

PLANNING COMMITTEE RULES
FOR
TORREY PINES

The following rules, adopted by unanimous vote of the Tanoan Community Association Planning Committee, organized pursuant to the Tanoan Community Master Restrictions, shall apply to that real property known as the Torrey Pines neighborhood, further described in Exhibit "A" which is attached to these Rules and incorporated herein by reference.

These Rules supplement the Tanoan Community Master Restrictions and are adopted by the Planning Committee for the purpose of further enhancing and perfecting the value, desirability, and attractiveness of the Torrey Pines neighborhood.

Definitions contained in Article I of the Tanoan Community Master Restrictions are incorporated herein by reference.

PLANNING COMMITTEE APPROVAL

1. Any owner proposing to construct or reconstruct improvements or structures or to recolor, refinish or alter any part of the exterior of any improvement or to perform any work which requires a building permit to be issued by the City of Albuquerque and to further include landscaping and landscaping construction including ponds, waterfalls, statues, retaining walls, or other structural components, which are visible from any street or common area, shall apply to the Planning Committee for approval.

2. The owner shall make application for any such construction by submitting to the Planning Committee the following:

a. One copy of a completed application form provided by the Planning Committee, which shall include the legal description of the property.

b. A complete set of construction drawings which identify construction materials. Such drawings shall include a roof plan, colors and samples of exterior materials and colors, wall sections, the owner's proposed construction schedule, and exterior garden and retaining wall sections.

c. A site plan which shows the topography of the lot. Contour lines shall show existing grade and indicate any grade changes of more than one foot, that will be caused by the construction. The site plan shall also locate and identify all construction including, but not limited to, storage sheds, pool houses, etc., their roof overhand lines, and finished floor elevations, all setbacks at point of minimum perpendicular distance to each property boundary, all walks, drives, patios, decks, and walls and/or fences and their construction materials.

d. Landscaping plans to include location of sprinkler line and sprinklers.

e. If deemed necessary by the Planning Committee, the following may be required as a part of the application:

- (1) Details of exterior furnishings.
- (2) A drainage report prepared by a registered engineer.
- (3) An architect's rendering showing the perspective view of the proposed construction. If the proposed construction is on a golf course lot, an architect's rendering showing a perspective of the rear of the proposed construction may also be required. These renderings may be pencil or ink line drawings.

Each application for plan approval by the Planning Committee shall be accompanied by a Planning Committee review fee of \$-0-.

3. Construction may not proceed after stem walls are completed until a survey of the lot showing completed stem walls is approved by the Planning Committee. If the stem wall survey is approved by the Planning Committee, construction may proceed. Owner understands and acknowledges that if the stem wall survey is not approved by the Planning Committee, owner may be required to remove and reconstruct stem walls according to the following Planning Committee Rules of Torrey Pines at Tanoan, as adopted. A stem wall survey will then be resubmitted until approved by the Planning Committee.

4. Planning Committee approval or disapproval shall be given in conformity with Section 3.06 of the Tanoan Community Master Restrictions.

ARCHITECTURAL DESIGN STANDARDS

5. Residential units constructed in Torrey Pines shall have a minimum of 1200 square feet of living area. Living area shall include heated and/or air conditioned areas and shall exclude garages, porches, patios, decks, and breezeway.
6. No Residential unit, structure, or improvement shall exceed two stories and shall be limited to a maximum height of twenty-six feet (26') on any lot, above the average grade of the lot as shown on the grading plan.
7. No structure or improvement, except where specifically permitted here shall be constructed:
 - a. Within fifteen feet (15') from the front property line except the garage or carport setback shall not be less than twenty feet (20').
 - b. Within fifteen feet (15') from the rear property line of the lot.
 - c. Within ten feet (10') of the side property line which abuts a street on a corner lot.
 - d. There shall be a distance of not less than ten feet (10') between residential buildings if not attached to another dwelling at side property line.
 - e. In all cases, the location of all residences shall be located as shown on the Grading Plan.
8. Every residential unit shall have a garage of two-car capacity. Garage doors shall be of the sectional vertical-roll-up overhead design.
9. Each residential unit must have a minimum of two paved off-street parking spaces of concrete construction which may include the drive part from the street to the garage.
10. Detached garages, sheds, or other buildings shall not be constructed on the lots.
11. The exterior appearance of the residence and improvements must be consistent with the high quality standards established for the Torrey Pines Neighborhood and the appearance must be consistent, compatible and complimentary to existing construction on adjacent lots and must have a definite commonly recognized architectural style which is carried out through attention to detail. Such detail to include, but not limited to, window treatment, brick coping, parapet walls and/or shadow boxes.

CONSTRUCTION STANDARDS

12. Exterior finishes of all residences, structures, or improvement on the lots shall be stucco. Stuccoed exterior finishes must be colored either El Rey's "Navajo White", "Cameo", "Sand", "Fawn", or "Buckskin", or an equivalent color. The color of any exterior finish shall be earthtone and in no case be lighter than "Navajo White" or darker than "Buckskin".
13. The roofing materials of all residential units, improvements, and other structures having pitched roofs which are visible from the street, the golf course, or common areas shall be red clay tile, red concrete barrel shaped mission tile. The red concrete tile shall be either Century's "Mission Red", Moniel's #200 "Mission Red", Westile Series 2000 "Burnt Terra Cotta" or an equivalent color. If other concrete tile is used, a color sample and complete manufacturer's specifications for the brand and type must be first submitted to the Planning Committee for approval. No other roofing material will be allowed.
14. No reflective finishes (other than glass) shall be used on exterior surfaces (other than surfaces of hardware fixtures), including but not limited to the exterior surfaces of any of the following: roofs, all projections above roofs, retaining walls, doors, trim, fences, pipes, equipment, mailboxes, and newspaper tubes.
15. Trim may be of wood, painted or stained natural earth tone colors, adobe, slumpblock, or brick (not to exceed three courses), painted Mexican tiles, clay tiles, black wrought iron, or cast ornamental copying.
16. Air conditioning, heating, and other machinery may be maintained in or on flat roof area, provided they are screened by parapet walls and in such a manner that they are built into the basic lines of the parent structure to create an aesthetically pleasing appearance from adjoining properties, streets, golf course and common areas, and must be shown in detail on the plans submitted to the Planning Committee. Air Conditioning, Heating and other machinery may not be maintained in or on roof areas of residences with pitched roofs. Ground mounted air conditioning units shall be mounted on a concrete pad at a location that is shielded from public view by approved screening or landscaping.
17. Solar energy collectors shall be allowed only if constructed in such a manner that they are built into the basic lines of the parent structure to create an aesthetically pleasing appearance from adjoining properties, streets, golf course and common areas, and must comply with the requirements of Paragraph 16.

18. A three inch (3") tolerance by reason of mechanical variance of construction is hereby automatically allowed for any distance requirements imposed by these Planning Committee Rules. HOWEVER, NO TOLERANCES BY REASON OF MECHANICAL VARIANCE WILL BE ALLOWED CONCERNING THE CONSTRUCTION OF ANY PORTION OF A STRUCTURE OR IMPROVEMENT CONSTRUCTED ON ANY PROPERTY LINE.

19. EASEMENTS AND RIGHT-OF-WAYS: All areas of the numbered lots within TORREY PINES AT TANOAN, reserved for the installation, removal, repair, and maintenance of utilities (electric, telephone, gas, cable television, water, sewer, drainage, and other utility services), including overhead, underground, buried and all other types of lines, pipes, conduits, wires, cables, and all other means of providing utility services, are reserved and are designated as utility easements on the TORREY PINES AT TANOAN, filed in the Office of the County Clerk of Bernalillo County, New Mexico, on June 26, 1984, in Vol. C-24, Folio 80, as Document number 84-48056, (new plat data).

WALL REQUIREMENTS

20. The wall separating Torrey Pines common area and streets from Ventura Street and Academy Road shall be constructed of white slumblock to a height of sixty inches (60").

21. On golf courses view lots abutting Village Greens Road, the rear lot line shall be fenced with fencing constructed of white slumblock to a height of twenty-four inches (24") and ornamental wrought iron from twenty-four inches (24") to sixty inches (60"). On non golf course view lots, the rear lot line shall be of masonry construction, and shall be a minimum of fifty-six inches (56") high, or forty-two inches (42") above finish grade on the lot on the high side, whichever is greater. No other fencing materials shall be used in these areas.

22. On those lots which border common areas, side yard lot line fences on the side which borders the area will be of sixty inch (60") white slumblock construction that matches the rear lot line fence, and will extend forward from the rear property line to the rear of the house, or a maximum of fifty feet (50'). No other fencing materials shall be used in these areas.

23. On all lots, side yard lot line fences shall be of masonry construction, and shall be a minimum of fifty-six inches (56"), or forty-two inches (42") above finish grade of the lot on the high side, whichever is greater. All side fences must extend from the rear property line frontward at least to the rear of the house on both sides. If one rear location of one house is unknown, the side fence shall extend at least ten feet forward from the rear of the known house location. No side yard fence may be constructed forward beyond the front of adjacent structures.

24. Where there is a grade difference of more than 18 inches between two lots, a retaining wall will be required which will extend to a point where the grade difference becomes less than 12 inches.

25. Any side lot line fence or side lot line fence return that is visible from the street or golf course, must be finished in a color and texture that matches that of its parent structure.

26. No chainlink, barbed wire, welded wire, or welded pipe fence shall be permitted on any lot.

27. Walls for purposes of visual screening, privacy, protection of swimming pools, etc., may be constructed between the front and rear setback lines, provided their style, color and materials are compatible with those of the residence and other structures or improvements on the lot.

28. Walls which are constructed within the front yard setback area and the side yard setback area adjacent to a street, may not exceed three feet (3') in height.

LANDSCAPING

29. All front yards, side yards facing the street on corner lots, and rear yards visible from the common area must be landscaped within six months of completion of a residential unit on the lot at the builder's expense. Landscaping shall be in conformance with the following:

a. Forty percent (40%) of all front yards and forty percent (40%) of the side yards adjacent to the street on corner lots must be natural grass. To determine the size of the yard, front yards and side yards shall be defined as that area between the back of curb and the front and/or side façade of the dwelling excluding the sidewalk adjacent to the curb (street walk) and driveway. ** Please see attached Policy Resolution #21 allowing a landscape variance in Torrey Pines Subdivision for those residences with less than 10' x 10' (100 sq.ft.) sodded area.

b. The grass must be placed so that it is adjacent to the street walk and furthermore, if two lots have adjacent front yards and if the grade difference is less than twelve inches (12"), the grass must flow from one yard into the next creating the visual impression of one large expanse of grass.

c. The remaining sixty percent (60%) shall include lead walks to the dwelling and the balance may be grass, flower beds, rock or other ground cover. If rock is used as an accent material, it shall not be volcanic rock or cinder, and there shall be one five-gallon plant for every 25-square feet of rock.

MISCELLANEOUS

30. Mailboxes shall be located adjacent to the street, shall be Forty inches (40") above the curb, and shall be of black metal construction. Mounting posts shall be black wrought iron, at the builders expense.

31. No radio, television, citizens band, satellite dish, HAM, or other aerial, antenna, or tower, whether for transmitting or receiving, or any support thereof shall be erected, installed, placed or maintained, except those devices which may be erected, installed, placed or maintained and used entirely under the eaves or enclosed with a building or structure which do not extend above the highest point of the roof.

32. No outside clotheslines or other outside clothes drying or airing facilities, above ground trash and garbage receptacles, ground mounted solar energy collectors and equipment, or athletic equipment (such as basketball goals) will be allowed.

33. All lots shall have a sidewalk which shall be Four feet (4') wide and extend from one side yard lot line to the other side yard lot line, be of concrete construction and must be located immediately adjacent to the curb. The builder shall pay for all sidewalks.

34. Tracts 159B2, 160B, 160C, 161B-1, and 161C TORREY PINES AT TANOAN are hereby designated as common areas. No structures, signs, or personal property, etc., may be permanently placed upon these tracts. The only improvements allowed on these tracts shall be landscaping and sprinkler systems.

35. IN ORDER TO MAINTAIN THE LOT DURING CONSTRUCTION IN ACCORDANCE WITH SECTION 3.03 (D) OF THE MASTER RESTRICTIONS, A

DUMPSTER OR WIRE TRASH RECEPTACLE SHALL BE PLACED ON THE LOT AND ALL DEBRIS EASILY DISPLACED BY WIND SHALL BE PLACED THEREIN. THE TRASH RECEPTACLE SHALL BE EMPTIED EITHER WEEKLY OR WHEN FULL, WHICHEVER SHALL FIRST OCCUR.

POLICIES

36. Plans will not be considered for approval if any outstanding indebtedness exists against the subject lot. (i.e. Tanoan Community Association Assessments.)

37. Plans will not be considered for approval if the applicant is in violation of any existing Tanoan Planning Committee Rules, and requirements and/or the Master Restrictions of the Community.

38. The Planning Committee shall be notified when construction is complete so a certificate of compliance can be issued certifying that the construction has been completed in accordance with approved plans. Buyers of units in TORREY PINES AT TANOAN should be certain that this certificate has been issued since construction which does not comply with approved plans may be subject to removal and/or fines in accordance with the Tanoan Community Association Master Restrictions.

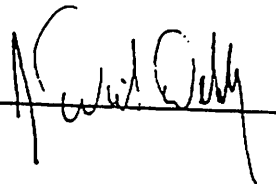
39. The Planning Committee shall have the rights and duties as set forth in Articles 3 and 4 of the Tanoan Community Master Restrictions and Article XIII of the By-laws of the Tanoan Communities.

THESE RULES, WERE ADOPTED BY UNANIMOUS VOTE OF THE TANOAN COMMUNITY ASSOCIATION PLANNING AND ARCHITECTURAL COMMITTEE OF THIS 15th DAY OF September, 1980.



Planning Committee Chairman

ATTEST



Member

