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DESIGN REVIEW COMMITTEE DESIGN GUIDELINES

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SINCUIDADOS HOMEOWNERS ASSOCIATION

DESIGN REVIEW COMMITTEE (DRC)

DESIGN GUIDELINES

Amended and Restated: July 2023

These Design Guidelines Supersede and Replace All Prior Design Guidelines and Amendments Thereto

The Sincuidados Homeowners Association encourages and supports the repair, remodel or enhancement of homes or property within the community. However, any and ALL changes to the exterior of the home or property require the review and written approval of the Sincuidados Homeowners Association DRC PRIOR to beginning any construction. Please review these guidelines before beginning any redesign work on any part of the exterior of the home or landscape. Feel free to contact the DRC with any questions or clarifications regarding these requirements. These Design Guidelines do not supersede any City of Scottsdale Building Codes, Zoning Ordinances, or City Guidelines as they now exist or may be later modified.

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SINCUIDADOS ARCHITECTURAL DESIGN GUIDELINES

Prepared by: TORNOW ASSOCIATES, p.c.

I. INTRODUCTION

These Design Guidelines have been carefully crafted to protect and enhance the beauty and natural features that make Sincuidados a premier North Scottsdale community. Careful consideration for high quality architectural design and the vigilant preservation of the Sonoran Desert are the primary focus of these guidelines. These "guidelines" are evaluated in specific applications based on the constraints and opportunities of individual Lots and conditions. With the guidance and expertise of the members of the Sincuidados DRC, the Board of Directors and the DRC Coordinator, these guidelines are utilized to create consistency and continuity throughout Sincuidados and to protect and enhance the property values of all properties within the community with allowances for owner's lifestyle, individual expression and personal taste.

The Design Guidelines are organized with four (4) major subdivisions:

I. Introduction
Section A
II. Community Living
Sections B, C, L
III. Modifications to Existing Residences and Lots
Sections D, E, F, I, L, M
IV. New Construction
Sections G, H, I, J, K, L, M

Section A – INTRODUCTION AND DEFINITIONS

A.1 Introduction

The Sincuidados Homeowners Association ("Association" or "Sincuidados" or "HOA") is a community that is part of a unique region of the Sonoran Desert, and although a fragile environment, contains lush natural vegetation, a wide variety of southwestern wildlife and numerous scenic washes and hiking trails. The community includes approximately 100 acres of natural, untouched Sonoran Desert environment on what is referred to as Lone Mountain (also referred to as Migmatite Mountain).

These Design Guidelines form the parameters within which existing community living, modifications to existing residences and lots, and all new building and site design development for property in Sincuidados is to take place and be governed by. The Design Review Committee (DRC) was established by the original developers to oversee the process for approving all building and site design in compliance with these Design Guidelines. Both the Design Guidelines and the authority of the DRC are contained in the Amendment to and Restatement of the Declaration of Covenants, Conditions and Restrictions for Sincuidados (CC&R's) that govern individual ownership in Sincuidados.

A.2 Definitions

ARCHITECTURAL CHARACTER means the building style that would include size, height, form, materials, colors and general description of the exterior aspects of the building.

BOARD shall mean the Sincuidados Homeowners' Association Board of Directors.

CASITA means an attached or detached accessory building used to house guests of the occupants of the principal building, and which is never rented or offered for rent. If cooking facilities are included, the casita house must be equipped to operate major appliances requiring two hundred twenty (220) volts.

C.C. & R.'s shall mean, the Declaration of Covenants, Conditions and Restrictions governing Sincuidados.

CITY OF SCOTTSDALE BUILDING INSPECTION DIVISION means the governing agency designated by the City of Scottsdale to issue permits for construction and provide inspection during construction.

CITY OF SCOTTSDALE PLANNING SERVICES means the governing agency designated by the City of Scottsdale to approve or disapprove request for land usage under the direct control of the City council.

CITY NAOS means the area of a lot for which the City of Scottsdale has formally issued a NAOS Easement.

COMMON AREA WALKWAYS refer to pedestrian walkways within the right-of-way of public and/or private streets.

COMMUNITY MANAGEMENT COMPANY shall mean the organization that is engaged to manage the administration of the business of the Association, the Board of Directors and the DRC.

COMMUNITY MANAGER shall mean the person designated to represent the Community

BUILDING ENVELOPE means that portion of the lot available for **ALL** construction and improvements as shown on the lot's site plan. The Building Envelope is also typically delineated on the City approved grading and drainage plan as well as other City approved plans. Building Envelopes sizes for Phases I & II are defined in Section M. Phase III Building Envelopes are defined separately per Section M.

BUILDING ENVELOPE SETBACK means the allowed setback per Design Guideline requirements of the Building Envelope from the adjacent property lines.

BUILDING SETBACKS means the distances between the property lines and any of the main building construction within the approved Building Envelope. Note that Sincuidados Building Setbacks are different and do not coincide with the City of Scottsdale Building Setbacks. Both sets of setbacks should be annotated on each site plan submittal. In either case, the more restrictive Building Setback requirement will apply.
Management Company.

D.E. means a Drainage Easement as legally established and recorded across a lot or parcel of land to allow for the natural flow of surface water.

DESIGN REVIEW FEE is the non-refundable fee covering the DRC plan review process to be paid before any design review can begin.

DRC means the review and approval Committee established by the Sincuidados CC&R's to administer the Design Guidelines for all exterior improvements to homes or property within Sincuidados.

DRC CHAIR shall mean the Chairperson of the Sincuidados DRC. The Chair is required to be a member of the Sincuidados Board of Directors.

DRC COORDINATOR shall mean the DRC Coordinator of the Design Review Process of the Sincuidados DRC. The DRC Coordinator is typically a paid professional consultant that has expertise in residential design and/or construction and facilitates the review of major construction projects in the community and compliance with the Design Guidelines.

EASEMENT means a portion of any lot or parcel of land that has been legally established and recorded for the specific use of such functions as public utilities, vehicular circulation, pedestrian or equestrian circulation, storm drainage, or protection of the natural desert (see Natural Area Open Space Easement).

EXCAVATION means any disturbance to the natural terrain by scraping, digging or moving any natural feature.

FENCE means any site wall construction, open or closed, and not related to the basic construction of the living area of the residence.

FILL means any disturbance to the natural terrain by adding material to the original natural surface.

FIREWISE BOUNDARY means that area of a lot outside of a lot's home, driveway and privacy walls.

G.P.E. means a General Purpose Easement legally established and recorded across a lot or parcel of land to allow for the installation and access of locally serving utilities or for other purposes of general public use.

GUEST HOUSE OR CASITA means an attached or detached accessory building used to house guests of the occupants of the principal building, and which is never rented or offered for rent. If cooking facilities are included, the guest house must be equipped to operate major appliances requiring two hundred twenty (220) volts.

HILLSIDE CONSERVATION AREA means that portion of Sincuidados on or adjacent to Lone Mountain (also known as Migmatite Mountain) which has been designated by the City of Scottsdale for no development or improvement.

HILLSIDE DEVELOPMENT AREA means that portion of Sincuidados appropriate for development or improvement, except those areas designated as a Hillside Conservation Area or Natural Area Open Space Easement (NAOS). Development of hillside lots may be allowed special frontage and/or access as well as special height limitations due to unusual natural terrain.

HILLSIDE DISTRICT means the designation, under the City of Scottsdale Zoning Ordinance, of an overlay zoning for the entire Sincuidados project and establishes basic planning and design criteria. (Refer to R-70 HD.).

HOA NAOS means that portion of a lot outside of the Building Envelope up to the property line boundaries. For those few Lots that have only a partial recorded easement or no easement at all, Sincuidados requests that such areas outside the Building Envelope be treated as if there was an actual NAOS easement from the City of Scottsdale. For vacant lots, the entire lot shall be considered HOA NAOS.

IMPROVEMENT means any disturbance of the natural terrain and/or construction of any type thereupon.

INDIGENOUS LANDSCAPING means any plant or landscaping material that is native to the Sincuidados project area.

LIMITS OF CONSTRUCTION refers to a boundary established prior to any improvement or construction beyond which no activity may take place or materials be stored. This limit is defined to correspond with the approved Building Envelope.

MAXIMUM ALLOWABLE BUILDING ENVELOPE means that portion of the lot available for **ALL** construction and improvements. Building Envelopes for Phases I & II are defined in Section L. Building Envelopes for Phase III are defined in Section B.

MONUMENT FEE is the purchase fee for the standard Sincuidados illuminated address monument.

NATURAL AREA OPEN SPACE EASEMENT (NAOS) means all area outside the approved Building Envelope and within the property lines of any lot. It is legally dedicated to the City of Scottsdale as an easement and recorded. No improvement of any kind may occur within the NAOS boundaries.

NO DEVELOPMENT LINE means the line established by the City of Scottsdale beyond which no development or improvements of any kind may take place.

OWNER means a person or persons owning property within Sincuidados and who, as the "Owner of Record" is responsible for the maintenance and any development of or any improvements to any property so owned.

PRIVATE AREAS are those areas fully enclosed inside private site or patio walls, fences and gates and may be landscaped with material suitable for this southern Arizona desert.

PRIVATE STREET means all HOA owned roads other than perimeter Public Streets within Sincuidados.

PUBLIC STREETS refer to all perimeter publicly owned roads bordering the Sincuidados development, including Pima Road, Dixileta Drive and Lone Mountain Road.

P.U.E. means a Public Utility Easement legally established and recorded across a lot or parcel of land to allow for the installation and access of locally serving utilities.

R1-70 HD means the basic zoning category as established by the City of Scottsdale for the entire Sincuidados development.

REFUNDABLE CONSTRUCTION DEPOSIT means the sum required to be deposited with the Homeowners' Association prior to construction of any improvement including, but not limited to, additions and remodels.

RESIDENCE means a building or buildings, including garage facilities, constructed for single-family use only. The building may be constructed of detached components, but under no circumstances shall the residence be used by more than one family as defined in the City of Scottsdale Zoning Ordinance.

RETAINED AMOUNT means the portion retained by the Homeowners' Association from all Construction Deposits to defray the expense of any Homeowners Association repairs to common areas, streets, curbs, signage, vegetation, etc., resulting from the extraordinary damage caused by construction equipment and contractors during the construction process.

R.O.W. means the Right-of-Way, or area reserved for public and/or private vehicular or pedestrian circulation established by local governing authorities within which no additional private development or improvement is allowed.

SCENIC VISTA or VIEW CORRIDOR means open space area along the route of an existing major natural desert wash established through the master planning process, for uninterrupted visual enjoyment only, by the recording of a Natural Area Open Space Easement.

SETBACKS refer to the distances between the property lines and any portion of the main building construction, or to site development improvements within the approved final Building Envelope.

SWIMMING POOL means the total area encompassed by the swimming pool and its related decks, fences and other associated site development construction.

TENNIS, PICKLEBALL OR SPORT COURT means the total area encompassed by the tennis, pickleball or sport court, as described in the Design Guidelines, and its related decks, fences and other construction.

TRACT means a parcel of land, distinguished from a building lot, set aside in the Final Subdivision Plat for special, non-residential use, or for no improvements.

TRANSITION AREA means those areas outside of Private Areas (see the sketch in Section D.2) but not including NAOS Areas. The Transition Area is defined as typically five (5) feet outside the rear patio wall, five feet outside the front patio wall, fifteen (15) feet outside the exterior walls of any portion of a residence that is not enclosed by an exterior wall and five (5) feet on either side of the driveway from the garage to the street unless the Building Envelope shows the Transition Area to be greater.

UNPAVED ROAD CORRIDOR means the HOA owned unpaved portion of the private streets within Sincuidados between the street curb and the lot property line (typically eight (8) feet.

II. COMMUNITY LIVING

Section B – COMMUNITY LIVING GUIDELINES

B.1 Natural Area Open Space (NAOS) Easements

The great majority of lots in Sincuidados have a recorded easement with the City of Scottsdale for the land area outside the City of Scottsdale approved Building Envelope and up to the property line boundaries. Sincuidados likewise requires that all land area outside the City of Scottsdale approved Building Envelope be treated as Natural Area Open Space (NAOS). For those few Lots that have only a partial recorded easement or no easement at all, Sincuidados requests that such areas be treated as if there was an actual easement from the City of Scottsdale. Changes to the natural desert environment within the NAOS area is prohibited by the City of Scottsdale, without the prior written approval of the City and the DRC. The Association treats all undeveloped lots and all land outside the Building Envelope of a developed lot as NAOS and subject to these Guidelines regardless of whether a City easement is recorded or not. The lack of an easement recorded with the City of Scottsdale does not affect the Sincuidados definition of NAOS areas. For those areas without a recorded easement from the City, only written approval of the DRC is required for any changes to the natural desert environment.

Additional "Natural Area Open Space and Equestrian Trail & Wall Easements" were originally dedicated within the Sincuidados subdivision located along each of the public street frontages of Sincuidados on Dixileta Drive, Pima Road, and Lone Mountain Road. All natural vegetation within these Easements is to be maintained as NAOS per the City of Scottsdale. Within this easement, a meandering adobe block perimeter wall was constructed by the original developer of Sincuidados and integrated into the natural open space to provide a partial visual and sound buffer for the Sincuidados Community from the adjacent major public roads. This community perimeter wall is the only wall allowed within Sincuidados other than each Lot's exterior wall within or on their approved Building Envelope.

B.2 Landscape Areas

Each lot in Sincuidados features three landscape areas as described below. See Section D.2 for a sample sketch illustrating where each of these areas is on a typical lot.

Natural Area Open Space (NAOS) Areas

The Environmentally Sensitive Land Ordinance (ESLO) enacted by the City of Scottsdale created the open space preservation designation of Natural Area Open Space (NAOS). This natural space is the dominant theme of the Sincuidados Community. Protection of this area is governed by the City ordinance referenced in the regulations and rules contained in the CC&R's, policies established by the HOA Board of Directors and the Design Guidelines.

The ordinance is very restrictive and is intended to preserve the natural desert with the emphasis on "Natural."

The NAOS is defined both by a definition in the HOA Rules and Regulations (for HOA purposes) and for most Lots by a formally recorded easement to the City of Scottsdale (for City purposes). This policy utilizes the HOA's definition of NAOS, which is defined as all areas of a lot outside of the Lot's Building Envelope.

No native plant materials, dead or alive, may be removed from the NAOS.

All invasive species MUST BE removed from the entire lot including the NAOS. Many invasive species such as Stinknet, Desert Broom, Buffel Grass, and Red Brome Grass create severe fire danger. The most common invasive species in Sincuidados include Stinknet, Mistletoe, Desert Broom, Red Brome Grass, Fountain Grass and Buffel

Grass. Tamarisk/Salt Cedar, Malta Starthistle, Saharan Mustard and Bermuda Grass may also be found and must be removed.

Re-vegetation in the NAOS is permitted only in the case of manmade or other disturbances and requires a plan approved by the City of Scottsdale and the Sincuidados Design Review Committee. Once a re-vegetation plan is first approved by the City of Scottsdale, such plan can be submitted to the Sincuidados Design Review Committee for final approval. Re-vegetation in the NAOS is limited and must only use native plant materials. (See the Design Review Guidelines Section L.1 for a list of allowable plants.)

Lighting, permanent irrigation, or applying gravel or decomposed granite (DG) are NOT PERMITTED in the NAOS.

No landscaping, tree or shrub trimming, or sculpting is allowed in the NAOS areas except for invasive species removal.

Application of decomposed granite (DG) on NAOS areas requires the approval of the City of Scottsdale and the DRC.

The City of Scottsdale Planning and Development Services publishes a Homeowner's Guide to Natural Area Open Spaces. This booklet is important reading for all Homeowners and can be obtained from the City website at www.scottsdaleaz.gov or by calling Planning and Development Services at 480-312-2500.

FireWise Policy

In addition to the above, Sincuidados is also a Wildland/Urban interface community with close proximity to wild desert areas and preserves. To protect the community and lessen our wildfire risk, Sincuidados is working with the Scottsdale Fire Department to join a nationwide network of FireWise communities as part of the FireWise USA program. Residents are allowed to create limited fire defensible space around homes and walls, while respecting the goal of preserving the NAOS, as outlined in this policy as follows:

a. Residents should create an Initial Defensible Space (IDS)* within fifteen (15) feet of the house and five (5) feet of their privacy walls. Plants, shrubs, bushes and trees within five (5) feet of residence walls or privacy fences should be trimmed and/or removed to allow a clear path for ingress by fire protection personnel. Beyond five (5) feet, the area bushes and shrubs should be trimmed to create separation of no more than two (2) feet, by removing weeds, invasive grasses, invasive plants and dead or fallen vegetation or limbs. Tree branches may be trimmed to a maximum of six (6) feet from the ground to prevent them from contacting ladder fuels**, walls or structures. If trimming a tree will compromise the tree's health, then all ladder fuels** should be cleared to a distance of two (2) feet out from the lower branches of the tree. No cacti or mature native trees should be removed. See Figure in Section B.3.
b. Residents may create a Secondary Defensible Space (SDS)* another fifteen (15) feet beyond the IDS (for a total of 20 or 30 feet of defensible space) by removing invasive plants, invasive grasses, and dead or fallen vegetation. See Figure in Section B.3. Cacti, native plants and trees must not be trimmed or removed.
c. Dead native plant material may be removed within the IDS and SDS.
d. Raking, trimming, tree or shrub trimming, or sculpting is allowed in the NAOS ONLY for fire mitigation purposes in those portions within the IDS and SDS areas.
e. The City or Fire Department may advise but does not give approvals to violate these Guidelines. Any variations from these Guidelines must be submitted to and approved by the Sincuidados Design Review Committee.

* Defensible Space is a natural or landscaped area around a structure or wall that has been maintained to reduce the risk of a fire spreading and to provide a safer access to firefighters.

** Ladder fuels are live or dead vegetation that allow fire to climb up into a tree canopy, over a wall, or onto a structure. Ladder fuels typically are grasses, low shrubs, wood piles or debris.

Firebreak Guidelines Overview
A defensible zone or firebreak may be created as described above in the policy and summarized below:

Defensible Space		
	Homes	**Privacy Walls***
Trim Live Vegetation (IDS)	15 feet	5 feet
Remove Dead Vegetation (SDS)	15 feet	15 feet
Total Defensible Dimensions	30 feet	20 feet

* Firewise code assumes enclosed backyards to be a minimum of 10 feet allowing 20 feet beyond the wall for Firewise mitigation.

Transition Areas
Transition Areas are those areas outside of Private Areas (see the sketch in Section B.3 below) but not including **NAOS areas. Transition Area are defined as a five (5) foot area outside the rear patio walls, a five (5) foot area outside the front patio area, a fifteen (15) foot area outside the exterior walls of that portion of a residence that is not enclosed by an exterior wall and five (5) feet on either side of the driveway from the garage to the street unless the Building Envelope plan shows the Transition area as greater than the above dimensions.** These areas may be landscaped ONLY with plants from either the Indigenous Plant List (See Section L.1) or the Pre-Approved Desert Landscape Plant List (See Section L.2). It is strongly recommended that the Owner engage a registered landscape architect familiar with this desert region and the property within Sincuidados to assist in incorporating the appropriate plant materials and systems in all approved planting areas.

Private Areas
Private Areas are those areas fully enclosed inside private site or patio walls, fences and gates and may be landscaped with material suitable for this southern Arizona desert. Acceptable plants include those listed on the Indigenous Plant List, the Approved Desert Landscape Plant List and other such appropriate, low water use plants. Plantings that will be visible from outside of the private area must be per Transition Area requirements. Note that per City code, any non-native plant that can reasonably be expected to grow taller than 20-feet in height is not permitted under any circumstance.

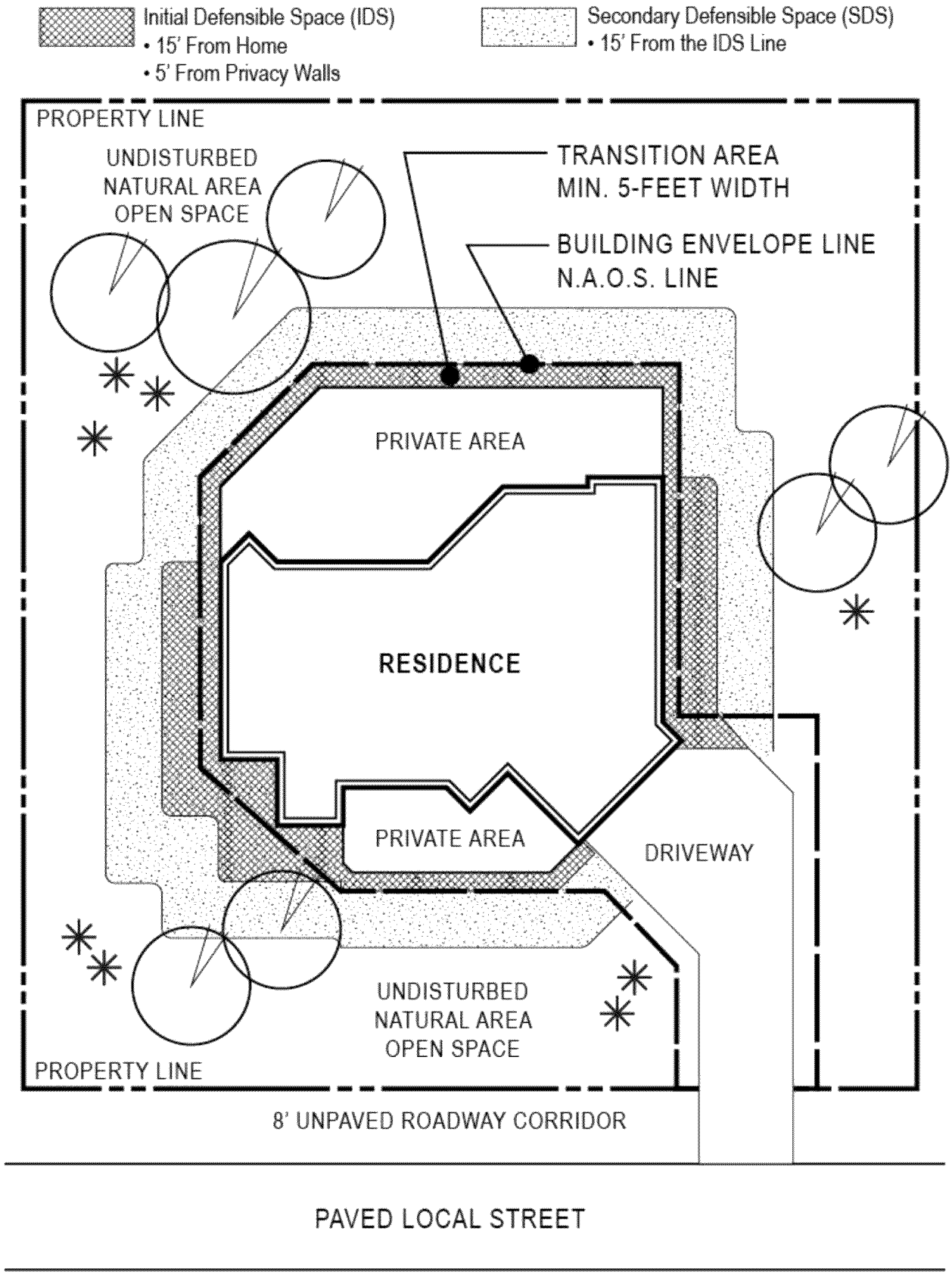
Unapproved plants are not allowed other than those on specific lots grand-fathered by previous HOA Board resolution.

HOA-Owned Areas
The HOA generally owns the first eight (8) feet in from the edge of the street on every lot. The HOA is responsible for trimming or clearing in this area and may trim overhanging vegetation encroaching on HOA property. Residents are prohibited from landscaping or making changes to this area without prior DRC written approval.

Washes
Washes that cross NAOS portions of a lot shall be left in their natural state. An exception to this applies if a wash needs erosion control such as rip rap or decomposed granite. In such instance it is the Lot Owner's responsibility to modify a wash that crosses their lot for erosion control purposes, Modification of a wash, even for erosion control, requires both City of Scottsdale and DRC approval.

At locations where a wash crosses a Sincuidados street or the Sincuidados perimeter fence, the Association is responsible for any needed erosion control within the unpaved Road Corridor immediately along the street, repairs to the perimeter wall or erosion mitigation outside the perimeter wall.

B.3 ILLUSTRATION OF LANDSCAPE AND FIREWISE AREAS ON A TYPLICAL LOT.



B.4 Signs, Mailboxes and Address Monuments

Signs

No sign, billboard or advertisement shall be installed, placed or displayed on any lot without the prior, written approval of the Board, except:

a. Signs required for legal proceedings.
b. A political sign or signs that collectively do not exceed nine (9) square feet, provided that political signs may not be displayed earlier than seventy-one (71) days before the day of an election or later than fifteen (15) days after the general election, or other time period authorized by law. For purposes of this Section a "political sign" means a sign that attempts to influence the outcome of an election, including supporting or opposing the recall of a public officer or supporting or opposing the circulation of a petition for a ballot measure, question or proposition or the recall of a public officer.
c. Association-Specific Political Signs, which means a sign that (i) supports or opposes a candidate for the Board of Directors or the recall of a Board member; or (ii) a ballot measure that requires a vote of the Association members (i.e., special assessment, amendment to declaration or bylaws, etc.), and may be placed or displayed on an Owner's property in accordance with A.R.S. § 33-1808, subject to the following:
    i. No earlier than the date the Association provides the absentee ballots to the Members and religion, sex, familial status or national origin, as prescribed by state and federal fair housing laws. three (3) days after the election.
    ii. Signs shall not exceed an aggregate total of nine (9) square feet.
    iii. Signs shall not include any profanity, discriminatory text, images of content based on race,

    iv. The Board shall have the discretion to determine whether the content of any Association-Specific Political Sign contains content that violates these Rules.
d. Temporary children cautionary signs may be used and displayed as follows:
    i. The sign is removed within one (1) hour of children ceasing to play.
    ii. The sign is displayed only when children are present within fifty (50) feet of the sign.
    iii. The sign is no taller than three (3) feet in height; and (iv) the sign is professionally manufactured.
e. One for sale, for rent or for lease sign may be displayed in accordance with A.R.S. § 33-1808, which allows an Owner to display a commercially produced "For Sale", "For Rent" or "For Lease" sign in the industry standard size not to exceed (18"X24") and one sign rider not to exceed (6"X24") on the Owner's Lot. A temporary open house sign or signs, which must be professionally manufactured and in conformance with the industry standard size open house sign and which may be placed on the lot no sooner than one (1) hour prior to the start of the open house and must be removed within one (1) hour after the conclusion of the open house.
f. Directional signs leading to an open house may be placed at appropriate locations no sooner than one (1) hour prior to the start of the open house and must be removed within one (1) hour after the conclusion of the open house.
g. Signs expressly permitted by the Design Guidelines or Rules.

Owners may not install or display any signs or any identification graphics of any kind at any time except as noted above, other than the City of Scottsdale required posting of the building permit document. Exceptions to this restriction, for security identification signage, etc., may be allowed only with prior written approval of the DRC.

Owners desiring to install identification signage for special personal occasions are required to notify the Property Management Company in advance for their approval. Such signage shall be limited in size to a maximum of 2' x 2' mounted with the top a maximum of 4' high above grade, shall be allowed to remain in place only for a total of 2 days, shall be placed only in the utility easement and only within the frontage of the residence and not on or in front of any other lot(s). Temporary construction and contractor signs are not permitted.

If any of these requirements in the Design Guidelines conflict with or are superceded by State or City statues or ordinances, the applicable statue or ordinance shall govern.

Mailboxes
Mail service is not provided to individual lots. Mail delivery service is provided for all Owners at the "gang mailboxes" located at the Entrance Gates at Pima Road and at Dixileta Drive. Placement of individual mailboxes at driveways to individual lots is prohibited.

Address Monuments
Upon the completion of the construction of a new residence the Owner shall obtain and install a lighted address identification monument adjacent to the driveway apron. The design of the monument has been pre-approved and shall match exactly the design of the existing monuments in Sincuidados. The monument shall be ordered in advance of the completion of construction through the DRC. After payment of the applicable fee for the address monument, the Owner is responsible for picking it up the monument from the HOA storage yard and for installation of the correct lot number (number tiles are provided by the DRC), for installation of an electrical junction box inside the monument and for an electrical connection to the new residence. Contact the Community Manager for fee and payment requirements.

The address monument shall be installed on either side of the driveway apron within the 20' dimension of the minimum length of the apron and be plainly visible from the street. The address ~~Lot~~ monument shall not block access to utility equipment connections and contain a single lamp. The lamp shall be recessed in the monument so that the bulb cannot be directly seen from the street or any nearby lots. A standard LED bulb approved by the HOA must be used. The HOA provides these bulbs **free of charge** and they are available from the Gate Host at the Pima Gate.

Upon installation of the required address monument, the Owner shall remove and dispose of any temporary lot number sign previously installed either by the contractor or by the Owner. The Owner is responsible for ensuring that the monument light is automatically illuminated from dusk until dawn every night of the year using a photo-eye switch. Any alternative lighting option requires the prior approval of the DRC before installation. No external mounted light fixture will be permitted.

It is very important that the monument light is properly installed and illuminated at all times when it is dark. This is a safety issue and to assist emergency vehicles when needed.

B.5 Tennis, Pickleball and Sports Courts

Tennis, pickleball and/or sport courts are allowed only on certain lots and must be entirely contained within the approved Building Envelope. Only under special site conditions and on larger joined lots in Phases I, II, or III shall a tennis or sport court be permitted. In general, the average building envelope size is not large enough to accommodate a tennis and/or sport court. On a lot where a tennis or sport court is currently allowed, or on a larger joined lot where a tennis or sport court is approved by the DRC, the following definitions and requirements shall apply:

a. No tennis, pickleball or sport court shall be constructed where the side of the court is within thirty-two (32') feet, or less, of any lot line or where the end of the "court" is within forty-one (41') feet, or less, of any lot line.
b. Solid fences or walls located within thirty feet of the tennis and/or sport court shall not exceed six (6') feet in height, except that such walls may be extended in height to a maximum of 10' in height, with open weave fencing, of a design, color, material and design as specially approved by the DRC in advance and in writing. Solid fences should be painted a color that is consistent with the Sincuidados Desert Palette of Colors.
c. Tennis, pickleball or sport courts should be constructed at natural grade or recessed below grade to minimize visible walls or fencing. Courts may not be constructed on fill or above existing natural grade.
d. Plants and vegetation shall not be deemed to be a fence or a wall, but all planting surrounding the court must receive prior written approval by the DRC.

e. Not more than one of the four (4) sides and ends of a court may be enclosed in part by a backboard for practice. The design, size, material and color of a practice board must receive prior written approval by the DRC and shall not exceed a maximum of thirty (30') feet in length nor ten (10') feet in height.
f. No tennis, pickleball or sport court shall be lighted without approval of the Sincuidados DRC, and by the Owners of Record immediately adjacent (front, back and sides) to the lot on which a court is being proposed. If approved, the lights will be required to be on an automatic timer and shielded to prevent light dispersion off the court surface.

B.6 Swimming Pools, Spas, Etc.

All swimming pools (to include spas, plunge pools, etc.), for new or remodeled construction must be approved by the DRC. Pools shall be screened from adjacent properties by a protective patio wall, fence or permanent structure not less than five (5') feet in height, as measured from the outside final finished grade. This 5' high minimum requirement shall cover the length of the wall or fence containing the swimming pool. The design of the protective enclosure(s) shall be submitted as a part of the Design Review process for DRC approval.

The City of Scottsdale has a swimming pool safety code which shall always be complied with by all Owners. The Owner is responsible for complying with these codes and obtaining a building permit prior to commencing with construction. In addition, the Owner and any subsequent Owner are required to continue to comply with the requirements of the City regulations after the completion of construction.

Under no circumstances shall a swimming pool be located outside the approved Building Envelope.

B.7 Grass Lawns

The ONLY live turf lawn grass permitted in Private Areas is St. Augustine or equivalent grass (*Stenotaphrum secundatum)* and must be installed only as sod material. Synthetic turf lawns are permitted in Sincuidados (recommended minimum 80 oz. Quality) within Private Areas. Lawns (LIVE OR SYNTHETIC) are strictly prohibited in the Transition and NAOS areas nor in front Private Areas that are visible from the street or by other residences.

B.8 Architectural Screening, Sunshade Devices and Trellises

All exterior architectural features to be used for sun control require approval of the DRC prior to installation. This includes the installations of all sun screening devices after the completion of construction of the residence. Vertical sunshades and screens, when permitted, shall match or complement the main residential building color. No brightly colored or reflective awnings or window shading devices shall be permitted. No steel shutters or wall-mounted shading devices shall be permitted, without prior DRC written approval.

The Sincuidados DRC strongly encourages owners to utilize internal sun control devices (curtains, blinds, shutters, window tinting, etc.) instead of exterior commercial looking solutions.

B.9 Solar Heating or Solar Electrical Generating Devices

The installation of solar panels is encouraged by the DRC and may be approved by the DRC, but only under specific conditions. The Owner shall provide a written proposal to the DRC providing in detail, the location, size, number of and orientation of all panels and ancillary equipment including finish materials and colors, etc., for approval prior to installation. If the panels are to be installed on a roof, a roof plan is to be submitted that shows the height of panels above the adjacent roof surface and the height above adjacent parapets. In addition, all solar devices and their connecting piping, conduit, etc., shall not be visible from adjacent lots and from the streets within Sincuidados. Piping, conduit, etc. installed on the external walls of a residence shall be painted to match the color of the residence.

B.10 Refuse and Recycling Containers

Refuse and recycling containers shall be allowed on the street on the actual days of pickup, or no earlier than 5:00 pm of the day before pickup and shall be removed by the Owner by the end of the day of refuse pick up but no later than the following day.

On non-pickup days, the Owner shall store all refuse and recycling containers either within their garage or appropriately concealed by solid screen walls as defined in Section B herein, so as to not be visible or detectable from another residence or the street. All such containers shall be located within the approved Building Envelope.

Owner's are allowed to place bulk trash (such as landscape cuttings) out along the curb in front of their lot two (2) days prior to bulk trash pickup week. Per the City of Scottsdale, after such bulk trash is picked up, Owner's are to sweep the street clear of any debris that remains on the street. See https://www.scottsdaleaz.gov/solid-waste/brush-bulk-collection.

B.11 Items Prohibited from Display on an Owner's Lot

Various items are prohibited from being displayed on an Owner's lot, which include, but are not limited to, basketball poles and backboards of any kind, except those designed to be used with a swimming pool, provided that they are installed inside a courtyard or patio walls and are not visible from streets or adjacent property. Portable basketball boards are permitted but must be removed and stored out of sight when not in use.

Miscellaneous displays such as vehicles, carts, wagons, antiques, antennas, art, collections, sculptures, banners, kites, windsocks, etc., must be pre-approved by the DRC in writing or by the Board of Directors of the Sincuidados Homeowner's Association.

B.12 TV & Communications Antenna

The DRC requires that TV and communication antennas, dishes, etc. be installed generally in locations where they cannot be seen from adjacent properties or from surrounding streets within Sincuidados such as behind parapets on the roof and/or on the ground to the extent that the reception of an acceptable signal would not be impaired.

The DRC also requires installing conduit which can be painted to match the color of the house in order to hide connecting cables to any rooftop equipment.

B.13 Parking

In general, no vehicle(s) are allowed to be parked overnight outside in a driveway or along the street. If a vehicle does need to be parked outside overnight, please so notify the Gate Host. See the Association Rules and CC&R's for more information on parking restrictions.

B.14 Flags and Flagpoles

Except as otherwise set forth below, no flags or banners of any kind shall be displayed or placed on a Lot or the Common Area without the prior written approval of the Board of Directors or the DRC. In accordance with A.R.S. § 33-1808, flags and a flagpole may be displayed on a Lot as follows:
Only one flagpole may be erected on a Lot or one mast may be attached to the exterior of a home and shall comply to the following standards:

1. The flagpole or mast shall not constitute a safety hazard and may not exceed the height of the home.
2. No more than 2 flags may be displayed at one time.
3. Flags must not produce disturbing noise (e.g. pole and halyard clanging in the wind).
4. Flags must be kept in good condition at all times, and may not be torn or tattered.
5. Except for the flags set forth in Numbers i through vii, below, no flag shall exceed 4' x 6' in size.
6. Only the following flags may be displayed on a Lot unless the Owner obtains the Association's prior, written approval:
    i. The American flag or an official or replica of a flag of the United States Army, Navy, Air Force, Marine Corps or Coast Guard if the American flag or military flag is displayed in a manner consistent with the federal flag code (P.L. 94-344; 90 Stat. 810; 4 United States Code sections 4 through 10).

ii. The POW/MIA flag.
iii. The Arizona state flag.
iv. An Arizona Indian Nations flag.
v. The Gadsden flag.
vi. A First Responder Flag. A First Responder Flag may incorporate the design of one or two other First Responder Flags to form a Combined Flag.
vii. A Blue Star Flag or a Gold Star Service Flag.
viii. Any historic version of the American flag, including the Betsy Ross flag.

Please see A.R.S. § 33-1808 for additional information.

B.15 Maintaining a Home's Appearance

Owner's within Sincuidados are required to maintain the exterior appearance of their homes.
With the intent of preserving the appearance of homes throughout the community, the condition of paint on community homes will be periodically evaluated by the DRC. If it is reasonably determined by the DRC that a home or garage needs a fresh coat of paint, the Homeowner will be notified in writing and will be required to paint their home within six (6) months.

B.16 Exterior Painting

B.16.1 Intent

It is the intent of this policy to allow homeowners the ability to manage the exterior paint of their home provided that the paint colors chosen fall within the Sincuidados Desert Palette of Colors and are in harmony with the natural desert within Sincuidados as defined in these Guildlines.

It is the function of the Design Review Committee (DRC) to oversee a consistent process Owners can rely upon.

B.16.2 Colors

Definition of the Sincuidados Desert Palette of Colors
The definition of the Sincuidados Desert Palette of Colors is desert friendly earth tones and natural vegetation colors that blend into the Sincuidados natural desert.

The Sincuidados Desert Palette of Colors, as defined in these Guidelines, must match or blend into the natural palette of soil and native vegetation within Sincuidados. Desert friendly earth tones and natural vegetation colors shall blend with the natural desert palette in Sincuidados and shall not include the colors of blooms and flowers of such vegetation.

All building and site wall exterior surfaces shall be painted with soft, earth-tone colors complementary to the natural desert. Per the City of Scottsdale's Environmentally Sensitive Lands Ordinance and these Design Guidelines, ALL exterior colors must have a "Light Reflective Value" (LRV) of **at least 10 and no more than 40** (or as currently required by the City of Scottsdale, whichever is lower). Prior approval by the DRC of ALL exterior colors shall occur during the design review process at the designated stage or prior to any repainting of an existing home.

The requirements for the sheen of any paint is as follows:
- Only FLAT or LOW SHEEN exterior paint is permitted for the body and trim of the home.
- Only low gloss or satin sheen finishes are permitted for garage doors.
- Any finish that is deemed reflective will not be approved.

List of Example Paint Colors in Compliance with The Desert Palette of Colors
The DRC maintains a list of pre-approved colors determined to fall within the Sincuidados Desert Palette of Colors. A book with the pre-approved sample paint chips is available at the Pima Gate and pictures of the pre-approved colors are also available on the Sincuidados website (www.Sincuidados.org). The intent of this list is not to constrain paint color choices, but to expedite review by the DRC. An electronic Architectural Request for Approval using one of these pre-approved colors shall receive expedited approval. Architectural Requests must be submitted through the Community Management Company.

DRC approved exterior paint colors can be found on the Sincuidados HOA website.

Repainting of Existing Colors
When repainting a home or garage doors the existing color, an electronic Architectural Request for Approval to paint the home the existing color shall receive expedited approval. Such Architectural Request shall include the paint manufacturer, the name of the existing paint color and the LRV. Homeowners may repaint their home the existing color as long as the existing paint color is an acceptable color, the color's formula is an exact match of the paint color last applied to the home, the color meets the current Design Guidelines, the color meets the Sincuidados Desert Palette of Colors and is approved by the DRC.

Wood Elements
Painting or staining of wood elements of a home are allowed to be any color that is compatible with the exterior color scheme of the home and the natural desert environment. There are no color nor LRV requirements other than to advise the DRC of the color of the wood trim elements by submitting an Architectural Request.

ALL painting projects, including repainting an existing color, require prior approval of the DRC.

Custom Colors
The DRC may approve custom colors that, in the DRC's reasonable judgment, fall within the definition of the Sincuidados Desert Pallet of Colors. The process for approval of custom paint colors is outlined in Section M.4.

The DRC shall have the authority to reject any color, texture or finish that it deems inappropriate to the Sincuidados Community and the natural desert environment, even if the color of such material meets the LRV requirements stated above.

Exterior building colors shall be properly maintained by the Owner for the life of the residential building. All subsequent repainting shall also meet the above Design Guidelines and shall receive prior written approval from the DRC.

B.16.3 Approval Process

Definition of Non-Compliance
Homes or garage doors whose existing paint colors are reasonably determined to fall outside the Sincuidados Desert Pallet of Colors will need to have the home painted an approved color upon repainting.

Painting a Home Without DRC Approval
Homeowners who paint their home or paint/stain their garage doors without DRC approval may be required to repaint within 60 days.

Partial Home or Garage Door Painting
Partial painting of a home or garage door is allowed only if the color is an EXACT match to the existing color of the home or garage. If the home has been painted more than two years previously, it is recommended that the house be repainted from corner to corner to assure the touch up matches.

Paint Approval Process
All paint projects, large or small, that are on the exterior of a home must be brought to the DRC for approval. The approval process is as follows:

- Owner's shall submit an electronic Architectural Request for Approval to the Community Management Company complete with all required information on the Architectural Request form.
- If the Owner is requesting to repaint their house the existing color or one of the Sincuidados pre-approved Desert Palette of Colors, no color sample is required.
- If the Owner is requesting to paint their house a custom color, the application **MUST** include at least one 24" x 24" sample of each proposed color placed on an area of the stucco of the building that can be viewed prior to repainting the home. Once this sample is painted, the DRC is to be notified of the sample location.
- DRC members will then visit the home to inspect the sample of the proposed color.
- If approved by the DRC, a confirmation email will be sent to the Owner from the Community Manager notifying them of the approval.
- In the event the custom color submitted has been deemed unacceptable, the Owner will be notified to select another color.

Appeal to The Board
In all cases the Owner retains the right to appeal DRC decisions to the Board of Directors for review.

Section C – FEES AND ENFORCEMENT

FEES
Fees are routinely revised and updated, please contact the Community Management Company to determine current fees.

ENFORCEMENT

C.1 Enforcement of Design Guidelines
The DRC, under the direction of the Sincuidados Homeowners' Association as provided in the CC&R's, has the authority to enforce compliance with these Design Guidelines, to assess fines on the Owner of Record for non-compliance with said Guidelines and to deduct amounts from the Construction Security Deposit for such non-compliance with the Design Guidelines. Notification of non-compliance and the remedies thereto, shall be through the Community Management Company.

The HOA also may pursue all other rights and remedies under the CC&R's, these Design Guidelines and all other Association governing documents pursuant to Arizona law. The Owner shall be responsible for all costs, expenses and legal fees incurred by the Association in enforcing the Design Guidelines irrespective of whether a formal lawsuit has been filed. The Owner shall pay all such costs, expenses and legal fees upon demand from the Association. Said amounts shall be enforced in the same manner as Assessments in the CC&R's and under Arizona law.

C.2 Payment of Fees

Application Review Fee(s).
Non-refundable Application Review Fees shall be assessed to the Owner of Record prior to the DRC's proceeding with any activity requiring the prior payment of fees. Payment of all fees shall be made to the Sincuidados Homeowners' Association through the Community Management Company. Please confirm the current applicable non-refundable application review fee with the Community Manager prior to submittal.

Refundable Construction Security Deposit.
Dependent on the scale of the proposed project, a refundable Construction Security Deposit may be required prior to the start of any construction. Please confirm the current applicable refundable Construction Security Deposit with the Community Manager prior to the start of construction. For all new construction of a single family main residence ("New Construction"), rebuilds/exterior renovations of the main single family residential structure independent of detached structures ("Rebuilds"), security deposits and approval and review meetings shall comply with the

Construction Security Deposit Review Process to comply with A.R.S. § 33-1817. New Construction means and refers to construction of a principal dwelling structure for occupancy on a Lot, independent of any detached structure or improvement. Rebuild means and refers to reconstruction resulting from the demolition or destruction of a significant portion of the existing principal dwelling structure on a Lot, independent of any detached structure or improvement as well as issuance of a permit from the City of Scottsdale.

Lighted Address Monument Fee.
Each resident is required to install and maintain a lighted property address monument supplied by the Association. All new home construction projects will be required to purchase and install an address monument from the

Association prior to the completion of the project. Please confirm the current applicable address monument fee with the Community Manager.

C.3 Fines

The Association has the authority to levy fines for any unapproved construction or other related activities that violate the Design Guidelines, CC&Rs, or other governing documents and to order a halt to such unapproved activities. These violations can be cited during construction or post-construction for such things as, but are not limited to:

NEW HOMES:

- Failure to receive DRC approval for any new construction or landscape work
- New home builds that exceed 24-months
- Failure to follow rules for new construction

EXISTING HOME / LOT VIOLATIONS:

- Failure to get DRC approval of any exterior construction
- Failure to get DRC approval of major landscape or driveway work
- Unauthorized trimming, plant removal, planting or other modification to NAOS areas
- Failure to get DRC approval for exterior repainting or roof coating
- Failure to respond to notice that painting is required
- Unauthorized exterior attachments to the home
- Monument light non-operation or use of non-standard bulb
- Trash or Recycle bin left out too long
- Using plants or trees or any landscape materials from the unapproved list
- Exterior remodeling or landscape projects that exceed 12-months
- Other Design Guidelines violations

OTHER GOVERNING DOCUMENT VIOLATIONS:

- Failure to remove invasive plants from NAOS
- Parking and traffic violations
- Other violations

The Association's Board of Directors adopted a Violation Fine Policy and Schedule ("Violation Policy") for violations of the Association's governing documents, including these Design Guidelines. The Violation Policy is in a separate document, is subject to amendment by the Board of Directors from time to time and is incorporated herein by reference. The Violation Fine Policy is available from the Association's Community Management Company. The elimination of all violations and payment of any associated fines, special assessments, or liens shall be the sole responsibility and at the sole expense of the Owner. A Letter of Compliance and any Refundable Construction Deposit (where applicable) will not be processed until these conditions are met. Notwithstanding the Violation Policy, the Association can employ legal counsel at any time to pursue violations of the Design Guidelines. The Owner shall be assessed for all attorneys' fees and court costs incurred by the Association in enforcing the Design Guidelines, whether a lawsuit is filed or not.

In addition to the above remedies, Section 12.20 of the CC&Rs specifically allows the Association to enter an Owner's Lot and to correct any violations at the Owner's expense.

III. MODIFICATIONS TO EXISTING RESIDENCES AND LOTS

SECTION D – GUIDELINES FOR MODIFICATIONS TO EXISTING RESIDENCES AND LOTS

ALL OWNERS OF PROPERTY IN SINCUIDADOS ARE ADVISED THAT ANY MODIFICATIONS TO AN OWNER'S LOT OR EXTERIOR OF A RESIDENCE MUST ADHERE TO THESE GUIDELINES AND REQUIRES WRITTEN DRC APPROVAL PRIOR TO THE COMMENCEMENT OF ANY WORK.

LANDSCAPE PLANS ADEQUATE TO DESCRIBE THE PROPOSED WORK MUST ALSO BE SUBMITTED AND APPROVED IN ADVANCE BY THE DRC, PRIOR TO ANY AND ALL CHANGES OR MODIFICATIONS TO THE LANDSCAPE OF TRANSITION AREAS (BUT NOT PRIVATE AREAS) OR BY BOTH THE DRC AND THE CITY OF SCOTTSDALE FOR ANY AND ALL CHANGES OR MODIFICATIONS TO THE LANDSCAPE OF NAOS AREAS OF ANY HOME IN SINCUIDADOS, INCLUDING ALL PROPOSED EXTERIOR LANDSCAPE LIGHTING.

D.1 Design Philosophy

The "Design Philosophy" under which all building development in the Sincuidados Community is to adhere to, and from which the Design Guidelines were created, is as follows:

1. All architectural development shall be of a "desert appropriate architecture" and shall retain a low profile, predominantly single-story concept of building structures with corners and edges on all stucco finished features appropriate for our Sonoran Desert landscape as well as the design of the home. All exterior non-glass surfaces of all buildings and walls are to be finished in non-reflective materials in earth tone colors consistent with the natural desert.
2. All site development of individual properties shall be in harmony with the natural characteristics of the Sonoran Desert region and its indigenous plant material, with special attention given to preserving and maintaining the erosion washes, the open space and the native flora and fauna in an undisturbed natural state. This is not only a requirement set forth in these guidelines, but a requirement of the City of Scottsdale to preserve the natural beauty of the desert ecosystem.
3. Any proposed architectural features, including but not limited to building(s), site and landscape design or their materials which, in the opinion of the DRC, is contrary to the natural characteristics of the Sonoran Desert, or that of a "desert appropriate architecture," or is contrary to the spirit of the Sincuidados Design Philosophy, will not be approved for construction.

D.2 Architectural Style

The most predominant architectural style found in Sincuidados takes design cues from Pueblo or "Santa Fe" style architecture. However, Sincuidados also features examples of "Southwest Contemporary" architecture. The term "contemporary" is broad in scope and it is important to establish its presence in a manner that is compatible with the desert setting of Sincuidados, with nods to the Pueblo style architecture present throughout the community. The expression of contemporary architecture must convey an obvious desert aesthetic. To further reinforce this aesthetic, Sincuidados will also require that any desert contemporary designs take inspiration from traditional southwestern architectural styles. Desert contemporary characteristics include:

- Low, horizontal massing
- Deep overhangs and deep-set windows and doors
- Desert appropriate colors and materials
- Materials that are not highly reflective

- Residential in appearance and scale, not commercial or industrial looking
- No large unprotected exposed glass elevations
- Development that minimizes the impact on adjacent properties and the view corridors of adjacent properties

D.3 Windows

Replacement windows and doors should appear to be original construction and compliment the style and color scheme of the home and the community. Replacement windows that feature "over-fit trim" that reduces the required 3" minimum window recess (described above) or unusually increases the width of the window frames will not be approved. Further, the frame material should be a durable, long lasting material that holds up to the extremes of desert temperatures.

D.4 Accessory Buildings – Guest Houses, Casitas and RV Garages

Guest Houses and Casitas

ALL attached or detached accessory buildings or structures, where allowed by the City of Scottsdale shall be constructed and finished to match the architectural character, details, materials, textures and color(s) of the main residential building(s). They are required to be connected visually to the main house by patio walls of the same design character as the home and accessory building.

RV Garages

ALL proposed RV garages, where allowed by the City of Scottsdale shall be constructed and finished to match the architectural character, details, materials, textures and colors of the home. They are required to be visually connected to the house by patio walls of the same design character as the home. RV garages must be located within the required Building Envelope, meet or exceed all Sincuidados building setbacks, comply with the height restrictions herein and appear to be original construction. Due to the scale of these type of garages, additional screening and visual buffering may be a condition of approval. The DRC will pay particular attention to fenestration and other detailing that gives the garage a residential character and so as to not be commercial in appearance.

RV garages may NOT be approved on all lots. Many factors are taken into consideration, including the location and orientation of a proposed RV garage as well as the visual impact on surrounding residences and community assets.

D.5 Patio Walls, Fences, Exterior Stairways, and Equipment Screen Walls

No site walls, patio walls, fences or gates shall be permitted at or along any property line (with the exception of existing block walls or fencing installed during the original construction). All patio walls or fences shall be of masonry, adobe or other DRC approved permanent material and shall be an integral part of the design of the main residential building. Wood fences are not permitted.

Wrought iron fencing may be permitted only under all the following conditions:

a. Its openness for viewing does not reduce the visual privacy of adjacent Lots; its design is of a southwestern character and pattern and its shape, scale and geometry is integrated into the design composition of the patio walls and main building(s).
b. It is painted the same color(s) as the DRC approved residential building color.
c. Rebar "sticks in the desert" view fencing maybe used in lieu of traditional wrought iron fencing.
d. A detailed drawing of its design requires prior written approval by the DRC at the conclusion of the Final Design Review Submittal Application phase and prior to its installation.

The maximum height of all patio walls and wrought iron fences shall be five (5') feet in height measured from the finished grade level inside the wall. For lots with unusual topographic features, subject to specific DRC approval the height of patio walls and wrought iron fences can be increased to a maximum of six (6') feet in height measured from the finished grade level inside the wall.

The maximum height allowed for any patio wall or fence wall MAY be modified if unusual natural terrain requires additional height for a portion of the wall. However, under no circumstances shall the height of such wall exceed seven (7') feet measured from the finished grade level outside the wall. Under normal circumstances this seven (7') feet height restriction will only be approved when a portion of the wall is also a retaining wall.

The height of any patio walls on lots backing up to the main public arterial streets (Pima Road, Lone Mountain Road and Dixileta Drive) may be increased to a maximum of 8' where noise abatement and/or privacy are needed subject to compliance with the Sincuidados Design Guidelines. Any change to an existing wall in this situation requires the prior approval of the DRC and City of Scottsdale. Additional landscape screening may be required to buffer the wall visibility from neighboring properties.

All stucco finished patio and fence walls shall have rounded corners and tops where exposed. The degree of rounding shall match the minimum requirements pertaining to walls of the main residential buildings.

To the extent feasible, all exterior mechanical units, electrical service panels, plumbing (including gas and water meters), and trash and garbage containers shall be visually concealed from all streets and adjacent properties within Sincuidados by screen walls extending to a minimum of the highest point of the equipment and trash containers. The visual screen walls shall be finished in material, color and texture to match the main residential buildings. Mechanical and plumbing equipment shall be placed on a concrete pad low enough so that the visual screen wall does not exceed the five (5') foot maximum height restrictions and yet still screens the entire height of the mechanical equipment from view. Any exceptions to these requirements require the prior written approval of the DRC.

All exterior stairway treads, risers and handrails of all exterior stairways shall be visually screened from view from adjacent lots or from any street within Sincuidados.

D.6 Patios & Enclosed Exterior Private Areas

Where private exterior patios are to be screened by plant material, such plant material shall be selected from the pre-approved native plant lists found in Section L.

D.7 Swimming Pools, Spas, Etc.

All swimming pools (to include spas, plunge pools, etc.), for new or remodeled construction must be approved by the DRC. Pools shall be screened from adjacent properties by a protective patio wall, fence or permanent structure not less than five (5') feet in height, as measured from the inside final finished grade. This 5' high minimum requirement shall cover the length of the wall or fence containing the swimming pool. The design of the protective enclosure(s) shall be submitted as a part of the Design Review process for DRC approval.

The City of Scottsdale has a swimming pool safety code which shall always be complied with by all Owners. The Owner is responsible for complying with these codes and obtaining a building permit prior to commencing with construction. In addition, the Owner and any subsequent Owner are required to continue to comply with the requirements of the City regulations after the completion of construction.

Under no circumstances shall a swimming pool be located outside the approved Building Envelope.

D.8 Rooftop Decks, Patios, Pergolas and Shade Structures

Exterior rooftop decks, patios, pergolas and shade structures which are NOT enclosed behind patio walls and fences, and which extend beyond the main building's exterior surfaces, shall be considered exterior elements to which the requirements of these Design Guidelines shall apply. Such exterior elements shall be screened by patio walls, fences or parapets of sufficient height and must blend with the home's exterior color scheme. Exterior elements that are not screened adequately from adjacent residences require the prior approval of adjacent Owners and of the DRC.

D.9 Exterior Colors and Materials

The DRC shall have the authority to review and approve all exterior building materials, textures and colors during the review process described earlier.

Stucco Texture

Proposed stucco textures should be smooth, sand or equivalent finish. No rough 'lace' or patterned textures will be approved.

Stone

Stone and exposed, exterior masonry should be complementary colors and textures with the style and color of the home and appropriate for the desert environment.

Metal

Any exposed architectural metal accents on the home shall have a non-reflective color and finish other than unpainted copper.

Other Materials

Other exterior materials should be of high quality and durability and appropriate for the desert extremes. The colors and materials of exterior material should be non-reflective.

Garage Doors

Garage doors should complement the character and style of the home in material, color and design. Generally, the DRC prefers solid, windowless doors to minimize light pollution and protect the dark sky views of the community. If garage doors with windows are proposed, the windows are limited to 25% of the area of the garage door and the glass must be darkly tinted or opaque to minimize light trespass on to neighboring properties.

D.10 Exterior Painting

D.10.1 Intent

It is the intent of this policy to allow homeowners the ability to manage the exterior paint of their home provided that the paint colors chosen fall within the Sincuidados Desert Palette of Colors and are in harmony with the natural desert within Sincuidados as defined in these Guildlines.

D.10.2 Paint Colors

Definition of the Sincuidados Desert Palette of Colors

The definition of the Sincuidados Desert Palette of Colors is desert friendly earth tones and natural vegetation colors that blend into the Sincuidados natural desert.

The Sincuidados Desert Palette of Colors, as defined in these Guidelines, must match or blend into the natural palette of soil and native vegetation within Sincuidados. Desert friendly earth tones and natural vegetation colors shall blend with the natural desert palette in Sincuidados and shall not include the colors of blooms and flowers of such vegetation.

All building and site wall exterior surfaces shall be painted with soft, earth-tone colors complementary to the natural desert. Per the City of Scottsdale's Environmentally Sensitive Lands Ordinance and these Design Guidelines, ALL exterior colors must have a "Light Reflective Value" (LRV) of **at least 10 and no more than 40** (or as currently required by the City of Scottsdale, whichever is lower). Prior approval by the DRC of ALL exterior colors shall occur during the Design Review process at the designated stage.

The requirements for the sheen of any paint is as follows:

- Only FLAT or LOW SHEEN exterior paint is permitted for the body and trim of the home.
- Only low gloss or satin sheen finishes are permitted for garage doors.
- Any finish that is deemed reflective will not be approved.

List of Example Paint Colors in Compliance with The Desert Palette of Colors

The DRC maintains a list of pre-approved colors determined to fall within the Sincuidados Desert Palette of Colors. A book with the pre-approved sample paint chips is available at the Pima Gate and pictures of the pre-approved colors are also available on the Sincuidados website (www.Sincuidados.org). The intent of this list is not to constrain paint color choices, but to expedite review by the DRC. An electronic Architectural Request for Approval using one of the pre-approved colors shall receive expedited approval. Architectural Requests must be submitted through the Community Management Company.

Paint submittals shall include the paint manufacturer, the name of the paint color and the LRV.

DRC pre-approved exterior paint colors can be found on the Sincuidados HOA website.

Wood Elements

Painting or staining of wood elements of a home are allowed to be any color that is compatible with the exterior color scheme of the home and the natural desert environment. There are no color nor LRV requirements for wood trim elements. .

Custom Colors

The DRC may approve custom colors that, in the DRC's reasonable judgment, fall within the definition of the Sincuidados Desert Pallet of Colors.

The DRC shall have the authority to reject any color, texture or finish that it deems inappropriate to the Sincuidados Community and the natural desert environment, even if the color of such material meets the LRV requirements stated above.

D.11 Architectural Lighting

Interior Lighting

Blinds or Shades must be provided and closed on windows facing neighboring properties when bright interior lights (collectively above 1000 lumens) are located in such a way that their light shines directly into neighboring properties.

Exterior Architectural Lighting

In concert with the City of Scottsdale's Zoning Ordinance concerning exterior architectural lighting and in an effort to maintain an environment free of light pollution, the Sincuidados requirement for exterior lighting stresses limited, low intensity and shielded lighting. The enclosed private patios and garden areas of individual residences shall also abide by the intent of these exterior lighting restrictions and are so delineated below. Landscape lighting requirements can be found in Section D.11 below.

To achieve low scale requirements, exterior architectural lighting must be:

a. Low in physical height, (i.e. mounted or placed generally below eye level, ie. six feet)
b. Low in lighting intensity, not to exceed 400 lumens.
c. The quantity and style of fixtures for the property design requires prior approval by the DRC.

d. Any LED lights must be warm (amber) bulbs as opposed to the cool bright white or blue hue bulbs and shall not exceed 3,000 Kelvin.

To ensure minimum light pollution, reduce glare and minimize light trespass onto neighboring properties, exterior lighting, including Address Monuments, is to be directed downward, recessed or shielded so that:

a. The opening of the light fixture is directed down, not sideways or up.
b. The lighting source is hidden from view from off the property by the fixture design or by building structures (Dark Sky Compliant fixtures are preferred).
c. The lighting fixture includes a device or feature that directs the light downward.

To eliminate light trespass:

a. Exterior lighting must shield the light bulb so it cannot be seen from adjacent residential properties or from public viewpoints.
b. Public viewpoints include public or private streets and any open space accessible to the public.
c. This requirement also applies to Address Monument lighting.

Acceptable:

a. Soffit-mounted lighting.
b. Shielded light fixtures that focus lighting downward (with less than a 45-degree spread) or are placed under an eave.
c. Lighting located within a fully enclosed courtyard and placed below the height of the surrounding building or walls.
d. Security lighting that is activated by motion sensors and can be on for no more than 15 minutes. Lighting fixtures must be located where it does not come on frequently due to outdoor traffic or activity.

Not Acceptable:

a. Open bulb fixtures.
b. Fixtures with clear or nearly clear glass or plastic faces facing sideways.
c. Fixtures with lenses that scatter light.
d. Extensive up and/or down lighting of exterior building walls, shielded or not.
e. Flood lights.
f. Lighted tennis court or sport court.
g. Lighting within any part of the NAOS including landscape lighting.
h. Recessed can-lights in the ceilings of elevated viewing decks that are visible from neighboring properties.
i. Translucent and colored glass fixtures.
j. Outdoor string lighting (but such outdoor string lighting can be installed 24 hours before a special outdoor event and must be removed within 24 hours after such event).

Exceptions to the Guidelines require prior approval of the DRC. The Owner shall submit a complete exterior lighting plan with the final Design Review Submittal Application as noted in Section E.

Direct light from any fixtures that are visible from any street or any other lot is prohibited as noted above. The addition or replacement of any exterior lighting fixtures must meet the criteria herein and requires the prior approval of the DRC.

D.12 Landscape Lighting

Sincuidados seeks to maintain as much as possible a "dark skies" environment. All outdoor landscape lighting fixtures shall be a low voltage lighting system installed in conformance with these Design Guidelines and must receive the prior written approval of the DRC. All fixture bulbs shall be shielded to reduce visible glare. No landscape lighting shall shine onto neighboring properties or the streets.

Landscape Lighting Zones – As described above, there are three distinct landscape zones found on each residential property:

- Natural Area Open Space: No lighting is allowed in any Natural Area Open Space per City of Scottsdale ordinances.
- Transition Area: Lighting of selective, specimen or feature elements is allowed in this area including trees, cacti, boulders and pathways.
- Private Area: There are no restrictions of lighting in the Private Area other than the general requirements contained herein. However lighting may not impact neighboring properties or public areas. String or bistro lighting visible from the street of from a neighboring lot is not allowed.

a. Types and Quantity of Lighting - While there are many options for light fixtures, Sincuidados requires down facing lighting as a means to further protect the dark sky. Up lighting or spotlights are not allowed. in NAOS Areas.
b. Other types of landscape lighting fixtures that may be allowed in Transition Areas and Private Areas include, but are not limited to, the following: Lighting in Private Areas (in limited number and dependent on location) , path lighting, driveway lighting, wall lighting, step lighting, down lighting and under water lighting. The color of the light fixture and its shield, housing or trim, including exterior soffit lights, shall be compatible with the building color. Plastic light fixtures (such as “Malibu Lights”) are not allowed. Dark-colored durable metal fixtures are preferred. Cut sheets for each type of lighting must be submitted for approval by the DRC with all Plan Submittals.
c. Note that all landscape lighting fixtures must be low voltage.
d. Per the requirements of the City of Scottsdale, all fixtures must have shielded bulbs and are not to be directly visible from neighboring properties or public areas such as streets.
e. Low voltage fixtures including incandescent, Halogen and LED lamps are allowed. The maximum wattage allowed is: 20 watts for incandescent or halogen bulbs, 7 watts for LED bulbs (which must not exceed 3,000 Kelvin) or the equivalent of 265 lumens measured at 20 feet.
f. Florescent, High Pressure Sodium, Mercury Vapor and Metal Halide lamps are not allowed.
g. Diffusers, frosted lenses, and amber, green or blue lenses specifically designed for low voltage lights may be allowed subject to approval by the DRC. These materials aid in the reduction of “glare” and light “hot spots”.
h. Multiple fixtures on one landscape element are typical in many landscapes designs. The goal is to properly light each element chosen, not to light every element. For example, a large tree may require two to three fixtures, up lights and/or down lights or a combination of both, to properly light the element.
i. Driveway and pathway area lighting is intended to define the edges of the driving and walking surface and allow the safe use of those areas. The spacing of the lighting should “wash” the surface and not create a “runway” effect. Driveway lighting shall not illuminate any areas off the property. Driveway and pathway fixtures may be pole-mounted or wall-mounted. At no time shall path lights be higher than eighteen inches (18”) and must not face up.
j. Buildings and walls shall not be lighted with landscape spot or flood lighting.

D.13 Landscape Planting in the Unpaved HOA Road Corridor

The HOA plans to address landscaping of the road corridor, including the unpaved HOA owned land between the roads and individual lots, as part of its “Streetscape” project initiated in 2020. This “Streetscape” project will be implemented in phases over a several year period. Once the HOA has implemented the ”Streetscape” design on the

unpaved HOA Road Corridor, homeowners may no longer make any changes to the landscape within the unpaved HOA owned Road Corridor.

Until the HOA implements such landscaping, individual homeowners are temporarily permitted (with prior DRC approval) to landscape the area adjacent to their driveway apron near the road. Plant materials must be selected from the approved plant lists herein (see Section L.1 and L.2) and presented to the DRC for prior approval.

With prior DRC approval, decomposed granite may also be applied to the unpaved HOA owned Road Corridor to improve its appearance and rip-rap may be applied for erosion control (per section D.13 below). Except for this temporary landscaping, no other private landscaping or rip-rap may be used along the HOA owned Road Corridor.

The intent is to maintain 3' to 5' clear road shoulder for aesthetic purposes and facilitate vehicle parking off the main road surface. The Association may require the removal of all privately installed plants or materials that do not comply with the approved color and size or which were installed without prior DRC approval. The Association may also remove all privately installed plants and materials when the "Streetscape" project is implemented.

When landscaping has been completed by the Owner, the individual Owner acknowledges that: (1) they are solely responsible for maintaining such landscaping in the unpaved HOA owned Road Corridor in an acceptable manner, (2) under no circumstances does the HOA have any liability to reinstate such private landscaping in the unpaved HOA Road Corridor that may be damaged for any reason including community maintenance or utility work in this area, (3) such private landscaping in no way affects the HOA's ownership rights with respect to the affected unpaved HOA owned Road Corridor and (4) the HOA may require removal of all such temporary landscaping when the "Streetscape" project is implemented.

D.14 Adding Decomposed Granite and Rip-rap to the Unpaved Road Corridor

Installation of decomposed granite and/or rip-rap for erosion control and mitigation purposes along the HOA owned unpaved Road Corridor between the concrete ribbon curb and the Owner's property line of their lot is the responsibility of the HOA. Owners should bring to the attention of the HOA any areas along the unpaved Road Corridor that need erosion mitigation. The HOA reserves the right to require a homeowner to remove all privately installed DG or rip-rap materials that do not comply with the approved color and size or which were installed without DRC approval.

Rip-rap should be installed flush with the existing natural grade of the property and not simply applied on top of the existing grade. Periodic removal of sediment will improve the life span and function of the rip-rap. Drainage or erosion problems in the unpaved Road Corridor shoulder should be brought to the attention of the HOA.

Installation of decomposed granite or rip-rap for landscaping or decorative purposes in the unpaved Road Corridor requires the prior written approval of the DRC.

When decomposed granite or rip-rap has been installed by the Owner in the unpaved Road Corridor, the individual Owner acknowledges that: (1) they are solely responsible for maintaining such decomposed granite and/or rip-rap in the unpaved Road Corridor in an acceptable manner, (2) under no circumstances does the HOA have any liability to reinstate such private decomposed granite or rip-rap in the unpaved Road Corridor that may be damaged for any reason including community maintenance or utility work in this area, (3) such Owner installed decomposed granite or rip-rap in no way affects the HOA's ownership rights with respect to the affected unpaved Road Corridor and (4) the HOA may require removal of all such decomposed granite or rip-rap when the "Streetscape" project is implemented.

D.15 Road Corridor Maintenance and Landscaping

As noted above in Sections D.12 and D.13 Owners are permitted to install private landscaping or the addition of rip-rap or DG along the unpaved Road Corridor including the road shoulder area with DRC approval. The intent is to maintain a 3'-5' foot clear road shoulder for aesthetic purposes and to facilitate vehicle parking off the main road surface. This ensures the safe and adequate flow through Sincuidados streets for general and emergency vehicles.

Once the HOA has implemented the "Streetscape" design along the unpaved Road Corridor, homeowners will no longer be able to make any changes to the landscape within the unpaved Road Corridor.

No structures, large rocks/boulders or decorative items are to be placed in the unpaved Road Corridor.

D.16 Decomposed Granite and Rip-rap

Decomposed Granite (DG)
Only decomposed granite and rip-rap of a type, size (1/2 minus maximum for DG or other size as approved by the DRC), color and specification as approved by the DRC is to be used for landscaping in Transition Areas or along the HOA owned unpaved Road Corridor. DG or rip-rap color must be approved for specific lots with the prior written approval of the DRC. Possible colors that may be approved include Sunset Gold, Yukon Gold and Madison Gold or other desert compatible colors as approved by the DRC. Decomposed granite within Private Areas that is not visible from off-site may use a color and size that suits the style of the home and Owner. The installation of decomposed granite or rip-rap in NAOS areas may be allowed for erosion mitigation or fire suppression purposes with the prior written approval of the City of Scottsdale and the DRC. Such applications in NAOS areas should utilize a decomposed granite color and size that closely matches the existing granite surface of the NAOS area on the lot.

Rip-Rap
All placement and colors of rip-rap must be pre-approved by the DRC. Possible colors that may be approved include Sunset Gold, Yukon Gold and Madison Gold or other desert compatible colors as approved by the DRC. However, rip-rap of various sizes and brown and gold colors are acceptable for Transition and Private areas.

Boulders
Natural granite boulders of various colors of browns and golds that mimic the boulders found in and around Sincuidados can be used. Boulders should be Surface Select Granite boulders buried 1/3 below grade to create a natural appearance.

D.17 Automatic Watering Systems
Except as provided below, automatic watering systems are only permitted in the Transition and Private Areas.

D.18 Temporary Irrigation within the NAOS
With prior City and DRC approval, an Owner may irrigate NAOS and Natural Areas temporarily to reestablish approved revegetated areas. This requires prior DRC approval. Watering may continue until the Owner feels assured that the revegetated Natural Area has fully recovered; typically, one year for small shrubs and three years for trees.

At the end of the temporary irrigation program, the system should be disabled, and any visible lines or other equipment should be removed. Long term or permanent irrigation of NAOS and/or Natural Areas is not permitted.

D.19 Irrigation within the Transition and Private Areas
An Owner may irrigate landscape planting within Transition and Private Areas up to the boundaries of the Building Envelope as necessary to establish and maintain these landscaped areas to the satisfaction of the

D.20 Owner Construction Activity
Owner. Construction activity, whether by Owner or contractor and whether for new construction or building remodeling and site renovation, shall be allowed only during the following times, and construction personnel other than the Owner shall leave the Sincuidados premises by the end of the construction activity period noted below:

October 1 through April 30

Monday through Friday	7:00 a.m. to 5:00 p.m.
Saturdays	8:00 a.m. to 1:00 p.m. (quiet work only)
Sundays and Legal National Holidays	No work allowed

May 1 through September 30

Monday through Friday	6:00 a.m. to 5:00 p.m.
Saturdays	8:00 a.m. to 1:00 p.m. (quiet work only)
Sundays and Legal National Holidays	No work allowed

D.21 NAOS Disturbed During Construction or Landscaping

If any area of the NAOS is disturbed during construction or by landscaping, it shall be the responsibility of the Owner to have such areas revegetated with only indigenous plants. If any area of the NAOS is disturbed by construction or maintenance activities of the HOA, it shall be the responsibility of the HOA to have such areas revegetated. All such revegetation plans must be delineated in the City of Scottsdale building permit application and be included in the DRC Final Design Review Application for approval and require the prior approval of the City of Scottsdale and subsequent approval by the DRC prior to beginning any remediation work. See the list of "Indigenous Plants for the Natural Area Open Space (NAOS) in Section K.1. NAOS areas shall otherwise remain UNTOUCHED, including the natural ground cover such as natural decomposed granite. Revegetation of any disturbed NAOS shall be accomplished prior to the Owner receiving a final DRC Letter of Acceptance.

The Owner and their contractor are encouraged to scrape and save natural desert surfaces when doing new construction to be reused as part of the restoration of areas damaged during the construction.

D.22 Site and Landscape Damage During Construction

Due to site and landscape damage that may occur during construction, the Owner shall be responsible to adhere to the following requirements:

a. During the Design Review Submittal Application process, the Owner shall identify all significant natural landscape features within the "Building Envelope" that may be affected by building or site construction. All trees, cacti, major shrubs, boulders, etc. in this area shall be isolated and protected from unnecessary damage during construction.
b. All naturally indigenous existing landscape areas on the property that are damaged during construction shall be reinstated by the Owner prior to receiving the DRC's final Letter of Compliance (LOC). Revegetation plans require the prior approval of the City of Scottsdale followed by the DRC and shall be accomplished with plants indigenous to the immediate property and in densities compatible with the NAOS area of such property and to the satisfaction of the DRC.
c. All damage to the existing natural vegetation in the unpaved Road Corridor, will be required to be revegetated to a natural condition while providing for a clear road shoulder of 3' to 5' feet.
d. No excavation or area of fill shall be permitted outside of the Building Envelope on any lot.
e. No alteration of existing drainage courses, removal, or relocation of indigenous material, such as boulders, shall take place outside of the Building Envelope.
f. Should the Owner or Contractor violate the above requirements, or any other condition of approval, the Sincuidados Homeowners Association has the authority to demand a full remedy of such infraction. Should that

remedy not be forthcoming in a timely fashion, or to the satisfaction of the DRC, the Sincuidados Homeowners Association has the authority to correct the deficiency at that Owner's expense in accordance with the CC&R's.

g. In addition to any HOA sanctions, the City of Scottsdale Environmentally Sensitive Lands Ordinance provides for fines to be imposed should the Owner disregard these requirements and restrictions. The Owner should become familiar with this ordinance and all other applicable codes before beginning design and/or construction work.

D.23 Revegetation

The goal and intent of revegetation is to restore any areas disturbed by construction or grading to a natural appearance. Revegetation is also required for all Transition Areas that are disturbed by grading or construction. Revegetation plant material shall be planted in a density and arrangement that is similar to the adjacent undisturbed NAOS. This revegetation landscaping must include only indigenous species specifically identified on the Approved Indigenous Plant List (See Section L.1). All revegetation plans require prior approval by the City of Scottsdale before submitting such plans to the DRC for approval.

The desert ground cover plants and shrubs must be revegetated using a minimum of fifty (50) one gallon or larger plants per one thousand (1,000) square feet. This minimum number of one gallon or larger plants used for revegetation of the groundcover should be placed in a natural pattern and not in a formal or geometric pattern. As exists in nature, the species of plant material for revegetation of the ground cover should consist of a minimum of seventy-five percent of the plants as the dominant ground cover species (such as Turpentine Bush) and the remaining twenty-five percent or less as shrubs and cacti that are indicated on the Approved Indigenous Plant List (See Section L.1).

The dominant groundcover species vary within different areas of Sincuidados. In general, these are the dominant groundcover plants present on site:

- Turpentine Bush
- Bursage
- Brittlebush
- Desert Buckwheat

Revegetation Plant Mixes

The Revegetation Plant Mixes should be selected based on the dominant groundcover that naturally exists on the Lot. This mix should then be adjusted based on the plant species and density of the immediately adjacent undisturbed desert to better meld seamlessly with the natural environment. Although indigenous grasses are allowed, it is preferred to avoid such grasses to aid in fire suppression.

Revegetation plants should be placed in natural formations that duplicate the adjacent undisturbed desert. The goal should be to match the appearance of the adjacent undisturbed desert.

To aid in the establishment of revegetation, a temporary automatic drip irrigation system is required. In addition, supplemental watering by hand is permitted. Once the plants are established, the irrigation system should be abandoned (See Section D.17 above).

D.24 Temporary Sanitary Facilities and Construction Dumpsters

Sanitary Facilities

The Pima Gate Host is to be notified for all remodeling or landscape projects that require proper, temporary sanitary facilities. Such facilities shall be provided for all construction personnel within the residence Building Envelope, off the street or curb, and in conjunction with all local governing health codes and City of Scottsdale ordinances. Temporary sanitary facilities that are visible from the street or other residences are required to be camouflaged with

camouflage netting of a desert appropriate color. For new construction, the DRC requires that the portable toilet be removed after a maximum period of twenty-four (24) months. For small projects, the DRC requires that the portable toilet be removed after a maximum period of nine (9) months.

Construction Dumpster
The Pima Gate Host is to be notified for remodeling and landscape projects needing a dumpster. The Owner, through his/her contractor, shall be responsible to provide the on-site construction debris dumpster which shall be located within the residence Building Envelope. Such dumpster shall be used for the storage and periodic removal of

all construction and/or landscaping debris and waste materials generated on the Project site throughout the duration of the Project. Such dumpster(s) shall be the only area of the construction site within which excess debris is allowed to be stored or piled up until full. The dumpster should be emptied so that there is no visible overflow. When full, the contractor shall require the waste removal company to either replace the dumpster(s) with an empty one or remove it completely from the construction site. The DRC requires that the dumpster be removed after a maximum period of twenty-four (24) months. For small projects, the DRC requires that the dumpster be removed after a maximum period of nine (9) months.

D.25 Application Review Fee(s).
Non-refundable Application Review Fees shall be assessed to the Owner of Record prior to the DRC's proceeding with any activity requiring the prior payment of fees. Payment of all fees shall be made to the Sincuidados Homeowners' Association through the Community Management Company. Please confirm the current applicable non-refundable application review fee with the Community Manager prior to submittal.

Refundable Construction Deposit.
Dependent on the scale of the proposed project, a refundable Construction Deposit may be required prior to the start of any construction. Please confirm the current applicable refundable Construction Security Deposit with the Community Manager prior to the start of construction. For all new construction of a single family main residence ("New Construction"), rebuilds/exterior renovations of the main single family residential structure independent of detached structures ("Rebuilds"), security deposits and approval and review meetings shall comply with the Construction Security Deposit Review Process to comply with A.R.S. § 33-1817. New Construction means and refers to construction of a principal dwelling structure for occupancy on a Lot, independent of any detached structure or improvement. Rebuild means and refers to reconstruction resulting from the demolition or destruction of a significant portion of the existing principal dwelling structure on a Lot, independent of any detached structure or improvement as well as issuance of a permit from the City of Scottsdale.

Section E – DESIGN REVIEW PROCESS GUIDELINESFOR MODIFICATIONS TO EXISTING RESIDENCES AND LOTS

For construction, the Owner must obtain all required design approvals from the DRC prior to submitting to the City of Scottsdale for the City's required plans review and approval. Obtaining City approvals and building permits does not constitute the fulfillment of any DRC requirements or approvals without which the Owner shall not proceed with any site preparation or construction work.

It is strongly recommended that an Owner engage the services of a registered professional architect or other design professional for the design of any remodeling/renovation of an existing home. If, during the DRC review process, information required for submittal is missing or incorrect (i.e., setback distances, building envelope, etc.), the DRC shall so notify the Owner in writing to be corrected prior to the DRC continuing its review. An additional review fee may be required if the requested information has not been corrected by the date of the third submittal and for each review thereafter.

If requested by an adjacent resident, the DRC and the DRC Coordinator will be available to meet with the adjacent neighbor(s) to review the site plan, grading and drainage plan and elevations, (not to include the interior layout for privacy reasons).

E.1 Design Review Process

Any exterior modification to an existing home or property **must** be submitted to the DRC for the review and approval of the Committee prior to beginning any construction or demolition. Based on the scope and scale of the work, some submittal items (see below) may be waived. The DRC recommends that Owners discuss their plans with the DRC Coordinator to determine the specific submittal requirements. All Owners shall observe the following design review application procedures:

Note that no site work or exterior alterations to the property or home shall occur without Final Design Review Approval and a preconstruction meeting with the DRC Coordinator has taken place.

Additionally, any proposed modifications to any designated Building Envelope must be approved by the DRC prior to the Final Submittal of any plans for new home construction or the remodeling or exterior renovation of an existing home or property. Refer to Section M for information on Building Envelope requirements.

E.1.1 Pre-Application Meeting

Prior to submitting any Application, an Owner shall arrange a meeting with the DRC Coordinator to review all the current submittal procedures and the Design Guidelines, so that the Owner, as well as the Owner's Design Professional, are thoroughly familiar with the current edition of the CC&R's and the Sincuidados Design Guidelines. At this meeting the DRC Coordinator shall confirm that the Owner and the Owner's design professional (if applicable) have previously received a copy of, have reviewed, and are thoroughly familiar with the current CC&Rs and Design Guidelines. This meeting can be done by phone, Zoom or email as appropriate.

E.1.2 Request for Architectural Approval

After the Pre-Application Meeting; the Owner shall submit a Request for Architectural Approval to the Community

SINCUIDADOS ARCHITECTURAL DESIGN GUIDELINES

Prepared by: TORNOW ASSOCIATES, p.c.
Management Company for review by the DRC Coordinator and the DRC.

Each application must be submitted with one (1) full size paper copy of all plans (24" x 36" is preferred) and one (1) PDF copy of all documents (via disc, drop box, email attachments, etc.).

The minimum information required to be included for the DRC's Preliminary Design Review Application, is as follows (Note: based on the scope and scale of the building or lot modification work, some submittal items may be waived or not required – please verify with the DRC Coordinator in advance):

a. **Request for Architectural Approval** form submitted electronically to the Sincuidados Community Manager, with all information completed.
b. **Non-refundable Design Review Fee** shall be submitted with the Preliminary Design Review application in order for the DRC to commence the design review process. Review fees are indexed to the size and scope of the project. The currently applicable non-refundable review fees are available from the Community Management Company.
c. **Certified Land Survey** at no less than 1"=20', prepared by a land surveyor or civil engineer 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 based on Sincuidados' datum and major terrain features such as washes. The survey shall also show all major boulders or boulder clusters (in excess of four feet (4'-0") in diameter) and bedrock outcroppings. Major boulder outcroppings shall be protected and maintained as determined jointly by the City, the Owner or his Design Professional, and the DRC at the time of site plan review.
d. **Offsite utility plan** showing any planned utility work on the streets or HOA owned unpaved Road Corridor.
e. **Grading and Drainage Plan** prepared by a Civil Engineer registered in the State of Arizona, at the same scale as the survey, showing the graphic locations and the numerical area calculations of the Building Envelope (both the original Conceptual Building Envelope and any proposed Building Envelope for Phases I & II or the proposed "Building Envelope" for Phase III), and an outline of any element of any structure on any contiguous Lot. The preliminary grading and drainage plan shall indicate all proposed improvements on the Lot including the Residence and all other new items to be constructed on site. The plan should include all proposed site grading including existing and proposed contours and topographic features such as washes, rock outcroppings and existing trees, and elevations (datums) of all building floors, patios and terraces, shown in relation to site contour elevations. The civil site plan must also include the size of the Lot in square feet and the size of Natural Area Open Space (NAOS). For properties located in Sincuidados Phases I & II, this sheet shall depict the Sincuidados recommended finish floor elevation for proposed building(s) on the lot in question and any proposed deviation thereto. See Section M for Phase I & II floor elevations.
f. **Building Massing Plan** as applicable that includes the identification of a minimum of three distinct building masses (horizontally and vertically) for each elevation.
g. **Roof Massing Plan** as applicable that shows the heights and elevation of all parapets and ridges above natural grade below.
h. **Floor Plans** as applicable indicating finished floor elevations for each floor.
i. **Exterior Elevations** as applicable (at a scale no less than 1/4" = 1'-0") of all sides of the Residence or other structure including retaining and site walls as viewed from outside of the site walls and at the same scale as the floor plans. Identify all structure and wall heights, delineating both existing and proposed grade lines and designate all exterior materials.
j. **Adjacent Developed Lot(s) Site Plan** showing setbacks of structures and improvements including pools and open patio areas on adjacent lots. This exhibit must show the distance from proposed structures being submitted for review to existing structures on all adjacent lots.

k. **Preliminary Colors and Materials** exhibit showing the initial choices for exterior materials including stucco finish and color, roof materials, garage doors, window frames, exterior light fixtures, and other accessory items.

E.1.3 Preliminary Design Review "Posting" of the Property

Upon acceptance of the Owners' Request for Architectural Approval and receipt of any required review fee amounts, the Community Management Company will notify the Owner that the submittal will be included on the agenda for the next regularly scheduled DRC meeting. Inclusion on a DRC's meeting agenda shall require that the application be approved for submittal requirements compliance a minimum of fourteen (14) calendar days prior to the next regularly scheduled DRC meeting.

During this fourteen (14) calendar day period, the Community Management Company is to notify the adjacent Owners when the property is being scheduled for a Preliminary Design Review by the DRC. This notification could also consist of other forms of communications to the Sincuidados Community in the form of bulletin boards at the community mailboxes, community website, email, etc.

E.1.4 Preliminary Design Review Approval Letter

Upon the DRC's approval of the Preliminary Submittal, the Community Management Company shall issue a "Preliminary Design Review Approval Letter" to the Owner noting any stipulations or other conditions of approval.

E.1.5 Final Design Review Submittal Application

Upon receiving a Preliminary Design Approval Letter, the Owner may prepare and submit a Final Design Application for review by the DRC. Information required for the DRC's Final Design Review includes ALL Preliminary Design submittals with all required corrections or stipulations incorporated as well as also including any information missing from the Preliminary Design submittal (such as landscape plans, landscape lighting, exterior lighting, swimming pool plans, etc.).

To the extent there are changes or updates to the Preliminary Design submittal, the Final Design submittal should include the following as applicable (Note: based on the scope and scale of the work, some submittal items may be waived or not required – please verify with the DRC Coordinator in advance):

The Final Design submittal must be submitted with one (1) full size paper copy of all plans (24"x36" preferred) and one (1) PDF copy of all documents (via disc, drop box, email attachments, etc.).

a. **Complete Construction Drawings** including all architectural, civil grading and drainage plans and any subsequent Final submittals as will be submitted to the City of Scottsdale for permitting review.
b. **Updated Colors and Materials Information** including product photos and/or cut sheets of all exterior materials with all information completed including colors, garage doors, light fixtures, roof color and window and glass specifications (11" x 17" maximum size) including manufacturer's name, color and/or number, and LRV. Samples shall include owner's design professional and Builder's name, as well as the Lot number. At the DRC's discretion a physical sample may be requested for review.
c. **Offsite Utility Plan** showing any utility work on the streets of Sincuidados or in the unpaved Road Corridor.
d. **Landscape Plan** showing:
    1. Proposed grading if finished grading is different than that on the Final Site Plan.
    2. The native plant survey as prepared by a company certified by the City of Scottsdale, showing locations and disposition of all existing protected plants as defined by the City of Scottsdale's Native Plant Ordinance in accordance with all City requirements.
    3. Locations and sizes of all existing and proposed plants. Reference salvaged (relocated) and "remain in place" plants to the Native Plant Survey.
    4. Locations of areas to be revegetated and a detailed revegetation plan.
    5. Locations of all Transition and Private Area planting.
    6. Decorative features such as pools or imported rocks.
    7. Specifications as to color and size of decomposed granite in NAOS (revegetated), Private and Transitional Areas including approximate size and material specifications of any boulders proposed.

8. A list of proposed plants, including the common and botanical name, sizes, etc. Proposed plants not included on the Approved Plant List must be listed on the Landscape Plan with an asterisk before the plant name. The DRC maintains the right to refuse any plant material it feels will not be beneficial to the natural desert environment of Sincuidados.
9. Location of all exterior landscape lighting, including cut sheets for all fixtures and a list of proposed bulb types and wattages.

e. **Updated Natural Area Open Space** exhibit with a fully executed copy of the NAOS Easement documents as approved by the City of Scottsdale, including a legal description which will be delivered to the City by the Owner for recording upon approval by the DRC.

f. **Refundable Construction Security Deposit** (if required) must be submitted with the Final Design submittal. Verify amount with the Community Manager prior to submittal.

E.1.6 Final Design Review Approval

Once the Final Design submittal has been approved by the DRC and the DRC Coordinator, the Community Management Company shall issue a "Final Design Review Approval Letter" to the Owner. Under no circumstances shall site or building construction of any kind be allowed to commence by the Owner or any of his/her representatives until the Owner receives this written approval letter.

E.1.7 Agency Construction Documents, Plans Review and Building Permit(s)

All plans, reviews of construction documents, applicable building permits and construction inspections required by the City of Scottsdale, or other local governing authorities, including any fees required thereof, shall be the sole responsibility of the Owner.

E.1.8 Commencement of Construction Time Limit

The Owner shall commence construction within six (6) months of the date of the Final Design Review Approval Letter. If construction is not commenced within this time period, or if work is suspended or abandoned for a period of 180 days after the time work has commenced, the Owner shall arrange a meeting with the DRC Coordinator. The meeting will be used to determine if any revisions have been made to the Design Guidelines since the date of the Owner's Final Design Review Approval Letter. The Owner shall then be responsible to comply with the current edition of the Design Guidelines if any changes have been made. Such additional compliance requirements will be outlined at this meeting by the DRC Coordinator and forwarded to the Owner in writing. Additional design review fees will be assessed to the Owner if there are any significant changes to the original DRC approved project.

E.1.9 Expiration of Design Review Approval:

A building project will be determined suspended or abandoned by the DRC when the following conditions have been identified:

a. Visual inspection of the building site clearly indicates construction activity has ceased for a period of 60 days or more.
b. A review of Gate Host activity related to the building site clearly indicates construction activity has ceased for a period of 60 days or more.
c. Reasonable efforts to contact the Owner and/or builder to determine the status of the project prove ineffective.

If a building project is abandoned or suspended the refundable Construction Deposit related to the project will be forfeited to the Sincuidados HOA if, after a period of 12 months after the date of abandonment as determined above, the depositor has not claimed the Construction Deposit and reasonable efforts to contact the depositor have not been successful. All applicable fines and penalties may be levied as stated in Section C.

E.2 Demolition of Existing Building(s)

The Sincuidados DRC distinguishes Demolition of Existing Building(s) and the reconstruction/re-build of the demolished property as two separate application procedures. Therefore, the application procedures described below in Sections E.2.1 through E.2.3 only pertain to demolition of existing buildings. Also, as per the City of Scottsdale, the

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DRC defines demolition as alteration, deconstruction, destruction, razing, tearing down, or wrecking of an existing building or buildings' foundation.

The following design review application procedures for demolition of an existing building(s) shall be observed by all Owners:

E. 2.1 Pre-Application Meeting

Prior to submitting a Design Review Submittal Application for demolition of an Owner's Property, the Owner shall arrange with the Sincuidados Community Manager and attend a meeting with the DRC Coordinator to review all the

necessary and current submittal procedures described above, all applicable fees and deposits and be thoroughly familiar with the latest edition of the CC&Rs and the Sincuidados Design Guidelines.
This meeting can be done by phone, Zoom or email.

Owner further acknowledges that all contractors and subcontractors involved with an exterior or landscaping project on their lot are aware of the Sincuidados Design Guidelines and agree to comply with same.

At this Pre-Application Meeting, and upon review of the scope of the Owner's proposed demolition project, the DRC Coordinator will outline the application procedures to the Owner, and subsequent to that meeting, submit a list of the submittal and approval requirements. Fee requirements for demolition shall be verified with the Community Manager prior to submittal.

The DRC Coordinator may waive various submittal requirements of the Design Review Submittal procedures if the limited scope of the Owner's Project does not warrant full DRC review.

Subsequent to the Pre-Application Meeting, the DRC Coordinator will contact the Owner to schedule pre and post inspections of the property slated for demolition.

E. 2.2 Design Review Approval Letter

Upon the Owner's compliance with all Design Guidelines required by the DRC Coordinator, and the DRC's subsequent vote to approve demolition, the DRC Coordinator shall issue a letter of "Approval of Demolition of Existing Building(s)" to the Owner through the Community Management Company. Under no circumstances shall site or building demolition of any kind be allowed to commence by the Owner until the Owner receives this approval from the DRC. **NOTE: Any approval by the DRC, whether prior to demolition or after the DRC's final inspection and issuance of a Final Letter of Compliance, does not release the Owner nor subsequent Owners, from continuing to comply with the Declarations of Covenants, Conditions and Restrictions for Sincuidados, and the Sincuidados Design Guidelines or any City of Scottsdale permit or inspection requirements.**

E. 2.3 Additional Required Documents and Permit(s)

All demolition applications, permits and inspections required by the City of Scottsdale, Maricopa County or other local governing authorities, including any fees required thereof, shall be the sole responsibility of the Owner. Maricopa County currently requires a permit only when two (2) or more residential homes, including two or more livable structures on a single property (such as a main residence and Casita) are slated for demolition. In addition to these responsibilities the Owner shall provide the DRC Coordinator with the following:

a. Sincuidados Request for Architectural Review form to include the scope of demolition
b. A copy of the Demolition Application submitted to City of Scottsdale
c. A copy of the approved Demolition Permit from the City of Scottsdale
d. A copy of the approved Demolition Permit from Maricopa County (if applicable)
e. A complete set of photos showing all elevations of the building to be demolished and surrounding NAOS area that may be affected (Note: Only photos of building elevations and/or NAOS area affected are required for partial demolition.)

E.3 Commencement of Construction and Time Limit for All Work

The Owner shall commence construction within six (6) months of the date of the Final Design Review Approval Letter. If construction is not commenced within this time period, or if work is suspended or abandoned for a period of 180 days after the time work is commenced, the Owner shall arrange a meeting with the DRC Coordinator. The meeting will be used to determine if any revisions have been made to the Design Guidelines since the date of the Owner's Approval Letter. The Owner shall then be responsible to comply with the current edition of the Design Guidelines if any changes have been made. Such additional compliance requirements will be outlined at this meeting by the DRC Coordinator and forwarded to the Owner in writing. Additional design review fees will be assessed to the Owner if there are any significant changes to the original DRC approved project.

For exterior remodeling and landscape projects all work must be completed within a period of twelve (12) months.

E.4 Appeals Process Regarding DRC Decisions

The following procedures shall be followed for an Owner to appeal a decision made by the DRC:

a. The Owner shall file a written request to appeal a DRC decision(s) outlining the DRC's decision(s) and the Owner's reasons for requesting an appeal. This appeal shall be filed at the Community Management Company's office within thirty (30) calendar days of the date of the DRC's letter to the Owner outlining its decision. Failure to comply with this time limit shall in no way, and in its sole discretion, require the DRC to hear such an appeal.
b. The request for an appeal shall be addressed to the DRC, submitted to the Community Management Company and received at their offices a minimum of seven (7) calendar days prior to the next regularly scheduled DRC meeting in order for the appeal to be placed on that meeting's agenda. Receipt of an appeal not meeting this time frame will be placed on the following regularly scheduled DRC meeting agenda. The Community Management Company will notify the Owner in writing as to which DRC meeting date and time the appeal will be heard.
c. The Owner, or his/her designated representative, shall make provisions to attend the DRC meeting where the appeal will be heard. The Owner should bring any additional supporting documents that may allow the DRC to adequately assess the appeal and be prepared to discuss any questions or any comments concerning the appeal request.
d. Upon hearing the request for an appeal during the DRC meeting, the DRC, upon closed discussion of its members, will subsequently issue its final majority decision in writing to the Owner through the Community Management Company.

Should the Owner wish to file a second appeal of the DRC's final decision, they may petition the Sincuidados Board of Directors, through the Community Management Company.

a. The request for an appeal to the Board of Directors shall be addressed to the President of the Board, submitted to the Community Management Company and received at their offices a Minimum of seven (7) calendar days prior to the next regularly scheduled Board of Directors' meeting in order for the appeal to be placed on that meeting's agenda. Receipt of an appeal not meeting this time frame will be placed on the following regular Board meeting agenda.
b. The Board shall determine the validity of a second appeal being heard by the Board, will instruct the Community Management Company to notify the Owner in writing of its decision to hear or not hear the second appeal, and, if it is to be heard, as to which Board meeting date and time his/her request for appeal will be heard.
c. The Owner, or his/her designated representative, shall make provisions to attend the Board meeting where the appeal will be heard, bring any additional supporting documents that may allow the Board to adequately assess the appeal, and be prepared to discuss any questions or make any comments concerning the appeal request.

   Upon hearing the request for an appeal during the Board's meeting, the Board, upon closed discussion of its members, will subsequently issue a majority decision to the Owner and to the Chairman of the DRC, through the Community Management Company. The Board's decision is final and shall be binding upon the Owner and the DRC. The DRC will then incorporate the Board's final decision in any correspondence to the Owner necessary for them to proceed with their Project.

E.5 Variances

Upon the request of an Owner, the Sincuidados HOA Board, in its sole and absolute discretion, may grant to an individual Lot variances and/or adjustments to any provision contained in the Design Guidelines to mitigate impractical difficulties and prevent unnecessary hardship due to the application of the Design Guidelines. No variance approved by the Board shall be implemented until the variance is set forth in a written document signed by or on behalf of the Board. Granting of a variance in one instance does not guarantee the granting of a variance in other instances. No appeal shall restrict the Board from denying a request for variance.

E.6 Landscape Guidelines

LANDSCAPE PLANS ADEQUATE TO DESCRIBE THE PROPOSED WORK MUST BE SUBMITTED AND APPROVED IN ADVANCE BY THE DRC, PRIOR TO ANY AND ALL CHANGES OR MODIFICATIONS TO THE LANDSCAPE OF TRANSITION AREAS (BUT NOT PRIVATE AREAS) OR BY BOTH THE DRC AND THE CITY OF SCOTTSDALE FOR ANY AND ALL CHANGES OR MODIFICATIONS TO THE LANDSCAPE OF NAOS AREAS OF ANY HOME IN SINCUIDADOS, INCLUDING ALL PROPOSED EXTERIOR LANDSCAPE LIGHTING. THE REQUIREMENTS OF SECTION I APPLY TO NEW HOME CONSTRUCTION AND MODIFICATIONS TO EXISTING RESIDENCES.

Section F – CONSTRUCTION PROCESS GUIDELINESFOR MODIFICATIONS TO EXISTING RESIDENCES AND LOTS

Once an Owner and their design team have received final DRC approval and a City of Scottsdale building permit, the project may proceed into the construction phase. The following outline identifies the construction process required by the HOA (note that this may be different from City requirements – it is the owner's responsibility to communicate with appropriate City officials during construction):

F.1 Pre-Construction Conference

Upon receipt of the Refundable Construction Deposit (if required) and final approval of plans by the DRC, prior to commencing construction the Owner and/or builder must meet with the DRC Coordinator to review the construction regulations, procedures and Guidelines of this section. Prior to beginning any site preparation or construction work, the Owner shall advise the DRC in writing of the proposed construction schedule and arrange for an on-site meeting with the DRC Coordinator. The final "City permitted" construction documents and any recorded NAOS easement documents will be provided to the DRC Coordinator at this time if different than the Final DRC approved set of plans.

The on-site Pre-Construction Conference is mandatory, and shall also address the following items:

a. **Construction Area Plan**
   This is a site plan showing proposed location of dumpster, sanitary facilities, plant nursery (if applicable), offsite utilities, etc., within the Building Envelope.
b. **Approved Building Envelope**
   If required, the approved Building Envelope and NAOS will be staked out for this meeting by a Registered Land Surveyor or Civil Engineer.
c. **List of Subcontractors and Contact Phone Numbers**
d. **Color Photographs or Prints**
   If required, photographs shall be taken by the Owner or representative of the first ten feet (10'-0) behind the curb showing existing landscape, curb and street conditions prior to construction. The photographs shall be labeled showing the location of each photo and the photos should specifically identify any pre-construction damage to the street or curb. Photos shall be provided for both sides of the street(s) adjacent to the construction site prior to the commencement of any construction activity.
e. **Limits of Construction – Temporary Construction Fence**
   If required, the Builder or General Contractor shall establish and maintain a physical boundary fence for every aspect of construction within the Building Envelope, beyond which no construction activity (including storage of materials, access, etc.) shall take place.

   Prior to the commencement of any site or building construction, a minimum of a six (6') foot high chain link "security fence" with opaque screen mesh shall be placed along both sides of the driveway and along the perimeter of the approved Building Envelope to protect the NAOS and to contain all construction within the Limits of Construction. This fence shall stay in place until all perimeter site walls and courtyard fences are constructed, all of the residential building(s), patio walls, retaining walls, fences and pool are stuccoed and finished painted, and all exterior construction scaffolding has been removed from the site and the home is ready for finish grading and landscaping.

   The DRC, the Community Management Company, or the HOA shall have the authority to inform the Owner of any deviation to or violation of any of the above or of failing to follow construction standards and to order that construction cease until the violations are corrected to the satisfaction of the HOA. Penalties or fines are provided in Section C.
f. **Field Office**
   A Contractor's field office, such as a trailer, office shed, temporary mobile office, etc., is not permitted on site nor on the streets or easements of Sincuidados.

g. **Sanitary Facilities**
Proper, temporary sanitary facilities for all construction personnel shall be provided within the approved Building Envelope off the street or curb, and in conjunction with all local governing health codes and City of Scottsdale ordinances. The DRC requires that portable toilet(s) be located inside the construction fence (if applicable). Temporary sanitary facilities that are visible from the street or other residences are required to be camouflaged with camouflage netting of a desert appropriate color.

h. **Construction Dumpster**
The Owner, through his/her Builder or General Contractor, shall be responsible to provide an on-site construction debris dumpster which shall be located within the Building Envelope and behind any temporary construction fencing. Such dumpster shall be used for the storage and periodic removal of all site development and building construction debris and waste materials generated on the Project site throughout the duration of construction. Such dumpster(s) shall be the only area of the construction site within which excess debris is allowed to be stored or piled up until full. When full, the Contractor shall require the waste removal company to either replace the dumpster(s) with an empty one or remove it completely from the construction site.

i. **Construction Parking**
Parking for construction worker's vehicles shall be within the "Limits of Construction" or on the street adjacent to the property, but out of the way of two-way traffic and without blocking access to other residences.

j. **Posting on Site of Working Hours**
Information such as "For Sale", "Available" or similar language, or descriptive phrases such as "3-bedroom" may not appear on any construction sign. Temporary construction signs must be removed at the time the house is substantially complete or when the DRC directs the sign to be removed. It is the responsibility of the Owner through his/her Builder or General Contractor to notify all construction personnel including subcontractors that will be associated with this project of the restrictions for working hours and the penalties and/or fines for non-compliance. See Section C.

k. **Owner's/Contractor's Acknowledgment of Sincuidados Construction Guidelines**
The Owner and the Builder or General Contractor shall acknowledge and recorded in the Pre-construction Conference stating that they have read these Construction Process Guidelines and will abide by these rules and regulations throughout the construction process and will require that any sub-contractors, suppliers, fabricators, laborers, etc., engaged by the Owner and/or Builder/General Contractor will also abide by these same conditions. Should the Owner or the Builder/General Contractor violate these conditions, fines will be levied by the Sincuidados Homeowners' Association or the Project will be "shut down" or both, pending compliance. If the Project is shut down the Entry Gate Hosts will be notified and no Contractor or Construction agent representing the Owner will be allowed in the gate or on the Project premises for the purposes of working on this Project until compliance with the "shut down" instructions and/or payment of assessed fines is satisfied.

Construction activity, whether by Owner or contractor and whether for new construction or building remodeling and site renovation, shall be allowed only during the following times, and construction personnel other than the Owner shall leave the Sincuidados premises by the end of the construction activity period noted below:

October 1 through April 30

Monday through Friday	7:00 a.m. to 5:00 p.m.
Saturdays	8:00 a.m. to 1:00 p.m. (quiet work only)
Sundays and Legal National Holidays	No work allowed

May 1 through September 30

Monday through Friday	6:00 a.m. to 5:00 p.m.
Saturdays	8:00 a.m. to 1:00 p.m. (quiet work only)
Sundays and Legal National Holidays	No work allowed

NOTE: The Owner is allowed to perform "quiet work" from 8:00 a.m. to 5:00 p.m. on Saturdays and from 1:00 p.m. to 5:00 p.m. on Sundays (clean-up, minor painting, minor stocking of material, etc.), if the activity is "interior work" or "visually concealed" from the street and adjacent properties and as long as the Owner's "work" during these restricted time periods respects the peace and quiet of the neighborhood. Should complaints arise from adjacent Owners that the peace and quiet of the neighborhood is not being respected, or the "work" allowed by the Owner during these restricted hours clearly abuses the spirit of this exception, the Owner will be notified by the Sincuidados Homeowners' Association, through the Community Management Company, to cease such activity, or be subject to possible fines, and/or "work stoppage" of construction.

Refundable Construction Deposit as a prerequisite for scheduling the Pre-Construction Conference
As noted above, prior to the commencement of ANY construction, the Owner shall pay any applicable Refundable Construction Deposit to the Property Management Company. Contact the Property Management Company for the applicable fees.

Maintenance During Construction
It shall be the responsibility of the Owner and the Builder or General Contractor to continuously maintain the streets, curbs, easements, NAOS, and roadway areas adjacent to the site clean and free of construction dirt and debris throughout the duration of construction.

If the Owner does not provide such continuous maintenance, and after reasonable Notice has been given to do so by the DRC or the Sincuidados Homeowners' Association through its Community Management Company, the HOA has the right to clean these areas, to repair damage to Common Areas or to property of others or to revegetate damage in the NAOS (where such damage can be identified as being caused by the Owner, the Owners' Contractor and/or any sub-contractors, suppliers or fabricators), and any costs incurred by the Sincuidados Homeowners' Association will be deducted from the Construction Deposit. In addition, any unpaid fees and/or assessments duly required of the Owner, if not paid when due, shall also be deducted from this Construction Deposit.

Upon the completion of construction and certification by the DRC in a final Letter of Compliance that all requirements of these Design Guidelines have been satisfied, the Construction Deposit (or the remaining balance thereof), less any Retained Amount, shall be promptly returned to the Owner.

When landscaping has been completed by the Owner, the individual Owner acknowledges that: (1) they are solely responsible for maintaining such landscaping in the unpaved Road Corridor in an acceptable manner, (2) under no circumstances does the HOA have any liability to reinstate such private landscaping in the unpaved Road Corridor that may have been damaged for any reason including community maintenance or utility work in this area, (3) such private landscaping in no way affects the HOA's ownership rights with respect to the affected unpaved Road Corridor and (4) the HOA may require removal of all such landscaping when the "Streetscape" project is implemented.

Retained Amounts
Retention of any sums from the Refundable Construction Deposit by the Sincuidados Homeowners' Association shall be in addition to and not in lieu of any other rights or remedies available to it under these Design Guidelines or the Declarations of Covenants, Conditions and Restrictions for Sincuidados.

Construction Noise
The Owner of record shall be responsible for his/her Builder or General Contractor or any of the General Contractor's sub-contractors, suppliers, fabricators and all construction personnel, exceeding reasonable levels of construction noise. No non-construction noises (radios, etc., in particular) shall be allowed to be heard from ANY adjacent property or street outside the construction site. It is strongly recommended that ONLY earphones

be allowed to be used in conjunction with any type of radio or that no radios be used at all. The DRC, the Community Management Company and the Sincuidados Homeowners' Association shall have the authority to

strictly enforce this requirement and, in addition to levying applicable fines, shall refuse entry to Sincuidados and to this construction site to all persons failing to comply.

Tagging of Native Plant Material for Removal or Relocation
If applicable and prior to beginning any construction on the Project site, the Owner shall have had all native plant material within the Building Envelope proposed for removal or relocation tagged for inspection by the City of Scottsdale as to which plants are to be removed or relocated. In addition, the location for a "temporary plant nursery" shall have been designated on site by the Owner.

F.2 Owner's Responsibility During Construction

It shall be the sole responsibility of the Owner to comply with all the requirements and restrictions of these Design Guidelines and of all related conditions of the CC&Rs throughout the duration of construction. Failure to do so may result in stoppage of construction, fines, or both.

F.3 Construction Inspections by the DRC

Periodic inspections may be made by members of the DRC or by the DRC Coordinator to determine compliance with the Approved Final Design Submittal. Non-compliance with the approved drawings may result in the DRC issuing a "stoppage of construction" until the problem is corrected to the satisfaction of the DRC.

There will be four formal meetings/inspections performed during construction by the DRC Coordinator:

- Pre-construction meeting
- Completion of framing
- Completion of substrate, prior to stucco
- Completion of construction

A letter of compliance will be issued after each successful inspection. Proceeding beyond the respective construction point without the letter of compliance being issued is prohibited. In accordance with Section F.6 below, a final Letter of Compliance (LOC) is issued after the final inspection when it is determined that the project is complete and in compliance with the Approved Final Submittal and any approved revisions.

It is the Owner's and their Contractor's responsibility to notify the DRC when the construction has reached one of the phase completions and is ready for an inspection.

F.4 Field Revisions

Field problems requiring revisions to the DRC Approved Final Design plans shall be brought to the attention of the DRC Coordinator for approval to proceed **PRIOR** to any construction activity involving such revisions.

F.5 Final Letter of Compliance (LOC)

A final Letter of Compliance (LOC) shall be issued to the Owner by the DRC only after ALL requirements of these Design Guidelines have been met and all fees, deposits and assessments required by the DRC and the Sincuidados Homeowners' Association have been received and all fines levied by the Homeowners' Association on this property for Design Guidelines violations noted herein have been paid.

IV. NEW CONSTRUCTION

SECTION G – GUIDELINES FOR NEW CONSTRUCTION

ALL OWNERS OF PROPERTY IN SINCUIDADOS ARE ADVISED THAT ALL NEW CONSTRUCTION AND/OR SITE DESIGN MODIFICATIONS ON AN OWNER'S LOT MUST ADHERE TO THESE GUIDELINES AND REQUIRES WRITTEN DRC APPROVAL PRIOR TO THE COMMENCEMENT OF ANY WORK.

G.1 Payment of Fees

Application Review Fee(s).
Non-refundable Application Review Fees shall be assessed to the Owner of Record prior to the DRC's proceeding with any activity requiring the prior payment of fees. Payment of all fees shall be made to the Sincuidados Homeowners' Association through the Community Management Company. Please confirm the current applicable non-refundable application review fee with the Community Manager prior to submittal.

Refundable Construction Deposit.
Dependent on the scale of the proposed project, a refundable Construction Deposit may be required prior to the start of any construction. Please confirm the current applicable refundable Construction Deposit with the Community Manager prior to the start of construction. For all new construction of a single family main residence ("New Construction"), rebuilds/exterior renovations of the main single family residential structure independent of detached structures ("Rebuilds"), security deposits and approval and review meetings shall comply with the Construction Deposit Review Process to comply with A.R.S. § 33-1817. New Construction means and refers to construction of a principal dwelling structure for occupancy on a Lot, independent of any detached structure or improvement. Rebuild means and refers to reconstruction resulting from the demolition or destruction of a significant portion of the existing principal dwelling structure on a Lot, independent of any detached structure or improvement as well as issuance of a permit from the City of Scottsdale.

Lighted Address Monument Fee.
Each resident is required to install and maintain a lighted property address monument supplied by the Association. All new home construction projects will be required to purchase and install an address monument from the Association prior to the completion of the project. Please confirm the current applicable address monument fee with the Community Manager.

G.2 Design Philosophy

The "Design Philosophy" under which all building development in the Sincuidados Community is to adhere to, and from which the Design Guidelines were created, is as follows:

1. All architectural development shall be of a "desert appropriate architecture" and shall retain a low profile, predominantly single-story concept of building structures with corners and edges on all stucco finished features appropriate for our Sonoran Desert landscape as well as the design of the home. All exterior non-glass surfaces of all buildings and walls are to be finished in non-reflective materials in earth tone colors consistent with the

natural desert.

2. All site development of individual properties shall be in harmony with the natural characteristics of the Sonoran Desert region and its indigenous plant material, with special attention given to preserving and maintaining the erosion washes, the open space and the native flora and fauna in an undisturbed natural state. This is not only a requirement set forth in these guidelines, but a requirement of the City of Scottsdale to preserve the natural beauty of the desert ecosystem.

3. Any proposed architectural features, including but not limited to building(s), site and landscape design or their materials which, in the opinion of the DRC, is contrary to the natural characteristics of the Sonoran Desert, or that of a "desert appropriate architecture," or is contrary to the spirit of the Sincuidados Design Philosophy, will not be approved for construction.

G.3 Architectural Style

The most predominant architectural style found in Sincuidados takes design cues from Pueblo or "Santa Fe" style architecture. However, Sincuidados also features examples of "Southwest Contemporary" architecture. The term "contemporary" is broad in scope and it is important to establish its presence in a manner that is compatible with the desert setting of Sincuidados, with nods to the Pueblo style architecture present throughout the community. The expression of contemporary architecture must convey an obvious desert aesthetic. To further reinforce this aesthetic, Sincuidados will also require that any desert contemporary designs take inspiration from traditional southwestern architectural styles. Desert contemporary characteristics include:

- Low, horizontal massing
- Deep overhangs and deep-set windows and doors
- Desert appropriate colors and materials
- Materials that are not highly reflective
- Residential in appearance and scale, not commercial or industrial looking
- No large unprotected exposed glass elevations
- Development that minimizes the impact on adjacent properties and the view corridors of adjacent properties.

G.4 Site Development Guidelines

G.4.1 Natural Area Open Space (NAOS) Easements

The great majority of lots in Sincuidados have a recorded easement with the City of Scottsdale for the land area outside the City of Scottsdale approved Building Envelope and up to the property line boundaries. Sincuidados likewise requires that all land area outside the City of Scottsdale approved Building Envelope be treated as Natural Area Open Space (NAOS). For those few Lots that have only a partial recorded easement or no easement at all, Sincuidados requests that such areas be treated as if there was an actual easement from the City of Scottsdale. Changes to the natural desert environment within the NAOS area is prohibited by the City of Scottsdale, without the prior written approval of the City and the DRC. The Association treats all undeveloped lots and all land outside the Building Envelope of a developed lot as NAOS and subject to these Guidelines regardless of whether a City easement is recorded or not. The lack of an easement recorded with the City of Scottsdale does not affect the Sincuidados definition of NAOS areas. For those areas without a recorded easement from the City, only written approval of the DRC is required for any changes to the natural desert environment.

For new construction, Lot owners are required to enter into a City of Scottsdale NAOS Easement approved by the City and prior to Final Plan acceptance by the DRC.

In addition to the NAOS easement on each lot, Lots 263 to 270 that back up to Lone Mountain (also known as Migmatite Mountain) have a Hillside Conservation Area as delineated by the City of Scottsdale on the back of the lots

as they go up the mountain. Any proposed reconfiguration or development of the major, natural feature of the property, in or out of the NAOS or the Hillside Conservation Area, will be subject to site specific guidelines.

Additional "Natural Area Open Space and Equestrian Trail & Wall Easements" were originally dedicated within the Sincuidados subdivision located along each of the public street frontages of Sincuidados on Dixileta Drive, Pima Road and Lone Mountain Road. Within this easement, a meandering adobe block perimeter wall was constructed by the original developer of Sincuidados and integrated into the natural open space to provide a partial visual and sound buffer for the Sincuidados Community from the adjacent major public roads. This community perimeter wall is the

only wall allowed within Sincuidados other than each Lot's exterior wall within or on their approved Building Envelope.

G.4.2 Minimum Building Envelope and Building Setbacks

Required Building Envelopes:

- Phases I and II .....as described in Section 'M'
- Phase III.....One third (1/3) of the total area of the lot (maximum)

Setbacks for Building Envelopes and buildings are as follows (minimum):

Location:	Building Envelope Setback from Property Line (Minimum)	Building Setback (3) (Minimum)	Additional Comments
Front	40'	45'	
Front on a Corner Lot	40' Both Streets	45'	
Side (1)	15'	20'	
Side (2)	20'	25'	
Rear (1)	15'	40'	
Rear (2)	20'	40'	
Driveway	15'	--	
		5'	From any building envelope line (includes main residence and any other site improvements).
		50'	Any new building from any existing building on adjacent lot (min.)

(1) Where an adjacent existing home is at least 50' away.
(2) Where there is no existing home on the adjacent lot.
(3) All buildings including main residence and any accessory buildings, garages, etc.

G.4.3 Joining Adjacent Lots

Owners of more than one lot who wish to join adjacent lots (i.e., abandoning lot lines between adjacent lots and combining two or more individual lots into a single larger lot), may do so if the following conditions are met:

a. The request to join adjacent lots shall be submitted in writing and with associated scaled drawing(s) to the DRC in sufficient detail to allow the DRC to clearly understand the implications of such a request.
b. Proceeding with any legal re-platting of the joining of adjacent lots shall require the prior approval of the DRC.
c. The Owner shall submit to the DRC a second scaled drawing of the existing and proposed "new" Building Envelopes and proposed driveway location. The Exhibit shall indicate the existing and proposed area of the Building Envelopes, setbacks, etc. The proposed "new" Building Envelope square footage shall not exceed the

square footage of the largest original Building Envelope of any one of the lots being joined, plus ten percent (10%) of the original Building Envelope(s) of each adjacent lot(s) to be joined.

d. Upon written approval by the DRC, the Owner shall be fully responsible to record the remaining area outside the newly approved Building Envelope as NAOS with the City of Scottsdale.

e. The Design Guidelines, CC&Rs and Homeowners Association responsibilities shall apply regardless of the number of lots that are joined. As an example; only one driveway to a new residence is allowed, all utilities shall enter the site within the boundaries of the driveway portion of the Building Envelope and view corridors to or through other adjacent lots shall not be impaired. Association dues or assessments shall be paid against each original lot as though the newly joined lots were separate lots.

f. The DRC may impose additional requirements to approve the joining of adjacent lots based upon unique property conditions applicable to the lots in question.

G.4.4 Construction in Conjunction with Natural Drainage Washes

Where an Owner desires to modify any natural wash, the Owner shall engage the services of a registered design professional to provide drainage and water flow or retention calculations and grading and drainage design engineering as required by the City of Scottsdale. Under most conditions, building in or altering a natural drainage course should be avoided. All approvals from the City of Scottsdale and the DRC shall be the sole responsibility of the Owner. Modifications to any natural wash shall not adversely impact downstream or upstream properties in any way.

G.4.5 Driveways

All lots have their vehicular access on a dedicated street. Only one driveway access to the street is allowed without prior written approval from the DRC. Proposed Building Envelopes for lots shall describe the location of the driveway as a part of the Owner's Design Review Submittal. Owners, in advance of locating or proposing to relocate a driveway are strongly advised to review the final subdivision plat for their Phase for the location of any "no access easements" relative to their property. Phase III driveways, in general, should be located adjacent to existing utilities.

The driveway area shall be included in the calculations of the Building Envelope including all applicable setbacks. The driveway portion of the Building Envelope must be wider than the actual driveway surface to allow for all necessary grading of the driveway and its adjacent shoulder to be within the approved Building Envelope. All temporary required construction fencing shall also be installed within the Building Envelope, and the Building Envelope shall be wide enough to allow for vehicle and equipment ingress and egress without damage to the NAOS. This distance may range from a minimum of 5 feet on each side of the driveway surface to a maximum of 15 feet wider overall than the pavement width of the driveway.

The driveway surface that is installed within the Building Envelope shall not exceed 16' in width until it has entered the main Building Envelope. This 16' width restriction is to be adhered to both where the driveway crosses an area of existing utility easement and within the 40' front yard setback area.

If the proposed driveway is designed to flair out at the street curb, the flared sides of the driveway shall commence no more than 5 feet in from the back of the street curb. The maximum driveway width at the back of the street curb including the flair on both sides shall be a total of 22 feet.

All driveways shall have a hard surface "apron" at the entry from the street to the driveway. That apron shall be a minimum of 20 feet long perpendicular (or near perpendicular on angled driveways) to the back of the curb at the street. The apron may be constructed of various textural finishes of integrally colored concrete, exposed aggregate concrete or pre-cast concrete pavers. The material and color of either colored concrete, exposed aggregate concrete or pre-cast concrete pavers requires the prior written approval of the DRC.

G.4.6 Patio Walls, Fences, Exterior Stairways, and Equipment Screen Walls

No site walls, patio walls, fences or gates shall be permitted at or along any property line (with the exception of existing block walls or fencing installed during the original construction). All patio walls or fences shall be of masonry,

adobe or other DRC approved permanent material and shall be an integral part of the design of the main residential building. Wood fences are not permitted.

Wrought iron fencing may be permitted only under all the following conditions:

a. Its openness for viewing does not reduce the visual privacy of adjacent Lots; its design is of a southwestern character and pattern and its shape, scale and geometry is integrated into the design composition of the patio walls and main building(s).
b. It is painted the same color(s) as the DRC approved residential building color.
c. Rebar "sticks in the desert" view fencing maybe used in lieu of traditional wrought iron fencing.
d. A detailed drawing of its design requires prior written approval by the DRC at the conclusion of the Final Design Review Submittal Application phase and prior to its installation.

The maximum height of all patio walls and wrought iron fences shall be five (5') feet in height measured from the finished grade level inside the wall. For lots with unusual topographic features, subject to specific DRC approval the height of patio walls and wrought iron fences can be increased to a maximum of six (6') feet in height measured from the finished grade level inside the wall.

The maximum height allowed for any patio wall or fence wall MAY be modified if unusual natural terrain requires additional height for a portion of the wall. However, under no circumstances shall the height of such wall exceed seven (7') feet measured from the finished grade level outside the wall. Under normal circumstances this seven (7') feet height restriction will only be approved when a portion of the wall is also a retaining wall.

The height of any patio walls on lots backing up to the main public arterial streets (Pima Road, Lone Mountain Road and Dixileta Drive) may be increased to a maximum of 8' where noise abatement and/or privacy are needed subject to compliance with the Sincuidados Design Guidelines. Any change to an existing wall in this situation requires the prior approval of the DRC and City of Scottsdale. Additional landscape screening may be required to buffer the wall visibility from neighboring properties.

All stucco finished patio and fence walls shall have rounded corners and tops where exposed. The degree of rounding shall match the minimum requirements pertaining to walls of the main residential buildings.

To the extent feasible, all exterior mechanical units, electrical service panels, plumbing (including gas and water meters), and trash and garbage containers shall be visually concealed from all streets and adjacent properties within Sincuidados by screen walls extending to a minimum of the highest point of the equipment and trash containers. The visual screen walls shall be finished in material, color and texture to match the main residential buildings. Mechanical and plumbing equipment shall be placed on a concrete pad low enough so that the visual screen wall does not exceed the five (5') foot maximum height restrictions and yet still screens the entire height of the mechanical equipment from view. Any exceptions to these requirements require the prior written approval of the DRC.

All exterior stairway treads, risers and handrails of all exterior stairways shall be visually screened from view from adjacent lots or from any street within Sincuidados.

G.4.7 Patios & Enclosed Exterior Private Areas

Where private exterior patios are to be screened by plant material, such plant material shall be selected from the pre-approved native plant lists found in Section L.

G.4.8 Public Utility, General Purpose, NAOS and Drainage Easements

Existing Public Utility Easements (P.U.E.'s) in Phases I & II, and General-Purpose Easements (G.P.E.'s) in Phase III run parallel along both sides of the streets within Sincuidados typically within the Association owned strip along each side of the road. These easements are typically 8 feet in width measured from the back of the street curb. In addition, numerous individual and community properties contain Drainage Easements (D.E.'s) and Natural Area Open Space (NAOS) easements over various portions of such property. Individual Owners and their Architects, Engineers,

Contractors, etc., are strongly advised to consult with the City of Scottsdale for verification as to the locations of easements and how they may affect the potential development of their property and neighboring properties.

G.4.9 Public Utility Services

The Owner is fully responsible for verifying with the local serving utility companies all aspects of making connections and running required utility lines to the residential buildings on the Owner's lot, including, but not limited to, all connection fees and deposits related thereto. If offsite utility connections or other work are necessitated by improvements to a lot, the Owner remains responsible for any offsite work regardless of who performs the work (including utility companies), and the Owner must repair any disturbance to the roads, other HOA property, and other members property, to the Association's current standards.

In addition, the Owner and/or his designated Contractor shall be solely responsible for directing the local "Blue Stake" underground detection service to verify on site the location of all underground utilities prior to commencing any and all excavation work by any contractor or sub-contractor on the Owner's property or within the existing utility easement(s).

NOTE: The Owner of record shall be responsible to require the General Contractor to notify the Blue Stake service that painting of any curbs, streets, driveway aprons, or other hard surfaces is prohibited by the DRC. All "blue stake" painting for purposes of describing the location of underground utilities must be on non-hard surfaces (i.e., gravel or desert ground) so it can be removed or covered over once the data is no longer needed. If painting on hard surfaces does occur, the Owner will be liable to have all such painting marks removed immediately prior to completion of the work. Failure to comply with this requirement can result in fines or liens as described in Section H.

Utility construction for all lots shall be contained within the limits of the approved driveway envelope unless the location of utility services requires alternate routing.

G.4.10 General Specifications For Asphalt Trench Patching For Construction

No work in HOA owned roadways, islands or other common areas shall be allowed without the prior written approval of the DRC. For all locations where the existing paved roads have been saw cut, excavated, utility repairs completed, backfilled, compacted or asphalt pavement repaired must comply with the following specifications:

a. All saw cutting, asphalt removal, backfill, and pavement replacement shall be in accordance with Maricopa Association of Governments (MAG) Standard Detail 200-1, Type "A"
b. Asphalt depth is to be 4" and shall be placed in 2 equal compacted lifts of 2" per lift. Required compaction to be no less than 98% of ASTM D-698.
c. The trench line will be saw cut to a neat edge prior to pavement placement and compaction. Milling of the trench is NOT permitted.
d. Backfill material shall be per Note 2 of MAG Detail 200-1, utilizing 2 sack CLSM slurry (versus the ½ sack slurry specified in the detail) to 4" beneath the underside of the pavement surface. Provide adequate cure time of slurry prior to pavement replacement.
e. Pavement repair width shall be no less than 12" beyond the limits of the utility trench in any given direction (excepting where trench extends to and beyond curb termination). Pavement trenches 4' and wider and greater than 20' in length shall be replaced utilizing a self-propelled laydown machine.
f. The Contractor will be required to clean up behind themselves to the satisfaction of the Association and the Community Manager. If the Contractor fails to appropriately clean up or repair damage created from this work, the Association reserves the right to cleanup and/or repair (as each situation warrants) and back charge the Owner or responsible party for all cost incurred related to that cleanup/repair.
g. The Association will be provided the opportunity to inspect the work as it is taking place to ensure that these specifications are being adhered to. Failure to provide this opportunity may require the Owner and/or their Contractor (should no homeowner be responsible) to remove any placed material for inspection. The Owner or Responsible Party shall be responsible for all cost related to

inspections, testing and any cost to correct the work should it be determined to be non-compliant.

h. This specification is strictly related to the requirements for asphalt repair within the trench line. It does not address any specifications related to trenching, shoring, or utility repairs. Nor does it address any OSHA requirements related to trenching and backfill and does not relieve the Contractor of any requirements or liability arising from or related to those construction means and methods.

i. All utility work that requires utilities to cross a road or driveway shall be installed using the lateral boring method unless otherwise approved by the DRC. Pavement cuts across paved roads and driveways may only be made with the prior written approval of the DRC.

j. Whenever possible, pavement cuts shall be minimized and utility work confined to the unpaved portion of the Association owned area along each roadway or on the lot requiring the utilities.

Section H – ARCHITECTURAL GUIDELINES FOR NEW CONSTRUCTION

It is the intent of the Sincuidados Community to maintain a built environment in harmony with the natural desert. The Architectural Guidelines presented here are a partial derivative of the City of Scottsdale Zoning Ordinance, some of which have been approved by the City of Scottsdale specifically for Sincuidados.

H.1 Grading & Drainage, Retaining Walls and Finished Floor Elevations

All proposed building, site or landscaping development that may cause interruption to natural washes shall be noted on the Design Review Submittal Application by the Owner, and shall have been reviewed, designed and engineered by a registered Architect or Engineer.

Finished floor elevations of all residential buildings, including garages, shall not exceed four (4') feet above the existing natural grade, unless approved in writing in advance by the DRC because of unusual site conditions. The recommended finished floor elevations for each lot in Phases I & II are listed herein in Section M.

For hillside Lots 263-269, finished floor elevations of all residential buildings, including garages, on lots 263-269 shall not exceed six (6') feet above the existing natural grade because of unusual site conditions unless approved in writing in advance by the DRC.

The design of bridges (vehicular or pedestrian), culverts across or and other "spans" over natural washes shall incorporate the implications of sediment and other storm driven obstacles which might impede the flow of water under or through such "spans." The engineering of all construction shall have been approved in advance by the City of Scottsdale and shall be included in any required building permit prior to commencing any construction on site.

The Owner shall provide information and details to clearly describe how any construction within any or over any natural wash will be designed to preserve or restore the natural appearance of the drainage way.

Retaining walls for water control purposes that are NOT a part of the main residential building or other accessory structures, shall not exceed five (5') feet in height from adjacent outside grade.

For hillside Lots 263-269, retaining walls that are NOT a part of the main residential building or other accessory structures, shall not exceed six (6') feet in height from adjacent outside grade due to unusual site conditions unless approved in writing in advance by the DRC.

H.2 Minimum Size of Residence

The minimum size of any single-family residence shall be three thousand (3,000) square feet of habitable (conditioned) space. Any deviation from this minimum standard shall require special prior written approval of the DRC.

There shall be no more than one (1) single-family residence on any one (1) lot, or on any one (1) "joined lot."

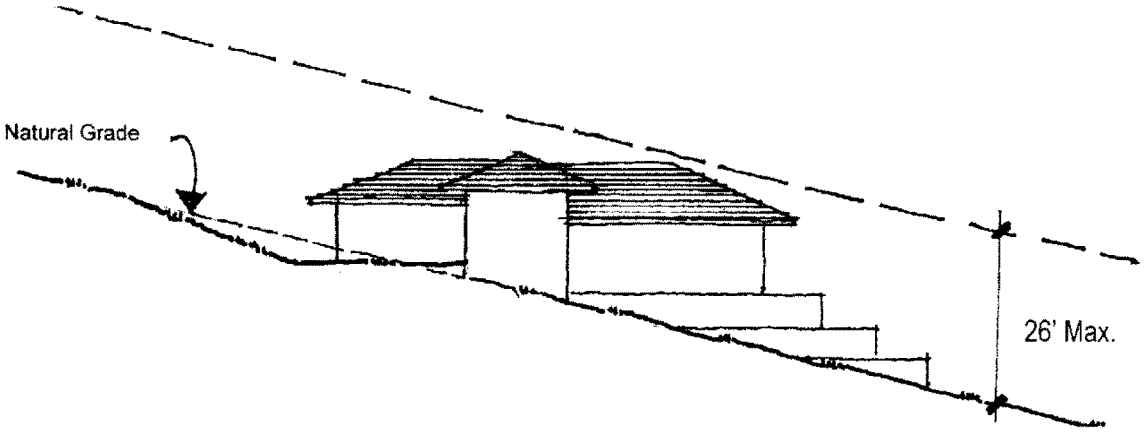
Owners proposing to construct an attached (by roof) or detached Guest House or Casita shall obtain prior written approval by the DRC. The City of Scottsdale may require a separate approval and a separate building permit where a detached Guest House or Casita is desired.

H.3 Building Heights and Massing

Each elevation of the proposed residence should be broken into a minimum of three distinct building masses. Off-setting of adjacent "mass" wall surfaces shall be a minimum of 2 feet horizontally and vertically. The surface area of the masses should be visually balanced across the elevation. Long unbroken surfaces will not be approved.

The total maximum height of any point of the structure cannot exceed 21' above natural grade directly below except the chimney which is allowed to be 24' above the natural grade. Building heights shall be measured by passing a plane vertically through the building at any point from the existing natural grade to the point of the structure vertically above it.

Due to unusual site conditions, for hillside Lots 263-269 the total maximum height of any point of the structure on lots 263-269 cannot exceed 26' above natural grade directly below unless approved in writing in advance by the DRC with the exception of the chimney which is allowed to be 28' above the natural grade. Building heights shall be measured by passing a plane vertically through the building at any point from the existing natural grade to the point of the structure vertically above it.



Roof parapets may be of varied heights above the finished roof line but must be of an adequate height to obscure any roof mounted equipment or utilities including roof vents, skylights, antenna, television and communication devices, solar panels, etc. from visibility from any street or neighboring property within Sincuidados, as viewed at a six-foot (6') level from the center of the street or neighboring property.

H.4 Roofs

As it is the expressed intention of the Sincuidados Design Philosophy to retain a low-profile single-story concept of building structures in harmony with the high desert environment, the following Guidelines shall apply:

a. Proposed roofing forms, materials and colors will be carefully reviewed by the DRC to ensure compliance and design continuity with other provisions of these Design Guidelines.
b. Sloped roofs shall not exceed a 4:12 pitch.

Flat Roofs

All flat roof surfaces are encouraged to be constructed of materials that are or can be painted to blend in with the color of the exterior of the residential building(s) and be compatible with the natural colors of the desert floor. Areas on the interior of parapet walls and all vertical surfaces containing flat roofs that are stucco must be painted the color of the home down to the end point of the stucco. Areas inside parapets and vertical surfaces that are roofing material do not need to be painted and should be the same color as the roof material. Although, alternate desert toned colors may be acceptable with prior written approval of the DRC, it is recommended that the material of flat roof areas be finished to complement the approved exterior color of the residential building(s). While white flat roofs are permitted, the DRC recommends that the roof be painted to complement the exterior of the home with Light Reflectance Value (LRV) of the roof color not to exceed a maximum LRV of 50 to reduce light reflectivity towards adjacent properties.

Sloped Roofs

Sloped roof surfaces are not permitted over any interior portion of the main house, garage, guesthouse or other main roof structures, nor over stand-alone open or closed ramadas or pergolas. Approvals will only be considered for limited amounts of roof tile or other appropriate material at entry and/or patio exterior "porch" roofs that are attached to the main structure and terminate below the main structure.

If considered, sloped roofs shall be limited to no more than 20% of the flat linear footage of the front or rear elevations of the residential building, or no more than 10% of the flat linear footage of each side elevation of the residential building. The liner footage dimensions shall be viewed from a straight-on flat elevation parallel to the property line or street.

To obtain approval for the use of roof tiles or other appropriate material on any portion of a project, the Owner shall submit samples, styles, colors and finishes of all proposed materials for the DRC's prior written approval.

H.5 Overhangs Beyond the Building Envelope

No roof, porch, patio lattice, landscape trellis, sunscreen device, nor overhangs of any type will be allowed to extend beyond the approved final Building Envelope.

H.6 Chimney Shrouds

Chimney "shrouds" (visual screening of prefabricated chimney "caps") are required on all chimneys other than brick and tile lined chimneys and shall complement the chimney mass design and conceal the spark arrest and/or gas vent cap. Like all architectural features, the design of any chimney shall be depicted in the drawings submitted for Design Review to the DRC and receive a written approval prior to installation. The DRC cautions the Owner that the installation of all chimney shrouds must comply with applicable City of Scottsdale construction codes, the Fire Department Regulations and the fireplace manufacturer's specifications and recommendations.

H.7 Scuppers

Scuppers are considered to be an integral part of the residential buildings and, therefore, they shall be painted to match or of a material that complements the approved colors of the residential building. This requirement applies to all scuppers constructed of wood, metal, tile or other material. The only allowed exception to this requirement is for scuppers constructed from unpainted copper. All visible surfaces of a scupper including the interior faces are required to be finished and/or painted.

H.8 Rounded Building Corners and Recessed Setbacks at Windows and Doors

The most predominant architectural style found in Sincuidados takes design cues from Pueblo or "Santa Fe" style architecture as well as examples of "Southwest Contemporary" architecture. With these styles, the stucco exterior building surfaces shall have soft rounded corners. The DRC recommends a radius between 1-1/2 inches and 3 inches for this style of architecture. Rounded corners also include all exterior door and window penetrations. It is

understood that certain materials (real adobe blocks, decorative concrete block, rock, etc.), without inherent radiuses, are acceptable materials that can co-exist with the desert's soft edge characteristics. The specific selection of the style of corners is left to the Architect of the residential building so long as the DRC has reviewed the proposed corners and their architectural expression in the Preliminary Design Review phase.

The DRC strongly urges the building designer to organize exterior doors and windows into deep recesses from the exterior wall surfaces, thus producing significant shadow and thick wall expressions. All windows and doors must feature a minimum of 3" recess from the face of the building wall(s).

H.9 Window Pop-Outs

"Pop-out" type construction, in order to artificially simulate the effect of recessed windows and doors described above, is not acceptable. As such, pop-out window detailing will be rejected. Proposals for variations to this Guideline may be considered by the DRC for certain locations and under certain conditions, and will be reviewed on an individual basis subject to the following requirements:

a. "Pop-outs" shall extend a minimum width of 1'-6"' above the head and 1'-6" along both sides of each window and door and such "pop-outs" shall be a minimum of 1'-0" deep (finished dimension) to the exterior face of the window or door jamb and to the exterior face of the wall in which the door or window is located.
b. "Pop-outs" shall be designed to architecturally respond to meet individual situations at specific doors and windows only, while still being an integral part of the design philosophy of the building as a whole.
c. The continuous use of "pop-outs" throughout the exterior of the building will be rejected.

H.10 Exterior Colors and Materials

The DRC shall have the authority to review and approve all exterior building materials, textures and colors during the review process described earlier.

Stucco Texture

Proposed stucco textures should be smooth, sand or equivalent finish. No rough 'lace' or patterned textures will be approved.

Stone

Stone and exposed, exterior masonry should be complementary colors and textures with the style and color of the home and appropriate for the desert environment.

Metal

Any exposed architectural metal accents on the home shall have a non-reflective color and finish other than unpainted copper.

Other Materials

Other exterior materials should be of high quality and durability and appropriate for the desert extremes. The colors and materials of exterior material should be non-reflective.

Garage Doors

Garage doors should complement the character and style of the home in material, color and design. Generally, the DRC prefers solid, windowless doors to minimize light pollution and protect the dark sky views of the community. If garage doors with windows are proposed, the windows are limited to 25% of the area of the garage door and the glass must be darkly tinted or opaque to minimize light trespass on to neighboring properties.

H.10.1 Paint

It is the intent of this policy to allow Owner's the ability to select the exterior paint of their home provided that the paint colors chosen fall within the Sincuidados Desert Palette of Colors and are in harmony with the natural desert within Sincuidados as defined in these Guildlines.

H.10.2 Colors

Definition of the Sincuidados Desert Palette of Colors

The definition of the Sincuidados Desert Palette of Colors is desert friendly earth tones and natural vegetation colors that blend into the Sincuidados natural desert. As stated in Section C above, paint color selections must fall within the Light Reflectivity Value (LRV) range of at least 10 and no more than 40.

The Sincuidados Desert Palette of Colors, as defined in these Guidelines, must match or blend into the natural palette of soil and native vegetation within Sincuidados. Desert friendly earth tones and natural vegetation colors shall blend with the natural desert palette in Sincuidados and shall not include the colors of blooms and flowers of such vegetation.

All building and site wall exterior surfaces shall be painted with soft, earth-tone colors complementary to the natural desert. Per the City of Scottsdale's Environmentally Sensitive Lands Ordinance and these Design Guidelines, ALL exterior colors must have a "Light Reflective Value" (LRV) of **at least 10 and no more than 40** (or as currently required by the City of Scottsdale, whichever is lower). Prior approval by the DRC of ALL exterior colors shall occur during the design review process at the designated stage or prior to any repainting of an existing home.

The requirements for the sheen of any paint is as follows:

- Only FLAT or LOW SHEEN exterior paint is permitted for the body and trim of the home.
- Only low gloss or satin sheen finishes are permitted for garage doors.
- Any finish that is deemed reflective will not be approved.

List of Example Paint Colors in Compliance with The Desert Palette of Colors

The DRC maintains a list of pre-approved colors determined to fall within the Sincuidados Desert Palette of Colors. A book with the pre-approved sample paint chips is available at the Pima Gate and pictures of the pre-approved colors are also available on the Sincuidados website (www.Sincuidados.org). The intent of this list is not to constrain paint color choices, but to expedite review by the DRC. An electronic Architectural Request for Approval using one of these pre-approved colors shall receive expedited approval. Architectural Requests must be submitted through the Community Management Company.

DRC approved exterior paint colors can be found on the Sincuidados HOA website.

Wood Elements

Painting or staining of wood elements of a home are allowed to be any color that is compatible with the exterior color scheme of the home and the natural desert environment. There are no color nor LRV requirements.

Custom Colors

The DRC may approve custom colors that, in the DRC's reasonable judgment, fall within the definition of the Sincuidados Desert Pallet of Colors.

The DRC shall have the authority to reject any color, texture or finish that it deems inappropriate to the Sincuidados Community and the natural desert environment, even if the color of such material meets the LRV requirements stated above.

H.11 Accessory Buildings – Guest Houses, Casitas and RV Garages

Guest Houses and Casitas

ALL attached or detached accessory buildings or structures, where allowed by the City of Scottsdale shall be constructed and finished to match the architectural character, details, materials, textures and color(s) of the main residential building(s). They are required to be connected visually to the main house by patio walls of the same design character as the home and accessory building.

RV Garages

ALL proposed RV garages, where allowed by the City of Scottsdale shall be constructed and finished to match the architectural character, details, materials, textures and colors of the home. They are required to be visually connected to the house by patio walls of the same design character as the home. RV garages must be located within the required Building Envelope, meet or exceed all Sincuidados building setbacks, comply with the height restrictions herein and appear to be original construction. Due to the scale of these type of garages, additional screening and visual buffering may be a condition of approval. The DRC will pay particular attention to fenestration and other detailing that gives the garage a residential character and so as to not be commercial in appearance.

RV garages may NOT be approved on all lots. Many factors are taken into consideration, including the location and orientation of a proposed RV garage as well as the visual impact on surrounding residences and community assets.

H.12 Architectural Lighting

Interior Lighting

Blinds or Shades must be provided and closed on windows facing neighboring properties when bright interior lights (collectively above 1000 lumens) are located in such a way that their light shines directly into neighboring properties.

Exterior Architectural Lighting

In concert with the City of Scottsdale's Zoning Ordinance concerning exterior architectural lighting and in an effort to maintain an environment free of light pollution, the Sincuidados requirement for exterior lighting stresses limited, low intensity and shielded lighting. The enclosed private patios and garden areas of individual residences shall also abide by the intent of these exterior lighting restrictions and are so delineated below. Landscape lighting requirements can be found in Section I below.

To achieve low scale requirements, exterior architectural lighting must be:

a. Low in physical height, (i.e. mounted or placed generally below eye level, ie. six feet)
b. Low in lighting intensity, not to exceed 400 lumens.
c. The quantity and style of fixtures for the property design requires prior approval by the DRC.
d. Any LED lights must be warm (amber) bulbs as opposed to the cool bright white or blue hue bulbs and shall not exceed 3,000 Kelvin.

To ensure minimum light pollution, reduce glare and minimize light trespass onto neighboring properties, exterior lighting, including Address Monuments, is to be directed downward, recessed or shielded so that:

a. The opening of the light fixture is directed down, not sideways or up.
b. The lighting source is hidden from view from off the property by the fixture design or by building structures (Dark Sky Compliant fixtures are preferred).
c. The lighting fixture includes a device or feature that directs the light downward.

To eliminate light trespass:

a. Exterior lighting must shield the light bulb so it cannot be seen from adjacent residential properties or from public viewpoints.
b. Public viewpoints include public or private streets and any open space accessible to the public.
c. This requirement also applies to Address Monument lighting.

Acceptable:

a. Soffit-mounted lighting.
b. Shielded light fixtures that focus lighting downward (with less than a 45-degree spread) or are placed under an eave.
c. Lighting located within a fully enclosed courtyard and placed below the height of the surrounding building or walls.

d. Security lighting that is activated by motion sensors and can be on for no more than 15 minutes. Lighting fixtures must be located where it does not come on frequently due to outdoor traffic or activity.

Not Acceptable:

a. Open bulb fixtures.
b. Fixtures with clear or nearly clear glass or plastic faces facing sideways.
c. Fixtures with lenses that scatter light.
d. Extensive up and/or down lighting of exterior building walls, shielded or not.
e. Flood lights.
f. Lighted tennis court, pickleball court or sport court.
g. Lighting within any part of the NAOS including landscape lighting.
h. Recessed can-lights in the ceilings of elevated viewing decks that are visible from neighboring properties.
i. Translucent and colored glass fixtures.
j. Outdoor string lighting (but such outdoor string lighting can be installed 24 hours before a special outdoor event and must be removed within 24 hours after such event).

Exceptions to the Guidelines require prior approval of the DRC. The Owner shall submit a complete exterior lighting plan with the final Design Review Submittal Application as noted in Section J.

Direct light from any fixtures that are visible from any street or any other lot is prohibited as noted above. The addition or replacement of any exterior lighting fixtures must meet the criteria herein and requires the prior approval of the DRC.

H.13 Rooftop Decks, Patios, Pergolas and Shade Structures

Exterior rooftop decks, patios, pergolas and shade structures which are NOT enclosed behind patio walls and fences, and which extend beyond the main building's exterior surfaces, shall be considered exterior elements to which the requirements of these Design Guidelines shall apply. Such exterior elements shall be screened by patio walls, fences or parapets of sufficient height and must blend with the home's exterior color scheme. Exterior elements that are not screened adequately from adjacent residences require the prior approval of adjacent Owners and of the DRC.

H.14 Swimming Pools, Spas, Etc.

All swimming pools (to include spas, plunge pools, etc.), for new or remodeled construction must be approved by the DRC. Pools shall be screened from adjacent properties by a protective patio wall, fence or permanent structure not less than five (5') feet in height, as measured from the inside final finished grade. This 5' high minimum requirement

shall cover the length of the wall or fence containing the swimming pool. The design of the protective enclosure(s) shall be submitted as a part of the Design Review process for DRC approval.

The City of Scottsdale has a swimming pool safety code which shall always be complied with by all Owners. The Owner is responsible for complying with these codes and obtaining a building permit prior to commencing with construction. In addition, the Owner and any subsequent Owner are required to continue to comply with the requirements of the City regulations after the completion of construction.

Under no circumstances shall a swimming pool be located outside the approved Building Envelope.

Section I – LANDSCAPE GUIDELINES

LANDSCAPE PLANS ADEQUATE TO DESCRIBE THE PROPOSED WORK MUST BE SUBMITTED AND APPROVED IN ADVANCE BY THE DRC, PRIOR TO ANY AND ALL CHANGES OR MODIFICATIONS TO THE LANDSCAPE OF TRANSITION AREAS (BUT NOT PRIVATE AREAS) OR BY BOTH THE DRC AND THE CITY OF SCOTTSDALE FOR ANY AND ALL CHANGES OR MODIFICATIONS TO THE LANDSCAPE OF NAOS AREAS OF ANY HOME IN SINCUIDADOS, INCLUDING ALL PROPOSED EXTERIOR LANDSCAPE LIGHTING. THIS PERTAINS TO NEW HOME CONSTRUCTION AND MODIFICATIONS TO EXISTING RESIDENCES.

I.1 Landscape Areas

Each lot in Sincuidados features three landscape areas as described below. See Section I.2 for a sample sketch illustrating where each of these areas is on a typical lot.

Natural Area Open Space (NAOS) Areas

The Environmentally Sensitive Land Ordinance (ESLO) enacted by the City of Scottsdale created the open space preservation designation of Natural Area Open Space (NAOS). This natural space is the dominant theme of the Sincuidados Community. Protection of this area is governed by the City ordinance referenced in the regulations and rules contained in the CC&R's, policies established by the HOA Board of Directors and the Design Guidelines.

The ordinance is very restrictive and is intended to preserve the natural desert with the emphasis on “Natural."

The NAOS is defined both by a definition in the HOA Rules and Regulations (for HOA purposes) and for most Lots by a formally recorded easement to the City of Scottsdale (for City purposes). This policy utilizes the HOA’s definition of NAOS, which is defined as all areas of a lot outside of the Lot’s Building Envelope.

Re-vegetation in the NAOS is required in the case of manmade or other disturbances and requires a plan approved by the City of Scottsdale and the Sincuidados Design Review Committee. Once a re-vegetation plan is first approved by the City of Scottsdale, such plan can be submitted to the Sincuidados Design Review Committee for final approval. Re-vegetation in the NAOS is limited and must only use native plant materials. (See the Design Review Guidelines Section K.1 for a list of allowable plants.)

Lighting, permanent irrigation, or applying gravel or decomposed granite (DG) are NOT PERMITTED in the NAOS.

The City of Scottsdale Planning and Development Services publishes a Homeowner’s Guide to Natural Area Open Spaces. This booklet is important reading for all Owner's and can be obtained from the City website at www.scottsdaleaz.gov or by calling Planning and Development Services at 480-312-2500.

Transition Areas.
Transition Areas are those areas outside of Private Areas (see the sketch in D.2 below) but not including **NAOS areas. Transition Area are defined as a five (5) foot area outside the rear patio walls, a five (5) foot area outside the front patio area, a fifteen (15) foot area outside the exterior walls of that portion of a residence that is not enclosed by an exterior wall and five (5) feet on either side of the driveway from the garage to the street unless the Building Envelope plan shows the Transition area as greater than the above dimensions.** These areas may be landscaped ONLY with plants from either the Indigenous Plant List (See Section K.1) or the Pre-Approved Desert Landscape Plant List (See Section K.2). It is strongly recommended that the Owner engage a registered landscape architect familiar with this desert region and the property within Sincuidados to assist in incorporating the appropriate plant materials and systems in all approved planting areas.

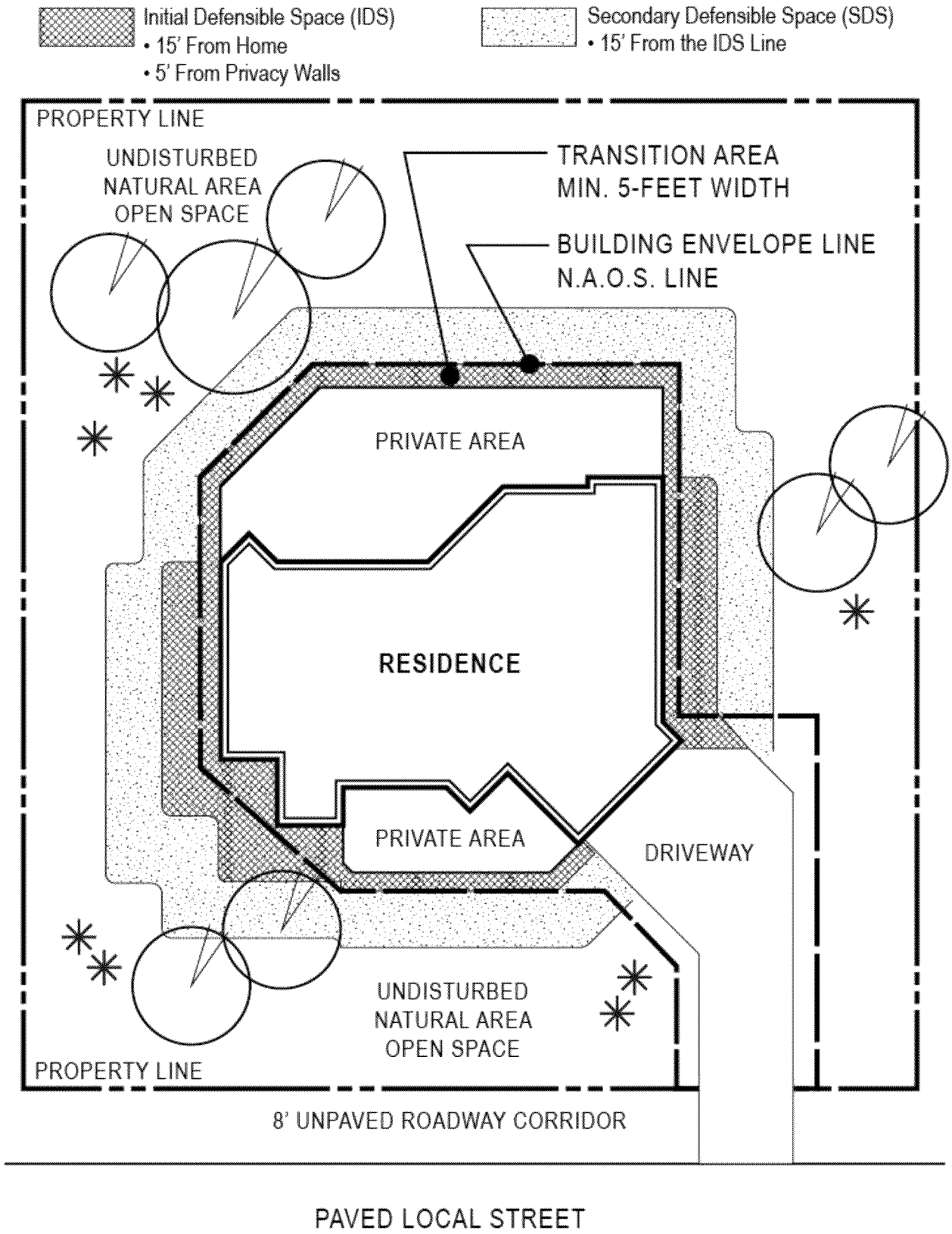
Private Areas.
Private Areas are those areas fully enclosed inside private site or patio walls, fences and gates and may be landscaped with material suitable for this southern Arizona desert. Acceptable plants include those listed on the Indigenous Plant List, the Approved Desert Landscape Plant List and other such appropriate, low water use plants.

Plantings that will be visible from outside of the private area must be per Transition Area requirements. Note that per City code, any non-native plant that can reasonably be expected to grow taller than 20-feet in height is not permitted under any circumstance.

Unapproved plants are not allowed other than those on specific lots grand-fathered by previous HOA Board resolution.

HOA-Owned Areas.
The HOA generally owns the first eight (8) feet in from the edge of the street on every lot. The HOA is responsible for trimming or clearing in this area and may trim overhanging vegetation encroaching on HOA property. Residents are prohibited from landscaping or making changes to this area without prior DRC written approval.

I.2 ILLUSTRATION OF LANDSCAPE AND FIREWISE AREAS ON A TYPLICAL LOT.



I.3 Grass Lawns

The ONLY live turf lawn grass permitted in Private Areas is St. Augustine or equivalent grass (*Stenotaphrum secundatum)* and must be installed only as sod material. Synthetic turf lawns are permitted in Sincuidados (recommended minimum 80 oz. Quality) within Private Areas. Lawns (LIVE OR SYNTHETIC) are strictly prohibited in the Transition and NAOS areas nor in front Private Areas that are visible from the street or by other residences.

I.4 Landscape Lighting

Sincuidados seeks to maintain as much as possible a "dark skies" environment. All outdoor landscape lighting fixtures shall be a low voltage lighting system installed in conformance with these Design Guidelines and must receive the prior written approval of the DRC. All fixture bulbs shall be shielded to reduce visible glare. No landscape lighting shall shine onto neighboring properties or the streets.

Landscape Lighting Zones – As described above, there are three distinct landscape zones found on each residential property:

- Natural Area Open Space: No lighting is allowed in any Natural Area Open Space per City of Scottsdale ordinances.
- Transition Area: Lighting of selective, specimen or feature elements is allowed in this area including trees, cacti, boulders and pathways.
- Private Area: There are no restrictions of lighting in the Private Area other than the general requirements contained herein. However lighting may not impact neighboring properties or public areas. String or bistro lighting visible from the street of from a neighboring lot is not allowed.

a. Types and Quantity of Lighting - While there are many options for light fixtures, Sincuidados requires down facing lighting as a means to further protect the dark sky. Up lighting or spotlights are not allowed. in NAOS Areas.
b. Other types of landscape lighting fixtures that may be allowed in Transition Areas and Private Areas include, but are not limited to, the following: Lighting in Private Areas (in limited number and dependent on location), path lighting, driveway lighting, wall lighting, step lighting, down lighting and under water lighting. The color of the light fixture and its shield, housing or trim, including exterior soffit lights, shall be compatible with the building color. Plastic light fixtures (such as "Malibu Lights") are not allowed. Dark-colored durable metal fixtures are preferred. Cut sheets for each type of lighting must be submitted for approval by the DRC with all Plan Submittals.
c. Note that all landscape lighting fixtures must be low voltage.
d. Per the requirements of the City of Scottsdale, all fixtures must have shielded bulbs and are not to be directly visible from neighboring properties or public areas such as streets.
e. Low voltage fixtures including incandescent, Halogen and LED lamps are allowed. The maximum wattage allowed is: 20 watts for incandescent or halogen bulbs, 7 watts for LED bulbs (which must not exceed 3,000 Kelvin) or the equivalent of 265 lumens measured at 20 feet.
f. Florescent, High Pressure Sodium, Mercury Vapor and Metal Halide lamps are not allowed.
g. Diffusers, frosted lenses, and amber, green or blue lenses specifically designed for low voltage lights may be allowed subject to approval by the DRC. These materials aid in the reduction of "glare" and light "hot spots".
h. Multiple fixtures on one landscape element are typical in many landscapes designs. The goal is to properly light each element chosen, not to light every element. For example, a large tree may require two to three fixtures, up lights and/or down lights or a combination of both, to properly light the element.
i. Driveway and pathway area lighting is intended to define the edges of the driving and walking surface and allow the safe use of those areas. The spacing of the lighting should "wash" the surface and not create a "runway" effect. Driveway lighting shall not illuminate any areas off the property. Driveway and pathway fixtures may be pole-mounted or wall-mounted. At no time shall path lights be higher than eighteen inches (18") and must not face up.
j. Buildings and walls shall not be lighted with landscape spot or flood lighting.

I.5 Edges of Construction

The edges of construction activity (i.e., edges of driveways) and intersections of ground surfaces with building and site walls should be carefully considered by the Owner to preserve or create a final "edge of development" appearance which is essentially "natural" or "undisturbed."

I.6 Landscape Planting in the Unpaved HOA Road Corridor

The HOA plans to address landscaping of the road corridor, including the unpaved HOA owned land between the roads and individual lots, as part of its "Streetscape" project initiated in 2020. This "Streetscape" project will be implemented in phases over a several year period. Once the HOA has implemented the "Streetscape" design on the unpaved HOA Road Corridor, homeowners may no longer make any changes to the landscape within the unpaved HOA owned Road Corridor.

Until the HOA implements such landscaping, individual homeowners are temporarily permitted (with prior DRC approval) to landscape the area adjacent to their driveway apron near the road. Plant materials must be selected from the approved plant lists herein (see Section L.1 and L.2) and presented to the DRC for prior approval.

With prior DRC approval, decomposed granite may also be applied to the unpaved HOA owned Road Corridor to improve its appearance and rip-rap may be applied for erosion control (per section D.7 below). Except for this temporary landscaping, no other private landscaping or rip-rap may be used along the HOA owned Road Corridor. The intent is to maintain 3' to 5' clear road shoulder for aesthetic purposes and facilitate vehicle parking off the main road surface. The Association may require the removal of all privately installed plants or materials that do not comply with the approved color and size or which were installed without prior DRC approval. The Association may also remove all privately installed plants and materials when the "Streetscape" project is implemented.

When landscaping has been completed by the Owner, the individual Owner acknowledges that: (1) they are solely responsible for maintaining such landscaping in the unpaved HOA owned Road Corridor in an acceptable manner, (2) under no circumstances does the HOA have any liability to reinstate such private landscaping in the unpaved HOA Road Corridor that may be damaged for any reason including community maintenance or utility work in this area, (3) such private landscaping in no way affects the HOA's ownership rights with respect to the affected unpaved HOA owned Road Corridor and (4) the HOA may require removal of all such temporary landscaping when the "Streetscape" project is implemented.

I.7 Adding Decomposed Granite and Rip-rap to the Unpaved Road Corridor

Installation of decomposed granite and/or rip-rap for erosion control and mitigation purposes along the HOA owned unpaved Road Corridor between the concrete ribbon curb and the Owner's property line of their lot is the responsibility of the HOA. Owners should bring to the attention of the HOA any areas along the unpaved Road Corridor that need erosion mitigation. The HOA reserves the right to require a homeowner to remove all privately installed DG or rip-rap materials that do not comply with the approved color and size or which were installed without DRC approval.

Rip-rap should be installed flush with the existing natural grade of the property and not simply applied on top of the existing grade. Periodic removal of sediment will improve the life span and function of the rip-rap. Drainage or erosion problems in the unpaved Road Corridor shoulder should be brought to the attention of the HOA.

Installation of decomposed granite or rip-rap for landscaping or decorative purposes in the unpaved Road Corridor requires the prior written approval of the DRC.

When decomposed granite or rip-rap has been installed by the Owner in the unpaved Road Corridor, the individual Owner acknowledges that: (1) they are solely responsible for maintaining such decomposed granite and/or rip-rap in the unpaved Road Corridor in an acceptable manner, (2) under no circumstances does the HOA have any liability to reinstate such private decomposed granite or rip-rap in the unpaved Road Corridor that may be damaged for any reason including community maintenance or utility work in this area, (3) such Owner installed decomposed granite or

rip-rap in no way affects the HOA's ownership rights with respect to the affected unpaved Road Corridor and (4) the HOA may require removal of all such decomposed granite or rip-rap when the "Streetscape" project is implemented.

I.8 Road Corridor Maintenance and Landscaping

As noted above in Sections I.6 and I.7 Owners are permitted to install private landscaping or the addition of rip-rap or DG along the unpaved Road Corridor including the road shoulder area with DRC approval. The intent is to maintain a 3'-5' foot clear road shoulder for aesthetic purposes and to facilitate vehicle parking off the main road surface. This ensures the safe and adequate flow through Sincuidados streets for general and emergency vehicles. Once the HOA has implemented the "Streetscape" design along the unpaved Road Corridor, homeowners will no longer be able to make any changes to the landscape within the unpaved Road Corridor.

No structures, large rocks/boulders or decorative items are to be placed in the unpaved Road Corridor.

I.9 Back-filling & Resurfacing Outside the Building/Patio Walls

Backfilling and resurfacing of any area outside of the final building walls or patios shall be approved in writing by the DRC in advance of construction.

I.10 Decomposed Granite and Rip-rap

Decomposed Granite (DG)

Only decomposed granite and rip-rap of a type, size (1/2 minus maximum for DG or other size as approved by the DRC), color and specification as approved by the DRC is to be used for landscaping in Transition Areas or along the HOA owned unpaved Road Corridor. DG or rip-rap color must be approved for specific lots with the prior written approval of the DRC. Possible colors that may be approved include Sunset Gold, Yukon Gold and Madison Gold or other desert compatible colors as approved by the DRC. Decomposed granite within Private Areas that is not visible from off-site may use a color and size that suits the style of the home and Owner. The installation of decomposed granite or rip-rap in NAOS areas may be allowed for erosion mitigation or fire suppression purposes with the prior written approval of the City of Scottsdale and the DRC. Such applications in NAOS areas should utilize a decomposed granite color and size that closely matches the existing granite surface of the NAOS area on the lot.

Rip-Rap

All placement and colors of rip-rap must be pre-approved by the DRC. However, rip-rap of various sizes and brown and gold colors may be acceptable for Transition and Private areas.

Boulders

Natural granite boulders of various colors of browns and golds that mimic the boulders found in and around Sincuidados can be used. Boulders should be Surface Select Granite boulders buried 1/3 below grade to create a natural appearance.

I.11 Automatic Watering Systems

Except as provided below, automatic watering systems are only permitted in the Transition and Private Areas.

I.12 Temporary Irrigation within the NAOS

With prior City and DRC approval, an Owner may irrigate NAOS and Natural Areas temporarily to reestablish approved revegetated areas. This requires prior DRC approval. Watering may continue until the Owner feels assured that the revegetated Natural Area has fully recovered; typically, one year for small shrubs and three years for trees. At the end of the temporary irrigation program, the system should be disabled, and any visible lines or other equipment should be removed. Long term or permanent irrigation of NAOS and/or Natural Areas is not permitted.

I.13 Irrigation within the Transition and Private Areas

An Owner may irrigate landscape planting within Transition and Private Areas up to the boundaries of the Building Envelope as necessary to establish and maintain these landscaped areas to the satisfaction of the Owner.

I.14 NAOS Disturbed During Construction or Landscaping

If any area of the NAOS is disturbed during construction or by landscaping, it shall be the responsibility of the Owner to have such areas revegetated with only indigenous plants. If any area of the NAOS is disturbed by construction or maintenance activities of the HOA, it shall be the responsibility of the HOA to have such areas revegetated. All such revegetation plans must be delineated in the City of Scottsdale building permit application and be included in the DRC Final Design Review Application for approval and require the prior approval of the City of Scottsdale and subsequent approval by the DRC prior to beginning any remediation work. See the list of "Indigenous Plants for the Natural Area Open Space (NAOS) in Section L.1. NAOS areas shall otherwise remain UNTOUCHED, including the natural ground cover such as natural decomposed granite. Revegetation of any disturbed NAOS shall be accomplished prior to the Owner receiving a final DRC Letter of Acceptance.

The Owner and their contractor are encouraged to scrape and save natural desert surfaces when doing new construction to be reused as part of the restoration of areas damaged during the construction.

I.15 Site and Landscape Damage During Construction

Due to site and landscape damage that may occur during construction, the Owner shall be responsible to adhere to the following requirements:

a. During the Design Review Submittal Application process, the Owner shall identify all significant natural landscape features within the "Building Envelope" that may be affected by building or site construction. All trees, cacti, major shrubs, boulders, etc. in this area shall be isolated and protected from unnecessary damage during construction.
b. All naturally indigenous existing landscape areas on the property that are damaged during construction shall be reinstated by the Owner prior to receiving the DRC's final Letter of Compliance (LOC). Revegetation plans require the prior approval of the City of Scottsdale followed by the DRC and shall be accomplished with plants indigenous to the immediate property and in densities compatible with the NAOS area of such property and to the satisfaction of the DRC.
c. All damage to the existing natural vegetation in the unpaved Road Corridor, will be required to be revegetated to a natural condition while providing for a clear road shoulder of 3' to 5' feet.
d. No excavation or area of fill shall be permitted outside of the Building Envelope on any lot.
e. No alteration of existing drainage courses, removal, or relocation of indigenous material, such as boulders, shall take place outside of the Building Envelope.
f. Should the Owner or Contractor violate the above requirements, or any other condition of approval, the Sincuidados Homeowners Association has the authority to demand a full remedy of such infraction. Should that remedy not be forthcoming in a timely fashion, or to the satisfaction of the DRC, the Sincuidados Homeowners Association has the authority to correct the deficiency at that Owner's expense in accordance with the CC&R's.
g. In addition to any HOA sanctions, the City of Scottsdale Environmentally Sensitive Lands Ordinance provides for fines to be imposed should the Owner disregard these requirements and restrictions. The Owner should become familiar with this ordinance and all other applicable codes before beginning design and/or construction work.

I.16 Revegetation

The goal and intent of revegetation is to restore any areas disturbed by construction or grading to a natural appearance. Revegetation is also required for all Transition Areas that are disturbed by grading or construction. Revegetation plant material shall be planted in a density and arrangement that is similar to the adjacent undisturbed NAOS. This revegetation landscaping must include only indigenous species specifically identified on the Approved Indigenous Plant List (See Section L.1). All revegetation plans require prior approval by the City of Scottsdale before submitting such plans to the DRC for approval.

The desert ground cover plants and shrubs must be revegetated using a minimum of fifty (50) one gallon or larger plants per one thousand (1,000) square feet. This minimum number of one gallon or larger plants used for revegetation of the groundcover should be placed in a natural pattern and not in a formal or geometric pattern. As exists in nature, the species of plant material for revegetation of the ground cover should consist of a minimum of seventy-five percent of the plants as the dominant ground cover species (such as Turpentine Bush) and the remaining twenty-five percent or less as shrubs and cacti that are indicated on the Approved Indigenous Plant List (See Section L.1).

The dominant groundcover species vary within different areas of Sincuidados. In general, these are the dominant groundcover plants present on site:

- Turpentine Bush
- Bursage
- Brittlebush
- Desert Buckwheat

Revegetation Plant Mixes
The Revegetation Plant Mixes should be selected based on the dominant groundcover that naturally exists on the Lot. This mix should then be adjusted based on the plant species and density of the immediately adjacent undisturbed desert to better meld seamlessly with the natural environment. Although indigenous grasses are allowed, it is preferred to avoid such grasses to aid in fire suppression.

Revegetation plants should be placed in natural formations that duplicate the adjacent undisturbed desert. The goal should be to match the appearance of the adjacent undisturbed desert.

To aid in the establishment of revegetation, a temporary automatic drip irrigation system is required. In addition, supplemental watering by hand is permitted. Once the plants are established, the irrigation system should be abandoned (See Section I.12 above).

Section J – DESIGN REVIEW PROCESS GUIDELINESFOR NEW CONSTRUCTION

For new construction, the Owner must obtain all required design approvals from the DRC prior to submitting to the City of Scottsdale for the City's required plans review and approval. Obtaining City approvals and building permits does not constitute the fulfillment of any DRC requirements or approvals without which the Owner shall not proceed with any site preparation or construction work.

It is strongly recommended that an Owner engage the services of a registered professional architect or other design professional for the design of new construction. If, during the DRC review process, information required for submittal is missing or incorrect (i.e., setback distances, building envelope, etc.), the DRC shall so notify the Owner in writing to be corrected prior to the DRC continuing its review. An additional review fee may be required if the requested information has not been corrected by the date of the final submittal and for each review thereafter.

If requested by an adjacent resident, the DRC and the DRC Coordinator will be available to meet with the adjacent neighbor(s) to review the site plan, grading and drainage plan and elevations, (not to include the interior layout for privacy reasons).

J.1 Design Review Process

Any new home construction **must** be submitted to the DRC for the review and approval of the Committee prior to beginning any construction or demolition. Based on the scope and scale of the work, some submittal items (see below) may be waived. The DRC recommends that Owners discuss their plans with the DRC Coordinator to determine the specific submittal requirements. All Owners shall observe the following design review application procedures:

Note that no site work to the property shall occur without Final Design Review Approval and a preconstruction meeting with the DRC Coordinator has taken place.

J.1.1 Pre-Application Meeting

Prior to submitting any Application, an Owner shall arrange a meeting with the DRC Coordinator to review all the current submittal procedures and the Design Guidelines, so that the Owner, as well as the Owner's Design Professional, are thoroughly familiar with the current edition of the CC&R's and the Sincuidados Design Guidelines.

At this meeting the DRC Coordinator shall confirm that the Owner and the Owner's Design Professional have previously obtained a copy of, have reviewed and are thoroughly familiar with the current CC&R's and Design Guidelines. This meeting can be by phone, Zoom or email as appropriate.

J.1.2 Preliminary Design Review Submittal Application

After the Pre-Application Meeting; the Owner shall submit a Preliminary Design Review Request for Architectural Approval to the Community Management Company for review by the DRC Coordinator and the DRC.

Each application must be submitted with one (1) full size paper copy of all plans (24" x 36" is preferred) and one (1) PDF copy of all documents (via disc, drop box, email attachments, etc.).

The minimum information required to be included for the DRC's Preliminary Design Review is as follows (Note: based on the scope and scale of the work, some submittal items may be waived – please verify with the DRC Coordinator in advance):

a. **Request for Architectural Approval** form submitted to the Sincuidados Community Property Manager, with all information completed.
b. **Non-refundable Design Review Fee** shall be submitted with the Preliminary Design Review application in order for the DRC to commence the design review process. The currently applicable non-refundable review

fees are available from the Community Management Company.

c. **Certified Land Survey** at no less than 1"=20', prepared by a land surveyor or civil engineer 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 based on Sincuidados' datum and major terrain features such as washes. The survey shall also show all major boulders or boulder clusters (in excess of four feet (4'-0") in diameter) and bedrock outcroppings. Major boulder outcroppings shall be protected and maintained as determined jointly by the City, the Owner or his Design Professional, and the DRC at the time of site plan review.
d. **Offsite utility plan** showing any planned utility work on the streets or HOA owned unpaved Road Corridor.
e. **Grading and Drainage Plan** prepared by a Civil Engineer registered in the State of Arizona, at the same scale as the survey, showing the graphic locations and the numerical area calculations of the Building Envelope for any proposed Building Envelope for Phases I & II or the proposed "Building Envelope" for Phase III), and an outline of any element of any structure on any contiguous Lot. The preliminary grading and drainage plan shall indicate all proposed improvements on the Lot including the Residence and all other new items to be constructed on site. The plan should include all proposed site grading including existing and proposed contours and topographic features such as washes, rock outcroppings and existing trees, and elevations (datums) of all building floors, patios and terraces, shown in relation to site contour elevations. The civil site plan must also include the size of the Lot in square feet and the size of Natural Area Open Space (NAOS) to be provided. For properties located in Sincuidados Phases I & II, this sheet shall depict the Sincuidados recommended finish floor elevation for proposed building(s) on the lot in question and any proposed deviation thereto.
f. **Building Massing Plan** that includes the identification of a minimum of three distinct building masses (horizontally and vertically) for each elevation.
g. **Roof Massing Plan** that shows the heights and elevation of all parapets and ridges above natural grade below.
h. **Floor Plans** indicating finished floor elevations for each floor.
i. **Exterior Elevations** (at a scale no less than 1/4" = 1'-0") of all sides of the Residence including retaining and site walls as viewed from outside of the site walls and at the same scale as the floor plans. Identify all structure and wall heights, delineating both existing and proposed grade lines and designate all exterior materials.
j. **Adjacent Developed Lot(s) Site Plan** showing setbacks of structures and improvements including pools and open patio areas on adjacent lots. This exhibit must show the distance from proposed structures being submitted for review to existing structures on all adjacent lots. It must include properties on the other side of streets that border property.
k. **Aerial Photograph** of the entire lot indicating property lines, easements and other existing improvements.
l. **Preliminary Colors and Materials** exhibit showing the initial choices for exterior materials including stucco finish and color, roof materials, garage doors, window frames, exterior light fixtures, and other accessory items.

J.1.3 Preliminary Design Review "Posting" of the Property

Upon acceptance of the Owners' Preliminary Design Review Submittal, the Community Management Company will notify the Owner that the submittal will be included on the agenda for the next regularly scheduled DRC meeting. Inclusion on a DRC's meeting agenda shall require that the application be approved for submittal requirements compliance a minimum of fourteen (14) calendar days prior to the next regularly scheduled DRC meeting.

During this fourteen (14) calendar day period, the Community Management Company is to notify adjacent Owners when the property is being scheduled for a Preliminary Design Review by the DRC. This notification could also consist of other forms of communications to the Sincuidados Community in the form of bulletin boards at the community mailboxes, community website, email, etc.

J.1.4 Preliminary Design Review Approval Letter

Upon the DRC's and the DRC Coordinator's approval of the Preliminary Design Review Submittal, the Community Management Company shall issue a "Preliminary Design Review Approval Letter" to the Owner noting any stipulations or other conditions of approval.

J.1.5 Final Design Review Submittal

Upon receiving a Preliminary Design Approval Letter, the Owner may prepare and submit a Final Design Submittal for review by the DRC. Information required for the DRC's Final Design Review includes ALL Preliminary Design submittals with all required corrections or stipulations incorporated as well as also including any information missing from the Preliminary Design submittal (such as landscape plans, landscape lighting, exterior lighting, swimming pool plans, etc.).

To the extent there are changes or updates to the Preliminary Design submittal, the Final Design submittal should include the following as applicable:

The Final Design submittal must be submitted with one (1) full size paper copy of all plans (24"x36" preferred) and one (1) PDF copy of all documents (via disc, drop box, email attachments, etc.).

a. **Complete Construction Drawings** including all architectural, civil grading and drainage plans and any subsequent Final submittals as will be submitted to the City of Scottsdale for permitting review.
b. **Colors and Materials Information** including product photos and/or cut sheets of all exterior materials with all information completed including colors, garage doors, light fixtures, roof color and window and glass specifications (11" x 17" maximum size) including manufacturer's name, color and/or number, and LRV. Samples shall include owner's Design Professional and Builder's name, as well as the Lot number. At the DRC's discretion a physical sample may be requested for review.
c. **Offsite Utility Plan** showing any utility work on the streets of Sincuidados or in the unpaved Road Corridor.
d. **Landscape Plan** showing:
    1. Proposed grading if finished grading is different than that on the Preliminary Site Plan.
    2. The native plant survey as prepared by a company certified by the City of Scottsdale, showing locations and disposition of all existing protected plants as defined by the City of Scottsdale's Native Plant Ordinance in accordance with all City requirements.
    3. Locations and sizes of all existing and proposed plants. Reference salvaged (relocated) and "remain in place" plants to the Native Plant Survey.
    4. Locations of areas to be revegetated and a detailed revegetation plan.
    5. Locations of all Transition and Private Area planting.
    6. Decorative features such as pools or imported rocks.
    7. Specifications as to color and size of decomposed granite in NAOS (revegetated), Private and Transitional Areas including approximate size and material specifications of any boulders proposed.
    8. A list of proposed plants, including the common and botanical name, sizes, etc. Proposed plants not included on the Approved Plant List must be listed on the Landscape Plan with an asterisk before the plant name. The DRC maintains the right to refuse any plant material it feels will not be beneficial to the natural desert environment of Sincuidados.
    9. Location of all exterior landscape lighting, including cut sheets for all fixtures and a list of proposed bulb types and wattages.
e. **Natural Area Open Space Easement** exhibit with a fully executed and notarized copy of the NAOS Easement documents as required by the City of Scottsdale, including a legal description which will be delivered to the City by the Owner for recording upon approval by the DRC.
f. **Refundable Construction Deposit** must be submitted with the Final Design submittal. Verify amount with the Community Manager prior to submittal.

J.1.6 Final Design Review Approval

Once the Final Design submittal has been approved by the DRC and the DRC Coordinator, the Community Management Company shall issue a "Final Design Review Approval Letter" to the Owner. Under no circumstances shall site or building construction of any kind be allowed to commence by the Owner or any of his/her representatives until the Owner receives this written approval letter.

J.1.7 Agency Construction Documents, Plans Review and Building Permit(s)

All plans, reviews of construction documents, applicable building permits and construction inspections required by the City of Scottsdale, or other local governing authorities, including any fees required thereof, shall be the sole responsibility of the Owner.

J.1.8 Commencement of Construction Time Limit

The Owner shall commence construction within six (6) months of the date of the Final Design Review Approval Letter. If construction is not commenced within this time period, or if work is suspended or abandoned for a period of 180 days after the time work is commenced, the Owner shall arrange a meeting with the DRC Coordinator. The meeting will be used to determine if any revisions have been made to the Design Guidelines since the date of the Owner's Final Design Review Approval Letter. The Owner shall then be responsible to comply with the current edition of the Design Guidelines if any changes have been made. Such additional compliance requirements will be outlined at this meeting by the DRC Coordinator and forwarded to the Owner in writing. Additional design review fees will be assessed to the Owner if there are any significant changes to the original DRC approved project.

J.1.9 Expiration of Design Review Approval:

A building project will be determined suspended or abandoned by the DRC when the following conditions have been identified:

a. Visual inspection of the building site clearly indicates construction activity has ceased for a period of 90 days or more.
b. A review of Gate Host activity related to the building site clearly indicates construction activity has ceased for a period of 90 days or more.
c. Reasonable efforts to contact the Owner and/or builder to determine the status of the project prove ineffective.

If a building project is abandoned or suspended the Construction Deposit related to the project will be forfeited to the Sincuidados HOA if, after a period of 12 months after the date of abandonment as determined above, the depositor has not claimed the Construction Deposit and reasonable efforts to contact the depositor have not been successful. All applicable fines and penalties may be levied as stated in Section C.

J.2 Demolition of Existing Building(s)

The Sincuidados DRC distinguishes Demolition of Existing Building(s) and the reconstruction/re-build of the demolished property as two separate application procedures. Therefore, the application procedures described below in Sections J.2.1 through J.2.3 only pertain to demolition of existing buildings. Also, as per the City of Scottsdale, the DRC defines demolition as alteration, deconstruction, destruction, razing, tearing down, or wrecking of an existing building or buildings' foundation.

The following design review application procedures for demolition of an existing building(s) shall be observed by all Owners:

J. 2.1 Pre-Application Meeting

Prior to submitting a Design Review Submittal Application for demolition of an Owner's Property, the Owner shall arrange with the Sincuidados Community Manager and attend a meeting with the DRC Coordinator to review all the necessary and current submittal procedures described above, fees and Design Guidelines, and be thoroughly familiar with the latest edition of the CC&Rs and the Sincuidados Design Guidelines.

Owner further acknowledges that all contractors and subcontractors involved with an exterior or landscaping project on their lot are aware of the Sincuidados Design Guidelines and agree to comply with same.

At this Pre-Application Meeting, and upon review of the scope of the Owner's proposed demolition project, the DRC Coordinator will outline the application procedures to the Owner, and subsequent to that meeting, submit a list of the submittal and approval requirements. Fee requirements for demolition shall be verified with the Community Manager prior to submittal.

The DRC Coordinator may waive various submittal requirements of the Design Review Submittal procedures if the limited scope of the Owner's Project does not warrant full DRC review.

Subsequent to the Pre-Application Meeting, the DRC Coordinator will contact the Owner to schedule pre and post inspections of the property slated for demolition.

J. 2.2 Design Review Approval Letter

Upon the Owner's compliance with all Design Guidelines required by the DRC Coordinator, and the DRC's subsequent vote to approve demolition, the DRC Coordinator shall issue a letter of "Approval of Demolition of Existing Building(s)" to the Owner through the Community Management Company. Under no circumstances shall site or building demolition of any kind be allowed to commence by the Owner until the Owner receives this approval from the DRC. **NOTE: Any approval by the DRC, whether prior to demolition or after the DRC's final inspection and issuance of a Final Letter of Compliance, does not release the Owner nor subsequent Owners, from continuing to comply with the Declarations of Covenants, Conditions and Restrictions for Sincuidados, and the Sincuidados Design Guidelines or any City of Scottsdale permit or inspection requirements.**

J. 2.3 Additional Required Documents and Permit(s)

All demolition applications, permits and inspections required by the City of Scottsdale, Maricopa County or other local governing authorities, including any fees required thereof, shall be the sole responsibility of the Owner. Maricopa County currently requires a permit only when two (2) or more residential homes, including two or more livable structures on a single property (such as a main residence and Casita) are slated for demolition. In addition to these responsibilities the Owner shall provide the DRC Coordinator with the following:

a, Sincuidados Request for Architectural Review Form to include the scope of demolition
b. A copy of the Demolition Application submitted to City of Scottsdale
c, A copy of the approved Demolition Permit from the City of Scottsdale
d. A copy of the approved Demolition Permit from Maricopa County (if applicable)
e. A complete set of photos showing all elevations of the building to be demolished and surrounding NAOS area that may be affected (Note: Only photos of building elevations and/or NAOS area affected are required for partial demolition.)

J.3 Commencement of Construction and Time Limit for All Work

The Owner shall commence construction within six (6) months of the date of the Final Design Review Approval Letter. If construction is not commenced within this time period, or if work is suspended or abandoned for a period of 180 days after the time work is commenced, the Owner shall arrange a meeting with the DRC Coordinator. The meeting will be used to determine if any revisions have been made to the Design Guidelines since the date of the Owner's Final Design Approval Letter. The Owner shall then be responsible to comply with the current edition of the Design Guidelines if any changes have been made. Such additional compliance requirements will be outlined at this meeting by the DRC Coordinator and forwarded to the Owner in writing. Additional design review fees will be assessed to the Owner if there are any significant changes to the original DRC approved project.

For new construction all construction must be completed within a period of twenty four (24) months.

J.4 Appeals Process Regarding DRC Decisions

The following procedures shall be followed for an Owner to appeal a decision made by the DRC:

a. The Owner shall file a written request to appeal a DRC decision(s) outlining the DRC's decision(s) and the Owner's reasons for requesting an appeal. This appeal shall be filed at the Community Management Company's office within thirty (30) calendar days of the date of the DRC's letter to the Owner outlining its decision. Failure to comply with this time limit shall in no way, and in its sole discretion, require the DRC to hear such an appeal.
b. The request for an appeal shall be addressed to the DRC, submitted to the Community Management Company and received at their offices a minimum of seven (7) calendar days prior to the next regularly scheduled DRC meeting in order for the appeal to be placed on that meeting's agenda. Receipt of an appeal not meeting this time frame will be placed on the following regularly scheduled DRC meeting agenda. The Community Management Company will notify the Owner in writing as to which DRC meeting date and time the appeal will be heard.
c. The Owner, or his/her designated representative, shall make provisions to attend the DRC meeting where the appeal will be heard. The Owner should bring any additional supporting documents that may allow the DRC to adequately assess the appeal and be prepared to discuss any questions or any comments concerning the appeal request.
d. Upon hearing the request for an appeal during the DRC meeting, the DRC, upon closed discussion of its members, will subsequently issue its final majority decision in writing to the Owner through the Community Management Company.

Should the Owner wish to file a second appeal of the DRC's final decision, they may petition the Sincuidados Board of Directors, through the Community Management Company.

e. The request for an appeal to the Board of Directors shall be addressed to the President of the Board, submitted to the Community Management Company and received at their offices a Minimum of seven (7) calendar days prior to the next regularly scheduled Board of Directors' meeting in order for the appeal to be placed on that meeting's agenda. Receipt of an appeal not meeting this time frame will be placed on the following regular Board meeting agenda.
f. The Board shall determine the validity of this second appeal being heard by the Board, will instruct the Community Management Company to notify the Owner in writing of its decision to hear or not hear the second appeal, and, if it is to be heard, as to which Board meeting date and time his/her request for appeal will be heard.
g. The Owner, or his/her designated representative, shall make provisions to attend the Board meeting where the appeal will be heard, bring any additional supporting documents that may allow the Board to adequately assess the appeal, and be prepared to discuss any questions or make any comments concerning the appeal request.

Upon hearing the request for an appeal during the Board's meeting, the Board, upon closed discussion of its members, will subsequently issue a majority decision to the Owner and to the Chairman of the DRC, through the Community Management Company. The Board's decision is final and shall be binding upon the Owner and the DRC. The DRC will then incorporate the Board's final decision in any correspondence to the Owner necessary for them to proceed with their Project.

J.5 Variances

Upon the request of an Owner, the Sincuidados HOA Board, in its sole and absolute discretion, may grant to an individual Lot variances and/or adjustments to any provision contained in the Design Guidelines to mitigate impractical difficulties and prevent unnecessary hardship due to the application of the Design Guidelines. No variance approved by the Board shall be implemented until the variance is set forth in a written document signed by or on behalf of the Board. Granting of a variance in one instance does not guarantee the granting of a variance in other instances. No appeal shall restrict the Board from denying a request for variance.

Section K – NEW CONSTRUCTION PROCESS GUIDELINES

Once an Owner and their design team have received final DRC approval and a City of Scottsdale building permit, the project may proceed into the construction phase. The following outline identifies the construction process required by the HOA (note that this may be different from City requirements – it is the owner's responsibility to communicate with appropriate City officials during construction):

K.1 Pre-Construction Conference

Upon receipt of the Refundable Construction Deposit and final approval of plans by the DRC, prior to commencing construction, the Owner and/or builder must meet with the DRC Coordinator to review the construction regulations, procedures and Guidelines of this section. Prior to beginning any site preparation or construction work, the Owner shall advise the DRC in writing of the proposed construction schedule and arrange for an on-site meeting with the DRC Coordinator. The final "City permitted" construction documents and the recorded NAOS easement documents will be provided to the DRC Coordinator at this time if different than the Final DRC approved set of plans. The DRC approved building envelope and NAOS will be staked out for this meeting by a Registered Land Surveyor or Civil Engineer. The on-site Pre-Construction Conference is mandatory, and shall also address the following items:

a. **Construction Area Plan**
   This is a site plan showing proposed location of signage, dumpster, sanitary facilities, plant nursery, offsite utilities, etc., within the Building Envelope.
b. **Approved Building Envelope**
   The approved Building Envelope and NAOS will be staked out for this meeting by a Registered Land Surveyor or Civil Engineer.
c. **List of Subcontractors and Contact Phone Numbers**
d. **Color Photographs or Prints**
   Photographs shall be taken by the Owner or representative of the first ten feet (10'-0) behind the curb showing existing landscape, curb and street conditions prior to construction. The photographs shall be labeled showing the location of each photo and the photos should specifically identify any pre-construction damage to the street or curb. Photos shall be provided for both sides of the street(s) adjacent to the construction site prior to the commencement of any construction activity.
e. **Limits of Construction – Temporary Construction Fence**
   The Builder or General Contractor shall establish and maintain a physical boundary fence for every aspect of construction within the Building Envelope, beyond which no construction activity (including storage of materials, access, etc.) shall take place.

   Prior to the commencement of any site or building construction, a minimum of a six (6') foot high chain link "security fence" with opaque screen mesh shall be placed along both sides of the driveway and along the perimeter of the approved Building Envelope to protect the NAOS and to contain all construction within the Limits of Construction. This fence shall stay in place until all perimeter site walls and courtyard fences are constructed, all of the residential building(s), patio walls, retaining walls, fences and pool are stuccoed and finished painted, and all exterior construction scaffolding has been removed from the site and the home is ready for finish grading and landscaping.

   The DRC, the Community Management Company, or the HOA shall have the authority to inform the Owner of any deviation to or violation of any of the above or of failing to follow construction standards and to order that construction cease until the violations are corrected to the satisfaction of the HOA. Penalties or fines are provided in Section C.
f. **Field Office**
   A Contractor's field office, such as a trailer, office shed, temporary mobile office, etc., is not permitted on site nor on the streets or easements of Sincuidados.

g. **Sanitary Facilities**
Proper, temporary sanitary facilities for all construction personnel shall be provided within the approved Building Envelope off the street or curb, and in conjunction with all local governing health codes and City of Scottsdale ordinances. The DRC requires that portable toilet(s) be located inside the construction fence. Temporary sanitary facilities that are visible from the street or other residences are required to be camouflaged with camouflage netting of a desert appropriate color.

h. **Construction Dumpster**
The Owner, through his/her Builder or General Contractor, shall be responsible to provide an on-site construction debris dumpster which shall be located within the Building Envelope and behind the required temporary construction fencing. Such dumpster shall be used for the storage and periodic removal of all site development and building construction debris and waste materials generated on the Project site throughout the duration of construction. Such dumpster(s) shall be the only area of the construction site within which excess debris is allowed to be stored or piled up until full. When full, the Contractor shall require the waste removal company to either replace the dumpster(s) with an empty one or remove it completely from the construction site.

i. **Construction Parking**
Parking for construction worker's vehicles shall be provided within the "Limits of Construction" or on the street adjacent to the property, but out of the way of two-way traffic and without blocking access to other residences.

j. **Posting on Site of Working Hours, Fire Extinguisher, DRC's "Construction Certificate," Lot Number and Required City Permit(s) and City Approved Construction Documents**
The Owner, through his/her Builder or the General Contractor, shall be responsible to install on the construction site at the street, but within the Building Envelope, a maximum of two 4x4 posts to contain, the General Contractor's name and business phone number, a fire extinguisher, the DRC's "Construction Certificate" (provided by the DRC at the time authorizing the Owner to commence with construction), the Lot Number, any required City of Scottsdale building permit(s), a container for any required City of Scottsdale Approved Construction Documents, and a complete schedule of the hours construction activity is allowed to occur. This schedule shall be readily legible and be maintained throughout the duration of construction. The overall dimension of a surface containing this data shall not exceed 2' x 3'. The Fire Extinguisher and the container can be attached to the post.

Information such as "For Sale", "Available" or similar language, or descriptive phrases such as "3-bedroom" may not appear on any construction sign. No additional signs shall be attached to this main sign.

Colors of sign backgrounds should be muted earth tones, which harmonize with the desert colors rather than sharply contrast with them. Letter colors should relate harmoniously with the background colors while providing sufficient contrast to enable the sign to be read from approximately twenty feet (20'-0") away.

The proposed design and color of the construction sign shall be submitted to the DRC Coordinator for approval before installation.

Temporary construction signs must be removed at the time the house is substantially complete or when the DRC directs the sign to be removed.

It is the responsibility of the Owner through his/her Builder or General Contractor to notify all construction personnel including subcontractors that will be associated with this project of the restrictions for working hours and the penalties and/or fines for non-compliance.

k. **Owner's/Contractor's Acknowledgment of Sincuidados Construction Guidelines**
The Owner and the Builder or General Contractor shall acknowledge and be recorded in the Pre-construction Conference stating that they have read these Construction Process Guidelines, will abide by these rules and regulations throughout the construction process and will require that any sub-contractors, suppliers, fabricators, laborers, etc., engaged by the Owner and/or Builder/General Contractor will also abide by these same

conditions. Should the Owner or the Builder/General Contractor violate these conditions, fines will be levied by the Sincuidados Homeowners' Association or the Project will be "shut down" or both, pending compliance. If the

Project is shut down the Entry Gate Hosts will be notified and no Contractor or Construction agent representing the Owner will be allowed in the gate or on the Project premises for the purposes of working on this Project until compliance with the "shut down" instructions and/or payment of assessed fines is satisfied.

Construction activity, whether by Owner or contractor or subcontractors for new construction, shall be allowed only during the following times, and construction personnel other than the Owner shall leave the Sincuidados premises by the end of the construction activity period noted below:

October 1 through April 30

Monday through Friday	7:00 a.m. to 5:00 p.m.
Saturdays	8:00 a.m. to 1:00 p.m. (quiet work only)
Sundays and Legal National Holidays	No work allowed

May 1 through September 30

Monday through Friday	6:00 a.m. to 5:00 p.m.
Saturdays	8:00 a.m. to 1:00 p.m. (quiet work only)
Sundays and Legal National Holidays	No work allowed

NOTE: The Owner is allowed to perform "quiet work" from 8:00 a.m. to 5:00 p.m. on Saturdays and from 1:00 p.m. to 5:00 p.m. on Sundays (clean-up, minor painting, minor stocking of material, etc.), if the activity is "interior work" or "visually concealed" from the street and adjacent properties and as long as the Owner's "work" during these restricted time periods respects the peace and quiet of the neighborhood. Should complaints arise from adjacent Owners that the peace and quiet of the neighborhood is not being respected, or the "work" allowed by the Owner during these restricted hours clearly abuses the spirit of this exception, the Owner will be notified by the Sincuidados Homeowners' Association, through the Community Management Company, to cease such activity, or be subject to possible fines, and/or "work stoppage" of construction.

Refundable Construction Deposit & Lot Monument Fees as a prerequisite for scheduling the Pre-Construction Conference

As noted above, prior to the commencement of ANY construction, the Owner shall pay the applicable Refundable Construction Deposit and Lot Monument Fees to the Property Management Company. Contact the Property Management Company for the applicable fees.

Maintenance During Construction

It shall be the responsibility of the Owner and the Builder or General Contractor to continuously maintain the streets, curbs, easements, NAOS, and roadway areas adjacent to the site clean and free of construction dirt and debris throughout the duration of construction.

If the Owner does not provide such continuous maintenance, and after reasonable Notice has been given to do so by the DRC or the Sincuidados Homeowners' Association through its Community Management Company, the HOA has the right to clean these areas, to repair damage to Common Areas or to property of others or to revegetate damage in the NAOS (where such damage can be identified as being caused by the Owner, the Owners' Contractor and/or any sub-contractors, suppliers or fabricators), and any costs incurred by the Sincuidados Homeowners' Association will be deducted from the Construction Deposit. In addition, any unpaid

fees and/or assessments duly required of the Owner, if not paid when due, shall also be deducted from this Construction Deposit.

Upon the completion of construction and certification by the DRC in a final Letter of Compliance that all requirements of these Design Guidelines have been satisfied, the Construction Deposit (or the remaining balance thereof), less any Retained Amount, shall be promptly returned to the Owner.

When landscaping has been completed by the Owner, the individual Owner acknowledges that: (1) they are solely responsible for maintaining such landscaping in the unpaved Road Corridor in an acceptable manner, (2) under no circumstances does the HOA have any liability to reinstate such private landscaping in the unpaved Road Corridor that may have been damaged for any reason including community maintenance or utility work in this area, (3) such private landscaping in no way affects the HOA's ownership rights with respect to the affected unpaved Road Corridor and (4) the HOA may require removal of all such landscaping when the "Streetscape" project is implemented.

Retained Amounts
Retention of any sums from the Refundable Construction Deposit by the Sincuidados Homeowners' Association shall be in addition to and not in lieu of any other rights or remedies available to it under these Design Guidelines or the Declarations of Covenants, Conditions and Restrictions for Sincuidados.

Construction Noise
The Owner of record shall be responsible for his/her Builder or General Contractor or any of the General Contractor's sub-contractors, suppliers, fabricators and all construction personnel, exceeding reasonable levels of construction noise. No non-construction noises (radios, etc., in particular) shall be allowed to be heard from ANY adjacent property or street outside the construction site. It is strongly recommended that ONLY earphones be allowed to be used in conjunction with any type of radio or that no radios be used at all. The DRC, the Community Management Company and the Sincuidados Homeowners' Association shall have the authority to strictly enforce this requirement and, in addition to levying applicable fines, shall refuse entry to Sincuidados and to this construction site to all persons failing to comply.

Tagging of Native Plant Material for Removal or Relocation
Prior to beginning any construction on the Project site, the Owner shall have had all native plant material within the Building Envelope proposed for removal or relocation tagged for inspection by the City of Scottsdale as to which plants are to be removed or relocated. In addition, the location for a "temporary plant nursery" shall have been designated on site by the Owner.

K.2 Owner's Responsibility During Construction

It shall be the sole responsibility of the Owner to comply with all the requirements and restrictions of these Design Guidelines and of all related conditions of the CC&Rs throughout the duration of construction. Failure to do so may result in stoppage of construction, fines, or both.

K.3 Construction Inspections by the DRC

Periodic inspections may be made by members of the DRC or by the DRC Coordinator to determine compliance with the Approved Final Design Submittal. Non-compliance with the approved drawings may result in the DRC issuing a "stoppage of construction" until the problem is corrected to the satisfaction of the DRC.

There will be four formal meetings or inspections performed during construction by the DRC Coordinator:

- Pre-construction meeting
- Completion of framing
- Completion of substrate, prior to stucco

- Completion of construction

A letter of compliance will be issued after each successful inspection. Proceeding beyond the respective construction point without the letter of compliance being issued is prohibited. In accordance with Section K.6 below, a final Letter of Compliance (LOC) is issued after the final inspection when it is determined that the project is complete and in compliance with the Approved Final Design Submittal and any approved revisions.

It is the Owner's and their Contractor's responsibility to notify the DRC when the construction has reached one of the phase completions and is ready for an inspection.

K.4 Certification of Finish Floor Elevations, Building Height & Building Setbacks

The City of Scottsdale requires that a registered Land Surveyor or Civil Engineer submit to the City a form certifying that the finished floor elevation and major corners of the building stem walls have been installed to the requirements of the City approved construction documents (building permit set). The Owner shall be responsible to furnish the DRC with a copy of these City required "certification forms" upon the submittal of such forms to the City in order verify compliance with DRC site development Design Guidelines and the approved Final Design Submittal.

K.5 Field Revisions

Field problems requiring revisions to the DRC approved Final Design plans shall be brought to the attention of the DRC Coordinator for approval to proceed **PRIOR** to any construction activity involving such revisions.

K.6 Final Letter of Compliance (LOC)

A final Letter of Compliance (LOC) shall be issued to the Owner by the DRC only after ALL requirements of these Design Guidelines have been met and all fees, deposits and assessments required by the DRC and the Sincuidados Homeowners' Association have been received and all fines levied by the Homeowners' Association on this property for Design Guidelines violations noted herein have been paid.

Section L – PLANT LISTS

Plants that may be appropriate for use in Sincuidados (requires prior approval).

L.1 Indigenous Plants for the Natural Area Open Space (NAOS)

Plants that are protected by the Native Plant Ordinance are designated with an asterisk (*)

TREES

COMMON NAME	BOTANICAL NAME
Arizona Mesquite	Prosopis velutina*
Arizona Rosewood	Vauquelinea californica*
Blue Palo Verde	Cercidium floridum*
Crucifixion Thorn	Canotia holocantha*
Foothill Palo Verde	Cercidium microphylum*
Ironwood	Olneya tesota*
Sugar Sumac	Rhus ovata*

CACTUS & SUCCULENTS

COMMON NAME	BOTANICAL NAME
Banana Yucca	Yucca baccata
Chainfruit Cholla	Opuntia fulgida
Compass Barrel	Ferocactus cylindraceus*
Desert Christmas Cholla	Opuntia leptocaulis
Desert Night-Blooming Cereus	Peniocereus greggii*
Engelmann's Prickly-pear	Opuntia engelmannii
Fishhook Barrel	Ferocactus wislizenii*
Fishhook Cactus (Pin Cushion)	Mammilaria microcarpa
Hedgehog Cactus	Echinocereus engelmannii
Ocotillo	Fouquieria splendens*
Organ Pipe	Stenocereus thurberi
Saguaro	Carnegiea gigantean*
Soaptree Yucca	Yucca elata*
Staghorn Cholla	Opuntia acanthocarpa
Teddy Bear Cholla	Opuntia bigelovii

SHRUBS

COMMON NAME	BOTANICAL NAME

Anderson Lycium	Lycium andersonii
Arrow Weed	Pulchea sericea
Brittlebush	Encelia farinosa
Chuparosa	Justicia californica
Creosote Bush	Larrea tridentata
Deer Vetch	Lotus rigidus
Desert Hackberry	Celtis pallida
Desert Saltbush	Atriplex polycarpa
Desert Lavender	Hyptis emoryi
Desert Senna	Cassia covesii
Fairy Duster	Calliandra eriophylla
Flat-top Buckwheat	Eriogonum fasciculatum
Fourwing Saltbush	Atriplex canescens
Giant Bursage	Ambrosia ambrosioides
Goldeneye	Vigueria deltoidea
Green Brittlebush	Encelia frutescens
Greythorn	Ziziphus obtusifolia
Hopbush	Dodonaea viscosa
Jojoba Bush	Simmondsia chinensis
Mormon Tea	Ephedra aspera
Red Barberry	Berberis haematocarpa*
Sacred Datura	Datura wrightii*
Snakeweed	Gutierrezia sarothrae
Sweet Bush	Bebbia juncea
Triangle-leaf Bursage	Ambrosia deltoidea
Trixis	Trixis California
Turpentine Bush	Ericameria laricifolia
White Bursage	Ambrosia dumosa
Whitethorn Acacia	Acacia constricta*

ANNUALS, PERENNIALS AND VINES

COMMON NAME	BOTANICAL NAME
Arizona Blue Eyes	Evolvulus arizonicus
Arizona Lupine	Lupinus arizonicus
Arizona or Canyon Penstemon	Penstemon pseudospectabilis
Blackfoot Daisy	Melampodium leucanthum
Bladderpod Mustard	Lesquerella gordoni

Blanketflower	Gaillardia pulchella
California Poppy	Eschscholzia californica
Coyote Gourd	Cucurbita digitata
Desert Chia	Salvia columbariae
Desert Globemallow	Sphaeralcea ambigua
Desert Lupine	Lupinus sparsiflorus
Desert Marigold	Baileya multiradiata
Devil's Claw	Probocidea parviflora
Indian Wheat	Plantago purshii
Lupine	Lupinus densiflorus
Mexican Gold Poppy	Eschscholzia mexicana
Owl's Clover	Orthocarpus purpurascens
Paper Flower	Psilostrophe cooperi
Parry's Penstemon	Perstemon parryi
Purple Aster	Machaeranthera bigelovii
Sand Verbena	Abronia villosa
Scorpionweed	Phacelia crenulata
Slender Janusia	Janusie gracills

GRASSES

COMMON NAME	BOTANICAL NAME
Curly Mesquite	Hilaria berlangeri
Fluffgrass	Erioneuron pulchellum
Needle Grama	Bouteloua aristidoides
Purple Threeawn	Aristida purpurea
Sideoats Grama	Bouteloua curtipendual

L.2 Pre-Approved Desert Landscape Plants for the Transition and Private Areas

Following is the list of pre-approved plants that may be used in the Transition and Private Areas of the lot:

TREES

COMMON NAME	BOTANICAL NAME
Apes Earring	Harvardia brevifolium
Boojum Tree	Fouquieria columnaris
Joshua Tree	Yucca brevifolia
Needle Acacia	Acacia eburnia
Net Leaf Hackberry	Celtis reticulata
Palo Blanco	Acacia willardiana
Palo Brea	Parkinsonia praecox
Screwbean Mesquite	Prosopis pubescens
Sonoran Tree Catclaw	Acacia occidentalis
Sweet Acacia	Acacia farnesiana (smallii)
Smoke Tree	Psorothamnus spinosus (Dalea spinosa)
Texas Ebony Tree	Ebenopsis ebano
Twisted Acacia	Acacia schaffneri
	Acacia cavenia

CACTUS & SUCCULENTS

COMMON NAME	BOTANICAL NAME
Agave or Century Plant	Agave species
Aloe	Aloe species
Argentine Giant	Echinopsis candicans
Barrel	Barrel species
Barrel Cactus	Ferocactus species
Beavertail Prickly Pear	Opuntia basilaris
Bigelow Nolina	Nolina bigelovii
Blue Monstrose Cactus	Cereus peruvianus
Candelilla	Euphorbia antisyphilitica
Desert Spoon or Sotol	Dasylirion wheeleri
Elephant Food	Portulacaria afra
Golden Barrel Cactus	Echinocactus grusonii
Indian Fig Prickly Pear	Opuntia ficus-indica
Mammillaria	Mammillaria species
Mexican Fence Post	Pachycereus marginaatus
Moroccan Mound	Euphorbia resinifera
Pancake Prickly Pear	Opuntia chlorotica
Parry's Agave	Agave paerryi

Purple Prickly Pear	Opuntia violacea
Queen Victoria Agave	Agave victoriae-reginae
Red Hesperaloe or Red Yucca	Hesperaloe parviflora
Senita Cactus	Pachicereus (also Lophocereus) schottii
Staghorn Cholla	Opuntia versicolor
Yucca	Yucca species
Yucca Rostrada	Yucca beaked
Yucca Rigida	Yucca blue

SHRUBS

COMMON NAME	BOTANICAL NAME
Apache Plume	Fallugia paradoxa
Arizona Sophora	Sophora arizonica
Arizona Yellow Bells	Tecoma stans
Autumn Sage	Salvia greggii
Baja Cassia	Senna goldmannii
Bird of Paradise	Caesalpinia platyloba
Black Brush	Acacia rigidula
Bladder Sage or Paperbag Bush	Salazaria mexicana
Blue Sage	Salvia chamaedryoides
Bursage Species	Ambrosia species
Catclaw	Mimosa biuncifera
Catclaw Acacia	Acacia greggii
Chihuahuan Sage or Cenizo	Leucophyllum laevigatum
Coffee Berry	Rhamnus californica
Crucifixion Thorn Bush	Castela emoryi
Desert Ceanothus	Caenothus greggii
Desert Honeysuckle	Anisacanthus thurberi
Desert Milkweed	Asclepias subulata
Desert Thorn	Lycium exsertum
Feather Dalea	Dalea Formosa
Fern Acacia	Acacia angustissima
Firecracker Bush	Justicia candicans
Firestick	Euphorbia tirucalli
Gold Lead Ball Tree	Leucaena retusa
Indigo Bush	Dalea wislizenii
Inflated Buckwheat	Eriogonum inflatum v. poliofolium
Leather Leaf Acacia	Acacia craspedocarpa
Lemonade Bush	Rhus trilobata
Limber Bush	Jatropha cardiophylla

Littleleaf Cordia	Cordia parvifolia
Nevada Salt Bush	Atriplex torreyi (Atriplex lentiformis var. Torreyi)
Mexican Bird of Paradise	Caesalpinia mexicana
Mexican Honeysuckle	Justicia spicigera
Mountain Mahogany	Cercocarpus montanus
Old Man Salt Bush	Atriplex nummularia
One-seed Juniper	Juniperus monosperma
Oreganillo	Aloysia wrightii
Pineleaf Milkweed	Asclepias linaria
Quail Bush	Atriplex lentiformis
	Atriplex mulleri
Ratany	Krameria parvifolia
Redberry Buckthorn	Rhamnus crocea
Red Firecracker	Justicia ovata
Red or Baja Fairy Duster	Caesalpinia pulcherrima
Rough Menodora	Menodora scabra
Ruellia	Ruellia peninsularis
Silver Sage	Leucophyllum candidum
Silver Salt Bush	Atriplex rhagodiodes
Shrubby Cassia	Senna wislizenii
Shrub Oak	Quercus turbinella
Texas Cassia	Senna biflora
Texas Mountain Laurel	Sophora secundiflora
Texas Sage, Texas Ranger	Leucophyllum frutescens
Thornbush	Lycium brevipes
Thread Leaf Groundsel	Senecio douglasii
Velvet Pod Mimosa	Mimosa dysocarpa
Willow Leaf Groundsel	Senecio salignus
Wolfberry or Tomatillo Thornbush	Lycium fremontii
Wooly Butterfly Bush	Buddleia marrubiifolia
Wright's Buckwheat	Eriogonum wrightii
Yellow Bird of Paradise	Caesalpinia gilliesii
	Senna circinnata
	Senna leptophylla

GROUND COVERS

COMMON NAME	BOTANICAL NAME
Green Lavender Cotton	Santolina virens
Lantana Purple, White, Yellow	Lantana montevidensis
Lantana Red	Lantana camara
Lavender Cotton	Santolina chamaecyparissus

Moss Verbena	Glandularia puchella
Peruvian Verbena	Verbena peruviana
Prostrate Myoporum	Myoporum parvifolium
Trailing Acacia	Acacia redolens
Trailing Lantana	Lantana montevidensis
Trailing Smoke or Indigo Bush	Dalea greggii

ANNUALS

COMMON NAME	BOTANICAL NAME
Arizona Poppy	Kallstroemia grandiflora
Arroyo Lupine	Lupinus succulentus
Barestem Larkspur	Delphinium scraposum
Fleabane Daisy	Erigeron divergens
Gilia	Gilia flavocincta
Lupine	Lupinus concinnus
Stickleaf	Mentzelia species

PERENNIALS

COMMON NAME	BOTANICAL NAME
Bluedicks	Dichelostemma pulchellum
Blue Salvia	Salvia farinacea
Butterfly Weed	Asclepias tuberosa
Caltrop	Zygophyllaceae
Canaigre	Rumex hymenosepalus
Desert Four O'Clock	Mirabilis multiflora
Dyssodia	Thymophylla pentachaeta
Dyssodia	Thymophylla porophylloides
Evening Primrose	Oenothera speciosa
Firecracker Penstemon	Penstemon eatoni
Gooddings Verbena	Glandularia gooddingii
Gourd	Cucurbita species
Hibiscus, Coulter's, or Desert Mallow	Hibiscus coulteri
Indian Paint Brush	Castilleja chromosa
Mariposa	Calochortus kennedyi
Mt. Lemmon Marigold	Tagetes lemmoni
Palmer's Penstemon	Penstemon palmeri
Phlox	Phlox tenuifolia
Prairie Zinnia	Zinnia grandiflora
Purple Cups	Nierembergia violacea
Rock Penstemon	Penstemon baccharifolius

Sandpaper Verbena	Verbena rigida
Superb Penstemon	Penstemon superbus
Wallflower	Erysimum capitatus
Zinnia Species	Zinnia species

VINES

COMMON NAME	BOTANICAL NAME
Arizona Grape Ivy	Cissus trifoliata
Coral Fountain	Russelia equisetif
Coral Vine or Queen's Wreath	Antigonon leptopus
Lilac Orchid Vine	Callaeum lilacaena
Yellow Morning Glory Vine	Merremia aurea
Yellow Orchid Vine	Callaeum macroptera

GRASSES

COMMON NAME	BOTANICAL NAME
Arizona Cottontop	Digitaria californicus
Bear Grass	Nolina microcarpa
Deer Grass	Muhlenbergia rigens
Muhly: Bush, Mountain & Spike	Muhlenbergia rigens
Plains Bristle Grass	Setaria macrostachya
Sacaton: Alkali & Big	Sporobolus wrightii
Sand Dropseed	Sporobolus cryptandrus
Santa Rita Threeawn	Aristida ternides
Saltgrass	Distichlis spicata
Spike Dropseed	Sporobolus contractus
Squirreltail	Elymus elymoides
St. Augustine Grass	Stenotaphrum secundatum
Tobosa	Hilaria mutica
Tridens	Tridensmuticus
Vine Mesquite	Pancium obtusum

L.3 Prohibited Plant Materials

Plant material alien to and potentially harmful to the desert environment due to excessive watering requirements, excessive pollen production, toxicity, or excessive mature height or size is prohibited in all planting areas within Sincuidados. Such prohibited plants include, but are not limited to:

- Bermuda Grass
- Citrus Trees
- Fountain Grass
- Oleanders
- Olive Trees
- Palm Trees
- Pine Trees
- Trees and other non-native plants that can be reasonably expected to exceed a mature height of 20 feet or more.

Dwarf varieties of the trees noted here that grow to no more than 6' at maturity are permitted, but only within the patio walls and fences of a lot's Private Areas.

Section M – BUILDING ENVELOPES & RECOMMENDED FINISH FLOOR ELEVATIONS

M.1 Lots in Phases I and II

LOT NO.	APPPROXIMATE LOT SIZE (SQ. FT.)	MAX. BUILDING ENVELOPE SIZE (SQ. FT.)	RECOMMENDED FINISHED FLOOR ELEVATION
1	62,890	17,000	2,375
2	62,145	17,700	2,377
3	56,435	17,740	2,353
4	63,263	14,100	2,382
5	53,902	16,900	2,382
6	69,209	18,500	2,388
7	72,953	17,200	2,387
8	73,037	20,000	2,383
9	71,957	14,300	2,379
10	66,753	28,200	2,383
11	58,973	18,700	2,382
12	56,551	20,000	2,382
13	69,549	17,700	2,378
14	77,087	17,500	2,377
15	72,543	25,200	2,378
16	56,219	16,000	2,373
17	58,152	17,600	2,368
18	57,535	14,900	2,371
19	64,164	22,500	2,374
20	64,704	14,900	2,366
21	58,946	16,000	2,373
22	50,249	16,700	2,370
23	50,294	16,500	2,370
24	50,444	16,400	2,367
25	54,028	23,500	2,365
26	59,861	19,400	2,365
27	53,691	16,200	2,358
28	55,193	16,800	2,354
29	66,456	16,200	2,354
30	58,201	17,200	2,356
31	60,085	16,500	2,364
32	58,420	15,600	2,355
33	61,217	18,600	2,353
34	62,502	17,800	2,344
35	54,928	16,300	2,343
36	54,442	16,000	2,340
37	52,725	14,200	2,345
38	51,150	16,600	2,345.5
39	55,171	16,600	2,348
40	56,559	15,000	2,348
41	50,950	14,900	2,352
42	74,255	19,000	2,349
43	57,378	23,800	2,362
44	54,365	23,800	2,362
45	56,137	16,000	2,365

SINCUIDADOS ARCHITECTURAL DESIGN GUIDELINES

Prepared by: TORNOW ASSOCIATES, p.c.

LOT NO.	APPPROXIMATE LOT SIZE (SQ. FT.)	MAX. BUILDING ENVELOPE SIZE (SQ. FT.)	RECOMMENDED FINISHED FLOOR ELEVATION
46	51,535	16,700	2,360
47	50,916	16,000	2,362
48	50,724	14,600	2,366
49	56,763	17,500	2,363
50	52,864	18,400	2,358
51	50,446	13,400	2,355
52	50,554	12,800	2,352
53	56,867	17,200	2,356
54	57,319	18,400	2,358
55	53,361	18,700	2,355
56	53,005	17,700	2,353
57	51,731	19,200	2,352
58	58,026	21,238	2,348
59	64,329	19,800	2,348
60	77,425	18,678	2,350
61	61,932	14,200	2,356
62	62,535	15,200	2,362
63	53,936	18,500	2,369
64	67,971	19,400	2,370
65	58,945	19,100	2,368
66	64,542	20,900	2,363
67	72,910	17,500	2,359
68	55,481	17,800	2,357
69	50,343	17,300	2,356
70	50,464	17,900	2,363
71	50,534	16,600	2,362
72	55,807	16,800	2,363
73	55,721	16,400	2,370
74	55,829	18,000	2,363
75	60,650	18,500	2,367
76	77,886	15,600	2,371
77	51,835	16,900	2,375
78	66,360	18,700	2,372
79	62,736	16,800	2,367
80	56,976	14,500	2,376
81	51,110	17,300	2,375
82	52,046	18,400	2,378
83	84,802	17,500	2,371
84	70,547	20,000	2,373
85	51,510	16,700	2,367
86	59,632	17,600	2,366
87	57,129	18,200	2,360
88	77,440	28,000	2,363
89	63,131	23,000	2,361
90	67,583	18,900	2,322
91	55,692	18,000	2,348
92	64,857	18,800	2,355
93	60,563	18,200	2,352
94	63,244	27,600	2,349
95	79,546	18,000	2,348

SINCUIDADOS ARCHITECTURAL DESIGN GUIDELINES

Prepared by: TORNOW ASSOCIATES, p.c.

96	57,413	19,100	2,346
LOT NO.	**APPPROXIMATE LOT SIZE (SQ. FT.)**	**MAX. BUILDING ENVELOPE SIZE (SQ. FT.)**	**RECOMMENDED FINISHED FLOOR ELEVATION**
97	50,079	17,500	2,349
98	50,233	16,500	2,389
99	52,205	17,600	2,350
100	50,003	17,700	2,350
101	59,186	23,900	2,350
102	50,178	17,800	2,344
103	50,534	18,800	2,340
104	51,010	18,100	2,342
105	50,717	18,400	2,342
106	50,350	20,100	2,340
107	51,880	16,400	2,342
108	56,753	17,800	2,338
109	62,716	19,000	2,333
110	58,506	16,200	2,334
111	75,464	20,000	2,336
112	74,442	16,800	2,334
113	60,196	18,400	2,336
114	58,614	21,500	2,339
115	72,540	17,500	2,341
116	54,954	17,000	2,347
117	56,104	16,000	2,356
118	62,205	16,000	2,354
119	59,542	16,800	2,353
120	62,077	18,300	2,349
121	51,422	16,000	2,347
122	53,725	14,000	2,343
123	52,951	18,300	2,347
124	53,189	15,000	2,343
125	56,638	19,000	2,345
126	57,072	15,500	2,337
127	64,718	19,000	2,333
128	76,617	20,500	2,323
129	57,936	17,000	2,327
130	78,643	18,700	2,322
131	63,714	18,400	2,323
132	50,067	17,000	2,320
133	65,304	17,000	2,313
134	50,930	16,600	2,315
135	67,450	18,400	2,312
136	53,630	16,000	2,310
137	82,308	31,400	2,308
138	60,668	17,900	2,303
139	66,858	15,800	2,305
140	80,132	16,500	2,298
141	56,277	17,400	2,341
142	52,352	17,000	2,324
143	54,557	16,000	2,344
144	61,431	17,300	2,342
145	81,599	19,500	2,337
146	67,255	15,800	2,347

147	64,661	18,700	2,350
LOT NO.	**APPPROXIMATE LOT SIZE (SQ. FT.)**	**MAX. BUILDING ENVELOPE SIZE (SQ. FT.)**	**RECOMMENDED FINISHED FLOOR ELEVATION**
148	65,119	20,000	2,343
149	68,457	18,500	2,341
150	53,102	19,000	2,346
151	61,027	17,500	2,342
152	72,514	16,400	2,340
153	53,463	16,800	2,346
154	78,654	15,700	2,335
155	78,519	25,200	2,332
156	57,285	18,000	2,336
157	52,064	18,300	2,330
158	59,290	18,000	2,332
159	55,851	18,100	2,330
160	75,408	17,000	2,324
161	52,603	17,600	2,325
162	58,034	15,700	2,322
163	55,872	16,000	2,315
164	61,564	15,800	2,316
165	79,235	20,500	2,312
166	58,212	17,400	2,320
167	64,973	15,700	2,327
168	56,532	14,500	2,331
169	58,758	16,000	2,335
170	62,240	17,100	2,330
171	52,757	18,800	2,337
172	54,987	14,200	2,333
173	54,921	17,000	2,333
174	60,292	16,300	2,339
175	67,504	19,800	2,324
176	78,536	15,700	2,313
177	61,269	16,900	2,309
178	63,580	15,000	2,304
179	61,279	17,600	2,312
180	61,674	22,000	2,320
181	57,356	19,500	2,320
182	58,358	15,600	2,315
183	60,443	15,000	2,314
184	69,909	19,100	2,320
185	55,615	18,900	2,322
186	55,263	16,400	2,323
187	72,050	17,500	2,325
188	74,275	14,000	2,329
189	59,016	16,300	2,333
190	57,902	18,200	2,330
191	56,142	21,000	2,327
192	58,466	16,800	2,328

M.2 Lots in Phase III

For lots in Phase III, the maximum building envelope size is limited to one third (1/3) of the lot size.