

TO: All Harbour Vista Homeowners  
FROM: Community Manager  
REF: Summary of Architectural Control Procedures

Dear Association Member:

The California Civil Code requires the Association to publish a notice annually that describes the types of architectural changes that require Association approval. This Summary of Architectural Control Procedures has been prepared for that purpose. This is only a summary and owners are therefore requested to refer to the CC&Rs and to the Association's [Rules and Regulations/Architectural Guidelines/other appropriate document(s)] for additional architectural improvement related information. If you have questions about whether there are any standard guidelines or requirements for the type of improvement you would like to make, please contact management *before* you start work.

A. No Exterior Additions and Changes without Prior Approval. No outside installation of any type... shall be constructed, erected or maintained on any Residence ...except as may be installed by, or with the prior consent of the Architectural Committee. (CC&Rs Article VIII, Section 8.05).

B. Board Approval Requirement. In addition to Architectural Committee approval, modifications or additions affecting the Common Area also require prior approval from the Board of Directors. (Harbour Vista rules and regulations, Article VI, Section 2).

C. Submission Procedures/Plan Requirements. An Owner's architectural application shall be submitted only on the Association's Home Improvement Form. The completed Home Improvement Form, two (2) copies of the Owner's plans and specifications, and the completed Neighbor Awareness form shall be submitted only to the Association's management agent, Powerstone Property Management, and not to any Association Director, Officer, or Committee member. The plans and specifications shall be in writing on a minimum of an 8.5x11" sheet of paper and show the nature, color, shape, height, materials, and location of the proposed improvements or alterations. The submission must also include the Unit Number, Owner's Name and Telephone number where the applicant or contractor can be reached between 9:00 a.m. and 5:00 p.m. as well as a home telephone number where the applicant can be reached after these hours. The Committee may require such detail in plans and specifications submitted for its review as it deems proper, including without limitation, floor plans, site plans, drainage plans, elevation drawings, and description or samples of exterior materials or colors. Until the Committee receives all required plans and specifications, the application is not deemed complete, the Committee may postpone review of the application, and the forty-five (45) day period within which the Committee must notify the applicant of its decision does not commence. (CC&Rs Article IV, Section 4.02 and Harbour Vista rules and regulations, Article VI, section 4).

D. Approval Criteria. Approval shall be based, among other things, on adequacy of site dimensions; adequacy of structural design and material; conformity and harmony of design with neighboring

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structures; effect of location and use of improvements on neighboring properties, improvements, operations and uses;; aesthetic beauty; and conformity of the plans and specifications to the purpose and

general plan and intent of the CC&Rs. The Architectural Committee is composed of volunteers and will not review applications to ensure compliance with building codes, or other local or state laws. The homeowner submitting plans shall have the duty to obtain any necessary building permits from the governmental agencies involved to ensure compliance with these codes. Any violations of these ordinances will be the responsibility of the homeowner to correct. (CC&Rs Article IV, Section 4.07).

E. Decision Timing. If the Architectural Committee, or its designated representatives, fails to notify the applicant of the Committee's decision to approve or disapprove a complete submission of plans and specification within forty-five (45) days after the same have been submitted to the Committee, it shall be conclusively presumed that the Architectural Committee has approved such plans and specification. No purported oral or verbal approval of the Committee shall be permitted or effective, and any approval, to be binding upon the Committee and the Association, must be in writing. (CC&Rs Article IV, Section 4.02).

F. Disapproval/Request for Reconsideration. If plans and specifications submitted to the Architectural Committee are disapproved, the applicant shall be advised in writing of the reason(s) for the denial and of the applicant's ability to request reconsideration by the Board of Directors. The applicant may submit a request to the Board of Directors to reconsider the Architectural Committee's denial at an open meeting, or the applicant may request the matter to be heard in an executive session meeting of the Board of Directors. The request for reconsideration shall be in writing, shall be addressed to the Board of Directors of the Association, shall be delivered to the Association's managing agent, Powerstone Property Management, and must be received by the Association's managing agent not more than fifteen (15) days following delivery to the applicant of the Architectural Committee's notice of disapproval. The term "delivery" as used herein is defined in Civil Code Sections 4040, 4045 and 4050.

G. Board Decision on Request for Reconsideration. Notice of the date, time, and location of the Board of Directors meeting at which the applicant's request for reconsideration shall be heard shall be delivered to the applicant at least ten (10) days prior to the meeting. The Board of Directors shall render its decision on the request for reconsideration within forty-five (45) days following the Association's managing agent's receipt of the request for reconsideration, and the Board shall transmit its decision to the Owner within fifteen (15) days after its decision; provided, however, if no written decision is provided to the Owner within fifteen (15) days after the hearing, the request for reconsideration shall be deemed denied and the Architectural Committee's decision shall be deemed affirmed. In no event will a request for reconsideration be deemed approved based upon the passage or lapse of time; any approval must be by affirmative written action of the Board of Directors to be effective. The Board of Directors shall uphold the Architectural Committee's disapproval if the Board of Directors determines that the Architectural Committee acted within its authority under the Declaration and the Architectural Guidelines and otherwise acted in a manner the Board believes to be in the best interests of the community.

***Adopted by the Board of Directors March 25, 2013.***