

**DESIGN GUIDELINES
LOS DIAMANTES SUBDIVISION**

The following are the Design Guidelines for the Los Diamantes Subdivision as contemplated by the Declaration of Protective Covenants and Building Restrictions for the Los Diamantes Subdivision _____ recorded on October 24th, 2017 as Document number 2017101595 in the records of the Bernalillo County Clerk (the "Declaration") and effect all Lots developed, or to be developed, on the property described in the Declaration, or subsequently subjected to the Declaration. Capitalized words not defined herein shall have the meanings given in the Declaration. In cases where these guidelines conflict with governmental requirements, the more stringent shall apply. These Design Guidelines shall be administered by the Architectural Control Committee (the "Committee") established pursuant to the Declaration, and any variation from these guidelines shall only be permitted if approved in writing by the Committee pursuant to authority granted herein or in the Declaration.

I. Procedures for Approval.

A. Approval by the Architectural Control Committee must be obtained for the following construction or modification activities:

1. Structures on the Lot:

(a) Residence and attached features (including but not limited to decks, awnings and roof elements, which include but are not limited to solar collectors, air conditioning equipment, chimneys, skylights, gutters and downspouts)

(b) Accessory structures

(c) Site structures (including but not limited to fences, walls, flags, statues, flagpoles, swimming pools, play courts and site lighting)

2. Landscaping on the Lots:

Initial landscaping of new residences and any landscaping irrigation system installation (whether at the time of initial construction or at any other time) must be approved by the Committee. Installation of trees, shrubs, and grasses after initial residence construction does not require prior Committee approval but such installation shall be in conformance with the landscaping guidelines contained herein.

3. Exact duplication of a home design that has already been approved by the Committee, including residence, attached features, accessory structures, site structures and landscaping, does not require further approval by the Committee.

4. Any Owner may remodel, paint or redecorate the interior of structures on his Lot without approval by the Committee.

B. Application for approval of new construction or modifications shall include the submittals set out in Article X of the Declaration, together with any other submittals required by the Committee, from time to time.

C. Application Review:

1. The review period shall not commence until the application is considered complete by the Committee.

2. The Committee shall give approval, approval with modifications or disapproval of the application within thirty (30) days of receipt. If no approval or disapproval of the application is given within the review period, the application shall be deemed to have been approved.

3. In the event that the Committee does not approve an application, the Committee shall not assume any liability for any expenses sustained by the applicant for architectural, engineering or landscape design service.

4. Review and approval of an application by the Committee is made on the basis of subjective aesthetic considerations only, and the Committee shall bear no responsibility for ensuring the structural integrity or soundness of approved construction or modifications, or for ensuring compliance with building codes or any other governmental requirements. Neither the Declarant, the Association, the Board, the Committee nor any member of any of the foregoing shall be held liable for any injury, damage or loss arising out of the manner or quality of the approved construction or modifications of any Lot.

II. Construction Control.

A. Exteriors of all Dwelling Units shall be finished in accordance with the plans, approved by the Committee, within nine (9) months from commencement of construction. All other additions, alterations, modifications to the exterior of an existing Dwelling Unit, or the construction of any other structure on a Lot shall be completed in accordance with the plans approved the Committee within three (3) months from commencement of construction. When construction is completed, the applicant must notify the Committee, and, if deemed appropriate, the Committee may inspect the completed construction.

B. The applicant shall be responsible for damage to any common areas or to other Lots or Subdivision improvements, including but not limited to those owned by the Association and/or the City of Albuquerque, resulting from construction. Any damage that occurs as a result of construction shall be repaired or replaced by the applicant at its expense under the direction of the Committee or, if applicable, the City of Albuquerque.

C. All construction, repair and maintenance shall be limited to the hours and noise levels specified in the City of Albuquerque code.

D. All building debris must be placed in appropriate containers (wire ring, trash cans or dumpsters), which when filled must be removed. Any excess site dirt must be cleaned from adjacent streets promptly.

E. Portable toilets for construction workers shall not be placed on any lot where a residence has been completed, and shall be subject to relocation at the Association's request.

F. Temporary construction facilities are allowed if approved by the Committee.

G. Any construction signs installed on a Lot during construction shall be removed at the completion of construction. One real estate "for sale" sign no greater than four (4) square feet may remain on a lot until the residence has sold.

H. Existing site drainage shall not be altered in any way that would affect the quantity or direction of water flows in contravention of the approved grading and drainage plan for the Lot and for the Subdivision.

I. Applicant shall be responsible for limiting wind or water erosion by site watering, fencing or drainage control during the construction period.

J. Model homes and sales offices shall have all marketing structures, including flagpoles, signs, fences and site lighting removed at the time the model homes and sales offices are no longer used for such purposes.

III. Site Planning.

A. Grading and Drainage of the initially constructed Lot (as set forth in the plot plan for the Lot which identifies spot elevations and flow arrows depicting the grading and drainage plan approved by the applicable governmental entities and built by the builder) shall not be altered. If an application involves or requires modification of the grading and drainage of a lot, the Committee may require, at applicants expense, a written certification from a licensed New Mexico geotechnical engineer that such proposed modification will not negatively impact the grading and drainage pattern or otherwise cause potential damage to the Lot or improvements thereon, or to any adjacent Lots or improvements thereon. Improper alteration of or failure to stabilize and/or maintain drainage patterns as provided in the Plot Plan may result in significant damage, including but not limited to, damage to the foundation of the house or adjacent slopes, patios and/or yard walls.

B. Parking and Driveways:

1. A minimum of two (2) parking spaces, in addition to the garage spaces, shall be provided on each Lot to accommodate guests.

2. Only one (1) driveway access and driveway shall be allowed per Lot without the prior written approval of the Committee.

3. Driveway surface materials shall be concrete or concrete augmented (colored, stamped, exposed aggregate or scored) or interlocking pavers (brick, stone or concrete). No asphalt driveways are permitted.

4. Other parking restrictions shall be those enumerated in the Declaration of Covenants, Conditions and Restrictions.

C. Walls:

1. Privacy Walls are those walls constructed along the individual Lot property lines between Lots. Community Perimeter Walls are those walls which are constructed on a lot line adjacent to public right-of-way or Common Area.

2. Privacy Walls shall be of masonry construction conforming to the applicable Concrete Masonry Unit (CMU) wall standard (8"X8"X16"). The color shall be tan colored block, with a cap block. Privacy Walls that extend between the side Lot line and the residence (Return Walls) shall be constructed of tan CMU block or wrought iron.

3. Privacy Walls shall not exceed six (6) feet in height above the adjacent highest finished grade, unless approved otherwise by the Committee.

4. Openings in Privacy Walls that are adjacent to a street right-of-way require approval of the Committee.

5. The cost of reasonable repair, maintenance and replacement of Privacy Walls will be shared equally by the Owners of the Lots on either side of the wall. Each Owner may make reasonable use of the Privacy Wall in a manner that does not interfere with the other Owner's use of the wall and does not otherwise violate any regulations or guidelines created or adopted by the Committee. Any Owner who, by negligent or willful action or failure to act, causes a Privacy Wall to subside, tip or fall shall bear the entire cost of restoring, repairing or shoring up such wall.

6. No equipment of any type may be attached to Privacy Walls.

7. The Association shall maintain the cosmetics of the exterior of all Community Perimeter Walls and shall remove all graffiti therefrom. Lot Owners shall be responsible for maintaining the structural integrity of any portion of the Community Perimeter Walls adjacent to their Lot but may not alter any portion of the Community Perimeter Walls in any manner without the written approval of the Committee. This Lot Owner obligation to maintain includes the obligation to repair or replace damaged portions of the Community Perimeter Walls.

8. All walls shall conform to the City of Albuquerque Zoning requirements.

9. Each Lot shall have a wall made of stucco clad adobe, stucco clad CMU, the Association's CMU wall standard, or wrought iron with 3" maximum space between bars (sufficient to retain most pets) whichever is most appropriate and approved by the Committee, a minimum of forty-eight (48) inches in height, on either side of the residence separating the front yard from the rear yard ("Return Walls"). Gate materials may be wood, painted to match stucco color, or wrought iron.

D. Outdoor Recreational Facilities:

1. Swimming pools and spas are allowed in rear yards only. Pool and spa installations must minimize any disturbance to adjacent Lots. Owners must ensure that a temporary fence, approved by the Committee, is installed whenever a Privacy Wall is removed while pool or spa construction or modification is in progress. Pool and spa equipment and plumbing must be concealed or placed underground and shall not produce sounds that disturb other Owners. Every pool or spa must have a backwash pit or separation tank.

2. Every application to the Committee to construct or modify a pool or spa must be accompanied by the relevant City of Albuquerque permit(s) and, if required by the Committee, a certificate from a geotechnical engineer as discussed in Section III(A) above.

3. Outdoor play courts (e.g. basketball, tennis) shall be located in the back yard and may be constructed only with prior written approval by the Committee upon the Committee finding that the play courts will have minimal adverse impact upon adjoining Lots.

4. No outdoor recreational facility shall alter an approved Grading Plan unless a licensed New Mexico geotechnical engineer has certified the alteration will not negatively impact grading and drainage and the alteration is further approved by the Committee and the City of Albuquerque.

E. Miscellaneous Site Features:

1. Exterior lighting shall be located to minimize impact on adjoining Lots or adjoining Common Areas. Ground-mounted lighting shall be directed downward as necessary to safely light walkways and residence entries. Light fixtures mounted on the residence shall be mounted no higher than ten (10) feet above the finished grade and shall be screened to prevent direct light falling outside the subject Lot.

2. Accessory Buildings such as gazebos, trellises, tool and storage buildings, and pet houses shall be constructed of the same materials and colors to match the features of the residence, unless approved otherwise by the Committee.

3. Garbage and trash containers shall not be visible from the street (unless visibility is through a gate for containers behind a Return Wall), except solely on the day designated for garbage removal.

4. Flagpoles shall be limited to one per Lot and shall be located and limited in height as determined by the Committee.

5. Air conditioning equipment shall be located on the ground level, be screened from view from the street and from adjacent Lots in a manner acceptable to the Committee.

6. Model homes and sales offices will be allowed marketing features that are allowed by the Committee to be constructed and used during the home-selling period.

7. Sidewalks will conform to specifications and regulations of the City of Albuquerque. If an Owner or its agent, employee or representative, damages any sidewalk on or adjacent to that Owner's Lot, the Owner must repair or replace the sidewalk to return it to its original condition.

IV. Landscaping Design.

A. Lot Landscape Areas and Coverage:

1. No later than ninety (90) days after occupancy, all of the front yard shall be landscaped. The Association requires that landscaping be of a type which conserves water to the highest degree possible. Sod and grass require a lot of water to maintain and are, therefore, discouraged. Moreover, the use of excessive water can cause soil settlement or soil consolidation and damage to improvements on a Lot and/or on adjacent Lots and the improvements thereon. Consequently, Lot owners are required to use drought tolerant sod/grass such as blue grama, buffalo grass and drought tolerant fescues, and to familiarize themselves with the soils reports related to the subdivision and the current planting and watering recommendations available by the State of New Mexico and/or its Universities and their cooperative extensions, and to follow those recommendations. Copies of these documents may be obtained from the Association upon request. Neither the Association, nor the builder, will be, responsible for specific plant and watering recommendations and any loss or damage resulting directly or indirectly from floods, surface water (including but not limited to irrigation water) or water below the surface of the ground. High-water-use turf (annual bluegrass, Kentucky bluegrass, perennial ryegrass, red fescue and tall fescue) are prohibited. All gravel color shall be either gray, Santa Fe tan or Santa Ana tan.

2. At least one (1) deciduous or evergreen tree of at least a two-inch (2") caliper shall be planted in the front yard.

3. Railroad ties and landscape timbers are not permitted in the front yard.

4. No high water-use turf shall be planted in the "right-of-way strip" between the back of the curb and the sidewalk.

5. No trees within five feet of any structure (e.g. house, Privacy Walls etc.).

B. Irrigation Systems:

1. Irrigation systems shall be designed to minimize water waste, overwatering and overspray. The lot owner is responsible for ensuring that all water lines are maintained and any leaks are promptly repaired.
2. Spray-type systems shall be limited to turf areas and shall be located so as not to spray onto parking areas, sidewalks, Privacy Walls, or adjacent residences.
3. Walls, whether Privacy, Common or Perimeter, and any other improvements that are damaged by an Owner's irrigation system will be repaired or replaced at the expense of such Owner.

C. Plants

1. Plant species (trees, shrubs, groundcover, and grasses) that do not require high water use are to be used. A guide to the identification of such species is available from the Committee.
2. Owners shall locate trees so that roots will not damage shared walls or fences as the trees mature.

D. Water features such as decorative pools or fountains are discouraged and, if installed, shall be limited to one hundred (100) square feet.

E. Owners shall maintain landscaped areas to ensure replacement of dying plant materials, pruning, regular watering, and Lot cleanup.

V. Residence Design.

A. Architectural Style:

1. The architectural character and style of all residences must be approved by the Committee.
2. The permitted architectural styles for the residences are limited to Pueblo, Territorial, Northern New Mexico Territorial, Southwest Traditional and Southwest Contemporary, Contemporary or other as approved and deemed appropriate by the Committee.
3. The architectural character or style of a residence shall be compatible with other residences in the Subdivision.
4. Porches, decks and trellises, attached or detached from the residence, shall maintain an architectural style consistent with that of the residence through use of materials, color and detail.

B. Building Plan:

1. The minimum area of heated floor space for residences shall be 1400 square feet of heated living area, exclusive of screened or open porches, garages, carports, decks, accessory buildings, or other covered areas, shall be permitted on any Lots.

2. Garages are required for all residences with a minimum two (2) spaces provided and a maximum of three (3) spaces, unless approved otherwise by the Committee. Garages may not be converted into living space or into any space that limits off-street parking.

C. Elevations:

1. Consistency of architectural style shall be maintained throughout all exterior elevations with respect to theme, material, colors and details. A consistent level of finish detail shall be maintained between front, side and rear elevations.

2. Elevation massing shall be consistent with the overall architectural style of the residence.

3. Roof forms shall exhibit consistency within the Subdivision and within each individual residence. Use of multiple roof forms (hip, gable and flat) within an individual residence is acceptable; however the predominance of one form is encouraged.

D. Exterior Materials:

1. Residences shall balance the need to incorporate multiple materials to create visual variety while limiting the number of materials so as not to create a disharmonious or complicated appearance.

2. Metal cladding, vinyl or wood siding, and exposed standard-color and standard-finish concrete block are not permitted.

3. Residence exterior wall materials must be predominantly stucco with only stone, wood, adobe, metal, brick or simulated wood used for accent detailing.

4. All trim materials must be approved by the Committee and shall be limited to stone, adobe, metal, wood or simulated wood.

5. Exterior finish materials must extend down to within six (6) inches of the finished grade.

6. Every Residence shall be built with any of the following roof materials: a tile roof, a built up or rolled material flat roof behind parapets, an asphalt shingle roof, or a roof combining parapets and tile or asphalt shingles.

7. No asphalt other than dimensional twenty-five (25) year asphalt shingle, wood or composition shingle roofing will be permitted. All sloping roof materials must be approved by the Committee and only one material shall be used for all the sloping roof area.

8. No chain link, wood, horse or wire fencing of any kind shall be erected on any Lot.

9. Doors and windows, if framed with metal, shall not be unfinished (unanodized). Mirrored and reflective films are not permitted on windows or doors, unless approved otherwise by the Committee. Appropriate window coverings, including but not limited to curtains, draperies and blinds, shall be installed by each Owner on each window within sixty (60) days after the Owner closes escrow or moves in, whichever comes first. Foil, Sheets, blankets, newspapers and cardboard are prohibited except during the initial 60-day period.

10. Awnings shall be designed to maintain a consistent architectural style with the residence. If deterioration of awnings occurs, they must be repaired, replaced or removed.

11. Owners shall maintain all exterior surfaces in good repair.

12. Any sign approved by the Committee and not otherwise mentioned or described in these Guidelines or the Declaration of Covenants, Conditions and Restrictions for Los Diamantes shall be no larger than one foot by two feet.

E. Color:

1. Exterior finish material colors shall be complementary to and harmonious with each other. Accent colors for exterior trim, windows, doors and details that are harmonious with each other and with the overall color scheme of the residence are allowed. Colors of porches, trellises, and decks attached to or adjacent to the residence shall be consistent with the exterior finish colors of the residence. A three-color scheme for the exterior of residences is encouraged: roof color, primary wall color, and trim color (window and door trim, roof trim, miscellaneous trim). Primary wall colors and garage door colors shall be limited to those colors approved by the Committee. The Committee may from time to time approve colors based upon a suppliers or manufacturers sample. Substantially equal colors to those approved by the Committed are acceptable, provided however, that no gray shall be permitted.

2. Individual roof covering materials of a variegated color are encouraged, and the entire roof shall incorporate a blend of the individual permitted shingles.

3. All vents, flashing and metal chimney caps shall be painted to match or complement the roof color.

4. No unfinished metal frames of doors and windows shall be allowed on the exterior of the residence.

F. Roof Elements:

1. Antennas and satellite dishes shall not exceed one meter (39 inches) in diameter and may be installed on or under eaves.

2. Solar collectors shall be appropriately located and/or screened as determined by the Committee.

3. Gutters and downspouts shall be painted to match or complement the adjacent roof trim or wall surface color.

4. HVAC equipment shall be ground-mounted or completely screened by parapet walls. Roof-mounted units shall be permitted only on flat roofs with parapet walls.

VI. Amendments; Additional Development Standards.

These Design Guidelines may be amended at any time and from time to time by unanimous action of the members of the Committee, and in addition to these standards, the Committee may promulgate additional design guidelines or standards that are not inconsistent with the standards set forth in these Design Guidelines and in the Declaration. Notwithstanding the foregoing, during the Period of Declarant Control, amendments and additional standards may only be adopted with the consent of the Grantor.

VII. Variances.

The Committee may authorize variances from compliance with any of the design guidelines set forth in these Design Guidelines or in any additional criteria promulgated and adopted by the Committee. If such a variance is granted, no violation shall be deemed to have occurred with respect to the matter for which the variance was granted. The granting of such a variance shall not operate to waive or to render unenforceable any of the terms and provisions of this Declaration for any purpose except as to the particular property, provision, and instance covered by the variance.

The design guidelines provided herein shall be deemed established upon the recording of this document and shall thenceforth be deemed not only guidelines but covenants running with the land and they shall inure to the benefit of and bind the lot owners and the successors and assigns of the lot owners in the Subdivision and their heirs, personal representatives, grantees, tenants, successors and assigns.