

HARBOR LIGHTS HOMEOWNERS ASSOCIATION Architectural Review Standards and Guidelines

I. Purpose

The Board of Directors of Harbor Lights Homeowners Association has adopted these Standards and Guidelines for three primary purposes:

- A. To establish and preserve a harmonious design for the community
- B. To protect the value of property within the community
- C. To assist homeowners with obtaining approvals for improvements

Simply stated, the Board's purpose in setting these Standards and Guidelines is to keep **Harbor Lights Homeowners Association** a pleasant community and to ensure that the value of the property increases in accordance with the market.

These standards are adopted with the intent of effecting the provisions of the Covenants, Conditions & Restrictions, the Bylaws and the Articles of Incorporation. The Covenants, Conditions & Restrictions obligate the Directors to lead by representing the interests of the Owners. When the Board adopts policy it should be the articulation of a policy that contains both values and perspectives. In the deliberation, before policies are adopted, the Board is obligated to focus on "what good is being performed for what people and at what cost."¹ The use of the Architectural Review Process is a necessary component contributing to the success of planned communities such as **Harbor Lights Homeowners Association**.

II. Architectural Review Objectives

Harbor Lights Homeowners Association Architectural Review Process considers all aspects of each design, concentrates on the following objectives:

A. Landscape and Environment

Prevention of unnecessary destruction of the natural landscape or of the neighborhood environment as achieved by the Developer

B. Relationship of Structures

Assure that the existing developed areas are maintained in an attractive and harmonious relationship with any new improvements proposed by homeowners

C. Protection of Neighbors

Protect neighboring homeowners by making sure that reasonable provisions have been made for:

1. Surface water drainage
2. Sight and sound buffers
3. Preservation of view
4. Light and air access
5. Improvement's affect on surrounding property values
6. Visibility with respect to existing structures

¹ John Carver on Board Governance - A Video Presentation 1993

III. The Application Process

Homeowners wishing to make any alteration or addition, which will affect the exterior of their residence or building, front, side or rear, must submit an official Architectural Application, including copies of detailed plans and specifications, **prior** to obtaining a building permit and **prior** to beginning the proposed work. It is important to note that should the application be denied approval, and the work is in progress or is completed, the Association may require or cause the improvement to be corrected at the Homeowner's expense.

A. General Information

In order to conform to the governing documents, each proposal/Architectural Application must be reviewed by the Association. Requests for Architectural review and approval must be submitted in writing as designated in part "B" below.

If a proposal is rejected, the applicant is free to request reconsideration. Owners are encouraged to present new or additional information, which, might clarify the request or demonstrate its acceptability.

Grounds for reconsideration can be:

1. The applicant believes that the policies of the Association have not been applied correctly; or
2. The applicant believes that the Association should amend the existing policies to allow approval of proposals such as his. It shall be the obligation of the Member requesting reconsideration to prepare and make such argument, as he believes to be in support of this decision. The requesting Member shall respond to the Association's Architectural Review Committee, the Board or Management with such other information as is necessary for review. It shall not be the duty of the Association to prepare the Member's request for review.

B. Procedure

Each proposal for improvement must be submitted to the Management office via an Architectural Application. The description of the project should include all information necessary to determine compliance with the established Standards and Guidelines.

Necessary data would include the height, width, length, size, shape, color, material and location of the proposed improvement, as outlined on the Architectural Application. Photographs or sketches of similar completed projects would aid in the review process. If the proposed modification would in anyway change the existing drainage pattern, it must be clarified in the Application. Solutions for maintaining the correct drainage pattern must be included with the application.

No work may commence prior to receiving written approval of the modification. Nothing may be installed which is not in compliance with building codes. It is the responsibility of the applicant to apply for all required building permits following approval of the Architectural Application and prior to commencement of work.

IV. The Review Process

Upon receipt of an Architectural Application, the management staff will compare it to the established Standards and Guidelines.

- A. If the requested modification complies with the published Standards and Guidelines, Management will approve the Application.
- B. If the Application is approximate or meets the intent of the Guidelines, Management will give a conditional approval subject to Board of Director's approval.
- C. If the Application is not within the Standards and Guidelines it will be denied.

If an application is denied because the Architectural Standards and Guidelines made no provision for the proposed modification, the following procedure is instituted:

- A. The applicant will be informed that the application was denied and will be given the reason for the denial; and
- B. The applicant will be informed of his right to request reconsideration. Requests for reconsideration must be in writing and must include the grounds for the request.

Upon receipt of the written request, by Management, the request will be forwarded to the Architectural Review Committee². The Committee will make recommendations to the Board of Directors as to whether or not the modification should be allowed, and what parameters should be established for approval and inclusion into the Standards and Guidelines. Upon review of the Committee recommendations, the Board will elect to approve or deny the request.

The decision of the Board becomes permanent policy and the Standards and Guidelines will be revised to reflect this policy decision.

V. Conformance

The failure of a completed modification or addition to conform to the plans, specifications and conditions approved by the Board of Directors, or failure to complete the approved project within the specified time limitations, shall be deemed a violation of the Architectural Standards and Guidelines.

Upon completion of any work by an Owner for which approval was required, the Owner must notify the Board of completion in writing. If an Owner fails to give this notice, the Board may take appropriate follow-up action. Nothing shall be installed which is not in compliance with building codes and regulations.

Important Note: Conformance with the following Architectural Standards does not relieve the homeowner from the application process. All exterior modifications must be approved prior to installation.

VI. Architectural Standards

A. Landscaping/Physical Improvements

No landscaping or other physical improvement or additions shall be made to any decks or patios which are visible from the street or from the common area by any Owner until plans and specifications showing the nature, kind, shape and location of the materials have been submitted and approved in writing.

² In case the Architectural Control Committee has not been appointed or is not operational, the Board will act in place of the Committee.

B. Maintenance

Alterations

No structure shall be placed, erected, or installed upon any Lot, and no construction (which term shall include within its definition staking, clearing, excavation, grading, and other site work), no exterior alteration or modification of existing improvements, and no plantings or removal of plants, trees, or shrubs (other than as may be permitted in Article XII, Section 15) shall take place except in strict compliance with Article XI of the Master Declaration, until the requirements have been fully met, and approval of the appropriate committee.

Antennas

Except in accordance with Civil Code §1376, no television or radio poles, antennae, microwave or satellite dish, aerial, cables or other device shall be constructed, used and operated by an Owner without the prior written consent of the Board.

Exterior Lighting

No Owner shall remove, damage or disable any exterior light, which is connected to the Association's electrical service.

VII. Improvements Requiring Approval

Any construction, installation, repair (including exterior painting), replacement, alteration or removal of any building, structure, wall, fence, sign, garage, storage area, berm, (gas, electricity, telephone, water, or otherwise).

All requests will be reviewed for adherence to the established Architectural Standards and Guidelines and compatibility with surrounding structures.

VIII. Prohibited Improvements

The following items are either prohibited by the CC&R's or are of such a nature that the improvements are detrimental to the life and appearance of the community and are therefore prohibited.

1. Appliances and exterior mechanical devices; i.e. window air conditioners
2. Synthetic grass and indoor/outdoor carpeting
3. Storage of any kind - visible from the common area or other units.

IX. Conclusion

Harbor Lights Homeowners Association provides these ARCHITECTURAL REVIEW STANDARDS AND GUIDELINES in an effort to eliminate questions concerning individual modifications to a Unit. Every effort has been made to allow as much individual discretion as possible within the constraints of acceptable community standards. The Board of Directors views this process as evolutionary and invites Homeowners to make comments and to provide constructive input. It is hoped that Homeowners, working together within a fairly administered structure of reasonable guidelines, will help create a greater sense of community at Harbor Lights Homeowners Association.

**HARBOR LIGHTS OWNER'S ASSOCIATION
PITTSBURG, CALIFORNIA**

MONETARY VIOLATION FINING POLICY

CC&Rs Article V; DUTIES AND POWERS OF THE ASSOCIATION Section 5.2 E. Assessments, Liens, Penalties, and Fines: States that the Board shall have the power to adopt a schedule of reasonable fines and penalties for violations of the terms of this Declaration, and for violations of Rules adopted pursuant to section 5.2 (C), provided that such schedule is approved by vote or written consent of a majority of all Members.

Section 5.2.(C) states: Adoption of Rules: The Association or the Board, by majority vote, may adopt reasonable Rules not inconsistent with this Declaration relating to the uses of Common Area and all its facilities, and the conduct of Owners and their tenants and guests with respect to the Property and other Owners. Written copies of such Rules and any schedule of fines and penalties adopted by the Board shall be furnished to the owners.

5.2 E states: The penalties prescribed may include suspension of all rights and privileges of membership, and further provide that suspension for infraction of Rules or violation of this Declaration, other than for failure to pay assessments shall be limited to a maximum period of thirty (30) days per infraction or violation, and shall be imposed only after a hearing before the Board. The Board may extend that period for an additional thirty (30) day period or periods in the case of a continuing infraction or violation, and no hearing need be held for such extension. Written copies of Rules and the schedule of penalties shall be furnished to Owners. The Board shall levy fines and penalties and shall enforce such assessments as appropriate under applicable law. Section 5.2. (F) States: Enforcement: The Board shall have the power to enforce this Declaration.

The Association shall levy a Monetary Fine against an Owner to:

- (a) reimburse the Association for the costs of repairing damage caused by that Owner or that Owner's Invitee or ;
- (b) if a failure to comply with the Project Documents has necessitated an expenditure of monies, Including attorneys' fees, by the Association to bring the Owner or the Owner's Lot or improvements into compliance or
 - (i) resulted in the imposition of a fine or penalty.

Owners will be given 15 days notice of hearings with the Board of Directors, and may attend, write, fax or email a letter to the Board to be taken into consideration at the hearing.

All Board decisions at hearings are final.

Owners will receive the decisions of the Board in writing directly following the hearing, and any monetary fine will be added to the Owner's assessment account and must be paid on time as any regular assessment.

Monetary Fines may not be enforced by lien.

RESOLUTION # 3
MAY 2003
BASKETBALL RESOLUTION

HARBOR LIGHTS HOMEOWNERS ASSOCIATION, INC.

WHEREAS, the purpose of the Harbor Lights Homeowner's Association Covenants, Conditions and Restrictions Use Restrictions Article VII. Section & 7.14 Activities Causing Increase in Insurance Rates& 7.15 Common Area Use: is designed to protect the common interest and well being of the Association's membership.

WHEREAS, the Association, through the Board of Directors has a responsibility and duty to enforce the governing documents as supported in CC&Rs Article V. Section 5.1. F; 5.2.F; and 5.K.(3), and.

WHEREAS, Harbor Lights is a community made up of common area private streets for which the Association is responsible and,

WHEREAS, the Association's insurance carrier considers playing basket ball in the private streets a liability and avoidable risk,

WHEREAS, individuals playing basketball in the street, restricts the flow of traffic within the project and subjects those individuals to potential harm by being in the street designed for vehicle traffic and,

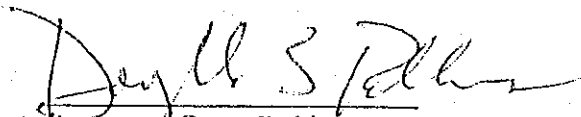
WHEREAS, vehicle traffic on the streets poses an avoidable opportunity for members, guests, or invitees to be injured subjecting the Association to lawsuits.

NOW THEREFORE BE IT RESOLVED, by the Board of Directors of the Harbor Lights Homeowner's Association that Basketball standards are allowed only in back yards or wholly within driveways for the hoop and play, and

BE IT FURTHER RESOLVED, that the Board of Directors of the Association is required to enforce the provisions of the CC&Rs as clarified in this resolution, and empowered to hold hearings and levy monetary fines against owners, their guests and invitees for non-compliance.

This resolution was adopted by the Harbor Lights Board of Directors on

5/13/03
Date


Secretary, Doug Robinson