

**CHABOT PARK HIGHLANDS HOMEOWNERS ASSOCIATION (CPHHA)
ARCHITECTURAL POLICIES AND PROCEDURES**

POLICY NO. #1-2009

Date: January 1, 2009

SUBJECT: Project Plan Review Process

AUTHORITY: CPHHA Board of Directors (XX Yea, XX Nea)

SUPERCEDES: This is a supplement to the Covenants Conditions & Restrictions of the CPHHA, and provides additional requirements and guidance for Approval of Architectural, Building, and Landscaping Plans, Drawings, and Proposals, including Location, Drainage, Parking, and related elements.

PURPOSE: To clarify and supplement the Conditions, Covenants, and Restrictions (CC&Rs) related to the review and approval/denial process of project plans (e.g., new construction, exterior alterations, landscaping, fences, walls, pools, tennis courts, corrals, paddocks, barns, sheds, garages, driveways, property access, etc.), submitted to the Board, as required by the governing documents of the Chabot Park Highlands Homeowners Association (“The Association”), and the policies of the Board.

BACKGROUND: The CC&Rs of the Association mandate that the Board preserves the value of properties in our community. The purpose of the procedures set forth below is in no way intended to discourage or impede property alterations and improvements. However, Association members, their neighbors, and the Association as a whole must rely on each other to complete projects, alterations, and new construction that will not detract from the ambiance and aesthetic quality of our community, interfere with the rights of other residents, or otherwise diminish the quality of life enjoyed in the Association.

Interior alterations that do not affect outside appearance do not need Association approval, although certain interior work may require a building permit from City of Oakland (“the City”). However, exterior alterations of most types require prior, written approval of the Association. To reiterate: this approval must be sought and secured BEFORE beginning any new construction, additions, or exterior alterations, and before beginning major landscaping projects on a property. This policy describes the review process as established by the Board and as guided by the CC&Rs.

POLICY:

1. **NOTICE.** An Application for Project Approval (APA) must be submitted to the Association, receive review, and be approved BEFORE the start of any applicable project. This Application is available from the Association Manager or. (See Attachment A for addresses and other contact information.) It is required for homes, garages, sheds, barns, pools, tennis courts, walls, fences, gates, landscaping, and any other visible, exterior addition to or remodel of any property within the Association. It is required prior to painting the exterior of, or re-roofing, existing structures.
2. **APPLICATION.** The Application must be complete in order to be considered, and must include at least the following in order to be deemed complete and ready for review:
 - A plot plan that clearly shows the entire property, the to-scale outline of any improvements/structures, and the modification(s) that are being proposed. The plot plan must reflect all dimensions accurately locating the proposed modification related to all

property lines, set-backs, roads, driveways, and trails. It must include elevations, square footage, and related dimensions.

- The Application must include information on grading and drainage plans, if applicable, tree locations/proposed removals, product specifications, materials, (and material samples or a product brochure, if possible), colors, finishes, names of plants, etc.
- Without these items included in the application, the Association may not be able to render a decision and the submitted documents may be returned without approval. The Association may require submission of additional plans and specifications or other information prior to approving or disapproving the application or alteration.
- The Application must also include proposed construction traffic and equipment that will be requiring passage over Association roads during the project: type, size, and weights (loaded and unloaded) of equipment, and estimated number of trips for the duration of the Project. The Association may also include before-project photographs of all affected roads. Fee for road repairs is based on square footage.
- The Application must be accompanied by the Plan Review Fee required by the Association at the time the Plans are submitted. A current fee schedule will be provided at the time requested Applications are provided by the Association Management Company. If they are not, it is the responsibility of the project proposer to contact the Association Management Company or the Association Building Committee for an updated fee schedule. (See Attachment A for addresses and other contact information.)

3. **REVIEW/APPROVAL PROCESS**

- Incomplete Applications will be returned without any approval/denial decision within fourteen (14) calendar days of their stamped receipt date by the Association, along with a list of items or information needed to complete the Application packet.
- Once the Application is complete, Projects submitted for review may be reviewed by outside consultants such as architects, engineers, plan checkers, landscape professionals; as well as the CPHHA Board-appointed Building Committee.
- The Board may, from time to time, delegate the Building Committee the right to approve or disapprove plans and specifications, color schemes, and landscaping for “minor” projects. The Board is the appeal body for any disagreements on denial of proposed projects.
- Depending on the size and duration of the proposed project, the Association may require additional documentation, bonds, and/or payments for the protection and maintenance of Association roads before the Application is approved. If so, this will be communicated in writing by the Association during the project review period. If said additional documentation, bonds, and/or payments are required, they must be provided and/or paid within thirty (30) calendar days of written notification being sent by the Association and prior to project approval being granted.
- Within thirty (30) calendar days of receipt of a completed application, the Applicant will be notified of the Association’s decision to approve or deny the proposed project, or if additional documentation, bonds, and/or payments for the protection and maintenance of Association roads is required. Notification may be in person (such as at a meeting), by telephone, email, or fax; and if the decision is not communicated in writing, a follow up written confirmation will be sent within fourteen (14) calendar days of the original non-written decision. If the application is denied, the reason(s) for denial will be identified and a description of the procedure for reconsideration provided. A request for reconsideration

must be received by the Board of Directors within fourteen (14) calendar days of the date of the written denial.

- Upon accepting approval to begin a project, Association members and their agents agree to allow Association representatives (Board Members, Building Committee members, or their engaged professionals) the right to inspect the project during implementation/construction from time to time to assure compliance with the plans as submitted and approved.
 - Non-compliance will be immediate cause for a written Compliance Request. Failure to comply with or resolve the issues associated with such requests, to the satisfaction of the Association, will be cause for the Association to initiate corrective action as authorized in the CCRs, up to and including stopping all work on the project and/or having any and all work products completed at that point reversed and/or removed from the property. Response to a written Compliance Request must be in writing and must be submitted to the Management Company within 48-hours of receiving said written request from an authorized representative of the Board (e.g., Building Committee member, contracted experts/professionals, and/or the Management Company.)
4. **BUILDING PERMIT.** Association members are required to comply with all project permits and reviews as may be required by the Association and the City of Oakland (“the City”). Project proponents should note that the Association’s criteria may be more restrictive than those of the City. If the City requires a building permit, the permit drawings and specifications submitted to the Association must be the same as those submitted to and approved by the City. If the City requires any modifications to the plans for exterior work approved by the Association, the modified plans must be resubmitted for review and approval by the Association before starting any work. If the plans are modified by the City and if Applicant does not resubmit the modified plans for Association approval, a Compliance Request will be issued as soon as the Association is aware of the problem. That request may include stopping all work on the project and/or having any and all work products completed at that point reversed and/or removed from the property until such Association review determines that the modifications are acceptable to the Association.
5. **TIME FRAME FOR PERFORMANCE.** Work must begin within 180 calendar days of the date of the written Project Approval from the Association; and must be completed within 365 calendar days of beginning the project. If a longer time period is required, the time period must be identified on the Application for Project Approval and receive SEPARATE written approval from the Association. The Association may require a different deadline and/or days or hours of allowed construction activity to avoid unnecessary disturbances and/or visual blight to the neighbors.
6. **JOB SITE.** All work should be conducted during reasonable hours and in accord with any and all additional requirements/restrictions identified by the Association in the Project Approval. The project site must be kept neat and orderly during all phases of the project. It is the applicant's responsibility to provide for immediate cleanup of any excavation or construction debris that inadvertently spills onto streets or adjoining properties. At no time shall the construction obstruct roadways or trails, unless appropriate access agreements and/or encroachment permits are obtained from the Association.

PROJECT REVIEW GUIDELINES

The Association evaluates all submissions on the individual merits of the application. Design decisions made by the Association in reviewing applications are not based on personal opinion or taste. Criteria used to evaluate projects in the Association are generally developed from the following objectives:

- ✓ Adhere to the CC&Rs of the Association (See Attachment B) and meets the elements of the Building Checklist developed by the Association Building Committee (See Attachment C). Every Association member is required to adhere to the current version of the Association CC&Rs. As example, this includes protection of trails, maintaining lot sizes, establishing minimum and maximum sizes for structures, limiting heights, and protecting setbacks.
- ✓ Maintain property values and the ambiance of the Association. Maintains the rural atmosphere of the Association, including density. Street lights and sidewalks are not permitted. Other exterior lights should be motion-sensor driven, of low wattage, and positioned so as to not shine all night or disturb neighbors. Walls and high gates are discouraged. Fence heights and materials are regulated, particularly in front yards. Exterior colors and roofing materials require approval.
- ✓ Protect Association roadways and trail access and use.
- ✓ Protect individual properties, roadways, and trails from water erosion, and requires proper drainage and management of runoff from all properties.
- ✓ Protect view sheds.
- ✓ Protect and defends the Association from attack by urban wildfires. Materials and plants are expected to be fire retardant and/or fire rated for the urban-wild land interface. Sprinkler systems are encouraged in all structures.
- ✓ Encourage the sustainability of our community. This includes drought-resistant landscaping, water conservation, conservation of energy and the use of alternative energy, the reuse of building and construction materials, the use of sustainable new building materials, and striving toward the goal of a zero waste stream from Association members. Please note that photo-voltaic and other solar-panel installations require Association approval regarding placement and impact on surrounding neighbors and others in the Association.
- ✓ Protect and defend existing trees; encourage the planting of additional drought-resistant trees throughout the Association.
- ✓ Sustain the diversity and richness of our community; assure that all members have the opportunity to enjoy our location and the sense of outdoors and personal space unique to our Association.