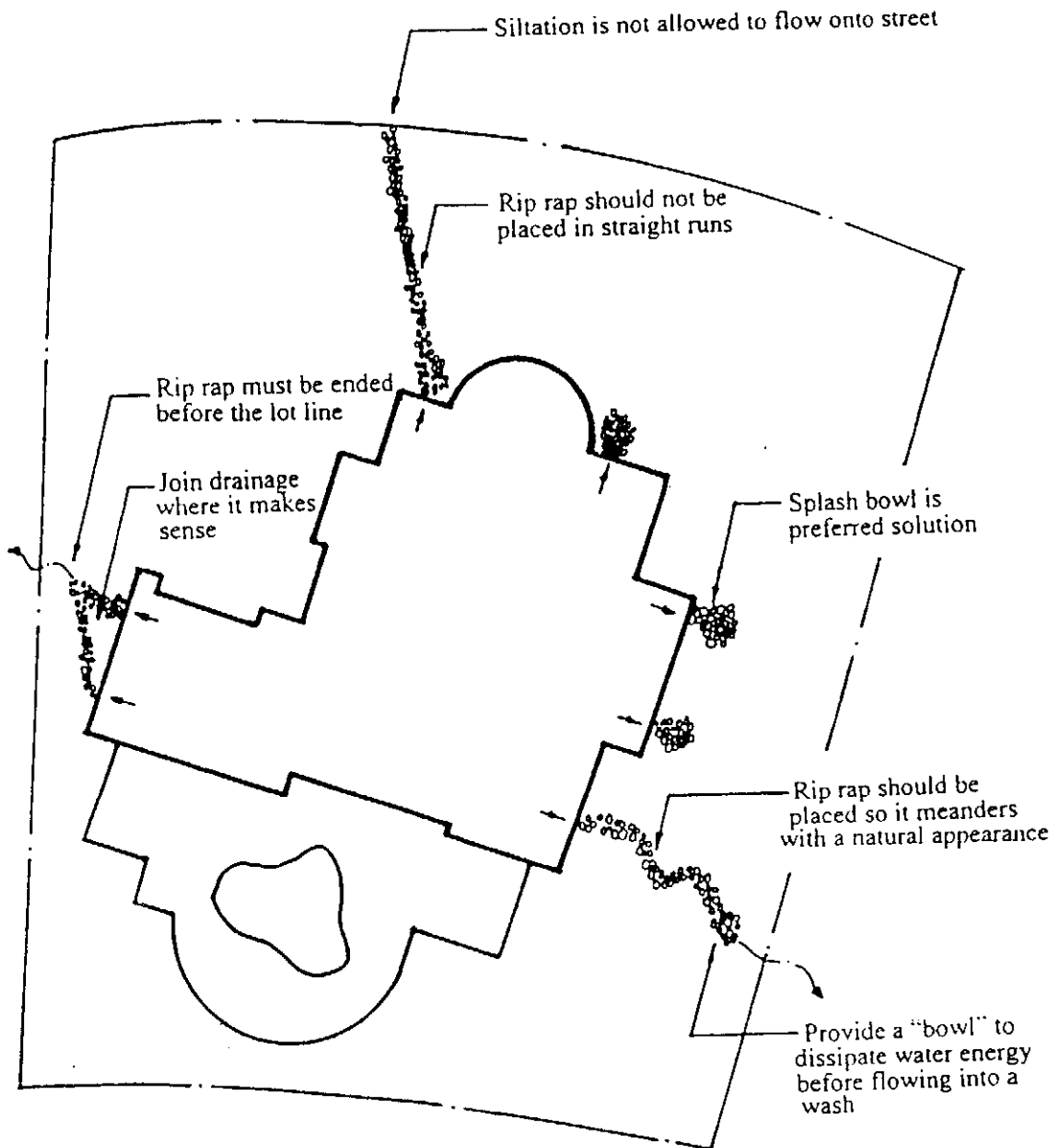
Suggested Erosion Control for Significant Drainage Ways

Rip rap is also a common method of erosion control for minor surface drainage and scupper or downspout splash areas. When properly designed and installed, rip rap can have an attractive natural appearance that blends with the natural desert floor while still providing erosion control. If used, flat-faced rip rap should be hand placed with the flat faces up to create a concave surface plane. Spaces or voids between the rocks should be provided to accommodate small desert plants and shrubs. All exposed rocks should be treated with a desert varnish such as eonite in order to make the rip rap blend with the natural desert floor. The patterns of rip rap should appear natural and straight alignments are not allowed. Rip rap material should be typically 8" in diameter or

larger as smaller rock does not create the same natural appearance. River run rock or other rounded stones will not be allowed as a rip rap material.

At scupper and downspout locations, it is preferred to create a splash bowl that will dissipate the energy of the water and allow it to naturally drain across the surface of the desert floor, instead of long ribbons of rip rap drainage patterns.

The proper design and installation characteristics are outlined in the following illustrations:



Minor Erosion Control

3.11. LANDSCAPE

The goal of these landscape guidelines is to ensure that developed areas within The Peak harmonize and blend with, rather than dominate, the natural environment. This sensitive approach to landscaping will help protect and preserve the wildlife and flora that contribute to the unique experience of living within a desert environment.

Like the architecture of each Residence, the landscape should be tailored to fit the unique features found on each Lot. Transitional Area landscaping may vary from Lot to Lot in regard to palette and plant densities in order to respond more specifically to microclimate of the area.

The Approved Plant List (Appendix "C") in these Guidelines includes an extensive list of indigenous and arid-region plant materials suitable for use within The Peak. Use of indigenous species should not be limited to Transitional Areas but should also be considered for use within the Private Areas. The Committee may consider other plant materials that may not be listed on the Approved Plant List (Appendix "C") provided they are not on the Prohibited Plant List (Appendix "D") and provided specific approval is obtained from the Committee.

Proposed landscape planting materials not on the Approved Plant List (Appendix "C") must be identified on the landscape drawings as such and the submittal must include a photograph and description of the plant for which approval is being requested. The Committee reserves the right to refuse any plant material it feels will not be beneficial to the environment of The Peak.

In the event of any violation of Sections 3.8 or 3.10 of these Guidelines, the Committee or the Association may cause the Lot to be restored to its state existing immediately prior to such violation; or, in the event of any violation of Section 3.7(b) of these Guidelines, cause to be replaced any Protected Plant which has been improperly removed or destroyed with either a similar plant in type and size or with such other plant as the Committee may deem appropriate. The Owner of such Lot shall reimburse the Committee and the Association for all expenses incurred by them under this paragraph provided however that, with respect to the replacement of any plant, the Owner shall not be obligated to pay an amount in excess of the expenses which would have been incurred by the Committee or the Association had they elected to themselves replace the damaged, destroyed, or removed Protected Plant with a plant similar in type and size. In addition, certain fines might be imposed by the City under the City of Scottsdale's Native Plant Ordinance. The Committee shall have the right to require complete or partial landscape restoration of disturbed areas.

3.12. REVEGETATION

The goal and intent of revegetation is to restore any areas disturbed by construction or grading to a natural appearance such that upon maturity of the revegetation, the area matches the adjacent natural desert and appears as though it was never disturbed. Revegetation is required for all areas that are disturbed by grading or construction and located in the Transitional Area or any disturbed area not enclosed by the building or site walls. Revegetation includes the combined use of trees, cacti, ground cover and seed, all of which are necessary to achieve the desired results. Revegetation plant material shall be planted in a density and arrangement that is similar to the adjacent undisturbed Natural Area. This revegetation landscaping must include only indigenous species specifically identified on the Approved Plant List (Appendix "C").

The desert ground cover (bushes and shrubs) must be revegetated using a minimum of fifty (50) one-gallon or larger plants per one thousand (1000) square feet. This minimum number of one-gallon or larger plants used for revegetating the ground cover should be placed in a natural pattern not in a formal or geometric pattern. As exists in nature, the species of plant material used for revegetating the ground cover should consist of a minimum of 75% of the plants as the primary ground cover species and the remaining 25% or less as miscellaneous shrubs, bushes and cacti that are indigenous plants and on the Approved Plant List (Appendix "C").

3.13. IRRIGATION

While indigenous plants and many of the arid-region plant materials can survive on little or no supplemental irrigation, irrigation during the establishment period is critical. Drip systems or hand watering systems are the required method of irrigation for desert areas. Spray irrigation systems shall be limited to turf areas because of the inefficiency and the effect the spray has on the micro-climate. All irrigation systems shall operate on an automatic timer. Irrigation within the Natural Areas is not allowed except for special circumstances where specific approval is granted by the Committee to add additional trees in the Natural Areas. In this case, the irrigation system must be designed to be an above ground temporary system that will minimally impact the Natural Areas. Temporary irrigation systems established within the Transitional Areas must be designed to eliminate run-off into the adjacent Natural Areas. Established native vegetation does not need irrigation and supplemental water can lead to disease and death of many of these plants and aid in the spread of undesirable plant species or weeds.

3.14. LANDSCAPE MAINTENANCE

Each Owner is required to maintain the landscape on their Lot in such a manner that it does not become visually unattractive, overgrown, or otherwise not in keeping with these Guidelines or the CC&R's. In general, the Natural Area and the Transitional Area should require minimal maintenance since they are intended to appear the same as the undisturbed desert. Maintenance in the Natural Area and Transitional Area should be limited to the removal of dead plant material, the removal of defined weeds or other plant materials not listed in Appendix "C", and the control of grasses through the use of appropriate methods. The landscape in the Natural Area and the Transitional Area should not have a manicured or groomed appearance and should not be kept clean of all small native grasses and plant material exposing a bare desert floor. These areas should be maintained in such a manner that they resemble in appearance the undisturbed natural desert. The maintenance of an area around a home that is clear of vegetation is not allowed. The maintenance of landscape within the Private Area shall be such that the plant material does not become overgrown or appear unattractive. The landscape areas between the Private Area and the Transitional Area that are not clearly divided by site walls should naturally transition the level of maintenance so as not to create a clear line of demarcation between the two zones.

The Committee and the Association reserve all rights to cause the maintenance of the landscape in accordance with these Guidelines and CC&R's including the imposition of fines.

3.15. PROHIBITED PLANT LIST

The plant materials set forth in the Prohibited Plant List (Appendix "D") include species with characteristics which are potentially destructive to the Natural Areas and indigenous plants by reason of profuse and noxious pollen, excessive height, weedlike characteristics of excessive growth and high water demands. Under no circumstances is it permissible to plant any Prohibited Plant in The Peak.

3.16. PROTECTED PLANTS

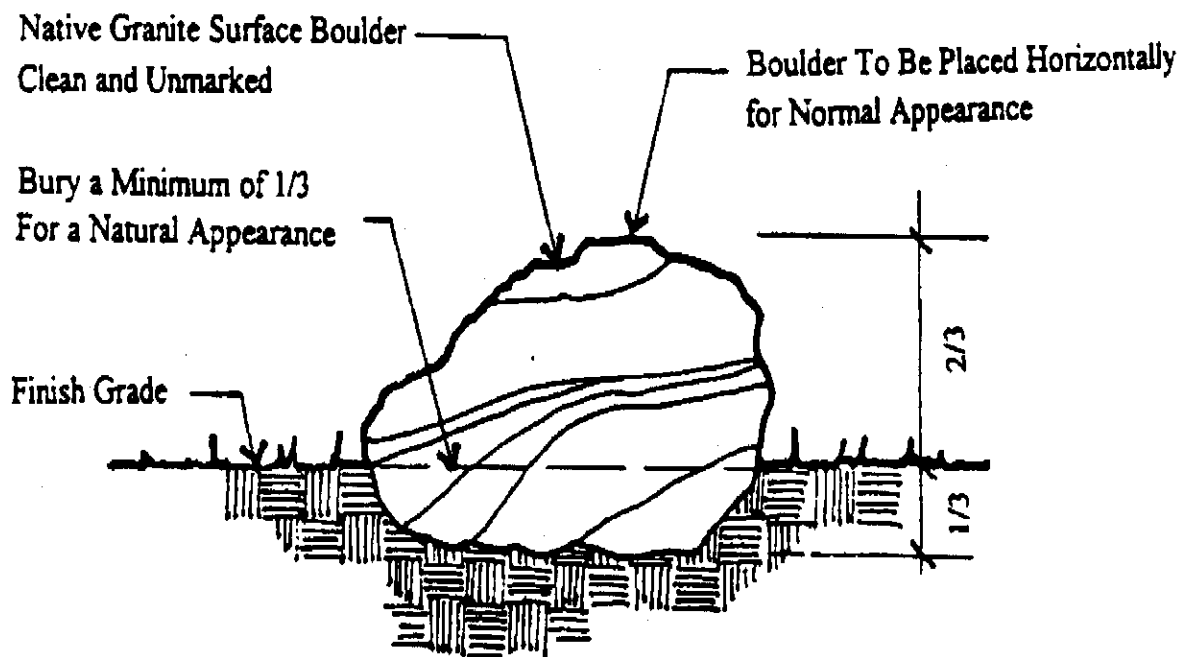
Protected Plants are those desert plants which must be protected pursuant to City regulations. Improvements should be sited to avoid these protected species if at all possible, however they may be carefully transplanted. It is recommended that competent professionals be consulted prior to transplanting any desert plant materials and the Committee may require replacement of any plant which dies during transplanting out with a plant of the same species and size. It is recommended that the Owner and Architect become familiar with all the requirements of the current City of Scottsdale Native Plant Ordinance.

3.17. LANDSCAPE BOULDERS

The use of additional boulders as part of the site and landscape design requires special attention to the scale and proportions of the boulders. The addition of boulder elements into the landscape and site design needs to consider the scale of the existing elements.

For example, an added boulder feature of several small (3' diameter or smaller) boulders would seem unnatural and out of character against the dramatic existing background. Detailed design sketches and/or photographs will be required to be submitted to the Committee with the Preliminary Submittal and Final Submittal if additional boulder features are proposed.

If additional boulders are proposed or existing boulders moved, they must be placed in a natural arrangement with the boulders being placed horizontal, not vertical, with a minimum of one-third (a) of the boulder buried into the ground. Boulders should be naturally clustered, not "fined up" or evenly scattered. The color of potential additional boulders should match the color of the granite boulders native to The Peak. Broken or crushed surfaces of boulders may not be exposed.



Boulder Placement

3.18. MINERAL LANDSCAPE FEATURES

Boulders, gravels, mineral ground covers, and similar features will be limited either to materials indigenous to the desert or to materials similar in color and appearance to indigenous materials. Decomposed granite used as a landscape material is to be a maximum of 2" minus in size and similar in color to the native ground. Washed granite that is 2" diameter or larger is not allowed in the Natural Area or Transitional Area.

3.19. FIRE PROTECTION

Because of the remote location and steep terrain, Owners may wish to consider an exterior perimeter irrigation system for protection from potential wildfires from off-site. The system may consist of a series of irrigation sprinklers located at the perimeter of the Residence or site walls that would have sufficient spray to wet the perimeter of the Improvements to deter a fire. Residences with a pool may want to consider a system that integrates the pool as a water supply and includes an alternate power source in case of power failure. The Committee makes no recommendation or warranties for such a system, but only mentions it for consideration of each Owner.

3.20. EXTERIOR LIGHTING

The Peak philosophy of the predominance of undisturbed desert extends to nighttime as well as daytime views. In order to preserve the dramatic views of city lights and the night sky, which tend to be obscured by excessive local lighting, the Committee has established the following guidelines for residential site lighting.

Site lighting is defined as lighting mounted on the ground, in trees or on site walls for the purpose of providing security or decorative accent lighting.

Building mounted lighting is defined as lighting built into or attached to buildings on walls, ceilings, eaves, soffits or fascias for the purpose of providing general illumination, area illumination or security illumination.

- (a) Site lighting must be directed onto vegetation or prominent site features such as boulders and may not be used to light walls or building elements.
- (b) Building mounted lighting must be directed downward away from Adjacent Lots, Common Areas, streets and open spaces and may not be used to light walls or building elements for decorative purposes.
- (c) All exterior lighting must provide for significant shielding to ensure that light sources and lamps are not Visible from Neighboring Property; no bare lamps will be permitted. Recessed lights in exterior soffits, eaves, or ceilings shall have the lamp recessed a minimum of three inches (3 ") into the ceiling.
- (d) Only incandescent lamps with a maximum wattage of seventy-five (75) watts will be allowed for exterior lighting unless specific approval is received from the Committee. Low voltage lighting is recommended, since these fixtures are typically small and can be easily concealed within the native vegetation. Colored lights will not be allowed for exterior lighting.
- (e) No lighting will be permitted in Natural Areas or outside areas enclosed by patio or building walls. Site lighting must be confined to areas enclosed by walls or be in the immediate vicinity of the main entrance to the Residence.
- (f) Lighting of driveways and parking areas shall be subject to restrictions set forth in Section 3.22.

- (g) Lights on motion detectors for the purpose of security illumination are strongly discouraged but may be allowed subject to specific approval of the Committee. If allowed by the Committee, these lights will only be allowed to operate on a motion detector and stay lit for a maximum of twenty (20) continuous minutes. Security lights must still meet the requirements of shielding of the light sources and the light sources should not be Visible from Neighboring Property. If problems with these lights occur, the Committee, and the Association, reserve the right to demand that the fixtures be disconnected. If allowed, care must be taken to avoid setting off the motion detector by the motion of vegetation and the movement of wildlife. These lights will not be allowed to operate for the purpose of general illumination.
- (h) The color of the light fixture, and its shield, housing or trim, including exterior soffit lights, shall be compatible with the building color and must meet the Light Reflectance Value (LRV) requirements of these Guidelines.

3.21. ENTRANCE DRIVEWAYS

Entrance driveways should be located so as to minimize their visual impact on important natural features of a Lot such as large or significant plant materials, boulders, washes, or drainageways. Driveways shall be a maximum of twelve (12) feet wide (except when required by the City of Scottsdale Fire Department) at the property line and shall intersect the street preferably at a right angle, but at a minimum angle of seventy (70) degrees. Driveways should also be located in such a way as not to interfere with drainage in the right-of-way of the street. Only one driveway entrance off of the street will be permitted for each Lot. The Committee may, at its sole discretion, approve up to, but not exceeding, two (2) driveway entrances off of the street(s).

All driveway surfaces will be required to be integrally colored exposed aggregate concrete or other approved stable driving surface. Integral color shall be a dark color with an LRV (Light Reflectance Value) of thirty (30) or less. The aggregate shall be 3/8" or larger with at least 33% of the aggregate colors being dark natural colors. Other hard and textural driveway surface materials such as pavers or cobbles may be considered for approval, if in the opinion of the Committee, the proposed material has minimal visual impact and minimum reflective values as viewed from Adjacent Lots or other off-site areas. Asphalt will not be allowed for driveway surfaces.

The lighting of driveways is strongly discouraged because of the negative visual impact from below. A series of lights up the foothills as viewed from a distance is not attractive to the overall community. If in the opinion of the Committee, lights along driveways do not create visual concerns, the Committee may approve driveway lights subject to the following criteria. Light fixtures may be mounted no higher than 18" above the driving surface. The fixtures must be located on the "downhill" side of the drive and aimed toward the "uphill" side of the drive. The light source must be fully screened from below including any light leak from the top of the fixture.

Lights must only light the driveway surface and not retaining walls or landscape. The maximum footcandles allowed at any point beyond ten feet (10') from the fixture is 0.25 footcandles. Cut sheets and photometric charts of any proposed light fixtures must be submitted with the Final Submittal.

3.22. PARKING SPACES

Each Residence shall contain parking space within the Lot for at least two (2) automobiles in an enclosed garage either attached to or detached from the main structure of the Residence. A minimum of two (2) additional exterior parking spaces must be provided to accommodate guest parking. No on street parking will be permitted for resident's vehicles or vehicles of their guests. Views of guest parking areas from Adjacent Lots, streets, or Common Areas must be mitigated and diffused by screen walls or a combination of screen walls and landscaping. Walls should be between 36" and 48" high. Landscaped berms may also be used. No unenclosed storage of recreational vehicles or boats will be permitted.

3.23. SWIMMING POOLS AND SPAS

Swimming pools and spas, should be designed as being visually connected to the Residence through walls or courtyards, and the visual impact must be minimized from Adjacent Lots, streets and Common Areas, and from the on-site Natural Area. Swimming pools and spas must be constructed according to the City of Scottsdale ordinances, and other applicable regulations. The color of exposed tile on a negative edge pool must be dark or match the building color. No light or bright tile colors will be permitted on negative edge pools.

Based on policies by the City of Scottsdale, pool backwash or pool draining is not allowed to be disposed of in the sanitary sewer system. Due to environmental concerns, pool backwash and draining is not allowed to be disposed of into a wash or other natural drainage area. It is recommended that a drywell be constructed to allow for disposal of pool backwash and draining. Any applicable regulations governing disposal of pool water must be followed.

Pool equipment, including all valves, filters, blowers, conduits, backflow preventers, piping and controls, must not be Visible from Neighboring Property, streets, or Common Areas and must be enclosed by walls and a gate or other suitable screening methods to a height of 12" minimum above the equipment.

3.24. SPORTS/TENNIS COURTS

For reasons of noise control and aesthetics, sports/tennis courts will be allowed only with specific approval of siting and lighting by the committee and in accordance with the C.C&R's.

3.25. BASKETBALL HOOPS

Basketball hoops and backboards may be installed at any Residence, when specifically approved in advance by the Committee. The installation of such items may be subject to stipulations imposed by the Committee based on specific review of the request.

The basketball hoop and backboard must come down when no longer utilized. The intent is to locate a basketball hoop and backboard in the least visible area and away from view from the streets or Common Areas. Basketball hoops and backboards are not allowed in yards facing the street(s) nor on the face of a building that faces the street(s) nor on any wall within thirty feet (30') of the building face. Backboards mounted on a building must be clear or painted to match the house, and the top of the backboard must be kept below the top of the parapet of the wall on which it is mounted.

No backboards shall be allowed on a pitched roof. Backboards mounted on a pole must be either clear or painted flat verde green. The pole or support shall be painted black, dark brown or dark desert green. Poles must be removable. The Committee may require additional mature landscaping to screen any basketball hoops and backboards from Adjacent Lots, streets and Common Areas. Although the general guidelines of this section may be met by a proposed application, the Committee may refuse to allow a basketball hoop and backboard if, in its sole discretion, the Committee determines a negative impact would result.

3.26. EXTERIOR RECREATIONAL OR PLAY EQUIPMENT

All exterior recreational or play equipment such as swing sets, slides, play structures, jungle gyms and similar equipment must meet the intent and requirements of all sections of these Guidelines, including color. This type of equipment or structures should be located in the least visible portions of the Lot. In addition, every attempt to screen this equipment or structures from view of Adjacent Lots should be made including the installation of mature landscape. The height of this type of equipment shall be limited to a maximum of eight feet (8') above finished grade. Due to the fragile nature of the desert environment, tree houses or other play structures attached to native plants will not be allowed. All exterior recreational or play equipment requires specific approval of the Committee prior to installation.

3.27. ADDRESS IDENTIFICATION

Individual address identification devices for each approved Residence may be installed by the Owner of a Lot. Such devices must be subtle in design and utilize the same materials and colors as the Residence and reflect its design character. No "unique" identification devices will be permitted. No additional signage detached from the Residence will be permitted, except temporary construction signs or other signs as permitted by the Committee. The Committee may initially, or in the future, require installation of uniform address identification devices for all Lots, including Lots with previously constructed identification devices. The design of the address identification device should be submitted with the Final Submittal and must be approved by the Committee before installation.

Section 4
Architectural Design Guidelines

ARCHITECTURAL DESIGN GUIDELINES

The following architectural standards have evolved in response to climatic, environmental and aesthetic considerations in The Peak.

4.1. DESIGN CHARACTER

These Guidelines do not intend to dictate architectural style for the design of a Residence within The Peak, although all designs must be of a character appropriate to the environment, climatic conditions, and community context. The Committee encourages creative architecture, but warns against architectural styles that are not appropriate for the desert or community context.

Due to the high visibility of the Lots from their neighbor lots within The Peak, the design character of a home has a greater impact on the community as a whole. The design character or "style" of all Residences and other Improvements must be appropriate to this desert location as determined in the opinion of the Committee. The overall goal is to create homes that blend into the natural terrain and have as little visual impact as possible when viewed from any adjacent area within the community. Simply stated, the less of the house that is noticeable from a distance, the better it achieves the goal of minimizing the visual impact.

While some designs may be "good" examples of architecture in themselves, if, in the opinion of the Committee, the design is not appropriate for the environmental context, the community context, and the overall visual context, it may still not be approved.

Although architectural "style" is not dictated, there are numerous principles of good architectural design that should be considered and included in the design of a Residence in The Peak. To facilitate in the explanation of these principles, the following guidelines are provided:

- The use of textural materials such as stone and masonry help to reduce the visual impact and scale of a Residence. Multiple exterior finish materials are recommended for all Residences.
- The use of broad overhangs can create dramatic voids, deep recesses, and strong canopies as well as providing protection from the weather and the sun.
- The use of proportions that emphasize the horizontal instead of the vertical are required.
- The use of natural dark-colored, textural sloped roofs such as concrete tile, and black or "penny brown" copper assist in creating a variety of elements that, when appropriately composed, break down the boxy feel of typical parapeted masses. Sloped roofs should appear as canopies with deep shadows and deep fascias that properly express the visual strength.
- The use of broad overhangs, recessed voids, sheltered windows and well articulated massing will create strong shadow lines with deep recesses. These shadows and recesses improve visual appearance of a house significantly, particularly when viewed from a distance.

Many design elements that have been widely accepted throughout other areas may not be appropriate for this highly visible site and should be avoided. Some of these elements include:

- Very dominate mass elements that are boxy or imposing on the overall composition.
- Dominant horizontal lines only or dominant vertical lines only. To create a design with repose, the vertical and horizontal elements should be composed to properly engage each other. Too much vertical or too much horizontal will not achieve a balanced design.
- Large expanses of monolithic materials, such as large, unbroken walls of stucco, long continuous retaining walls, or other large elements composed of a single material.
- Long stuccoed parapets over covered patios. This element has been widely used on the view side of homes, but the long continuous parapets need the relief of other materials or intersecting masses or planes.
- Boxy forms or an arbitrary collection of boxy forms. Simple parapeted flat roofs arbitrarily composed may be considered inappropriate by the Committee since they lack shade, shadow, recess and repose.
- Long continuous lines or small chopped up masses.

The design character should create a Residence that blends with its environment instead of standing out against it. The design character of a Residence should be considered from all sides (including roofs), not just the front or rear elevations, and all elevations should maintain the same visual integrity, cohesiveness, and design detail. All designs should be textural with the use of multiple exterior materials, natural elements and complimenting colors to avoid monotone or "vanilla" homes.

Monochromatic color schemes will not be allowed, unless otherwise given specific approval by the Committee. The colors of fascias, roof materials, window frames, railing, etc., should be carefully selected to create a well composed palette of colors and textures that appear as an integrated visual composition.

The integration of pitched roofs and flat roofs into the overall home design can add visual depth to the Residence, create welcoming shaded spaces, and add color and texture to the overall composition. Structures that consist of only bold mass or block forms are discouraged. The design of a Residence should carefully integrate mass forms with the overhangs, roof forms, site walls and landscape into a well composed whole.

The intent of this section is to create homes that have greater visual texture and depth, strong shade and shadow lines, natural appearance and blend with the existing environment and community context.

4.2. BUILDING SIZES

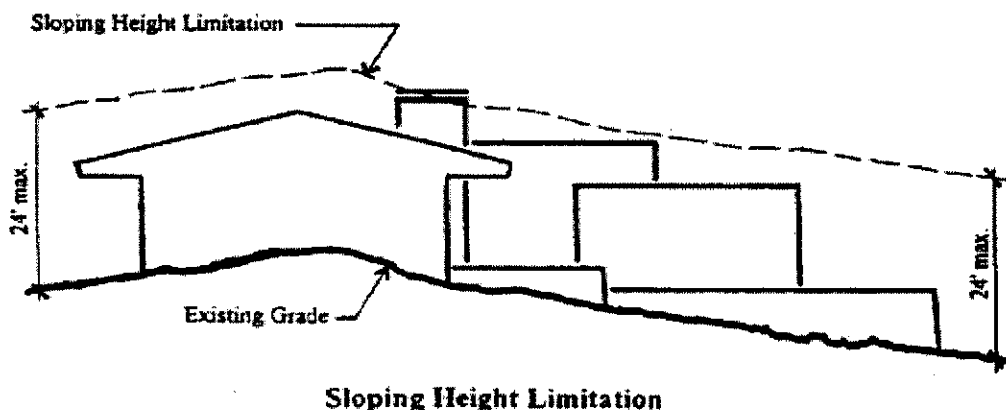
It is expected that Residences will contain at least three-thousand five hundred (3,500) square feet of enclosed, conditioned living area, and a maximum of twelve thousand five hundred (12,500) square feet of total enclosed area, including garages; however, smaller or larger Residences may be approved by the Committee, if in its opinion, the design would not result in a Residence which would be out of character with the other Residences in The Peak.

4.3. BUILDING HEIGHTS

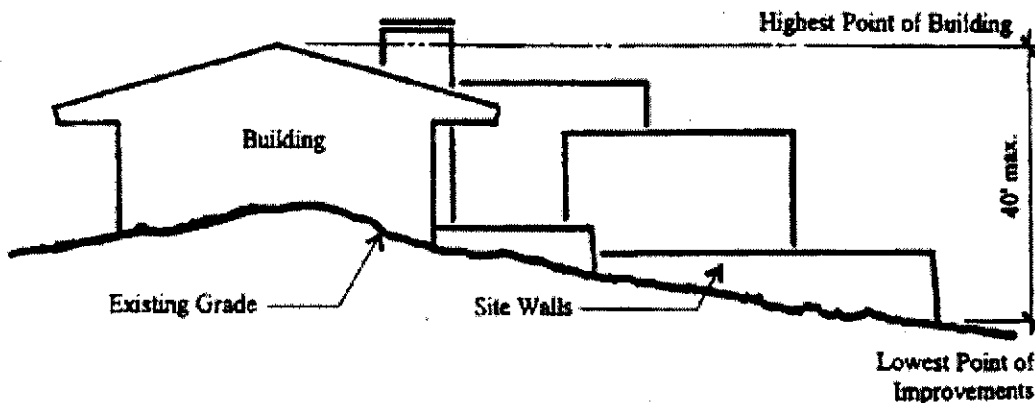
These Guidelines are intended to discourage and/or prevent any Residence or other structure which, in the opinion of the Committee, would appear excessive in height when viewed from a street, Common Area, or other Lot, and/or which would appear out of character with other Residences because of height. Consequently, despite the maximum heights generally permitted as hereinafter specified in this section, the Committee, even though a proposed Residence or other structure may comply with said maximum height restrictions, nevertheless may disapprove a proposed Residence or other structure if, in the opinion of the Committee, it would appear excessive in height when viewed from a street, Common Area, or other Lot, and/or would appear out of character with other Residences or undesirably prominent because of height.

Because the desert vegetation is low, rarely ever exceeding twenty (20) feet in height, and because the HPPOA philosophy envisions Residences that tend to blend with, rather than dominate the environment, single story multi-level buildings that relate to the natural contours of the Lot are encouraged. The height of all Residences and other Improvements is limited by a series of allowable dimensions, all as described below.

- (a) **Sloping Height:** In addition to the other height requirements in this section, no portion of the Residence or other Improvements, except for chimneys, may exceed a height of 26'-0" above the existing natural grade. This height is measured vertically at any point of the Residence or other Improvement to existing natural grade immediately below that point. Due to the unique and varied topography, the Committee may approve, on a case by case basis, and in its sole discretion, increases in the sloping height limitations.



- (b) **Overall Building Height:** The overall height of a Residence or other Improvement shall not exceed 35'-0" measured in a vertical plane from the highest parapet or roof ridge to the natural grade at the lowest point adjacent to the building exterior inclusive of site retaining walls, patio walls, and pool walls. In special circumstances involving conditions which do not conflict with applicable City ordinances, the Committee may approve, on a case by case basis and in its sole discretion, overall vertical dimensions which may exceed the 35'-0" limitation.



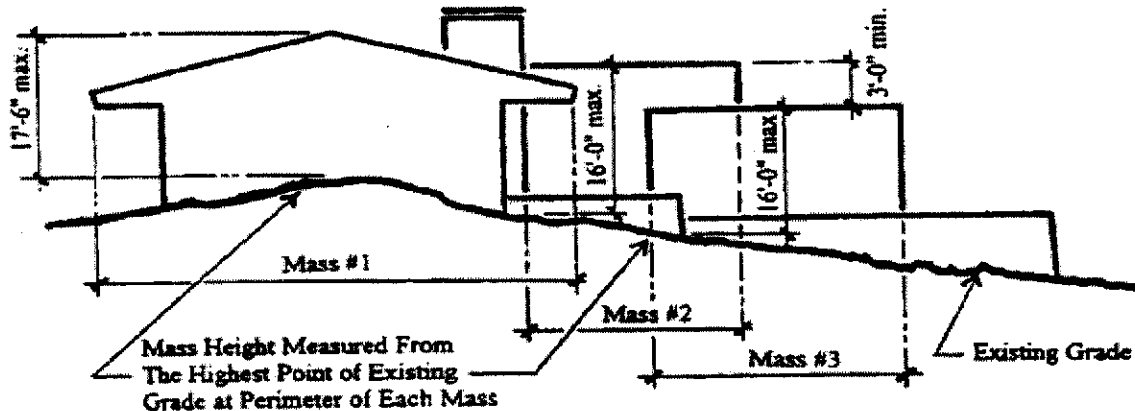
Maximum Overall Building Height

- (c) **Massing:** Scale and proportion in the desert can be deceiving. Small structures can at times appear large and dominating against the low vegetation and landforms. Therefore, proper massing will reduce the scale of a large structure and create building texture that will help to blend the Residence with its environment.

Unless otherwise specifically approved by the Committee, each Residence shall be composed of at least three (3) visual building masses of differing heights as viewed from any elevation. Homes larger than 5,000 square feet, excluding garages, shall be composed of at least four (4) visual masses of differing heights as viewed from any elevation. To be classified as a visual building mass, the mass shall have a minimum depth and width of 20'-0" and be a minimum of 500 square feet in area. Depth and width dimensions shall be measured perpendicular to each other. Very large or dominating individual building masses, in particular those created by sloping roofs, are discouraged. Therefore, no individual building mass shall have an area larger than 2,500 square feet, or a single dimension larger than 80'-0" unless, in the opinion of the Committee, a larger mass does not appear to be excessive in size.

- (d) **Mass Heights:** The maximum height of any individual building mass of a Residence may not exceed 19'-0", measured to the tops of surrounding parapets on flat roofs, or measured to the top of the ridge on sloping roofs; except that a maximum of one-third of the area of the overall enclosed building footprint, including garages, may exceed these limits to a maximum of 24' measured to the top of surrounding parapets on flat roofs, or to the top of the ridge on sloping roofs. Height shall be measured vertically from the highest pre-construction natural grade within the perimeter of each mass.

For at least 2/3rd of the total enclosed footprint including garages A = 19
 For up to 1/3rd of the total enclosed footprint including garages A = 24

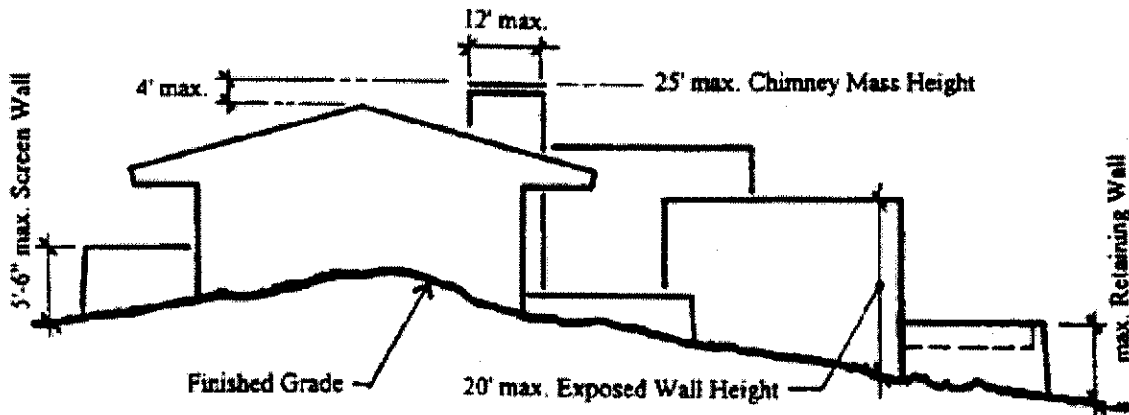


Massing and Mass Heights

- (e) **Difference in Mass Heights:** Unless otherwise specifically approved by the Committee, the required three (3) or four (4) visual masses shall vary in height vertically by a minimum of 3'-0" from any adjacent mass or masses.
- (f) **Exposed Wall Heights:** In no case shall a wall have an unbroken height of more than 20'-0" measured vertically from the finished grade at its lowest point along the wall to the top of the wall. Additional height may be achieved if an additional wall or sitewall is created and set back a minimum of 6'-0" from the high wall, subject to the limitations of the other governing criteria in these Guidelines and if approved by the Committee. Door and window penetrations and applied banding or textured relief in a wall plane do not change the measurements of an unbroken wall height.
- (g) **Articulation of Massing:** All height limitations are rudimentary criteria which form the basis of the general massing only. For example, in addition to the overall massing which must step with the terrain, it is expected that all elevations will not only take advantage of the view from within the Residence, but will provide pleasant views from all surrounding areas. All side and rear elevations are expected to be articulated to break up the facade into smaller elements, as well as adding the richness of shade and shadow. Large blank walls will not be allowed.

While the specific design is a matter for each individual Architect, failure to provide this articulation and richness may be grounds for rejection of the design by the Committee.

- (h) Chimney Mass: Unless otherwise approved by the Committee, the height of a chimney mass may not exceed 4'-0" above the highest point within 10'-0" of that chimney mass. A chimney mass may not exceed an overall horizontal dimension of 12'-0" in any one direction, unless otherwise specifically approved by the Committee.



Additional Height Restrictions

- (i) Screen Wall Height: In no case shall the height of a screen wall or site wall exceed 5'-6" measured vertically from the lowest point at finished grade adjacent to the wall to the highest point of the wall along the exterior side of the enclosure, unless otherwise specifically approved by the Committee.

4.4. ROOFS

Since roofscapes will form an important part of the visual environment, they must be carefully designed. It is intended that neither flat roofs nor pitched roofs predominate. Pitched roofs shall be hipped or tie into building masses and may have a maximum slope of 4 to 12. Mansard roofs are prohibited; however the Committee shall have the authority to approve partial gable or shed roofs when, in the opinion of the Committee, they do not add to a Residence's visual massiveness. Dominant roof colors such as white and red or reflective roof surfaces are prohibited. The finishes of metal roofs must be matte. Roof mounted mechanical equipment (if allowed) and antennas should be hidden from view. For "flat" roofs, the flashing detail between the roof and the parapet wall must be kept horizontal, not sloped to follow the roof or cricket slope. In the case of built-up roofs, all lap joints, seams or patches must be coated with an aggregate or ballast matching the roofing aggregate or ballast. Any joints, seams or tar patches shall be coated to match the adjacent roof surface and not be obvious. Parapets must return and end in an intersection with a building mass.

Flat roofs should be surrounded by parapets a minimum of 10" above the adjacent roof surface, but in no case higher than 36" above the adjacent roof surface.

Flat roofs that do not have parapets may be approved by the Committee if such roofs are free of any skylights, roof penetrations, roof vents, plumbing vents, etc. and, if in the opinion of the Committee, any drainage crickets are not distracting to the overall design character of the Residence. The materials listed in Appendix "E" are those sloped roof materials which the Committee has approved for use.

The design of a Residence with a combination of flat and sloping roofs can create dramatic homes with appropriate massing and texture. The use of this combination takes skilled design understanding, and, if not properly designed, can lead to the appearance of two separate styles pressed together without integration or repose. The Committee may, at its sole discretion, reject any design in which it feels the sloped and flat roofs are not integrated into a harmonious whole.

The Committee strongly recommends that sloping roofs be designed as sheltering and shading elements with broad overhangs and strong shadow lines. Thin edges or thin fascias should be avoided on sloping roofs, as should sloping roofs with minimal or no overhangs. Sloped roof materials should be textural with very dark or deep color tones.

Flat roof colors shall meet the requirements of these Guidelines regarding color and it is strongly recommended that the color of flat roof material and associated flashing match the color of the building. In any case, the color of the inside of the parapets should be the same across the entire vertical surface (i.e., paint the flashing and vertical roof material to match the parapet wall). Flat roofs utilizing foam roofing systems may want to consider higher foam densities, or other special coatings, in order to achieve the color requirements.

4.5. COLORS

All exterior building and Improvement colors shall have a light reflective value (LRV) of less than thirty-two (32). This information is available from most paint manufacturers. Colors should blend with the natural colors of the vegetation and mountains as seen from a distance. Colors leaning toward the yellow, orange or blue hues are discouraged, even if they have an LRV less than thirty-two (32). Subdued accent colors may be used, subject to approval by the Committee. Flat roofs must be surfaced with a material whose color harmonizes with the natural desert but does not contrast with the building walls or may be painted to match the building walls. Flat roofs utilizing foam roofing systems may want to consider higher foam densities, or other special coatings, in order to achieve color requirements. Colors for exterior art work, sculpture or any other special features should also be muted tones chosen to blend rather than contrast with the Residence and its surroundings.

4.6. REFLECTIVE FINISHES

No highly reflective finishes, except glass, which may not be mirrored or opaque, and door hardware, shall be used on any exterior surfaces including exterior art work and sculpture.

4.7. MATERIALS - EXTERIOR SURFACES

Exterior surfaces must generally be of materials that harmonize with the natural landscape. Stucco, stone masonry, painted slump block, adobe block, or integrally colored split face concrete block, should be the predominant exterior surfaces. They provide an outer surface to withstand the climate extremes and their use is encouraged as the combination of materials provides a textural context that breaks down visual massing in much the same manner that the variety of the desert itself breaks up the large expanses. Large amounts of wood will not weather well in desert conditions and are strongly discouraged. In addition, red brick is not considered harmonious with the desert and will not be approved.

Exterior finish materials including stucco on all building walls, site walls, and screen walls must be continued down to below the finish grade, thereby eliminating unfinished foundation walls.

4.8. BUILDING PROJECTIONS

All projections from a building including, but not limited to, chimney caps, vents, gutters, scuppers, downspouts, utility boxes, porches, railings, and exterior stairways shall match the color of the surface from which they project or be an appropriate accent color, unless otherwise approved by the Committee. All building projections must be contained within the chosen Building Envelope (See Section 2.3).

4.9. ANTENNAE / SATELLITE DISHES

There shall be no antennae or satellite dishes of any sort installed or maintained which are Visible from Neighboring Property, except as expressly permitted by the Committee. Antennae approved by the Committee must be painted to match the home and or blend in with its surroundings.

4.10. SKYLIGHTS

Skylights can add natural light to interior spaces of a home, but they can also cause problematic light discharge and reflection from roofs. Therefore, a maximum of twelve (12) skylights and/or a maximum of sixty (60) square feet of total area of skylights, whichever is more restrictive, may be permitted on any Residence. Skylights must be surrounded by parapets and the parapets must be at least 12" above the highest point of any skylight. It is recommended that the skylights be placed in such a manner as to maximize the screening effect of the parapets from views from Adjacent Lots, streets and Common Areas.

Skylights must be either tinted bronze or gray. White or clear skylights will not be allowed. Skylights should be the low profile type and should be located as to minimize their visibility from other Lots, particularly those located at a higher elevation, and they should not cause any objectionable glare or reflections. Skylights are not allowed on pitched roofs or flat roofs that are not surrounded by a parapet. Uplighting in skylights is not allowed. A note must be placed by the Architect on the roof plan or other applicable plan in the final construction drawings indicating that parapets must be a minimum of 12" above the highest point of any skylight.

4.11. WINDOWS

Windows should be located and sized so as to limit heat gain to the Residence's interior and not cause any objectionable glare at any time, day or night. The use of overhangs, deep window opening recesses and other shading devices are encouraged. In any case, the plane of the glass must be recessed a minimum of four (4) inches from the exterior wall face, unless the glass is sheltered by an overhang and side walls of at least 2'-0" in depth. Typically, the larger the plane of glass, the greater the recess should be from the exterior wall face. "Pop outs" around windows will not be allowed unless, in the opinion of the Committee, the window surround is treated as a mass element.

Glass block has the same constraints as listed above for windows. Glass block is not allowed in decorative patterns or shapes. Colored or bronze reflective glass block is not allowed.

The use or addition of fabric-type awnings, exterior sunshades or other shading devices that do not appear integrated into the design of a Residence are strongly discouraged and can only be allowed if, in the opinion of the Committee, the element is integrally designed into the character of the Residence and other Improvements and it does not have a negative impact on the overall visual harmony of the Peak. Sun control and shading demands should be analyzed with the initial concepts and designed as an integrated part of the Residence through the use of correct solar orientation, broad roof overhangs, shading masses and deeply recessed windows. In general, the attachment of shading devices to the Residence is not considered an integrated solution.

4.12. INTERIOR LIGHTING

Windows can also create a contrast problem at night if interior lighting is not properly designed or installed. If clerestory windows are combined with soffit lighting, the lamp must be screened from view from outside, including above, and directed away from the window. The lamps of interior soffit lighting must not be Visible from Neighboring Property. Soffit and interior lighting creates "hot spots" when the light reflects off of walls or ceilings should be avoided. Interior lighting may not be directed up into any skylights.

4.13. PATIOS AND COURTYARDS

Patios and courtyards should be designed as an integral part of the Residence so they can be shaded and protected from the sun by roofs and building masses. These open areas can take advantage of natural air flows to produce cooler temperatures. By orienting these outdoor spaces inward, disturbance of the desert will be minimized. Outdoor firepits and outdoor fireplaces must be gas burning only due to concerns about fire danger. Wood burning outdoor firepits or outdoor fireplaces will not be allowed.

4.14. PATIO AND COURTYARD FURNITURE

In order to maintain visual integrity, all patio and courtyard furniture, including umbrellas, must meet the intent of Section 4.5 "Colors". White or brightly colored patio and courtyard furniture and accessories will not be allowed. These standards shall also apply to patio or exterior furniture on rooftop decks. Umbrellas will not be allowed on roof decks.

4.15. SOLAR APPLICATIONS

Passive solar applications or the orientation and design of the Residence for maximum winter sun gain will reduce the winter heating needs, and will be encouraged. Active solar collectors can cause excessive glare and reflection, and can only be approved if they are integrated into the structures or landscaping on a Lot. As with all design elements of a Residence or other Improvements, solar collectors must be integrally designed, aesthetically pleasing and meet all other applicable restrictions set forth in these Guidelines. Solar collectors must not be Visible from Neighboring Property or cause excessive glare.

4.16. SCREEN WALLS / SITE WALLS

Screen walls should be a visual extension of the architectural design of the Residence. They may be used to separate the Private Areas from the rest of the Building Envelope and as screening for parking and service areas. They may not be used to delineate property lines or to arbitrarily delineate the Building Envelope. The colors of walls must conform to the color standards described in these Guidelines.

4.17. SERVICE YARD

All above-ground garbage and trash containers, clotheslines, mechanical equipment, pool equipment and other outdoor maintenance and service facilities must be completely screened by walls and gates, at least one (1) foot higher than the equipment, from Adjacent Lots, Common Areas, or streets. Gates or a "maze" entry that provides complete screening shall be required around all mechanical and pool equipment enclosures.

4.18. GUEST HOUSES, GUEST SUITES AND ACCESSORY BUILDINGS

Such structures must be designed as a single visual element with the Residence and should be visually related to it by walls, courtyards, or major landscape elements. A free standing Guest House must comply with applicable City zoning regulations. A free standing Guest House or accessory building can be constructed on any Lot, with approval from the Committee, provided all Improvements fall within the Building Envelope and meet the requirements of these Guidelines. No Guest House or Guest Suite may be leased or rented, separate and apart from the lease or rental of the main Residence. Guest Houses are for short-term stays only.

4.19. NO VISIBLE STORAGE TANKS

All fuel tanks, water tanks, or similar storage facilities shall be shielded from view from Adjacent Lots, streets or Common Areas by walls or structures or shall be located underground with all visible projections screened from view from Adjacent Lots, streets and Common Areas.

4.20. COLUMNS

In keeping with the intent of visual strength in the architectural design, column proportions are critical. Thin columns tend to visually appear weak. Columns must have a minimum dimension of 12" in diameter or width in both directions, and have a minimum slenderness ratio of 1 to 8. (i.e., an 8'-0" tall column must be 12" wide and a 12'-0" tall column must be 18" wide). The Committee may grant exceptions to this guideline if determined by the Committee to be appropriate to the specific design.

4.21. GARAGES

Every effort should be made to minimize the impact of the garage and garage door(s). Careful siting and driveway orientation can ensure that a garage is recessed from view from the street and Adjacent Lots. In an effort to minimize garage impact, no more than three (3) garage stalls (i.e., three (3) single doors or one (1) single and one (1) double door) will be allowed adjacent to each other in a continuous plane. Two (2) double garage doors may be placed adjacent to each other if they are offset by a minimum of six (6) feet horizontally and they do not face the street. If additional garage space is needed it must be separated from the other garage location in an effort to avoid a long uninterrupted row of garage bays. The appearance of the garage door must blend with the home design. Ornate garage doors are strongly discouraged.

4.22. UNIQUE EXTERIOR FEATURES

Unique exterior features including, but not limited to, entry arches, decorative gates, glass patterns, railings, stairs, enclosures, shade structures, ramadas, fountains, gazebos, cabanas, exterior fireplaces, and the like must be designed as an integral part of the Residence.

Requests for approval of unique exterior features should include detailed design information including sketches, cut sheets, photographs, etc. as a part of the Preliminary Submittal and the Final Submittal for approval by the Committee.

Specific restrictions include:

- (a) Exterior stairs and, specifically, circular stairs must be screened so that it is not Visible from Neighboring Property with a solid wall; open railings and exposed treads and risers on exterior stairs will not be allowed. Exterior ornamental stairs are not allowed.
- (b) Outdoor fireplaces, firepits or similar items shall be gas fueled only due to concern of fire danger.
- (c) Fountains or water displays shall be limited in height to no higher than five (5) feet above the grade at which they are located and must be screened so that it is not Visible from Neighboring Property.

Section 5
Construction Guidelines

Construction Guidelines
for Peak Owners Association (POA)
Scottsdale

The Association Board has adopted the following policies and requirements relating to the actual construction process in addition to the Design Guidelines. These guidelines are intended to assist the owner and contractor in following requirements that the Association considers necessary for efficient, safe and secure execution of the construction phase.

5.1. Pre-construction Conference: This conference should include a member of the POA board, the lot owner and the general contractor. The conference is intended to establish the rules, answer any questions and assist all parties in executing their tasks easier, more efficiently and with less impact on residents. At this time the builder/owner should provide to the Association a timetable identifying start dates and estimation of completion. Before construction may begin, the home plan must have passed the POA Design review (\$1750 non-refundable), the builder/owner must have posted the \$10,000 Builders Bond and the builder/owner must have received the start of construction approval letter from POA. A copy of this letter should be posted on the back of the builder or lot owner's sign.

5.2. Builders Bond: This cash bond will be posted by the builder owner to insure that he and any subcontractors conform to these guidelines. The amount of the cash bond is \$10,000. Any violations or damage to the association property could result in charges levied against this bond. The cash bond will be returned to the builder/owner upon completion (minus any violation charges).

5.3. Construction Site Inspection: The frequency of the inspection by POA boardmembers may be at least once a month, depending on the volume of activity. The purpose of the inspection is to review for violations of these guidelines, to check for construction per approved plans and for CC&R deviations.

5.4. Safety, Sanitation and Noise: Fire hazards are always a concern, regardless of the season. Every building site MUST have at least one working fire extinguisher on site (in a prominent place in the structure) at all times. The recommended minimum extinguisher is a ten pound ABC type. If the inspection reveals that there is no extinguisher on site, the Association retains the right to shut down the project until one is made available.

5.4a. Burning of any trash is absolutely forbidden. No open fire is permitted for trash, scrap, warm-ups or cooking.

5.4b. Fencing the building envelope is recommended but not required. Fencing aids in protecting the natural vegetation, restraining trash and debris and provides additional property security. The fencing should envelope the building site, trash container and any trailer, if at all possible.

5.4c. Trash on each building site should be in a container with a lid. Trash should be deposited in the container on a daily basis to insure that no debris blows across other property. This area periodically experiences high winds and any debris blown from a construction site are to be picked up immediately. Failure to do so may require the Association to have the trash policed and the cost deducted from the \$10,000 bond (8,250 net). The builder/owner should inspect the site and neighboring sites on a regular basis to insure litter is kept to a minimum.

5.4d. Noise: Noise from vehicles (trucks, bulldozers, etc.) and portable radios and generators must be kept to a level as to not be annoying to nearby residents. No dogs allowed on site with crews.

5.5. Parking and Traffic Control: All job site street parking will be confined to only one side of the street for safety concerns. Neighboring lots should not be used for storing materials, equipment or parking. Parking should be in a manner that does not disturb the native vegetation, adjoining lots or restrict traffic on the community roads. It is the responsibility of the builder to police the parking of the subcontractors who choose to park on the street. General contractors shall make subcontractors and their crews aware of speed limits (25 mph) parking procedures and general courtesy to others on the Peak. Any homeowner doing construction must place for the entire width of the property on the opposite side of the street, a fence-like structure to prevent construction crews from parking on another owner's property.

5.6. Construction Trailers: Any builder desiring to install a trailer on site will have to first gain approval from POA. Signage on the trailer is limited to the company name and the color of the trailer shall meet POA approval. Any trailer shall be removed as soon as construction is completed.

5.7. Portable Toilet Facilities: Portable toilet facilities must be provided on site either in the building envelope or in an area approved by the Committee.

5.8. List Of Contractors: The builder/owner must provide the Architectural Control Committee and/or the President of the Board with an accurate and updated list of contractors, subcontractors, architects, surveyors and others who may be involved in working on the Peak. This list should include the name of the company, the address and phone for the company as well as the individuals name. There should also be a contact number for the owner, principal contractor and supervisor if any as well as any architect.

Should a change, substitution or addition be made to the access list, a copy of the new list will be provided to the Association. (This includes changes in general

contractors or subs specified in previous lists.) Also, a copy of the **construction timetable** should accompany the access list.

5.9. Change Orders: The Architectural Review Architect will be provided with a copy of any change orders materially affecting exterior shape or appearance to insure that there are not changes of substance that might be contrary to association guidelines and/or negate a prior design approval.

5.10. Working days and hours: Construction working hours should, within reason, be one half hour before sunrise until one half hour after sunset. Obviously summer and winter seasons influence the work schedule but the contractors should be informed of the hours. No exterior construction or construction causing noise from outside the residence shall be allowed on Sundays. There will be no construction activity on holidays (New Years Day, Memorial Day, 4th of July, Labor Day, Thanksgiving and Christmas).

5.11. Dirt Work: Contractors must avoid bulldozing dirt over the side and down slopes which would destroy the desert and leave a scar. No dumping of excess materials within the development is allowed. Any excess must be hauled away. Dust control must be maintained within limits as established by Scottsdale City.

5.12. Catering Truck: Catering vehicles will not be allowed to use their horns as their schedules are routine enough for workers to be aware of break times. Trash generated by food sales should be disposed of properly. Failure to police trash will result in denial of access to the vendor. Violations to have fines similar to fines in Section 5.4.c

5.13. Damage: Damage to roads, desert or private property is to be avoided. Any damage not repaired by the builder/owner will be undertaken by the Association and deducted from the cash bond. This includes concrete spills. Any damage in excess of the builder's bond will be applied in the form of a lien on the property in accordance with HPPOA CC&R's. Much road damage can be avoided. Avoiding hard turns with heavy equipment and placing plywood under backhoe outriggers or trailer tailgates will often eliminate scuffs and dents. Upon completion, the property will undergo a final exterior inspection by POA to ensure all requirements are met. Any scuffs, dents and cuts to the road surface will have to be saw cut, patched and sealed prior to release of the builders bond.

5.14. Distributing these Guidelines: The owner or general contractor is responsible for giving copies of these Construction guidelines to all subcontractors and professionals who work on the project or informing them as to it's contents. Extra copies are available from the Association office.

5.15. Concrete Trucks: Concrete trucks are not permitted to wash out their trucks after delivery with the Peak Development.

5.16. Utilities: Wherever possible, if utilities must be connected for the construction site to the other side of the road, there should be tunneling under the street, rather than cutting open the street.

5.17. Violations: The Association reserves the right to *prohibit entrance to the Peak by any violators of these guidelines.*

Before Beginning Construction -Checklist

In review, the following must be accomplished prior to the start of construction:

- Design Review Fee (to Association) \$1750
- Builders Bond, \$10,000 (refundable) to Association
- Building permit from City of Scottsdale to Association (a true copy)
- Construction approval letter from HPPOA
- Access list of contractor/subs to Association
- Copy of this Construction Guideline (6 pages) signed by builder/owners (delivered at pre-construction conference)
- Pre-construction conference (on site or as arranged after all above completed)

Owner (or designee) _____

General Contractor _____

The Peak Boardmember _____

Date _____

Official start date of project _____

Appendix

Appendix "A" DEFINITIONS

Unless the context otherwise specifies or requires, the following words or phrases when used in the Guidelines, shall have the following specific meanings. Terms used herein which are defined in the Declaration shall have the meanings specified therein.

- 6.1. "Adjacent Lot" means any Lot that shares a common boundary with the subject Lot, as well as any Lot that is located directly across a street or across a Common Area open space less than fifty feet (50') wide.
- 6.2. "Applicant" means the specific individual person identified on an application form submitted to the Design Committee as the applicant to whom all design review correspondence shall be addressed.
- 6.3. "Architect" means a person appropriately licensed to practice architecture or landscape architecture in the state of Arizona.
- 6.4. "Association" means the Highland Place Property Owners Association as defined in the Declaration.
- 6.5. "Association Director" means the individual appointed by the Board to manage the administrative functions and duties of the Association.
- 6.6. "Board" means the Board of Directors of Highland Place Property Owners Association.
- 6.7. "Builder" means a person or entity engaged by an Owner, including the Owner acting as Builder, for the purposes of constructing any Improvement on the Owner's Lot.
- 6.8. "Building Envelope" means that portion of a Lot, as described in Section 3.1 of these Guidelines, including any modifications as made from time to time pursuant to the Guidelines, which encompasses the maximum allowed developable area of the Lot.
- 6.9. "City" means the City of Scottsdale, Arizona, a municipal corporation of the State of Arizona.
- 6.10. "Committee" means the Design Committee established by the HPPOA board.
- 6.11. "Common Area" means Common Area as defined in the Declaration.
- 6.12. "Cut" means the removal of soil, rock or other earth materials to create a finished grade that is lower than the existing natural grade.

- 6.13. "Declaration" means the recorded Declaration of Covenants, Conditions, Restrictions and Easements for The Peak, as amended from time to time.
- 6.14. "Design Review Committee" means the HPPOA Design Review Committee.
- 6.15. "Design Review Coordinator" means the individual appointed by the Committee to serve as the coordinator and liaison for the Committee.
- 6.16. "Developer" means the developer as defined in the Declaration.
- 6.17. "Excavation" means any disturbance of the surface of the land (except to the extent reasonably necessary for planting of approved vegetation), including any trenching which results in the removal of soil, rock, other earth materials or other substance from a depth of more than twelve inches (12") below the existing surface of the land, or any grading of the surface.
- 6.18. "Fill" means any addition of soil, rock or other earth materials to the surface of the land, which increases the elevation of such surface from its existing state.
- 6.19. "Final Submittal" means all drawings and information required by Section 2.6 of these Guidelines to be submitted to the Committee for final approval.
- 6.20. "Finished Floor Elevation" means the floor elevation of any portion of a Residence as measured from topographic elevations based on the City of Scottsdale datum.
- 6.21. "Guest House" means a structure, separate from the main structure of the Residence, having sleeping facilities for one or more guests.
- 6.22. "Guest Suite" means sleeping facilities incorporated into the main structure of the Residence for the use of one or more guests.
- 6.23. "Guidelines" means The Peak Design Guidelines.
- 6.24. "Improvement" means any changes, alterations, or additions to a Lot, including any excavation, Cut, Fill, Residence, buildings, outbuildings, roads, driveways, parking areas, walls, retaining walls, stairs, patios, courtyards, landscape, poles, signs, exterior art and any structure or other modification of any type or kind.
- 6.25. "Lot" means a subdivided Lot as shown on the plat of record for The Peak.
- 6.26. "Natural Area" means the portion of the Lot as described in Section 3.2 of these Guidelines, which must remain undisturbed, lying within a Lot, but outside of the Building Envelope.

- 6.27. "Natural Area Easement" means the easement required by the City to preserve the Natural Area Open Space (NAOS) of a Lot.
- 6.28. "Owner" means the Owner (as defined in the Declaration) of a Lot. For the purposes herein, the Owner may act through his designated agent, provided that such agent is authorized in writing or by law to act in such capacity.
- 6.29. "Preliminary Submittal" means all drawings, models and information required by Section 2.4 of the Guidelines to be submitted to the Committee to obtain preliminary design approval.
- 6.30 "Residence" means any building or buildings, including any garage or other accessory building used for residential purposes, constructed on a Lot, any Improvements constructed in connection therewith. Unless otherwise defined, "Residence" shall mean a single-family Residence.
- 6.31 "Structure" means anything constructed or erected on a Lot, the use of which requires location on the ground or attachment to something having location on the ground.
- 6.32 "Visible from Neighboring Property" means that an object or activity on a Lot which is or would be visible without the use of artificial site enhancements in any line of sight originating from any point six feet above any other property, including other Lots.

Appendix "C"

APPROVED PLANT LIST

The Committee has found the plants included in the following list to be inherently compatible with the natural desert existing at The Peak and encourages their use. Any species not contained herein may not be planted or installed within The Peak without written approval from the Committee. All species of cacti, trees or shrubs not listed below, which have been found to be indigenous to The Peak area, are acceptable for use within The Peak, but their specific uses must be approved by the Committee. Non-indigenous plant materials which normally reach a mature height greater than twenty feet (20') may not be used.

Indigenous species are preceded by an asterisk (*). Only indigenous plants may be used in the Natural Areas and the Transitional Areas outside the site walls. The density and mix of any added indigenous plant material should approximate those found in the general area.

TREES

Acacia Abyssinia

Abyssinian Acacia

Acacia cavenia

Acacia eburnia

Needle Acacia

Acacia farnesiana (smallii)

Sweet Acacia

Acacia occidentalis

Acacia schaffneri

Acacia species

Caesalpinia platyloba

Bird of Paradise

*Canotia holacantha

Crucifixion Thom

*Ceitis pallida

Desert Hackberry

*Celtis reticulata

Net Leaf Hackberry

*Cercidium floridum

Blue Palo Verde

*Cercidium microphyllum

Foothills Palo Brea

Cercidium Praecox

Palo Brea

*Chflopsis linearis

Desert Willows

Olneya tesota

Ironwood

Pithecollobium bervefolium

Apes Earring

Pithecollobium flexicaule

Texas Ebony

Prosopis alba

Argentine Mesquite

Prosopis chilensis

Chilean Mesquite

Prosopis glandulosa

Honey Mesquite

Prosopis pubescens

Screwbean Mesquite

SHRUBS

Acacia angustissima

Fem Acacia

Acacia constricta
Acacia craspedocarpa
*Acacia greggii
*Agave species
Aloysia wrightii
*Ambrosia ambrosioides
*Ambrosia deltoidea
Ambrosia dumosa
*Anisacanthus thurberi
Asclepias subulata
Asclepias tuberosa
Atriplex canescens
Atriplex lentiformis
Atriplex mulleri
Atriplex nummularia
Atriplex polycarpa
Atriplex rhagodioides
Atriplex torreyi

*Berberis haematocarpa
Buddleia marrubifolia
Bursera fagaroides
Caesalpinia gilliesii
Caesalpinia mexicana
Caesalpinia pulcherrima
*Calliandra eriophylla
Calliandra californica
Cassia artemisioides
Cassia biflora
Cassia circinnata
Cassia goldmannii
Cassia leptophylla
Cassia nemophylla
Cassia philodinea
Cassia wislizenii
*Ceanothus greggii
*Cercocarpus montanus
Cordia parvifolia
Dalea bicolor
Dalea formosa
Dalea greggii
*Dalea pulchra
Dalea wislizeni
*Dodonaea viscosa

White Thorn Acacia
Leather Leaf Acacia
Catclaw Acacia
Parryi Tomeyi
Highmass
Canyon Ragweed
Bursage
White Bursage
Desert Honeysuckle
Desert Milkweed
Butterfly Weed
Four Wing Salt Bush
Quail Bush

Old Man Salt Bush
Desert Salt Bush / Cattle Spinach

Nevada Salt Bush
(Atriplex lentiformis var. Torreyi)
Barberry
Woolly Butterfly Bush,
Fragrant Bursera
Yellow Bird of Paradise
Mexican Poinciana
Mexican Bird of Paradise
Pink Fairy Duster
Red Fairy Duster
Feathery Cassia
Texas Cassia

Green Feathery Cassia
Silver Cassia
Shrubby Cassia
Desert Ceanothus
Mountain Mahogany

Indigo Bush
Feather Dalea
Prostate Indigo Bush
Gregg Dalea
Indigo Bush
Dodonaea

*Encelia farinosa
 *Ephedra species
 *Ericameria laricifolia
 *Eriogonum fasciculatum
 Eriogonum inflatum v. polifo
 *Eriogonum wrightii
 Fallugia paradoxa
 *Fouquieria splendens
 Holacantha emoryi
 *Hyptis emoryi
 Jatropha cardiophylla
 *Juniperus monosperma
 Justicia candidans
 *Justicia californica
 Justicia spicgera
 Krameria parvifolia
 *Larrea tridentata
 Leucaena retusa
 Leucophyllum frutescens
 Leucophyllum laevigatum
 Leucophyllum species
 *Lotus rigidus
 *Lycium andersonii
 *Lycium brevipes
 *Lycium fremontii
 *Mimosa biuncifera
 Mimosa dysocarpa
 Mimulus cardinalis
 Nolina bigelovii
 *Nolina microcarpa
 *Quercus turbinelia
 Rhamnus californica
 *Rhamnus crocea
 *Rhus ovata
 Rhus trilobata
 Ruellia peninsularis
 Salvia chamaedryoides
 Salvia greggii
 Salvia species
 Senecio salignus
 Senecio douglasii
 *Simmondsia chinesis
 Sophora arizonica
 Sophora secundiflora
 Tecoma stans
 *Trixis californica
 Vauquelinia californica
 *Viguiera deltoidea
 Zinnia grandiflora
 *Zizyphus obtusifolia

Brittle Bush
 Mormon Tea
 Turpentine Bush
 Desert Buckwheat
 Flat-topped Buckwheat
 Wright's Buck-wheat
 Apache Plume
 Ocotillo
 Crucifixion Thorn
 Desert Lavender
 Limber Bush
 Onelseed Juniper
 Firecracker Bush
 Chuparosa
 Mexican Honeysuckle
 Ratany
 Creosote Bush
 Gold Lead Ball Tree
 Texas Sage, Texas Ranger
 Chihuahuan Sage

Desert Rock Pea
 Anderson Thornbush
 Thornbush
 Wolfberry, Tomatillo
 Catclaw
 Velvet Pod Mimosa
 Monkeyflower
 Bigelow Nolina
 Bear Grass
 Shrub Oak
 Coffee Berry
 Redberry Buckthorn
 Sugar Sumac
 Lemonade Bush
 Ruellia
 Blue Sage
 Autumn Sage

Willow Leaf Groundsel
 Thread Leaf Groundsel
 Jojoba
 Arizona Sophora
 Texas Mountain Laurel
 Arizona Yellow Bells
 Trixis
 Arizona Rosewood
 Golden Eye
 Prairie Zinnia
 Graythorn

VINES

Antigonon leptopus
Cissus trifoliata
Clematis drummondii
Mascagnia lilacina

Coral Vine
Arizona Grape Ivy
Old Man's Beard
Lilac Orchid Vine

GROUNDCOVERS

Acacia redolens
Dalea greggii
Verbena peruviana
Verbena pulchella

Trailing Acacia
Trailing Smoke Bush
Peruvian Verbena

PERRENIALS

*Baileya multiradiata
*Castilleja chromosa
*Cassia covesii
*Delphinium scaposum
*Dichelostemma pulchellum
*Dysodia porophylloides
*Machaeranthera species
*Melampodium leucanthum
Menodora scabra
*Mirabilis multiflora
Muhlenbergia rigens
Oenothera speciosa
*Penstemon eatoni
*Penstemon parryi
Penstemon species
Penstemon superbus
Phlox tenuifolia
*Psilostrophe cooperi
Salvia farinacea
Senecio douglasii
Sphaeraalcea ambigua
Tagetes lemmoni
Verbena (Glandularia)
Verbena gooddingii
Verbena rigida

Desert Marigold
Indian Paint Brush
Desert Senna
Barestemmed Larkspur
Blue-dick
Dysodia
Aster
Blackfoot Daisy
Menodora
Desert Four O'Clock
Deer Grass
Evening Primrose
Beard Tongue
Beard Tongue

Beard Tongue
Phlox
Paperflower
Blue Salvia
Groundsel
Globemallow
Mt. Lemmon Marigold
Vervain
Gooddings Verbena
Vervain

ANNUALS

**Datura meteloides*
**Erigeron* species
Eschscholtzia mexicana
Gilia flavocincta
Kalistroemia grandiflora
Lupinus concinnus
**Lupinus sparsiflorus*
Lupinus succulentus
**Mentzelia* species
Oenothera species
Phacelia campanularia
**Rafinesquia* species
**Salvia columbariae*

Sacred Datura
Fleabane Daisy
Mexican Poppy
Gilia
Arizona Poppy
Lupine
Lupine
Lupine
Stickleaf
Evening Primrose
Desert Blue Bell
Desert Chicory
Chia

SUCCULENTS AND CACTI

**Agave* species
Aloe species
**Carnegiea gigantea*
**Cereus greggi*
**Dasyliirion wheeleri*
Echinocactus grusonii
**Echinocereus engelmannii*
**Ferocactus acanthodes*
Ferocactus mislizenii
Hesperaloe parviflora
**Mammillaria microcarpa*
**Opuntia acanthocarpa*
Opuntia basilaris
**Opuntia bigelovii*
**Opuntia chlorotica*
**Opuntia engelmannii*
**Opuntia fulgida*
**Opuntia leptocaulis*
Opuntia violacea
**Yucca baccata*
**Yucca elata*

Century Plants (Parryi, Toumeyii)

Saguaro
Night Blooming Cereus
Desert Spoon
Golden Barrel Cactus
Hedgehog Cactus
Compass Barrel
Fishhook Barrel
Coral Yucca
Fishhook Pincushion
Buckhorn Cholla
Beavertail Prickly Pear
Teddy Bear Cholla
Pancake Prickly Pear
Desert Prickly Pear
Chain Fruit Cholla
Desert Christmas Cholla
Purple Prickly Pear
Banana Yucca
Soaptree Yucca

REVEGETATION PLANT MIX

The following is a general recommendation for basic ground cover revegetation with one gallon and larger plant material. When used in conjunction with specimen indigenous trees, cacti and large shrubs, as well as with a revegetation seed mix, this should provide a revegetation area that is natural in appearance upon maturity.

		Recommended Quantity of One-Gallon <u>Plants per 1000 s.f.</u>
GROUND COVER PLANT MIX		
Ericameria laricifolia	Turpentine Bush	30.0
Eriogonum wrightii	Wright's Buckwheat	10.0
Calliandra eriophylla	Pink Fairy Duster	2.5
Eriogonum fasciculatum	Desert Buckwheat	2.0
Acacia greggi	Catclaw Acacia	2.5
Yucca elata	Soaptree Yucca	0.5
Opuntia acanthocarpa	Buckhorn Cholla	2.0
Ferocactus acanthodes	Compass Barrel	0.5

Recommended Distribution:

Revegetation plants should be placed in natural formations that duplicate the adjacent undisturbed desert. Natural clustering and distribution patterns should be duplicated. Strict adherence to the recommended distribution is not encouraged. The goal should be to match the appearance of the adjacent undisturbed desert.

REVEGETATION SEED MIX

Note: This is not a replacement for revegetation with one gallon and larger plant material.

		Recommended Application Rate <u>In Ounces per Acre</u>
TREES, SHRUBS AND FORBES SEED MIX		
Ericameria laricifolia	Turpentine Bush	3.0
Eriogonum wrightii	Wright's Buckwheat	0.5
Eriogonum fasciculatum	Desert Buckwheat	0.5
Acacia greggi	Catclaw Acacia	2.0
Prosopis juliflora	Native Mesquite	1.0
Cercidium microphyllum	Foothills Palo Verde	1.0
Calliandra eriophylla	Pink Fairy Duster	1.0
Cercidium floridum	Blue Palo Verde	1.0
Yucca elata	Soaptree Yucca	1.0
Viguera deltoides	Viguera	1.0
Baileya multiradiata	Desert Marigold	0.5
Lupinus sparsiflorus	Lupine	0.5
Escholtzia Mexicana	Mexican Poppy	0.5
Phacelia campanularia	Blue Bells	0.5

Recommended Application Method:

- 1) Rip or scarify all areas to be seeded to a minimum depth of 4".
- 2) Cover all areas that have excessive amounts of hard granite (hardpan) or alkaline soil with a minimum of 6" of friable topsoil after ripping.
- 3) Broadcast seed mix at the rates described above in a uniform manner ensuring that all areas are evenly covered; either mechanical or hand broadcasting methods are acceptable.
- 4) Mechanically drag or rake all seeded areas after all seed is uniformly applied. Ideally this should happen after the boxed plant material is installed, and before the small containerized plants are installed.
- 5) No supplemental irrigation is required.

Appendix "D"

PROHIBITED PLANT LIST

The following may not be planted or maintained anywhere in The Peak:

1. Any species of tree or shrub whose mature height may reasonably be expected to exceed twenty feet (20'), with the exception of those species specifically listed as approved by the Committee.
2. All Palms (*Palmae*) whose mature height may reasonably be expected to exceed six feet (6') will be prohibited for aesthetic reasons as well as their high maintenance requirements. Dwarf varieties whose mature height may reasonably be expected to be less than six feet (6') will be allowed only in Private Areas within the confines of a private garden and behind site walls.
3. All Pines (*Pinus*), Cypress (*Cupressus*), False Cypress (*Chamaecyparis*), Juniper or Cedar (*Juniperus*) except those species specifically approved, whose mature height may reasonably be expected to exceed six feet (6') will be prohibited for aesthetic reasons. Dwarf varieties, and those whose mature height may reasonably be expected to be less than six feet (6'), may be used immediately adjacent to the entry to a Residence, or in Private Areas within the confines of a private garden and behind site walls.
4. Olive trees (*Olea europaea*) will be prohibited for reasons of their profuse production of allergy producing pollen, as well as for aesthetic reasons.
5. Oleanders (*Nerium oleander*) and Thevetia (*Thevetia* species), will be prohibited for aesthetic reasons as well as for their profuse production of allergy producing pollen. These poisonous plants will also be prohibited for their high maintenance requirements and excessive height. Dwarf varieties may be allowed in Private Areas within a private garden and behind site walls.
6. Fountain Grass (*Pennisetum setaceum*) will be prohibited as a defined weed with the potential to spread throughout the development and also as a fire hazard.
7. All varieties of Citrus will be prohibited for aesthetic reasons and for their profuse production of allergy producing pollen. Dwarf varieties are permissible in Private Areas within the confines of a private garden and behind site walls.

8. Common Bermuda Grass (*Cynodon dactylon*) will be prohibited as a defined weed.
9. Mexican Palo Verde (*Parkinsonia aculeatra*) will be prohibited as a harbinger of pests and because of its ability to spread throughout the development, thereby altering the present natural desert.
10. Desert Broom (*Buccharis sarothroides*) female plants are prohibited as a defined weed with potential to spread throughout the development. Male plants are acceptable provided they are marked (tagged) as such and purchased from a reputable nursery.

Appendix "E"
APPROVED SLOPED ROOF MATERIAL LIST

In order to minimize the visual impact of sloped roofs in The Peak, no solid red or terra cotta tile roofs will be permitted. The use of very deep and dark colors for roof materials will blend with the natural environment and minimize the bright effects of the direct sun. These Guidelines further prohibit other bright colors. Tiles having a mottled appearance or tiles of an earth color, other than red, will be considered on a case by case basis.

The following roof materials and colors have been approved for use on any Lot in The Peak:

- (a) "Pinto" clay tile, also known as "Borgata" or "Algodones". It should be installed with at least 75% of the cap tiles showing less than 50% red color. Pan tiles may show up to 100% red. The tiles may be mortar set.
- (b) "Redland", "Holandesa", "Marsellesa", and "Portuguesa" tiles, in "Cafe" or "Abode" colors.
- (c) Flat concrete tiles with dark blended or variegated colors that meet the intent of the Guidelines, subject to specific approval by the Committee.
- (d) Standing seam copper with accelerated brown finish, "old penny" finish, or accelerated blue/green patina finish is acceptable. Shiny copper or vibrant green patinas are not allowed due to the visual concerns.
- (e) Bermuda roofs subject to specific approval of the pattern and color by the Committee.

It is not the intent of the Committee to limit choices to only these roof materials, patterns and colors. Anyone wishing to use another roof material, tile pattern, or color may submit samples to the Committee for consideration. The Committee will consider other roofing materials and may approve them if, in the opinion of the Committee, the proposed material meets the intent of these Guidelines.

Appendix "F"
APPROVED COLORS LIST

The Committee has found the colors listed below to be compatible with the natural environment in The Peak and has approved them for use on Residences. The colors are identified by color number, color name, and Light Reflectance Value (LRV). The maximum LRV allowed in The Peak is (32). City codes also dictate allowable LRV values.

DUNN-EDWARDS COLORS

<u>Number</u>	<u>Name</u>	<u>LRV</u>
Q1-19D	"Flintsmoke"	(32)
Q1-20D	"Walrus"	(23)
Q1-39D	"Grand Mariner"	(31)
Q1-40D	"Mississippi Delta"	(26)
Q3-19D	"Dry Earth"	(32)
Q3-20D	"Cocoa Mocha"	(23)
Q5-19D	"Brown Owl"	(24)
Q5-20D	"Moonlily"	(24)
Q5-39D	"Baja Brown"	(31)
Q7-40D	"Tobacco Road"	(27)
Q8-19D	"Flintstone"	(31)
Q8-40D	"Antler Brown"	(26)

*(*NOTE: Although Dunn-Edwards has changed their color numbers and names, these colors are still available. Contact your local Dunn-Edwards dealer.)*

FRAZEE COLORS

5324D	"Dust Storm"	(25)
5354D	"Potato Skin"	(27)
5364D	"Antler"	(29)
5374D	"Bishop Brown"	(23)
5724D	"Brown Bread"	(28)
5734D	"English Saddle"	(27)

Paint manufacturers other than Dunn-Edwards and Frazee may be utilized; other colors may be proposed and will be considered by the Committee and may be approved if, in the opinion of the Committee, the proposed colors meets the restrictions and intent of these Guidelines.

A sample of the building color, along with the LRV number, are required as a part of the Final Submittal.

Appendix "G"
COMMENTS ABOUT SELECT GOVERNMENTAL REGULATIONS

1) NATURAL AREA EASEMENTS

Each Lot is required to provide a minimum amount of Natural Area Open Space (NAOS). This natural area must be legally secured to assure that it continues as a permanent feature of the landscape.

The intent is that Natural Areas consist of natural desert free from any Improvements and any scars resulting from construction. As long as the vegetation and land surface are not permanently damaged, it is possible to clean and trim in Natural Areas. Landscaping such areas is not allowed unless needed to repair vegetation which has died or been destroyed; and only upon approval by the City. This repair is the responsibility of the Owner.

Each Owner will be required to record a Natural Area Easement in the form required by the City.

2) CITY OF SCOTTSDALE'S NATIVE PLANT ORDINANCE

The latest edition of the City of Scottsdale's Native Plant Ordinance is hereby incorporated into these Guidelines by reference.