



FIVE CANYONS

**FIVE CANYONS
OWNERS ASSOCIATION**

**ARCHITECTURAL
GUIDELINES AND STANDARDS**

Table of Contents

AUTHORITY 3

PURPOSE..... 3

REVIEW OF PLANS AND SPECIFICATIONS 3

A. SUBMITTAL PROCEDURE AND REQUIREMENTS..... 3

 1. Submittals 4

 2. Construction Drawings..... 4

 3. Neighbor Awareness..... 4

 4. Right of Entry..... 4

B. SETBACK REQUIREMENTS 4

C. CONSTRUCTION 5

D. GENERAL 5

ARCHITECTURAL STANDARDS..... 6

A. FENCES, HEDGES AND WALLS 6

B. ROOM ADDITIONS, SUN ROOMS, PATIO COVERS, EAVES, BALCONIES AND FASCIAS..... 7

C. AWNINGS..... 8

D. ANTENNA, SATELLITE DISH, AIR CONDITIONING UNITS, WIRING, SOLAR ENERGY SYSTEMS, WEATHERVANES, SKYLIGHTS 8

E. FLAGPOLES 9

F. PLAY STRUCTURES 9

G. POOLS AND SPAS..... 10

H. OUTDOOR LIGHTING 10

I. PAINTING 10

J. LANDSCAPING, HARDSCAPE 10

K. MISCELLANEOUS..... 12

L. CONDITIONS NOT DEFINED 13

Design Review Committee Application for change or improvements. 14

APPLICATION FOR DESIGN REVIEW COMMITTEE NEIGHBOR AWARENESS FORM..... 15



FIVE CANYONS

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AUTHORITY

The Declaration of Covenants, Conditions and Restrictions (CC&R's) for Five Canyons Planned Development, recorded on the 27th day of September, 1995, in the office of the Recorder of Alameda County, California, as Instrument No. 95-224016 and specifically Section 5 of the CC&R's, authorizes the formation of an Design Review Committee which shall have the duty to review and approve, disapprove or conditionally approve all plans, submittals, applications and requests made or tendered to it by Owners of Lots, or their agents, pursuant to the provisions of the Declaration.

PURPOSE

In order to maintain the architectural character and aesthetics of Five Canyons, it is necessary that modifications of structures, materials and colors be compatible with the original architectural design.

The Board of Directors set the standards and the Design Review Committee applies those standards on all exterior alterations. This process assures the continuity of character, which helps preserve or improve the appearance and enhances the overall value of every property.

REVIEW OF PLANS AND SPECIFICATIONS

Except as otherwise stated in this Declaration, no building, addition, hardscape, landscape, irrigation system, swimming pool, spa, fence, wall or similar improvement (any of which is referred to as an "Improvement"), including any exterior changes or alterations in any existing improvement, shall be commenced, erected or maintained upon the Properties until the plans and specifications therefor showing the nature, kind, shape, height, width, color, materials and location of the same shall have been submitted to and approved in writing by the Design Review Committee. The Board from time to time shall have the right but not the obligation to adopt and promulgate architectural standards

A. SUBMITTAL PROCEDURE AND REQUIREMENTS

Approval of any project by the Design Review Committee does not waive the necessity of obtaining the required city and county permits. In turn, obtaining city or county permits does not waive the need for approval by the Design Review Committee prior to construction.

1. Submittals

- a. All applications are to be submitted to the attention of:
Five Canyons Design Review Committee
c/o Walsh Property Management
P.O. Box 2657
Castro Valley, CA 94546-5609
- b. All requests for architectural approval must be made on the standard Design Review Committee Application.
- c. Two (2) complete sets of plans and specifications, drawn to scale and signed by the owner of the Lot or his/her authorized agent, are required for submittal.

2. Construction Drawings

- a. All plans must be prepared in accordance with applicable building codes, and with clarity and completeness. It is recommended that work involving major additions, or work requiring variances, be submitted at the preliminary drawing stage for review by both the Design Review Committee and the Alameda County Building Department. FINAL DRAWINGS SHOULD NOT BE PREPARED UNTIL PRELIMINARY PLANS HAVE BEEN REVIEWED.

3. Neighbor Awareness

- a. The neighbor's approval is not a condition to plans being approved by the Design Review Committee. The intent is to advise neighbors who own property adjacent to the lot of the proposed improvement by requiring their signature on the Application as to awareness only. Additionally, unless good cause is shown, the applying Homeowner shall have the initials of the neighbors' awareness on the plans submitted for review by the Design Review Committee. No application will be considered complete until there is evidence the neighbor has been made aware of the application.

4. Right of Entry

- a. If construction work requires the use of common area property for purposes of transporting labor and materials, or for the temporary storage of materials for the work, the applicant shall obtain written permission from the Five Canyons Owners Association for "Right of Entry" during the course of construction. A copy of this letter granting permission shall be filed with the Design Review Committee prior to commencement of construction. A security deposit or bond, as deemed necessary by the Design Review Committee may be required from the contractor. Deposits will be refunded only after satisfactory completion of work.

B. SETBACK REQUIREMENTS

- a. In general, the minimum setback requirement from the side and rear property lines is three feet, six inches (3.5) feet. All setback requirements must be verified with the County.

C. CONSTRUCTION

a. Time Period: Work shall be completed within 120 days from the date of Design Review Committee approval. If the scope of the job warrants more time, or for other reasons deemed necessary by the Design Review Committee, the owner may be granted an extension of the construction period as necessary; however, if the start of construction of said plans are to be deferred for a period of more than 90 days, a new application must be submitted. Requests for time extensions must be made in writing, and written approval for such extension received from the Design Review Committee.

b. Approval Application: The Five Canyons Design Review Committee Architectural Approval Application shall be displayed throughout the construction period in a location that can be seen from the front of the home. The committee shall render a decision, in writing, on each matter submitted to it within thirty (30) days of receipt of all data required by its rules and regulations.

c. Inspection: Upon completion of the outside work, as indicated on the "Approved" copy of the drawing and per its specifications, the applicant shall notify the Design Review Committee to obtain final inspection and approval. If the Committee chooses to inspect the job for conformance to the plans as submitted and approved, inspection and certification will be completed within thirty (30) days after the homeowner has notified the Committee of completion and requested inspection.

D. GENERAL

1. Appeals: If an Owner seeking approval pursuant to Section 5.5 of the CC&R's disputes the decision of the Committee, he/she may appeal the decision to the Board. The Board, within thirty (30) days after the date the appeal is filed, shall convene a special meeting of the Board and at that meeting shall determine to either (i) uphold the decision of the Committee, (ii) reverse the decision of the Committee, or (iii) reverse the decision of the Committee subject to Owner's compliance with specified conditions. If the Owner disputes the decision of the Board, the matter, at Owner's election, may be submitted to arbitration as provided in the Bylaws, except that arbitration pursuant to this provision, notwithstanding Sections 10.1(a) and 10.1(c) of the Bylaws, shall be binding and mandatory. At the time the Owner notifies the Board of its appeal of the decision of the Committee, he/she shall deliver to the Board copies of all materials used by the Owner in his/her submission to the Committee.

2. Enforcement: Failure to obtain the necessary approvals prior to construction may: (1) constitute a violation of the Five Canyons Planned Development Declaration of Covenants, Conditions and Restrictions, (2) require payment of a fine and: (3) require modification or removal of unauthorized work at the expense of the Owner. In addition, a permit may be required from the County of Alameda or other governmental agencies prior to starting construction.

3. Stop Work Orders: Owners of property in Five Canyons, pursuant to the CC&R's have agreed that the Design Review Committee may adopt reasonable architectural standards and rules and regulations concerning, among other things, that requirement to submit plans and specifications for approval to the Design Review Committee **prior to** commencing any work of improvement on the residence and/or lot. Accordingly, the Owners have hereby agreed to be bound by these architectural guidelines and standards. The commencement of construction prior to the approval of the proposed work by the Design Review Committee, or the non-adherence to approved plans shall be a violation of these rules and the Association's Design Review Committee is empowered to issue a Stop Work Order to the Owner. Continuing work beyond the

point of issuance of the Stop Work Order shall subject the Owner to fines and all other legal remedies that the Association may have pursuant to the CC&R's and the laws of the State of California. The Stop Work Order issued by the Committee, will be signified by the delivering or posting a Notice at the job site and mailing a copy to the Owner.

ARCHITECTURAL STANDARDS

A. FENCES, HEDGES AND WALLS

1. General Height Limit: No fence, hedge, wall or other dividing instrumentality over six (6) feet in height measured from the ground on which it stands shall be constructed or maintained on any Lot, except by Declarant in accordance with its architectural plans.
2. Fencing shall conform to the as-built design, material and colors established by Declarant unless otherwise approved by the Design Review Committee. Gates may not be installed unless approved by the Committee.
3. The following types of material are not acceptable for fencing: (This material list is not all-inclusive):
 - a. Aluminum, sheet metal, or aluminum look-a-like wood shake shingles
 - b. Chicken wire or chicken mesh
 - c. Metal or plastic chain link
 - d. Plastic webbing, reeded or straw-like materials
 - e. Corrugated or flat plastic or fiberglass sheets or panels
 - f. Rope or other fibrous strand elements
 - g. Glass block
 - h. Miniature-type fencing
4. No lattice, extension. etc. shall be added to existing fencing without prior approval.

A.1 FIVE CANYONS ADOPTED FENCING PLAN

Five Canyons members replacing wooden type fencing may choose from two approved fencing plans. This change in fencing plan does not apply to view fences or wrought iron fences as originally installed. Please note, this fencing plan does not replace Section A.

1. ORIGINAL APPROVED FENCING PLAN, AS INSTALLED BY THE DEVELOPER.

Four Inch (4”), Dog Eared, Straight Board Fencing. Members may repair and replace original wooden type fencing using the original developer installed and association approved fencing plans which consists for 4” straight board fencing Boards as specified in the original developer submitted plans without DRC application or approval. NOTE: This means there will be no noticeable change in appearance or dimensions from the originally installed fence, other than the material being in a new condition. Refer to the following specifications:

2. BOARD APPROVED ALTERNATIVE FENCING PLAN.

Eight Inch (8”), Board on Board, Picture Framed Fencing. Members may now replace original wooden type fencing with this style of fencing.

- (a) DRC application and approval of Board on Board fencing must be completed prior to installation.
- (b) Fencing must be six feet (6’) in height.

- (c) Gates must aesthetically match fencing plan, unless otherwise approved by the DRC
- (d) A typical eight foot (8') section of eight Inch (8"), Board on Board, Picture Framed Fencing must consist of the following components at minimum:

16 – 1" x 8" redwood boards

2 – 4" x 4" pressure treated Douglas Fir posts, set at a minimum of 18" below grade (two feet (2') strongly recommended). A minimum of 120 lbs. of concrete post mix is recommended per post.

2 – 2" x 4" redwood top and bottom rails

4 – 1" x 1" redwood trim pieces (to picture frame the boards)

All nails, screws or other fasteners shall be "hot dipped" galvanized.

3. COLORS, STAINS AND SEALANTS

(a) If any fence is to be stained, the association color choice of preference is "Preserva Wood" (Manufacturer), "Pacific Redwood" (Color)" or equivalent, however the intent is that the look of the wood will not be altered from the original "Redwood" color. If another manufacturer or color is to be used, a finished sample must be provided to the DRC with the original application. Preserva Wood products are available at "The Home Depot". For more information, <http://www.preservaproducts.com/index.html>.

(b) Any fence may be treated with a clear, colorless, non gloss sealant.

(c). New Fencing may not be painted. If an existing fence has previously been painted and requires only minimal repair, the new fence boards must be painted to match existing.

(d) If less than an entire "line" of fencing is to be repaired, it must be repaired using the lot's existing fencing plan on that "line".

B. ROOM ADDITIONS, SUN ROOMS, PATIO COVERS, EAVES, BALCONIES AND FASCIAS

Structural or material additions or alterations of the exterior of any building shall conform to materials, colors, character and detailing as established on the existing dwelling. When, in the opinion of the Design Review Committee, there is excess adverse impact on the privacy of adjacent homes, the approval of an application for this type of construction will not be granted.

1. Patio Covers, Sunshades, Sun Rooms, Arbor Trellis and Gazebo Structures shall conform to the original architectural character of the existing dwelling and shall be of wood construction only, with the exception of vertical supports which may be of stucco or masonry. Structures shall be stained or painted to match a color on the home. Other colors will be subject to approval by the Design Review Committee.

2. Unacceptable materials for structures in this section shall be:

- a. Metal or prefabricated structures of metal, unless completely cased in wood or masonry
- b. Flat or corrugated plastic/plastic panels
- c. Flat or corrugated fiberglass
- d. Plastic webbing, split bamboo, reeded or straw-like materials
- e. Crushed rock, asphalt shingles

C. AWNINGS

1. All proposed awnings shall be submitted for review and approval prior to installation. Shop drawings showing location, plan, elevations, dimensions and fabric sample are required.
2. Fabric shall be woven from pre-dyed acrylic fiber, vat dyed fabric is unacceptable. Vinyl, polyester, cotton or blended fabric are not acceptable. Fabric shall be of a single color blending with the existing color scheme of the dwelling. Sample fabric swatch shall be submitted and will be subject to separate acceptance review.
3. Fabric shall be mounted taut on a rigid metal frame fabricated from galvanized steel, primer coated and painted to match fabric. Hangers shall be primer coated and painted to match frame. Entire assembly shall be solidly attached to structural members of the building wall, beams, pilasters or columns. Shapes and forms of the rigid frame which detract from the conforming shapes of the existing dwelling will not be acceptable.
4. All edges shall be hard framed. No soft, scalloped, free flying edges or valances will be acceptable. No exposed taped edges or loose fabric is permitted.
5. Retractable awnings and metal awnings will not be authorized.
6. The entire awning assembly shall be maintained in a true, rigid, unfaded and unfrayed condition by the homeowner. The homeowner shall remove any awning not in compliance with the requirements of this section.

D. ANTENNA, SATELLITE DISH, AIR CONDITIONING UNITS, WIRING, SOLAR ENERGY SYSTEMS, WEATHERVANES, SKYLIGHTS

1. Approval must be obtained prior to the installation of any sports standard television, FM, AM, or amateur radio antenna or satellite dish, air conditioning unit, weathervane, electrical or telephone wiring, or similar thing on the exterior of a building or in such a manner that such protrude through a wall or the roof of a building (approval is not required if the installation is a replacement of equipment originally installed by Declarant and is identical in form and function to the equipment so replaced).
2. Satellite dishes may not be visible from the street or the common area and must not exceed 36 inches in diameter or diagonal dimension. Owners must obtain written approval prior to the installation of any satellite dish and/or antenna. The installer shall indemnify or reimburse the association or its members for loss or damage caused by the installation, maintenance, or use of a satellite dish or antenna.
3. All ground-mounted equipment must also receive committee approval and shall be screened from view with structures or landscaping.
4. Solar energy systems shall be certified by the Solar Rating Certification Corporation (SRCC) or other nationally recognized certification agencies. SRCC is a nonprofit third party supported by the United States Department of Energy. The certification shall be for the entire solar energy system and installation. Rooftop solar energy equipment approval is based, to a great extent, on the homeowner's ability to design and accommodate the installation with the least amount of exposure to adjacent units. However, installation must be consistent with the requirements of state laws concerning efficient placement of collector units. Equipment guidelines include:
 - a. A profile as low as functionally practical and efficient should be maintained

- b. When possible, piping should go through the roof rather than on the face of the roof or dwelling
 - c. Long runs of piping should be condensed and concealed as much as possible
 - d. Equipment, or equipment enclosures, should be painted or stained to match adjacent surface color.
5. Skylights shall be professionally installed and must have Committee approval prior to installation.

E. FLAGPOLES

1. Installation of a permanently established flagpole structure on an individual dwelling lot or structure is prohibited.
2. No provision of this section shall be construed to restrict the display of the U.S. flag in accord with established etiquette and legal right: nor restrict occasional flying of appropriate flags from temporary mountings for celebration of commonly recognized days or events. No masthead shall be either permanently or temporarily mounted on a play structure.
3. The Declarant is exempted from the provisions of this section in so far, as may be required for construction and sales activities.

F. PLAY STRUCTURES

1. Play structures shall be defined as any piece of work, built or constructed, or joined together in a definite manner for the purposes of practice for a sporting related event or a physical activity, play, or provides the opportunity or means for play or sport.
2. All play structures (including, but not limited to, swing sets, jungle-gyms, enclosed practice/play structures, etc.) shall be submitted for review and require approval prior to installation. Catalogues, pictures, material samples and plans may be used to describe the play structure, its materials, colors and location. Significant dimensions shall be shown. Additional information may be required if data is insufficient to determine compliance with this section.
3. Play structures shall comply with the following requirements and specifications:
 - a. Overall height of play structure shall not exceed the height of the dwelling's patio cover or second story finish floor. Their location shall be not less than three feet- six inches (3.5) feet from the side and rear property lines. No play structures shall be installed in the front yard.
 - b. Materials and colors of play structures shall be governed by the Architectural Guidelines and Standards. Colors shall blend with the color scheme of Five Canyons. Structural components shall be as governed for patio, sunshade, arbor, trellis and gazebo structures set forth- in these guidelines. In addition, natural wood may be unpainted or finished with a transparent stain in a natural wood color. Metal fittings, bars, connectors, rings and like attachments will be accepted. Fiberglass, plastics or composite structures will not be accepted unless the color complies with the requirements of this paragraph; except accessories to a play structure, such as bars, rings, slides, seats, ropes, chains, hangers and like, are exempt.
 - c. Tents, awnings, hammocks and fabrics for play structures shall comply with Section C awning requirements in the matter of color, shape and form.
4. The entire assembly shall be maintained in a true and undeteriorated condition. The homeowner shall remove any play structure not in compliance with this section.

G. POOLS AND SPAS

1. Drainage and pool/spa construction standards shall conform to overall development grading and drainage standards and to the State and County codes and standards. Permits must be applied for and granted from the County. County setback requirements must be followed.
2. All pool/spa equipment shall be screened from the view of adjacent property and from the public view. All pool/spa equipment shall be located or sound attenuated in such a manner so as not to disturb the occupants of adjacent or nearby properties.
3. All pool/spa heaters shall be of the stackless type

H. OUTDOOR LIGHTING

1. All lighting changes or additions to the outside of the home must be submitted to the committee for approval and must meet all county and state codes. No high intensity lights, such as mercury vapor and sodium vapor, or fluorescent tubes, will be allowed. No lighting will be allowed to shine directly into neighbor's yards or windows, or into streets.
2. Walkway/Landscape Lighting: Low voltage landscape/walkway lighting bearing UL approval will be allowed upon approval from the committee. Lights should be placed in an inconspicuous location as much as possible and exposed wires and/or cables will not be allowed.
3. Damaged and broken fixtures and globes must be repaired or replaced. Exposed bulbs are not permitted.

I. PAINTING

1. Existing Color: any homeowner who elects to repaint with the existing colors may do so without approval from the committee with the following exception: any change in the location of the existing colors will require a submittal of an application to the Design Review Committee.
2. Color Changes: Any proposal to change the existing colors of a home will be reviewed by the Design Review Committee on a case-by-case basis. The homeowner must submit an application with color chips attached to a sample plan. No approval will be given unless the Design Review Committee determines that the request for exterior painting and color choices are consistent with the Guidelines and Standards. All color choices are reviewed for compatibility.
3. The Design Review Committee may not allow adjacent homes or homes directly across the street to be painted the same colors. The Design Review Committee requires at least a two (2) house separation between houses painted with colors in the same color palette grouping.

J. LANDSCAPING, HARDSCAPE

1. No Owner shall allow or permit open portions of its Lot (including backyards) to remain unlandscaped for more than six (6) months from the ORIGINAL date of close of escrow for its purchase of the Lot.

2. No trees, bushes or shrubs shall be planted or placed until the plans and specifications for the species and placement of any such trees, bushes, and shrubs have been submitted to and approved by the Design Review Committee. These plans as submitted, shall show in detail the proposed elevations and locations of said trees, bushes and shrubs along with the common name and/or specie of the plant.

3. Trees that grow over thirty (30) feet in height, have invasive root systems, have branches that intrude into a neighbors property, or cause other hazards are unacceptable. Examples are certain varieties of redwoods, Douglas fur, pines, sequoias, eucalyptus and palms. This list is not all-inclusive, and can be amended by the Design Review Committee as deemed necessary. In the event that a tree exceeds the height of 30 feet (measured from the grade at the base of the tree to the uppermost point) and blocks any part of a view from a nearby home or yard, it is the responsibility of the Homeowner on whose property it is planted to top the said tree and insure that it is maintained below 30 feet.

4. Homeowners are responsible for any damage caused by invasive roots or overhangs.

5. Bare dirt in the yards is unacceptable due to the dust that it generates. Ground cover and/or bark that is in keeping with the aesthetics of the rest of the community must be used to cover bare dirt.

6. The original course of surface water flow shall not be disturbed or altered as to adversely affect neighboring property or the owners property.

7. If any grading is undertaken, all excess dirt must be disposed of in a lawful manner and cannot be dumped on any property without the owner's written permission, a copy of which shall be attached to all homeowner plan submittals. No material may be dumped on any side or rear yard slope or any common area.

8. The following minimum landscaping requirements are required:

- a. Approximately eighty percent of all front yard area and side yard area in front of the fence (excluding the sidewalk and driveway) are to be -planted and maintained with plant material. The intent is to maximize the green area in the front yard and minimize hardscape materials/non-planted areas such as gravel, concrete, or bark chips. Reasonable waivers will be made for plans that require more area for decorative walkways or other visually attractive features.
- b. Eighty percent (80%) of the front and side yards planted in ground cover or lawn, or a combination of both
- c. Twenty percent (20%) of the front yard planted with shrubs as follows:
 1. One (1) one-gallon shrub for every ten (10') square feet
 2. One (1) five-gallon shrub for every fifty (50') square feet
- d. One (1) fifteen-gallon tree planted
- e. A manual sprinkler system installed
- f. The County has determined their policy towards street trees and boulevard strips (the landscape strip between the sidewalk and curb found on Boulder Canyon Drive and Gold Creek Drive):

1. Boulevard Strips: For those people with strips in their front yard, Centex will provide one or more street trees. The homeowner will be responsible for basic maintenance of the tree along with planting and maintenance of the stop. The CSA will be responsible for tree pruning and replacement should the tree(s) become diseased.

2. Street Trees (those areas without boulevard strips): The County will have a right of access to the trees for pruning and/or replacement (if diseased) -- the CSA contractor will do that work, The homeowner

will be responsible for maintaining the tree. Please note once Centex has placed the tree, it is not to be moved or removed without prior authorization by the Architectural Committee.

3. Boulevard Strip Landscaping - Lot owner must maintain the boulevard strip in a landscaped design that compliments the landscaping design of the front yard.

9. Plans showing material, color, pattern, drainage, dimensions, height, width, location for all patios, retaining walls, walkways, decking, fountains, etc. must be submitted for approval.

10. All landscaping and hardscape shall be kept free from rubbish, litter and weeds and shall be maintained in a neat, attractive, safe and sanitary condition. Owner is responsible to immediately remove any dead or diseased landscaping.

11. Owners shall maintain measures for slope stability to prevent mass soil movement and erosion on their lots and shall promptly repair any slides or other earth movements in accordance with plans and specifications prepared by licensed engineers.

K. MISCELLANEOUS

1. Window Tinting: affixing of reflective materials which creates a mirror effect on windows from the outside require prior approval by the Design Review Committee.

2. Basketball Backboards: Basketball backboards are not permitted in the front or side yards.

2.a Portable Basketball Backboards/Stands: All portable basketball backboards/stands must be placed away when not in use and by sunset. The definition and acceptable location of placed away is either behind the resident side yard fence or in the garage. The definition of sunset is when the sun is no longer visible.

3. Screen Doors: Screen doors must be approved by the Design Review Committee. A picture of the proposed screen door must accompany the application.

4. Door/Window Bars/Grills: Exterior door and/or window bars/grills are not permitted.

5. Signs: Owners must comply with Section 5.4 of the CC&R's. In addition, any "For Sale" or "For Lease" signs that are in excess of six (6) square feet are not permitted.

6. Garage Doors: any changes or modifications to garage doors must be submitted for approval.

7. Storage Sheds: The height, size, setback and overall design of all storage sheds will be reviewed on a case by case basis. Sheds must match or harmonize with the colors of the existing dwelling. All sheds require approval from the Design Review Committee.

8. Structures for Animals: No structure for the care, housing, or confinement of any animal shall be maintained, installed or constructed unless approved by the committee.

9. Clothes Drying: No exterior clotheslines shall be erected or maintained, and there shall be no drying or laundering of clothes on the Common Area or the open portion of any Lot.

L. CONDITIONS NOT DEFINED

1. Any condition, material or exterior improvement or modification not specifically defined within these guidelines may nevertheless be subject to review and approval by the Design Review Committee and/or shall become a matter of judgment on the part of the Design Review Committee, with the concurrence of a majority of the Board of Directors.
2. These regulations are not intended to supersede or modify the Declaration of Covenants, Conditions or Restrictions. These regulations are subject to modification, addition, or deletions as the need may arise. Any changes in these regulations will be effective thirty (30) days from their publication date.
3. Neither the Association nor the Design Review Committee assumes any liability relative to the design or quality of the improvements. Please refer to Section 5.5(e) of the CC&R's.

APPLICATION FOR DESIGN REVIEW COMMITTEE NEIGHBOR AWARENESS FORM

Proximate Owners (Please print)

Proximate
Homeowner
Neighbor _____

Address: _____

Phone: _____

Signature _____

Comments: _____

Proximate
Homeowner
Neighbor _____

Address: _____

Phone: _____

Signature _____

Comments: _____

Proximate
Homeowner
Neighbor _____

Address: _____

Phone: _____

Signature _____

Comments: _____
