

**KIMBERLY PLACE COMMUNITY ASSOCIATION dba
FOOTPRINTS ON THE BAY**

III. ARCHITECTURAL GUIDELINES

INTRODUCTION

One of the most important functions of the Association is the preservation of the architectural character of the planned development in order to enhance the desirability and attractiveness of the entire community. The Association has established the Architectural Guidelines to enforce procedural guidelines and rules for reviewing proposed Improvements. The Architectural Guidelines outline principals for design, standards and procedures, and timelines for review, including architectural restrictions on any changes or improvements that you might want to make on your Residential Unit. These Architectural Guidelines are not intended to restrict individual creativity or personal preference, but rather to assure and preserve the value, desirability, attractiveness and architectural integrity of the Community. We recommend and encourage that the Architectural Guidelines are carefully reviewed and considered before making any Improvements to your Residential Lot. **The Architectural Guidelines appear at the end of this document as “Appendix B.”**

A. COMMITTEE REVIEW

The Board or the Architectural Committee, if appointed, strives to preserve the highest standard and quality of life for each Homeowner within the Community. The Board or the Architectural Committee is charged with the responsibility to review and approve proposed exterior and interior modifications or additions to a Residential Unit in the Community. The Committee is not responsible for approving the means and methods construction. This is the sole responsibility of the individual owner. In many cases the Homeowner makes his/her designer and/or installing contractor responsible for the requirements of these Architectural Guidelines and the CC&Rs. The relationship, agreements and contracts between the Owner’s design and/or installer is strictly between those parties. It is the responsibility of each Homeowner to satisfy the requirements of the CC&Rs and these Architectural Guidelines.

The Board, at any time, may elect to delegate its architectural review and approval rights to an Architectural Committee. The board or the Architectural Committee has the right to hire any engineer or other consultant, the opinion of which the Board or Committee deems necessary in connection with its review of any plans submitted by any Homeowner. The term Architectural Committee, or Committee, as used throughout the remainder of this document, shall refer to the board if an Architectural Committee has not yet been appointed.

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B. IMPROVEMENTS REQUIRING ARCHITECTURAL APPROVAL

You must have the approval of the Board or the Architectural Committee before beginning any construction, or making any modification to your Unit. **Even if your proposed work falls within the Architectural Guidelines described in Appendix B of this document, you still must obtain written approval from the Committee before beginning work.** Failure to obtain the approval of the Architectural Committee constitutes a violation of the CC&Rs and may require modification or removal of existing work or improvements at your own expense. The approval of the Architectural Committee does not assume any responsibility for approval by government agencies, or of the structural engineering of the application.

C. APPLICATION PROCEDURE

Submittal: Before you begin any work on your Unit, you must submit an application to the Architectural Committee for approval.

The Committee will endeavor to review and respond to all plan submittals within forty-five (45) days after receipt of all required materials. **PLEASE NOTE THAT NO WORK MAY BEGIN PRIOR TO ARCHITECTURAL APPROVAL.**

This review is in no way intended to approve Architectural Committee will need a copy of the **Application to Modify Exterior (attached to this package in Appendix D: forms)**, color scheme, drawings, and specifications. **You will also need to submit a processing fee of \$50.00 payable to Kimberly Place Community Association.** A reduced application fee applies in certain circumstances. If your proposed improvement falls within the guidelines outlined in Appendix B, the application will be approved and turned around at the management office, and the fee is reduced to **\$25.00**. For changes to flooring that you are not sure which application fee applies, please contact your association's manager at 831-375-5444 and he/she will help you to determine this. In order to avoid paying the fee multiple times, we strongly encourage you to consolidate all of you foreseeable modifications onto one application.

Applications should be mailed by Certified Mail to the Association at the following address:

**TERRA VISTA HOA MANAGEMENT
P.O. BOX 1067
MONTEREY, CA 93942**

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Appendix B: Architectural Guidelines

In addition to the restrictions set forth in the CC&Rs and the Rules and Regulations, each Homeowner shall also comply with the following guidelines and restrictions.

1. Flooring Modifications

No floor covering may be changed from the materials originally installed unless:

- a. The plans and specifications for the replacement coverings are provided with an architectural application, and that application has been approved by the Architectural Committee or the Board of Directors.
- b. The above referenced plans and specifications must be accompanied by the certificate and signature of an acoustical engineer certifying that the new floor will provide equal or better quality and noise transmission, and that such construction is to code.
- c. Prior to completion of construction, the association must be given an opportunity to inspect the improvement. If the improvement is completed prior to such inspection the owner will be required to remove enough of the materials to provide for such inspection. The association will charge a fee for this inspection.

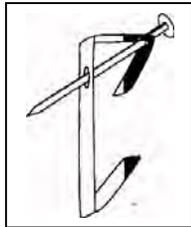
2. Affixed Items Policy

Residents may not hang any objects on the exterior of the building or the exterior of fences without the express written permission of the Architectural Review Committee. Nothing may be nailed to the common area walls. The Committee MAY approve certain applications of nails and screws used to affix objects, such as plants or ornaments, in the vicinity of exclusive use common area decks as indicated below. Nothing in these standards should be construed as a specification for purposes of conformance with City or State regulation, safety or protection of property. The term nail used herein shall refer to nails or screws.

1. An owner must apply to the Architectural Review Committee for permission to use nails outside on any common area, exclusive use or otherwise (unless the CC&Rs provide for any specific exceptions). Such application should include a complete description of proposed location, and of the object(s) intended to be affixed, in order for the Architectural Review Committee to verify the character of object(s) to be non-detrimental to external appearance. Permission will not be unreasonably withheld if used in accordance with these and other Architectural Review Committee guidelines.
2. Nails may only be used in exclusive use common area inside the lateral boundaries of the exclusive use deck and below the roofline.

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3. Nail size is limited to 6 pennyweights. A nail may not be driven more than 1-1/2 inches into a structure.
4. A non-threaded load-bearing nail to be driven into a vertical surface should be driven at no less than 30 degrees inclination from the horizontal (angled downward from the head into the surface) to enhance its load-bearing ability. Use of a hanger is strongly recommended.
5. A nail shall not be used to support a load of more than 10 pounds. Up to 3 nails may be used together to support not more than 20 pounds.
6. No object may be affixed in a position where it may cause obstruction or nuisance or where it might cause damage to any property or harm to any person if its support should fail.
7. Unless notice has been given by the Association that painting is scheduled for the area within 3 days, once driven in, a nail must not be allowed to protrude without supporting its load.
8. When notice has been given by the Association of scheduled painting of common area property, objects affixed by nails obstructing surfaces to be painted must be removed. Nails may remain but must be covered or clearly marked with tape or other suitable material so as to protect from possible damage or injury.



Recommended Configuration

3. Deck Covers

Deck covers may not be installed unless approved by the Architectural Committee.

4. Water Intrusion

If the Unit Owner discovers water intrusion into the building structure or wall interior, the Owner must notify the Association IMMEDIATELY, regardless of the cause of the water intrusion.

A. If the water intrusion results from a leak in a component within the wall and the homeowner contracts the repair, the Owner may NOT close the opening in the wall without written permission from the Association. If the Owner does close the opening, and further inspections or repairs of the wall interior are required, the Association will re-open the wall and the Owner will be responsible for the extra costs incurred if the leak was the responsibility of the owner. (In this situation, the association will not re-finish the interior surfaces, such as paint, flooring, and carpet).

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Depending upon the nature and location of the damaged component, either the Association or the Owner may be responsible for maintaining it. The Association will determine maintenance responsibility and notify the Owner:

1. If the damaged component is the Owner's maintenance responsibility, the Owner will be responsible for the cost of all repairs, and will be responsible for performing cosmetic restoration of the interior surfaces inside the Unit after repairs are complete.
2. If the damaged component is the Association's maintenance responsibility, the Association will be responsible for the cost of the repairs (other than any extra costs necessitated by the Owner's unauthorized work). Neither the Association nor its insurer may be responsible for the contents of your home or its interior surfaces, provided there was no neglect on the part of the Association. **THEREFORE, MAKE SURE YOU HAVE YOUR OWN HOMEOWNERS' INSURANCE POLICY IN PLACE, AND HAVE YOUR INSURER ENSURE THERE ARE NO GAPS IN COVERAGE.**

B. If the water intrusion originates within the Owner's Unit (overflowing sink, appliance leak, etc.), repairs will be performed as described above, and the Owner may not close the opening in the wall without written permission from the Association. The Owner will be responsible for the cost of all repairs, and will be responsible for restoring the interior surfaces of the Unit.

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Architectural Application

As explained in the CC&R's, improvements or modifications require approval by our Architectural Committee. This is the form used for applying for such approval. Please describe all changes you propose to make to you establish locations and elevations of any structures. Include dimensions and materials and specify color(s) if appropriate. Your drawing should include existing structures and boundaries where necessary to indicate relative location. To avoid delay of committee action, please include all information the committee will need to make its decision. Attach additional pages if needed. Consult the CC&Rs, Rules, and/or Architectural Guidelines for more information.

You must include a processing fee for each application submitted. This fee depends upon the type of improvements you are requesting:

A \$50.00 fee applies:

If your proposed improvement does not fall within the guidelines described in Appendix B.

A \$25.00 fee applies:

If the improvement is discussed in Appendix B.

A \$400.00 fee applies:

If your proposed improvement includes any floor modifications that may require an inspection by an Association representative.

Please deliver this completed form along with drawings and payment to TERRA VISTA HOA MANAGEMENT, P.O. BOX 1067, MONTEREY CA, 93942. **Make checks payable to Terra Vista HOA Management.**

Owner(s): _____ Phone: _____

Mailing address: _____

Affected address, if different: _____

Description of proposed modification: _____

Signed: X _____ Date: _____

The Association will send you a letter acknowledging the receipt of your application within 7 days. If you do not receive this letter, you should assume that we have not received your application, and contact your manager at 831-375-5444. While the CC&Rs require that architectural reviews be completed within a certain time frame, this time does NOT start until we receive your application.