

ACKNOWLEDGMENT OF RECEIPT AND UNDERSTANDING
REVISED December 19, 2009

As the owner of Lot _____ in Shady Canyon, I acknowledge receipt of two (2) copies of the Shady Canyon Contractor's Manual. I agree to provide one copy to the general contractor constructing improvements on my Lot and to retain the other copy. In the event I ever sell my custom home, I will provide my copy to the purchaser who may wish to construct additions to that home.

Also, I will include in my construction contract a clause that requires the general contractor, his employees, subcontractors, and suppliers, to comply with the procedures and requirements specified herein. As the Lot owner, I also agree to conform with the construction procedures outlined in this document. I understand that failure to comply with the procedures and requirements specified herein may result in: (1) Denial of construction access to the Lot by the Shady Canyon Community Association; (2) Termination of construction until all violations are rectified; (3) Loss of deposits; (4) The levying of an assessment for any damage to the Shady Canyon Community by the Shady Canyon Association Board of Directors; and (5) Lawsuits.

Owner's Signature

Owner's Name (Print)

Lot Number

Date

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PROPERTY MANAGEMENT:

At the time of this printing, the property management company for Shady Canyon is:

Keystone Pacific Property Management
16845 Von Karman, Suite 200
Irvine, CA 92606
(949) 833-2600

Contact: Shana Aaberg

The property management company is retained by the Board of Directors of the Shady Canyon Community Association.

I. **PURPOSE**

The purpose of this manual is to provide Lot owners (“**Owners**”) and their general contractors with a set of guidelines for use during construction of custom homes and additions to custom homes in Shady Canyon. In order to ensure that the information contained in this manual is enforced, Owner must reference this manual in their written agreement with their general contractor. (*Refer to Acknowledgment Statement, page 2.*)

II. **PRIOR TO CONSTRUCTION**

II. Prior to Construction

A. For empty lots with no construction activity anticipated in the next 6 months and over their 3 year time period to build:

1. Site must be free from any stockpiling of materials, dirt, trailers, etc.
2. The owner must install pipe bollards with a chain along the streetscape edge to prevent vehicles from utilizing the lot for access or storage.

B. Utility Companies

The following utility companies serve the Shady Canyon Community and should be contacted by the General Contractor prior to commencing construction:

1. **Southern California Edison** - (800) 655-4555
16348 Beach Boulevard, Westminster, CA
(Service may be initiated by phone)
2. **Southern California Gas** - (800) 228-7377
(Service may be initiated by phone)
3. **Irvine Ranch Water District (“IRWD”)** - Water, Reclaimed Water and Sewer Service - (949) 453-5300
15600 Sand Canyon Avenue, Irvine, CA
4. **Cox Communications** (Cable Television) - (949) 720-2020
2381 Morse Avenue, Irvine, CA
5. **Pacific Bell** - (800) 310-2355
(Service may be initiated by phone)

B. Regulatory Authority

The City of Irvine approved this project in 1999. Other state and federal agencies have regulatory authority regarding various matters affecting the development of Shady Canyon. Please refer to the Master Declaration of Covenants, Conditions and Restrictions, and Reservation of Easements for Shady Canyon (“**Master Declaration**”) for a further description of the public agencies with jurisdiction over

all or portions of the Shady Canyon Community. All building approvals should initially be requested from the City of Irvine.

C. Owner/General Contractor Responsibilities and Requirements

1. Each Owner must have a general contractor's license or must hire a general contractor licensed in California to construct his home or addition. The Owner or general contractor is required to have an on-site construction representative with the authority to receive deliveries and direct suppliers and subcontractors.
2. The Owner is responsible for all utility fees, utility connection fees, development fees, and building permit fees required in connection with construction of the custom home.

D. Owner Security Clearance

For information on security clearance for Owners, their staff, guests and contractors, please refer to Sections III.A, IV.A, IV.B and IV.C of this Manual.

E. Pre-Construction Orientation Meeting

1. When an Owner has secured all necessary Working Drawing approvals from the City of Irvine and the Design Review Committee (“**DRC**”) of the Shady Canyon Community Association (“**Association**”), an orientation meeting between the owner's general contractor, superintendent, a representative of the DRC, and a representative of the property management company will be necessary.

The purpose of this orientation meeting is to review the custom home building process requirements and to answer questions the general contractor or superintendent may have about the process.

A site pass will be issued to the general contractor at this meeting. It is the general contractor's responsibility to arrange for the orientation meeting and initial gate clearance. Both the meeting and the gate clearance can be arranged by calling the property management company.

2. The Owner will be provided at this meeting with “as built” plans for utility service laterals servicing Owner’s Lot. The Owner must locate the utility points of connection by survey prior to making connections to such laterals.

F. Pre-Construction Submittals and Compliance Deposits

Before construction commences, Owner must submit the following items:

1. One (1) copy of all building permits. (Submit to the DRC.)
2. Two (2) full sets of Working Drawings approved and stamped by the City of Irvine and the DRC. (Submit to the DRC. After approval, the DRC will forward one set to the property management company.)

3. One (1) copy of the Construction Security Information Form completed by the Owner. (See Section IV.C.) (Submit to the property management company.)
4. Two (2) copies of the Temporary Construction Facilities Plan. This plan shows the location of facilities to be placed on the Lot prior to construction and is described in Section I.G. (Submit to the DRC. After approval, the DRC will forward one set to the property management company.)
5. Clean-Up/Improvement Deposit of \$5,000.00. (Collected at the close of escrow.) In the event this deposit is depleted during construction, the Owner must replenish the deposit before construction can continue. Of this \$5,000 deposit, \$4,000 is refundable if all improvements are properly installed and the Lot and common areas are properly cleaned-up, and \$1,000 is non-refundable and will be used for the cost of inspections by the Association's site inspector. The amount of the Clean-Up/Improvement Deposit may be increased at the discretion of the Board of Directors.
6. Contractor's Certificate of Insurance for commercial general liability and auto liability insurance. The insurance must be maintained for the entire period of time necessary to construct the Owner's residence or residential addition. The Certificate must show that the Owner's general contractor has (a) commercial general liability insurance on an "occurrence" basis, with deductibles reasonably acceptable to Owner, with a combined single limit for bodily injury and property damage of at least \$1,000,000, and (b) automobile liability insurance covering owned, hired and non-owned automobiles, trucks, vehicles and trailers used by general contractor in constructing Owner's home, with a combined single limit for bodily injury and property damage of at least \$1,000,000.00. A copy of the Certificate of Insurance must be submitted to the property management company. The automobile liability insurance policy must contain clause (a) below, and the commercial general liability insurance policy must contain both of the following clauses:
 - (a) "This insurance shall not be canceled, limited in scope of coverage, or non-renewed until thirty (30) days' prior written notice has been given to the Board of Directors, Shady Canyon Community Association.
 - (b) The coverage afforded by this policy shall also apply to the following parties as additional insureds, but only with respect to legal liabilities or claims caused by, arising out of or resulting from the acts or omissions of the named insured or of others performed on behalf of the named insured: Shady Canyon Community Association, Irvine Community Development Company, and their respective officers, directors, agents, employees, members, divisions, shareholders, parent and subsidiary and affiliated companies, and all of their respective successors and assigns. This insurance is primary and any other insurance maintained by such additional insureds is noncontributing with this insurance as respects claims or liability arising out of or resulting from the acts or omissions of the named insured, or of others performed on behalf of the named insured."

G. Temporary Construction Facilities Plan

The following construction related tasks are required to be completed on the Lot by the owner or general contractor and to be inspected by the DRC before construction commences or as indicated below. Prior to installation of any temporary facilities on the Lot, Owner must submit to the DRC for approval a Temporary Construction Facilities Plan (“**TCF Plan**”) indicating the location of the facilities on the Lot. The TCF Plan may be drawn on a print of the site plan. Construction facilities may be indicated on the TCF Plan with graphic symbols and do not have to be drawn to scale.

1. Temporary Construction Fence: Immediately after the foundation has been poured, owner’s general contractor must install a six foot (6') chain link fence and frontage gate, with a secured 94% blackout green vinyl mesh, to be dark green in color along the streetscape edge, the construction site and any stockpiling area, or in such other location as required by the DRC. Owner’s general contractor must maintain the fence and mesh in good condition until completion of construction and free from any spray painting (graffiti, addresses, etc.). Portable toilets and dumpsters, telephones, electric power outlets, storage bins, and trailers must be screened within this fence. If the construction gate is to be locked, it is the responsibility of the general contractor to provide the DRC with a key to access the site.
2. Temporary Water: Owner’s general contractor must install a temporary water riser, together with a 150' of heavy duty rubber water hose and irrigation facilities for dust control, in accordance with the TCF Plan and the Master Declaration, the Custom Lot Declaration of Covenants, Conditions and Restrictions for Shady Canyon (“**Custom Lot Declaration**”), the Shady Canyon Design Guidelines, this Contractor’s Manual, and any amendments thereto (collectively, the "**Documents**").
3. Temporary Electric: The general contractor must install a metered power outlet in accordance with the requirements of Southern California Edison, the City of Irvine, and the TCF Plan.
4. Temporary Toilet: The general contractor must provide a temporary fiberglass toilet on the construction site in good condition, and must maintain such toilet in accordance with a bi-weekly chemical maintenance program. The general contractor must maintain all temporary toilets in clean, sanitary and odorless condition.
5. Dumpster: The general contractor must keep a dumpster on the Lot during construction. Materials shall be placed so that they will not be visible from outside of the dumpster. A regular dumping service shall be maintained so that unpleasant odors do not occur.
6. Job Site Telephone: The general contractor must install a job site telephone in an enclosure in accordance with the TCF Plan or in a trailer.

7. Installation of gravel at driveway entrance: A three (3) inch layer of 3/4" gravel is required to be installed at the entrance of the Lot behind the curb for a minimum of twelve feet. The purpose of the gravel is to assist in the maintenance of the Lot and streets, so as not to track dirt and mud onto the Community streets.
8. Reclaimed Water: Reclaimed water is available to residential Lots in Shady Canyon and is required for landscape irrigation. For further information, please contact Alex Harris, IRWD, Reclaimed Water Inspection Department, at (949) 453-5576.

The following temporary construction facilities are not required, but must be shown on the TCF Plan and approved by the DRC before they are installed on the site if they are used:

9. Temporary Construction Trailer: Trailers must be of recent construction and in good repair. No construction 'shacks' will be permitted. All signs must be removed from trailers. Trailers, other than for construction purposes, are prohibited.
10. Storage Bins: Storage bins for on-site material storage must be in good repair.

H. Pre-Construction Inspection & Authorization to Proceed

After the Temporary Construction Facilities Plan has been approved and the actual facilities installed on the Lot, the property management company will make a site inspection of the facilities with the general contractor or superintendent.

Upon satisfactory installation of all temporary construction facilities, receipt of all pre-construction submittals and deposits, the property management company will issue an Authorization to Proceed With Construction. (See Section IV.E). The general contractor may begin construction of the residence after issuance of this authorization.

I. Permission Letter – Stockpiling or Use of Adjacent Lot or Common Area

1. Stockpiling of soils, building materials, forms, etc. is not permitted under any circumstances.
2. Community landscape areas must be protected during all construction operations through the use of fencing or other barriers installed by the general contractor. If any damage occurs to such area as a result of Owner's construction, the Owner shall cause its general contractor to repair such damage to the satisfaction of the Association. If Owner fails to cause such repairs to be completed within ten (10) days of the occurrence of the damage, the Association may, at its option, repair any damage, in which event it will either charge the Owner for the cost of the repairs or will deduct the cost thereof from the Clean-Up/Improvement Deposit.
3. If lumber or other packaged construction material is unloaded in the street, street access must not be blocked and safety warning devices must be installed while the materials are being unloaded. The maximum length of time that materials

may be left in the street (after being unloaded) is eight (8) hours. Unpackaged materials, such as sand or soil, may not be unloaded in the street. Stockpiling on the street is prohibited.

4. General contractors, employees, subcontractors, and suppliers shall not enter common area slopes for any reason at any time unless granted permission by the DRC.

III. THE CONSTRUCTION PROCESS

A. Construction Access

1. A site pass will be issued to the Owner's general contractor at the orientation meeting with the DRC and the property management company. This pass provides for Lot access during normal working hours prior to and during construction.
2. Site access for general contractors and their subcontractors during the initial bidding process will be granted by the property management company on an individual basis. Please contact the property management company for clearance.
3. Employee, Subcontractors and Supplier Clearance:
 - (a) The Owner is required to deliver updated Construction Security Information Forms (*see Section IV.C*) to the property management company as construction personnel changes are made. The general contractor is required to notify the property management company when subcontractors and suppliers are permanently off the job.
 - (b) Upon receiving complete and accurate forms, the property management company will approve site access for construction personnel within two (2) working days.
 - (c) The general contractor may clear suppliers, subcontractors or employees without submitting Construction Security Information Forms if that party needs site access on a very limited basis (generally no more than three site visits during the entire construction process). This can be arranged by notifying the property management company of the expected deliveries and appointments. General contractors must furnish the name of the individual or company making the delivery, as well as the arrival date, Lot destination, and arrival time.
 - (d) No construction vehicle or equipment will be allowed into Shady Canyon unless that vehicle has been authorized in advance, has received a current construction pass, and displays the construction pass on the dashboard while in Shady Canyon. General contractor will notify the property management company of the types of vehicles and equipment that will be used on site and that will need to gain entrance to the project in accordance with Sections 3 (a), (b) and (c) above. If the equipment is categorized as "excessively large" equipment, then a deputy inspector must be scheduled to meet the equipment

at the gate entrance and arrange for a report on any damage after the equipment has completed its task and been removed from the project. The chart in *Section IV.D* will be used to categorize the Construction Equipment that is excessively large and related entry requirements.

- (e) Passes will be issued for specified time period (weekly, monthly). No pass will be valid for more than a one-month period.
- (f) The Lot number for which the pass is issued will be written on the pass. Vehicles found on Lots other than those authorized by the pass will be denied further access.
- (g) The property management company may cancel security clearances for construction personnel who are in violation of the Document provisions.

B. Entrance Regulations

1. All construction vehicles, contractors, subcontractors, employees and suppliers must enter the community through the easterly gate entrance on Shady Canyon Drive. (This is the closest Shady Canyon entrance to the Sand Canyon Avenue/Shady Canyon Drive exit on the I-405 San Diego Freeway.) Construction personnel and suppliers must not use Culver Drive, Bonita Canyon Drive, Ridgeline Drive, Turtle Rock Drive, Sunnyhill or the westerly entrance into Shady Canyon when coming to work on any Owner's lot in Shady Canyon.
2. Contractor access will be permitted only during normal working hours per the City of Irvine Ordinance discussed in Section III.B.6 below. Access will not be allowed after hours or on Sundays or national holidays when no work is being done. No one will be permitted to bring with their friends, guests, relatives, or anyone else who has not been cleared through Security at the main entrance gate.
3. Children and animals are not permitted on construction sites.
4. The speed limit within the boundaries of Shady Canyon is twenty-five (25) miles per hour (or less, depending upon site conditions).
5. Parking will be confined to the Lot under construction, to the street immediately adjacent to the front of the Lot, or as approved in writing by the DRC. No parking is permitted in front of finished residences.
6. Construction shall be limited to:
 - (a) Working Hours: 7:00 a.m. to 6:00 p.m. (or dusk), Monday through Friday, and 9:00 a.m. to 6:00 p.m. (or dusk) Saturday.
 - (b) No work is allowed on Sundays or national holidays. The following holidays will be considered to be national holidays and will be subject to annual review by the Board of Directors:
 - New Year's Day
 - Labor Day
 - Martin Luther King Day
 - Veteran's Day

- President's Day
- Memorial Day
- Independence Day
- Thanksgiving Day
- Christmas Day

- (c) All general contractors, subcontractors, and suppliers must be off the job site by dusk or 6:00 p.m. Monday through Friday and dusk or 6:00 p.m. on Saturday – whichever comes first, no exceptions.

C. DRC and Property Management Access to Construction Sites

During construction, the DRC and the property management company shall have full access to the Lot and buildings while under construction to:

1. Inspect the Lot or buildings (at no cost to the Owner) at any time.
2. Remove security, health or safety risks or hazards.
3. Clean or maintain the Lot or building.
4. Determine whether it is necessary to institute action to enforce any provision of the Documents pertaining to the work.
5. Formal Inspections: The following formal inspections will be made by the DRC during the construction process. Any number of informal inspections may also be made of the custom home and landscaping during the construction process.

- (a) Staked Foundation. After completion of the foundation staking for the house and all other improvements that are located within the building envelope, the Owner must have a certified survey prepared. The purpose of the certified survey is to insure that the boundaries of the building envelope have not been violated. This certified survey must be submitted by the Owner or his representative to the DRC for approval prior to the commencement of construction (that is, pouring foundations, footings).

The DRC must approve or disapprove the surveyed plan within five (5) working days of its receipt of the survey. Failure by the DRC to act within the five (5) day period will constitute an approval of the submittal.

- (b) Framed Ridgeline. After the Owner has framed the ridgelines on the residence or any permanent attachment to the ridgelines, the ridgelines shall be surveyed and a certified survey prepared. The Owner or his/her representative must then submit the certified survey to the DRC for review. The purpose of the certified survey is to insure that the building height limits have not been violated. This certified survey must be conducted prior to the installation of sheathing or roof tile or any permanent attachment to the ridgeline.

The DRC will review this submittal and any other modifications to the Lot improvements that are made in the field in accordance with the procedures and time periods used for the review of the Staked Foundation.

- (c) Custom Home and Landscape. After completion of all architectural and landscape architectural improvements to the Lot and the issuance of Certificates of Occupancy by the City of Irvine, the Owner shall submit a letter to the DRC with a copy sent to the Board of Directors of the Association indicating that all improvements on the Lot are complete and in conformance with the DRC-approved plans and specifications. Upon receipt of the letter, the DRC must inspect the improvements within forty-five (45) days. After inspection, the DRC must notify the owner of either final approval of the improvements or noncompliance with the approved plans and specifications. Failure by the DRC to notify the owner of any noncompliance within thirty (30) days after completion of the inspection will constitute an approval of the improvement.

In the letter that indicates that all improvements are complete, the Owner shall have the right to request that the Association Board of Directors release any remaining refundable portion of the Owner's deposit after the inspection and final approval of the improvements by the DRC. The owner shall also have the right at this time to request that the Board also release any insurance policies or refundable deposits that have been held against the Lot by the Association. (*See Section IV.H - Notice of Completion.*)

D. Site Signage

All sites under construction must have a standardized construction signs listing the Lot number, address, architect, contractor and an emergency contact telephone number. Information regarding the design and manufacturer for the sign will be given at the pre-construction meeting.

E. Owner/General Contractor Responsibilities and Requirements

1. The Owner and/or Owner's general contractor are responsible for hiring a licensed subcontractor to install landscaping, e.g., planting, hardscape, and irrigation.
2. At all times while on Owner's lot and elsewhere within Shady Canyon, Owner and Owner's general contractor are responsible for complying with, and for causing all of their subcontractors, consultants, suppliers and construction personnel to comply with, all Documents and all laws, ordinances and regulations of any state or federal agency applicable to the planning and construction of improvements on Owner's Lot ("**Applicable Laws**"). The general contractor shall advise all of its subcontractors, consultants, suppliers and construction personnel (a) of the biological, archaeological and other environmentally sensitive resources within and adjacent to Shady Canyon, and (b) that they are not to enter or disturb any natural open space areas or environmentally sensitive areas within or adjacent to Shady Canyon, unless in strict compliance with all Applicable Laws, including but not limited to, the terms and conditions of the Army Corps of Engineers 404 Permit, the 1603 Permit from the California Department of Fish and Game, and the NCCP Minimization Measures regarding construction activities affecting protected environmental areas. In addition, the general contractor must implement dust

control and erosion and water-borne pollutant discharge control measures necessary to prevent fugitive dust and discharges of waters containing pollutants prohibited by federal, state and local law.

Each Owner is reminded that the Master Declaration contains an environmental indemnity from each lot owner in favor of the Association and the master developer, as well as merchant builders within Shady Canyon, regarding environmental violations. Among other things, the indemnity requires the Owner to indemnify, defend and hold such parties harmless from all damages and liabilities related to any work or activity on Owner's lot that violates any environmental law, or that results or is likely to result in material harm to plants, wildlife or native habitat within or around Shady Canyon, or that violates any of the Documents.

3. The Owner and general contractor are required to construct the residence and surrounding improvements according to the plans, specifications and revisions approved in writing by the DRC and the City of Irvine or other permitting agency. The Coordinator for the DRC may be reached at:

Custom Home Architectural Office
75 Shady Canyon Drive
Irvine, CA 92603
(949) 679-5556

Contact: Sherry Shandra

4. Owner acknowledges that the master developer of Shady Canyon has previously filed Water Quality Management Plans (“**WQMPs**”) and Storm Water Pollution Prevention Plans (“**SWPPPs**”) with applicable governmental agencies addressing storm water runoff and drainage issues for Shady Canyon. Owner will not, and will advise its general contractor and other consultants that they shall not, design or construct any drainage or other improvements, either on or off Owner's lot, that are inconsistent with the WQMPs, SWPPPs or any Best Management Practices identified in such plans that have been filed by the master developer. Owner further agrees that, in connection with its obligation to comply with Applicable Laws, Owner will (or will cause its general contractor and/or consultants to) file any and all required SWPPPs or other plans required by applicable government agencies in connection with the construction of improvements on Owner's lot, and that any such plans filed in connection with construction of improvements on Owner's lot will not be contrary to the previous WQMPs, SWPPPs and related Best Management Practices in those plans filed by the master developer.

F. Site Conduct and Safety Precautions

The general contractor, job superintendent, employees, subcontractors and suppliers shall:

1. Comply with all of the construction provisions contained in the Documents.

2. Follow the directives of the Security staff, Property Management Company, and the DRC.
3. Not bring or consume alcoholic beverages or illegal drugs on the site.
4. Not damage or disturb the work of others.
5. Not play radios or tape players so that the sound extends across the Lot boundaries.
6. Not bring children or animals on the site.
7. Take all necessary precautions for the safety of all persons, materials, and equipment on or adjacent to the site. Furnish, erect and maintain approved barriers, lights, signs, and other safeguards to give adequate warning to everyone on or near the site of dangerous conditions during the work.
8. Minimize the sound impacts of generators or other construction equipment.
9. Vacate the job site by 6:00 p.m. Monday through Friday and by 6:00 p.m. on Saturday or dusk, whichever comes first. There shall be no overnight camping in the construction trailer.

G. Site Maintenance

The general contractor, job superintendent, employees, subcontractors and suppliers shall comply with the following rules established for the maintenance and cleanliness of the site.

Except as otherwise provided herein, the general contractor shall:

1. Maintain the site in a neat and clean condition, neatly stockpiling all materials delivered for or generated by the work. Immediately remove any waste material or debris generated by the work.
2. Remove all debris such as paper, cans, bottles, and litter from the job site and other affected areas on a daily basis.
3. Remove all equipment, materials, supplies, and temporary structures when any phase of the work is complete, leaving the area neat and clean. Equipment not in daily use must be removed from the job site.
4. Keep the streets, gutters, and adjacent property clean and free of dirt, trash, debris or other material related to or caused by the work on a daily basis.
5. Maintain dust, erosion and stormwater runoff controls on the Lot.
6. Confine the washing down of all equipment to the Lot. Materials may not be washed down in the street, into any streams or natural open space areas, onto adjacent lots or in common areas. Materials may not be discharged into the storm drain. A "wash-out pit" lined with plastic must be provided on the lot for

this use, and must be cleaned of materials on a regular basis as part of the routine maintenance of the construction site.

H. Disposal of Site Spoils

1. Any spoils generated from the site grading must be placed on the Lot. No material may be placed on the street, common area, streams or open space areas, adjacent lots or in the Lot's drainage system.
2. All demolition, clearing, grubbing, stripping of soil, excavation, compaction and grading must be completed in accordance with all permitting agency codes.
3. Provision must be made to prevent any surface waters from damaging excavations, public or private property, or excavated and/or fill slopes, both during and after construction.
4. Any spoils that are not properly stored or removed will be cleaned up at the expense of the Owner.

I. Compliance

The Association reserves the right to deny site access to any general contractor, job superintendent, subcontractor, supplier, consultant or their employees (“**Affected Agent**”), who are in violation of this Manual, the Documents or any Applicable Laws. Site access may also be denied to any Affected Agent or vehicle, who or which, in the sole discretion of the Association's Board of Directors, is deemed to pose a threat to (a) the health and/or safety of the community or the natural environment within and around Shady Canyon, (b) any Owner, family members or guests, and/or (c) other persons or property located within Shady Canyon.

In addition, the Association reserves the right to stop construction on a lot and to deny access to the Lot where:

1. The property is being built or landscaped in violation of the approved plans and specifications.
2. Any violations of the Documents, Applicable Laws or this Manual (including but not limited to the Security and Access regulations hereof) exist.

In the event that the Association alleges a right to deny site access for any of the foregoing reasons, the Association shall immediately transmit written notice of the alleged reasons/violations to the affected Owner or Affected Agent, at their address of record, if known, advising that the denial of site access shall become effective after providing the affected Owner and their Affected Agent, as applicable, notice and hearing in accordance with the procedures set forth in the Bylaws. Notwithstanding the hearing procedures, the Association reserves the right to immediately deny access where the threat to the health and/or safety of any person or property within Shady Canyon is deemed by the Association's Board of Directors to be imminent. In the event of an immediate denial of site access, the Board of Directors shall nevertheless afford the affected Owner,

and/or their Affected Agent, the opportunity for notice and hearing in accordance with the notice and hearing procedure referenced above.

If the Board of Directors determines to uphold a denial of site access, the Association shall be entitled to charge the affected Owner's assessment account with a Penalty Assessment, in an amount equal to the Association's actual costs (including attorney's fees) necessarily incurred in conjunction with both the notice and hearing process, as well as the denial of site access. The affected Owner hereby agrees to indemnify and hold the Association harmless from any claim for damages or other liability brought against the Association by either the affected Owner, or by and Affected Agent, in connection with any denial of site access.

J. Revisions to Approved Plans During Construction

1. Revisions to approved architectural and/or landscape plans under construction must be approved by the Owner's architect or landscape architect before any DRC reviews. The Request to Revise Plans Form found in *Section IV.G* must be used for this purpose.
2. All variances to the Design Guidelines proposed by an Owner or his/her architect or general contractor are subject to the approval of the DRC, the City of Irvine and any other permitting agency with jurisdiction over such proposed variance.

IV. **FORMS AND PROCEDURES**

The forms and procedures in this Section should be used by Owners and their contractors prior to and during the construction of their custom home.

**SHADY CANYON COMMUNITY ASSOCIATION
HOMEOWNER ACCESS GATE INFORMATION FORM**

DATE SUBMITTED _____

COMMUNITY _____

PROPERTY ADDRESS _____

LOT NO. _____

This form must be filled out in its entirety.

OWNER(S)
NAME: _____

TENANT(S)
NAME: _____

ADDRESS: _____
Street

ADDRESS: _____
Street

City State Zip

City State Zip

TELEPHONE: () _____ HOME

TELEPHONE: () _____ HOME

() _____ WORK

TELEPHONE: () _____ WORK

DRIVERS LICENSE: _____
State Number

DRIVERS LICENSE: _____
State Number

DRIVERS LICENSE: _____
State Number

DRIVERS LICENSE: _____
State Number

ADDITIONAL RESIDENTS (i.e. children, relatives): _____

VEHICLE IDENTIFICATION:

MAKE	MODEL	YEAR	LICENSE PLATE	REGISTERED OWNER
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____

(If not owner or tenant, attach proof of registration)

ACCESS ITEM REQUEST:

___ Transponders (only issued to vehicles registered to the home, first 2 free, \$55.00 each thereafter): # Needed _____ Amount Due \$ _____

___ Pedestrian Keys (First 4 free, \$25.00 each thereafter): # Needed _____ Amount Due \$ _____

(Check payable to Shady Canyon Community Association for total due must accompany this form.) Total Enclosed \$ _____

PERMANENT GUESTS:

Please list those people who are to be granted automatic entry without a prior call to your home. (i.e. family, domestic help, gardener, pool service, etc.)

NAME	RELATIONSHIP/COMPANY	TYPE OF SERVICE	RESTRICTIONS (If applicable)
1. _____	_____	_____	_____
2. _____	_____	_____	_____
3. _____	_____	_____	_____
4. _____	_____	_____	_____
5. _____	_____	_____	_____
6. _____	_____	_____	_____
7. _____	_____	_____	_____
8. _____	_____	_____	_____

(Use reverse side if need more room.)

GUARD AUTHORIZED TO CALL: _____ A.M. TO _____ P.M. _____ Day(s) of the Week

PASSWORD: _____ (This will be used to verify when phone call is received for gate attendant to verify the person on the phone is the owner. If left blank, you will be unable to give direction to the guard over the phone.)

Mail or fax form to:

Shady Canyon, c/o Keystone Pacific, 16845 Von Karman, Suite 200, Irvine, CA 92606 (949) 833-2600 Fax: (949) 833-0919

MANAGEMENT USE ONLY		Remote Control No.	Check Received	Date Issued	Prog Trans	Date Completed
Sticker No.	Date Issued	_____	_____	_____	Sentex Input	_____
_____	_____	_____	_____	_____	D/B Input	_____
_____	_____	_____	_____	_____	H/OLtr/Nform	_____

SHADY CANYON COMMUNITY ASSOCIATION

Transponders

1. Permanent Residents:

Owners must complete the Homeowner Access Gate Information Form and return it to property management company. (*See Section IV.A*) The name of the residents, their property address, telephone numbers, vehicle make and license plate number(s), and a list of all permanent guests that are authorized access into the Community should be provided on this form. Only the Owner has authority to complete and submit the information on this form.

Owners must obtain a transponder for the main entry gates in order to enter the Community during periods of time when no gate attendant is present. This transponder is obtained from the property management company.

Transponders will be issued to all property owners or tenants of property owners of Shady Canyon upon submittal of the completed Homeowner Access Gate Information Form to the property management company. Up to two transponders will be issued to each home without charge. Additional transponders are available for \$55.00 per transponder. For example, if you request four transponders, a payment of \$110.00 will be required. A charge of \$55.00 will be made for replacement of each transponder that is lost.

If an Owner has purchased a home and does not yet have a transponder, they are to present proof of ownership (e.g., close of escrow papers) to the entry gate attendant and subsequently will be issued a temporary guest pass.

2. Vendors/Housekeeping Staff:

Owners may place a vendor/housekeeping staff member on the permanent access list. It is the Owner's responsibility to update this form as individuals are to be removed from the permanent access list.

3. Temporary Guests:

Residents are required to submit a written list of names to the entry gate attendant in the event they are authorizing entry for more than five (5) people or three (3) vehicles. (If a minor submits a list, it must be signed by the Owner.) Entry gate attendants may ask the passenger(s) of the vehicle for proof of identification. No "open access" to a resident's home will be permitted.

If the resident is authorizing entry for less than five (5) people or three (3) vehicles, they may phone the entry gate and provide orally the name(s) to the gate attendant. The attendant will then add the name(s) to the daily log of authorized guests/vendors. If the guest/vendor will be staying longer than one day, a Guest Pass will be issued for up to one week. Security will ask guest/vendor for identification before issuance of a pass.

4. Tenants of Property Owners:

Tenants must submit a copy of their signed lease when submitting the Homeowner Access Gate Information Form.

Owners will be held responsible for any abuse of privileges by tenants.

Note: These entry gate policies and procedures may be amended from time to time by the Association or its property management company.

SHADY CANYON COMMUNITY ASSOCIATION

Construction Security Information Form

Homeowner Name: _____

Mailing Address: _____

Street Address: _____

Day Phone No.: _____ Work Phone No.: _____ FAX No: _____

Lot Number: _____ Tract Number: _____

=====

GENERAL CONTRACTOR

Company Name: _____

Contact Person: _____

Telephone/FAX Number(s): _____

=====

SUBCONTRACTOR

Name: _____

Contact Person: _____

Telephone/FAX Number(s): _____

SUBCONTRACTOR

Name: _____

Contact Person: _____

Telephone/FAX Number(s): _____

SUBCONTRACTOR

Name: _____

Contact Person: _____

Telephone/FAX Number(s): _____

CONSTRUCTION EQUIPMENT ENTRY REQUIREMENTS

Construction Phase	Typical Equipment (can cause damage but does not require deputy inspector)	Excessively Large (requires notification* / deputy inspector)
Grading (process lots / rough – fine pulls, subterranean excavations)	<p>Loaders</p> <ul style="list-style-type: none"> • Cat 950 and smaller • Skip Loader • Grading Tractors (no front bucket) • Track Loaders 955 or smaller <p>Excavators</p> <ul style="list-style-type: none"> • Backhoe • Track type excavator Cat 217 or smaller <p>Trucks</p> <ul style="list-style-type: none"> • 6 to 10 wheel dump truck • 6 to 10 wheel water truck • Low bed for equipment delivery (multi tired) • Trailers for loaders 	<p>Loaders</p> <ul style="list-style-type: none"> • Cat 960 and larger • Track Loaders 966 and larger <p>Excavators</p> <ul style="list-style-type: none"> • Track type excavators Cat 227 and larger <p>Trucks</p> <ul style="list-style-type: none"> • 18 wheel low or high side • 18 wheel bottom dump <p>NOTE: Any 18-wheel truck should be monitored for street damage in tight turning zones, i.e., cul-de-sac areas.</p>
Foundations (footings, slabs, concrete or block walls)	<p>Loaders</p> <ul style="list-style-type: none"> • Cat 950 and smaller • Skip Loader <p>Excavators</p> <ul style="list-style-type: none"> • Rubber tired backhoe • Foundation trencher <p>Trucks</p> <ul style="list-style-type: none"> • 6 to 10 wheel dump truck • 6 to 10 wheel water truck • Reinforcing bar, block and form lumber trucks (typically 40' bed and under) • Concrete ready mix trucks • Concrete pump truck or pick-up with portable pump <p>Fork Lift</p> <ul style="list-style-type: none"> • Champ 5 ton or equivalent 	<p>Loaders</p> <ul style="list-style-type: none"> • Cat 960 and larger • Track Loaders 966 and larger <p>Excavators</p> <ul style="list-style-type: none"> • Track type excavators Cat 227 and larger <p>Trucks</p> <ul style="list-style-type: none"> • 18 wheel low or high side • 18 wheel bottom dump <p>NOTE: Any 18-wheel truck should be monitored for street damage in tight turning zones, i.e., cul-de-sac areas.</p>
Framing / Roofing / Interior / Exterior Construction	<p>Trucks</p> <ul style="list-style-type: none"> • Lumber supply • Roofing supply • Drywall supply • Plumbing supply 	<p>Trucks</p> <ul style="list-style-type: none"> • 18 wheel low or high side • 18 wheel bottom dump <p>NOTE: Any 18-wheel truck</p>

<p>Framing / Roofing / Interior / Exterior Construction (cont.)</p>	<ul style="list-style-type: none"> • Supply trucks in general (numerous trades) • Plaster / stucco trucks <p>Equipment</p> <ul style="list-style-type: none"> • High lift fork lifts (Pettibone and brand name alike) • Fork lifts (Champ 5 ton and brand name alike) • Portable cement mixers • Unlicensed job trucks • Cranes (40 ton and smaller) 	<p>should be monitored for street damage in tight turning zones, e.g., cul-de-sac areas.</p> <p>Equipment</p> <ul style="list-style-type: none"> • High lift forklifts can cause significant damage to improvements as their operators drive over about anything while loaded. • Cranes 40 ton and above (100 to 120 ton cranes can do significant damage to improvements)
<p>Landscaping</p>	<p>Trucks</p> <ul style="list-style-type: none"> • Nursery supply trucks • Irrigation supply trucks • Landscapers trucks and trailers • 6 to 10 wheel dump trucks <p>Equipment</p> <ul style="list-style-type: none"> • Backhoes • Skip Loaders • Cranes (40 ton and smaller) 	<p>Trucks</p> <ul style="list-style-type: none"> • Same NOTE regarding 18 wheel trucks <p>Equipment</p> <ul style="list-style-type: none"> • Cranes 40 ton and above (100 to 120 ton cranes can do significant damage to improvements)

***Notification:**

- Contact Property Management Company and inform of anticipated time of arrival, date and duration of time that heavy equipment will be operating at the project.
- Select a deputy inspector from the approved list and have the inspector meet the equipment at the entrance.
- The deputy is to file a full report after heavy equipment completes the task and has left the project.

SHADY CANYON COMMUNITY ASSOCIATION

Authorization to Proceed With Construction

Please be advised that Owner listed below has substantially satisfied the Shady Canyon Association pre-construction requirements and is hereby authorized to commence construction.

The work shall be done in accordance with all approved plans, permits, the Shady Canyon Contractor's Manual dated March 2001, the Master CCR's, the Custom Lot Declaration, the Shady Canyon Design Guidelines, and all federal, state and local laws, ordinances, regulations, permits and requirements.

General Information

Owner _____	Contractor _____
Address _____	Contractor License No. _____
Lot No. _____ Tract No. _____	Owner's Name _____
Phone _____	Address _____

Owner's Architect _____	Business Phone _____
Address _____	Home Phone _____
_____	FAX Number _____
_____	Job Superintendent _____
Architect Contact Person _____	Site Phone _____
Phone _____	Home Phone _____
FAX Number _____	FAX Number _____

Shady Canyon Community Association

By: _____ Date: _____
Keystone Pacific Property Management
Authorized Representative

SHADY CANYON COMMUNITY ASSOCIATION

**Request to Revise Plans
(During Construction)**

Lot No. _____ Tract No. _____ Day Phone No. _____
Lot Owner _____ Work Phone No. _____
Lot Address _____ Contractor's Name _____
_____ FAX Number _____

Description of Plan Revisions: (Attach plans and material samples if necessary)

Architect's Approval	_____	_____
	Print Name	Signature
Landscape Architect's Approval	_____	_____
	Print Name	Signature
DRC Approval	_____	_____
	Date Received	Date Approved

SHADY CANYON COMMUNITY ASSOCIATION

Notice of Completion

(Refer to Design Guidelines - Submittal Process)

Notice is hereby given that:

The undersigned is the owner(s) of Lot _____, Tract _____, with street address of:

(Street and Number)

(City)

The work of Improvement on the above property was COMPLETED ON _____, 20__ in accordance with the Design Review Committee's written approval of my/our plans and submittal package. Please return any unused, refundable portion of our Clean-Up/Improvement Deposit, as well as copies of all insurance policies and certificates previously delivered to you, to the undersigned promptly after your receipt of this Notice of Completion. Thank you.

(Signature of Owner)

(Date)