

Toro Park Estates Home Association

Statement of Procedures

Architectural Review Committee Administration Residential Design Guidelines and Fences

Adopted January 22, 2025

Architectural Review Committee Administration

Authority for Architectural Review and TPEHA Role

The Architectural Review Committee process is established in the Codes, Covenants and Restrictions (CC&R's) recorded against each parcel in the subdivision. The sections of the CC&R's establishing this process are provided in Appendix 1.

The CC&R's are private, legally enforceable covenants recorded against each lot in Toro Park Estates, and that each home owner is subject to. The CC&R's are formally accepted, as a condition of sale, by home owners at the time of purchase. These private restrictions, which include the Architectural Review Committee (ARC) process, are distinct and separate from County land use and building regulations. Property owners are required to conform to both sets of regulations. Where they conflict, the most restrictive provisions apply. Generally, this will be the CC&R's.

The Toro Park Estates Home Association was assigned responsibility for administration of the ARC function by the Kelton family, the original developers in the 1980's – early in the subdivisions' history. After a lapse in TPEHA authority, the Kelton's re-assigned responsibility for the ARC to the TPEHA in March, 2024 for as long as the association remains an operative organization. The assignment documents are on file with the TPEHA Secretary.

Purpose of Architectural Review

Architectural Review by the TPEHA is intended to implement the process established in the CC&R's. The objective is to ensure that as homes are remodeled or replaced over time, that modifications maintain the quality of materials used in the original construction, that the exterior design is in "conformity and harmony" with the homes originally built, and to generally support property values within the community. An additional objective is to foster good will between neighbors and the larger community by promoting uniform observance of the CC&R's, and to engage home owners with the TPEHA in a cooperative process.

Review Process and Responsibilities

Homeowners

Homeowners bear first-line responsible for complying with the CC&R's including those provisions that establish architectural review. Compliance includes submitting and application when required, obtaining written approval of the application by the ARC, and subsequent adherence to the decision on the application. By cooperating with the ARC process, and submitting timely applications when required, homeowners help promote a successful outcome for applications, avoid potential enforcement issues, and increase goodwill within their community.

Toro Park Estates Home Association Board of Directors

The Board of Directors oversees administration of the Architectural Review processes and approves written guidelines from time to time. The Board designates one or more of its members to serve as an ARC. At any time that no individual Board member(s) are serving as the ARC, the Board President and Vice President assume the ARC function. The Board serves as an appeal body to decisions of the ARC and can decide appeals of decisions by the ARC. The Board strives to promote good feelings within the community and good outcomes for homeowners applying through the ARC process. The Board helps homeowners find solutions to their individual objectives while supporting the interests of the entire Toro Park Estates community.

Architectural Review Committee

The Architectural Review Committee consists of Board members appointed by the Board to serve on the ARC. ARC member(s) are responsible for;

- cooperating with homeowner applicants and assisting in preparing applications and answering questions about the process or the CC&R's,
- maintaining timely and effective communication with applicants and Board members
- avoiding conflicts with homeowners whenever possible and promoting good relationships
- performing architectural review of plans and proposals submitted in applications,
- making a reasonable decision on each application consistent with these guidelines,
- completing the appropriate portions of the application form documenting a decision,
- comply with specific time frames in responding to completed applications submitted by a homeowner; and
- keeping the Board informed of progress, approved projects, or problems requiring Board consideration through attending Board meetings, and oral or written reports as appropriate.

The ARC member(s) may occasionally request policy guidance from the Board concerning any aspect of administration of the ARC process – including issues raised by a pending application, or approval of new or unusual building or roofing materials, or any part of these Guidelines. Generally, such guidance should be sought during regular, open Board meetings.

The ARC members change from time to time. The name(s) and phone number(s) of the Architectural Review Committee member(s) can be found in the most current edition of the Toro Park Estates telephone/address directory.

Early Consultation Encouraged

Home owners intending to alter the exterior of their home, modify or enlarge the home, add an accessory structure or building, or install new fences or walls within front and exterior side yards should contact the ARC before preparation of detailed building plans. The ARC can discuss the proposed improvements with the home owner in relation to the design controls of the CC&R's and can offer feedback about compliance. At this early stage of project planning, the ARC can help home owners ensure that their plans conform to the CC&R's and will not be subject to future conflicts.

Application, Review and Approval

Once construction plans are prepared and materials chosen, the home owner should submit a formal application to the ARC using the form in Appendix 3. Because applications vary from something simple to more extensive, the ARC may be in contact following receipt of the application to schedule a meeting to go over the project. The home owner should plan on completing the ARC review process prior to application to the Monterey County Department of Planning and Building Inspection.

When modifications to the facade of the home or additions are planned, a reduced scale (8 ½” x 11”) site plan, building elevations, and a brief description of principal construction materials should be provided along with the application form. As soon as possible, but within 30-days of submitting plans to the ARC, the application form will be completed by the ARC either approving the plans as complying with the CC&R’s, or finding that they do not. If the plans conflict in some manner with the CC&R’s, the ARC may suggest modifications that would resolve conflicts and the homeowner will be requested to re-submit before proceeding to a County zoning or building permit application.

Appeals of ARC Decisions the Board of Directors

To ensure fairness for applicants, and to guard against “bad calls” by the ARC, an appeal process to the TPEHA Board of Directors is provided as follows:

Once the TPEHA website is available and in operation, the ARC will cause a notice of decision on each ARC application and a description of the project, to be posted on the TPEHA website and will also announce the appeal period to the TPEHA Board. Appeals to the ARC decision, whether it is approval or denial, may be made by the applicant, by any property owner in Toro Park Estates, or by a Board member. An appeal should be supported by a written explanation of the basis of the appeal. Upon receipt of an appeal, the Board will assume original authority over the application, and during a regular or special meeting held within 30-days of receipt of an appeal, accept comments from the appellant and public and then formally vote to affirm, deny, or modify the ARC’s decision. A Board decision made in this manner concludes the ARC process and is final.

Note – The CC&R’s provide that any property owner may take legal action to stop a project he or she believes is contrary to the CC&R’s. This right is independent of the appeal process above, and does not first require an appeal to the Board be made.

Design Guidelines

Purpose of The Guidelines

- To present all provisions of the CC&R’s that relate to exterior home design to assist home owners and TPEHA Board members when evaluating home remodels, enlargements, and roof replacements.
- To provide a summary of the principal design features of original homes including roof shapes, materials and character as a guide to use in reviewing proposals for modifications.
- To present fence regulations applicable to the several units of the subdivision, and to provide recommendations on good practices.

- To promote consistent treatment of applications by the TPEHA.
- To provide a simple application form for use by homeowners and TPEHA Board members performing ARC functions

Note – the CC&R's and ARC process is concerned only with exterior changes to structures, and has no role in the interior of buildings. The CC&R's do not apply to landscaping, other than keeping certain sight distance areas at street intersections or at driveways clear for pedestrian safety. Fencing is regulated by the CC&R's and requires ARC review when located in front yard areas including exterior side yards.

The following general guidelines will be considered when reviewing plans.

1) Location of the structure – setbacks, topography and finish grade elevations

Required: The ARC will check the location of proposed new or reconstructed home, home additions, or accessory buildings and structures for compliance with the CC&R's. (The restrictions in the CC&R's are different for Unit 1 of the subdivision and Units 2-6, and the ARC will be careful to utilize the correct controls for the individual lot). The CC&R setbacks and restrictions on locations of structures are also different than the County's zoning regulations. Because applicants are required to conform to both sets of controls, it means that the project must comply with whichever are most restrictive.

Encouraged: During reconstruction or additions, first finished floor grades should be maintained consistent with natural topography and elevations of other homes in vicinity.

Discouraged: Placement of a new or reconstructed home or an addition on an elevated foundation or raised grade. Use of prominent berms in the front setback area is generally not consistent with established neighborhood character.

2) Compatibility and harmony of external design with existing homes

General Design:

Encouraged – Design and form that retain the basic character of original homes in Toro Park Estates will help maintain the established appearance of the neighborhood.

Discouraged – Architectural styles not used in the original construction – that may contrast strongly with existing homes and be perceived as not fitting well.

Encouraged – Retention of original number of living floors in order to maintain visual character of immediate neighborhood.

Discouraged – Second story additions to a single-story home when adjacent to an existing two story home in order to avoid creating too much building mass.

Roof Design:

Encouraged - Roof designs that maintain the simple roof planes of the original ranch style residences in Toro Park Estates and that minimize new roof elements or features.

Discouraged – Complex roof additions that have multiple elements or small projections and that create a “busy” appearance.

3) Materials and Quality of Workmanship

Siding or exterior surface finish and materials:

Required – Building plans should specify only new, good quality materials. Use of used materials are in not allowed by the CC&R’s.

Encouraged – Use of stucco, wood, brick, and decorative stone as used in original construction in Toro Park Estates. A combination of two or three materials is encouraged on facades facing the street to give variety and relief and for consistency with existing homes.

When only one surface material is used - for example, all stucco or all wood siding - then use of other decorative elements such as prominent moldings, windows and frames, window shutters, and front doors can be used to provide visual appeal to large, otherwise uninteresting wall areas.

Discouraged – Use of more than three siding materials, to avoid a busy appearance inconsistent with the original designs.

Doors and windows:

Encouraged – Use of high quality, contemporary windows in heavy frames and painted to be compatible with the home’s color scheme. Use of windows with multiple small panes works well for many homes. Shutters are also encouraged to dress up the window area.

Paneled or decorative doors giving the impression of substance and quality are encouraged.

Discouraged - Use of inexpensive, unpainted aluminum windows or use of plain doors that provide no visual interest to the home.

Roofing materials:

Required – Class A fire rated roofing as required by County Building Codes and home insurers.

Encouraged – Roofing materials that are durable and similar in thickness, character and appearance to the heavy cedar shakes used when Toro Park Estates homes were originally constructed and that harmonize with existing roof materials used in Toro Park Estates.

Roof materials used to replace cedar shake in Toro Park Estates, and compatible with the CC&R's, include a wide range of flat concrete and clay tile, Spanish tile, and metal roofing shakes replicating cedar wood shakes.

Discouraged But Not Prohibited

Asphalt roofing shingles can be approved when it is the owner's strong preference, and when the owner has obtained written approval from the ARC prior to issuance of County building permits and start of construction.

The following criteria apply when asphalt shingles are to be used:

1. use of premium quality asphalt shingle products designed to replicate natural cedar wood shake such as Certain Teed Presidential TL or equivalent manufacture.
2. minimum thickness of exposed edge of shingle of 5/8 inch across not less than half (1/2) of all exposed edges
3. minimum shingle flat surface exposure width of 5" and depth of 7"
4. colors of shingles should avoid bright, non-earth tone colors, and should replicate the color and character of natural wood shake. Black or very dark shingles are discouraged as these dense colors makes it difficult to see the variation in shingle thickness and such colors do not look like wood shake.

Exterior paint colors:

Encouraged - Earth tones or subdued pastels that harmonize with neighboring homes, but that also provide variety between homes. Muted tones work best on large surfaces such as primary facades. Accent colors for trim, shutters, doors, and window frames can be chosen that complement the principal building colors.

Discouraged – Bright colors, including bright white that stand out in the neighborhood and attract visual attention. A single color for the home over large expanses of facade without contrasting accent or trim colors. Colors that are too “dense”, or the application of more than two principal colors are discouraged.

Fence Heights and Locations

Refer to Appendix 2.

Licensed Contractors

Encouraged -The TPEHA and ARC are often requested by homeowners to make recommendations on a “good” contractor. Yet, by policy, the TPEHA does not make recommendations about contractors. This is a very subjective topic. Making a negative comment about a specific contractor can be inaccurate and unfair. Making recommendations about contractors that “should” be used is also unfair to the other contractors who may want a shot at the job. Homeowners should investigate the reputation for quality of work and reliability of each contractor being considered. Project results depend on the people doing the work and the relationship you will have with them. Take time to find a contractor(s) that you believe will do a good job for you – and one that has the correct license(s) for the work. For larger projects, getting several quotes is often worth the effort, as costs can vary considerably.

Appendix 1

Architectural Review Requirements in the CC&R's and Provisions Related to Design Review

Unit 1 includes properties on Manolete Drive, Picadore Drive, Coleta Drive, Toreador Drive, Estoque Place, and four lots on Ortega Drive.

CC&R's Section 2. "No building, structure, or premise shall be erected, altered, placed or permitted to remain on any residential lot other than one detached single-family dwelling not to exceed two stories in height, and a private garage for not more than three cars together with the customary fences, walks, and outbuildings incidental to residential use..... All buildings shall be constructed of new material, and no building shall be moved or permitted to be moved onto any of said lots."

CC&R's Section 3. "No structure or any part thereof shall be erected, placed, altered or maintained on any of the residential lots in this subdivision until the building plans, specifications and plot plan showing the location of such structures have been approved in writing as to conformity and harmony of external design with existing structures in this subdivision and as to location of the structure with respect to topography and finished ground elevation by an Architectural Committee composed of the then acting President and Secretary of the corporate Declarant, or by a representative designated by the members of said Committee. In the event said Committee, or its designated representative fails to approve or disapprove such design and location within thirty (30) days after said plans and specifications have been submitted to it, or in any event, if no suit to enjoin the erection of such structure or the making of such alternations has been commenced prior to the completion thereof, such approval will not be required and this covenant will be deemed to have been fully complied with. The Committee may act without a meeting. The members of the Committee and their designated representatives are hereby given full discretion in their decisions and shall be free of all liability in the exercise thereof....."

CC&R 's Section 4. "Except with the written approval of the Committee designated in Paragraph 2 hereof, no structure or any part thereof shall be erected upon any lot or lots nearer to the street or streets adjacent thereto than the setback line shown and delineated on said official map or plat of said subdivision and no dwelling (including garage or other structure physically a part of such dwelling) shall be erected on any lot nearer than five (5) feet from the side boundary thereof, except that no side yard shall be required for a garage or other permitted accessory building located 40 feet or more from the minimum building setback line."

Units No. 2 – 6 includes all properties not within Unit 1.

CC&R's Section 2. "Only one detached single-family residence not to exceed two stories in height, together with a private garage for not more than three cars and the customary fences, walks, and outbuildings incidental to residential use shall be erected, placed, maintained or permitted on any residential lot in the subdivision."

CC&R's Section 4. "All structures erected in the subdivision shall be constructed of new material, and no structure shall be moved onto any lot in the subdivision."

CC&R's Section 14. "No structure or any part thereof, except fences and walls shall be erected, placed, altered or maintained on any lot in the subdivision until the construction plans, specifications and plot plan showing the location of such structure have been approved in writing as to the quality of workmanship and materials, conformity and harmony of external design with existing structures in the subdivision, and as to location of the structure with respect to topography and finish grade elevation, by an Architectural Committee comprised of David A.S. Kelton, Richard Kelton and R.J. Swaner, all of 9250 Wilshire Boulevard, Beverly Hills, California 90212. A majority of said Committee may designate a representative to act for it. In the event said Committee, or its designated representatives, fails to approve or disapprove such design and location within thirty days after said documents have been submitted to it, or in the event no suit to enjoin the erection of such structure or the making of such alterations has been commenced prior to the completion thereof, such approval will not be required and this restriction will be deemed to have been fully complied with."

The Committee, collectively, and each member thereof, individually, shall have the sole and exclusive discretion as to whether to act or not to act upon any plan or plans submitted for their approval and if they do not act the judgment of each of them shall be final and free from criticism and liability of any kind.

CC&R's Section 15. "Except with the written approval by the Architectural Committee, (1) no structure or any part thereof shall be erected upon any residential lot in the subdivision nearer than 15 feet to the front lot line or nearer than 15 feet to the side street lot line; (2) no structure or any part thereof shall be erected upon any lot in the subdivision nearer than 5 feet to an interior lot line, except that no side yard shall be required for a detached garage or other outbuilding located 50 feet or more from the front lot line; (3) no residence building, or any part thereof, shall be located on any lot in the subdivision nearer than 15 feet to the rear lot line."

Appendix 2

Fence Regulations

Unit 1 includes properties on Manolete Drive, Picadore Drive, Coleta Drive, Toreador Drive, Estoque Place, and four lots on Ortega Drive.

Note: The street and front setback lines described in the following section are not shown on the final Tract Map 458 (Unit 1) as stated in the CC&R's. In order to be consistent with the designation of setbacks established for Units 2 – 6, the front setback lines for Unit 1 are assumed to be at the location of the original building walls facing the street(s). For example, most homes were setback approximately 30 feet from the front property line. The exact setback for each lot can be determined by measuring from the front lot line to the walls of the residence.

CC&R's Section 9. “No fence, hedge or wall, except a retaining wall, shall be built, placed, planted or maintained between the street and front setback line of any of the residential lots in said subdivision, at a great height than 3 feet from the ground”.

Note: No approval by the ARC is required to construct fences that comply with the standard. However, it is recommended that all homeowners in Unit 1 limit any fences in the front setback area to open type fences rather than solid fences, and comply with the sight distance standards set for below for Units 2-6 CC&R's Section 8. This is a life-safety issue and should be observed by the home owner. The ARC can help with any interpretation requested.

Units 2 – 6 include all properties not in Unit 1. These properties are subject to a single set of CC&R's which contain the following fence regulations:

CC&R's Section 7. “Except with the approval by the Architectural Committee, no fence, hedge, or wall, except a retaining wall, shall be erected, placed, planted or maintained between the street and front set-back line of any residential lot in the subdivision and in all other places no fence, hedge or wall, except a retaining wall shall be erected, placed, planted or maintained on any residential lot in the subdivision at a greater height than seven feet from the ground.”

Note: This Section requires approval by the ARC for fences proposed in front setback areas (including street side yards), but does not require approval at other locations on the property such as the rear yard or interior side yard.

The regulation allows for discretion by the ARC with respect to fences proposed in the front setback areas. Such approvals should not be given casually, but should be subject to the written application and approval process and appeals process. In practice, the ARC's have not approved solid fences in front setback areas but have approved open fences up to three

feet in height such as rail fences in order to maintain an open streetscape and provide for pedestrian safety at corners and driveway intersections with sidewalks. Note that the front setback areas on corner lots include the frontages on both streets.

Over a period of years, a number of homeowners have erected tall, solid fences on corner lots within the front setback on the street side yard in order to enlarge the private, fenced yard. This has been an undesirable development within the subdivision. For Unit 1, such fences are not allowed by the CC&R's. For Units 2-6, unless written documentation can be provided that ARC approval was obtained for the fence, it is likely that these fences were constructed without approval and violate the CC&R's.

Large front and street side yard setbacks on corner lots are required in the CC&R's, and commonly required by local governments in order to preserve a uniform open appearance of the front yards for all adjoining homes on the street. Solid fences at six or seven feet in height, placed close to a property line on corner lots conflict with this principle and diminish the quality of the streetscape for neighbors. It is recommended that ARC approvals seek to avoid fences altogether on corner lot side yards in Units 2 -6. If tall, solid privacy fences are approved in street side yards, it is recommended that they be set back not less than 20-feet from the property line in the direction of the home and that such fences connect to the side of the dwelling at a mid-point in the length of the side wall. It is also necessary to ensure that such fences comply with the sight distances described below for neighboring driveways.

Because fences installed in the street side yard setback area are highly visible, it is recommended that such fences be decorative in character – not just the standard simple board fences common in interior side yards and back yards.

CC&R's Section 8. “No fence, wall, hedge or shrub planting which obstructs sight lines at elevations between 2 and 6 feet above the roadways shall be placed or permitted to remain on any corner lot within the triangular area formed by the street property lines and a line connecting them at points 25 feet from the intersection of the street lines, or in the case of a rounded property corner from the intersection of the street property lines extended. The same sight-line limitations shall apply on any lot within ten feet from the intersection of a street property line with the edge of a driveway or alley pavement. No tree shall be permitted to remain within such distances of such intersections unless the foliage line is maintained at sufficient height to prevent obstruction of such sight lines.”

Note: This regulation is fixed in order to provide for public safety, and is not subject to interpretation of the AC. It should be applied to by any fences in front setback areas (including street side yard setback areas) approved by the AC under Section 7.

Appendix 3



TORO PARK HOME ASSOCIATION

Salinas, CA

ARCHITECTURAL REVIEW APPLICATION

Note to Applicants: Please complete this application and email, mail or hand deliver to the current Architectural Review Committee member listed in the Directory. If you have any questions while completing this form, please call the ARC member. All applications must be signed by the home owner.

Date of Application Submittal: _____

Name and Signature of Applicant(s): _____

Name and Signature of Homeowner if Different than Applicant(s): _____

Address of Project: _____

Description of Project (ire. - exterior remodel, re-roof, fence replacement, etc.)

Preliminary Site Plan and Elevations: Please attach if available. (Site plans not required for roof replacement where no alteration of roof design proposed).

Starting and Completion Dates for Project: _____

This Section Reserved for Architectural Review Committee:

Note: ARC decision to be provided to applicant within 30-days of receipt of application or of any addition information/materials requested in order to complete application.

Date Application Received: _____

Dates of Meeting(s) with Applicant and Results:

Date of Request for Additional Information to Complete Application and Description of Information Requested: _____

Date Requested Additional Information Received by ARC/Date Application Materials Found Complete: _____

Decision of ARC: Approval; Denial; Approval with Conditions; or, Request to Applicant to Revise and Resubmit): _____

ARC Findings in Support of Decision: (briefly list findings based upon review criteria in TPEHA Architectural Guidelines document)

Additional Comments: _____

ARC Determination By: _____ Date: _____

Date Determination Provided to Applicant: _____

Attachments:

Copies of Approved Plans, site plans, elevations, etc.

