

Bollinger Hills Homeowners Association

Architectural Rules

Introduction

The Bollinger Hills CC&Rs require homeowners to gain approval whenever they wish to make architectural change to their property. This document is for the purpose of helping owners understand the architectural guidelines within the development. It has been developed by the Architectural Committee and approved by the Board of Directors.

“Architectural change” is defined in the definitions below. It is recognized that these rules can not address every conceivable architectural change. However, any architectural change that is not addressed within these rules does not exempt an owner of the requirement for architectural approval. Please address questions to the Architectural Review Committee (ARC), using one of the methods shown at the end of this document.

Definitions

ARC: Architectural Review Committee.

Architectural Change: The act of changing the appearance of the house or lot within the development. See Scope for additional information.

Backyard: The portion of the property behind the front yard.

Board: The Bollinger Hills Homeowner Association Board of Directors.

Driveway: Driveways are defined as paving that a vehicle moves over and/or parks upon.

Fast Track: An expedited review and approval process. Normally invoked when architectural improvements fit within these guidelines.

Front yard: The area forward of the front of the house and the fences that bisect the front portion of the property from the rear portion of the property. If no fence is present, or there is an existing “see-through” fence, the front yard is defined as any property that can be seen from the street, excepting any property that would be seen if a 7’ high fence were in place dividing the front and back areas of the property.

Property: The lot and all structures on that lot.

General Information and Procedures

- The exact procedure and rules for architectural approval are found in the Procedure Summary (next section). This information is based on existing CC&R rules and procedures. Please refer to the CC&Rs for complete information pertaining to Architecture.
- The ARC must review all construction, modification, alteration, or any other architectural change in a property. The only exception are those changes which are minor, such as the change of plants from one type to another, small trim changes, etc.. If in doubt, check with the Architectural Committee.
- Failure to submit an architectural review form to the ARC may result in fines, stoppage of work, and/or enforcement of CC&R provisions to reverse work already started or completed.
- The ARC's recommendations may be appealed (see below). Board decisions are final. See the Procedural Summary or the CC&Rs for additional details on this process.
- The ARC will exercise its best judgment in the interpretation of the rules and the intended spirit of the listed guidelines.
- Projects that meet these guidelines will be "fast tracked" with a target turnaround time of one week or less.
- Projects that do not fall within these guidelines, either in specification or scope of work, shall be reviewed and a response provided within the turnaround time stated in the CC&Rs (30 days maximum).

Procedural Summary

- Complete the Architectural Approval Request Form. The form is also available on the Bollinger Hills Homeowners Association website as a pdf file. You will need Adobe Acrobat Reader (free) to read this file. We can also e-mail (or mail) a form to you. Contact us at arc@bollingerhills.org or call us at (925) 415-0847.
- Once the form is completed, mail it to: Bollinger Hills Homeowner Association, P.O. Box 449, San Ramon, CA 94583-0449, attn Architectural Review Committee.
- Alternatively, you can email the form to us or FAX it to (925) 829-2110. If your project requires review of a physical sample, the form includes provisions for that situation.
- The Architectural Review Committee (ARC) will review your application, and make a written recommendation to the Board. You will be advised of that recommendation. Per the CC&Rs, the ARC has up to 30 days to submit the request to the Board for approval or ask the homeowner for additional information. Please note we are making every effort to respond and secure Board response within seven days. The committee may recommend approval, have additional questions, or may not recommend approval. You can check on status by calling (925) 415-0847, emailing us, or writing to us. You will always receive a final disposition letter, either by US Mail or email. Please keep this letter as proof of Association action. A copy of the letter also goes into your permanent file.
- If you wish to challenge the ARC recommendation, you may do so by advising the ARC within 10 days of the date found on your copy of the recommendation sent to the Board.

- Specific pertinent sections of the CC&Rs that apply to architecture are included at the end of this document. The sections included are intended as general information only and not as the final word on rules and procedures. Please refer to the CC&Rs and the By-Laws for complete information.

Scope of Guidelines

- The front yard and any portion of the property visible from the street.
- Exceptions to the above are noted where applicable.

Guidelines

Awnings

Awnings, such as cloth or metal overhangs that are above windows or other openings are disallowed.

Mailboxes (including supporting post or structure)

- Should be consistent in design, structure and materials used with the original set of mailboxes (round top mailbox in small wood “house” with wood shake shingles, or, constructed out of masonry.
- Mailboxes must be maintained in good condition.

Home Additions

- Any addition to a home, including additional living space(s), garage space or other permanent structures (i.e. a stand-alone garage), must be reviewed and approved by the ARC prior to construction.
- The addition or new structure must also meet any applicable San Ramon ordinances and Building Code requirements.

Roof Material

- All roof replacements must be approved by the ARC, even if the roof material fits into an approved general category.
- Approved roof types include tile, lightweight concrete, wood shake, steel, aluminum, asphalt/composite shingle, or a material that mimics shake or tile and also fits in with the general architectural style of the neighborhood as determined by the ARC during the approval process.
- A composition shingle must have a weight specification of 350 lbs. / 100 sq. ft. or greater. A lighter weight shingle will **not** be approved.
- Colors will be evaluated on a case-by-case basis by the ARC.

Painting

- The ARC will review requests to repaint portions of the house visible from the street on a case-by-case basis, recognizing that each house and color combination is unique.
- Fluorescent, bright, or otherwise loud or gaudy colors as determined by the ARC are not permitted.
- Colors that are close to the original color will be fast-tracked.

Antennas and Satellite Dishes

Satellite dishes and antennas over 1 meter (39.37”) in diameter are not to be visible from the street, except as provided for in the FCC OTARD Rule, 47 C.F.R. Section 1.4000 (refer to Section 207 of the Telecommunications Act of 1996).

Front Doors

- No additional, secondary door(s) (such as a screen door or storm door placed in front of existing door) are permitted on the front of the house, or the side of the house that is located within the front yard.
- Replacement front doors must always be approved by the ARC.
- Doors must be of a design and color that is consistent with the rest of the house and development.

Driveways

- All paving and driveway paving construction requires the approval of the ARC.
- Additional paved parking surface may be added as long as it does not exceed a significant portion of the total front yard area.
- Material is to be concrete, or some other form of masonry.
- Colors include natural concrete color (white or gray). Other colors will be considered by the ARC.
- Driveways and/or paving used for parking or movement of vehicles must be done in a way so as to permit the entry and exit of the vehicle to pass over a “relieved” curb (cut out for vehicle passage). Paving that requires the vehicle to drive over an unrelieved curb to gain access is not permitted.

Paving

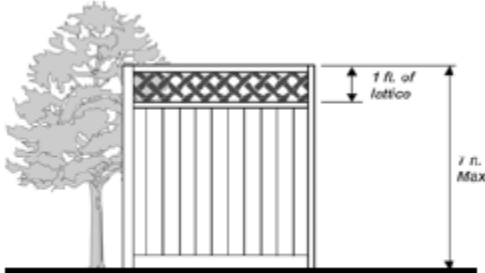
- Steps and walkway surfaces may take the form of standard concrete, stone, brick, slate, or other masonry.
- Step and walkway surfaces with a loose gravel surface, railroad ties, plastics, Astroturf, and/or other synthetic materials are not permitted.

Garage Doors

- Garage doors can either be the flip-up type or roll-up type.

Fences & Walls

- A solid (not see-through) redwood fence is the only approved fence type for dividing the front yard from the backyard. This is the only fence type that may be used when any fence borders a street.
- Maximum fence height must not exceed 7'. For fences exceeding 6', the top 12 inches must be constructed of a lattice material.



7 FT. Fence Elevation

- The redwood material can be left in a natural state (unfinished) or be stained. Paint colors that compliment the house design and color may also be acceptable.
- Chain link, wrought iron, or decorative fences may be used on other portions of the property.
- Rolled plastic, chicken wire, and other inexpensive fence types may not be used where visible from the street.
- Walls constructed of masonry that function as a fence may be permitted, depending on the design, color, and size.
- Retaining walls over 3' in height will require an engineering permit per the Building Code.
- The ARC will evaluate each fence or wall project on a case-by-case basis.

Retrofit or Modification of an Existing Fence:

The addition of a 12-inch lattice frame to extend the height of an existing 6' fence is allowed *only* if the frame can be integrated with the fence structure. This may require replacement of the existing fence posts with longer posts. **Installation of the lattice frames without proper support is both unsafe and unattractive and will result in enforcement action.** An Architectural Approval Request must be submitted for retrofit or modification of an existing fence.

Sheds & Storage Buildings

- Construction of a shed or other storage building that will be visible from the street must be approved by the ARC.
- Sheds are not permitted in the front yard.
- Sheds, if visible from the street, and within 25' of any fence, must not exceed 7' in height and 8' in width.
- Colors are to be natural or earth tone and blend in with the surrounding fence, foliage, and home.

Landscaping (General)

- Landscaping rules apply to all portions of the lot forward of the house and the fence dividing the front yard from the side and rear of the house (the front yard).
- A barren plot of ground is not considered landscaped and should be covered with mulch, bark, or some other attractive natural material.
- Significant landscaping projects are to be approved by the ARC, and include but are not limited to:
 - Use of heavy equipment, including tractors, grading equipment, cement trucks, rototillers, and other professionally operated power equipment.
 - Excavation above and beyond holes for trees, plants, or where powered equipment by a professional is required.
 - Installation of large or heavy landscaping components (boulders, stone work, railroad ties, etc...).
 - Erection, relocation, or replacement of fences.
 - Driveway replacement or alteration.
 - Destruction and/or relocation of any existing paving.
- Minor landscaping projects are not governed by the ARC. Check with the ARC to be sure.

Statuary

To be in good taste, in regards to style, number and size, and must be approved by the ARC

Lawns

- Lawns are to be natural turf and of a type(s) that is suited for the area (i.e. Kentucky bluegrass, perennial ryegrass, tall fescue, etc.).
- Artificial or semi-synthetic materials are not permitted (i.e. Astroturf).

Maintenance

All parts of the property architecture visible from the street are to be maintained in good condition. This includes paint, plants, paving, fencing, roofing, and all other components addressed by this document and/or any other component of the property architecture.

Holiday Decorations

Holiday decorations must be removed within 30 days of the date of the holiday.

How to Reach Us or Submit a Request for Approval Form:

- Use the U.S. mail. Our address is:
Bollinger Hills Homeowner Association
PO Box 449, San Ramon, CA 94583-0449
attn: Architectural Review Committee.
- Contact us via e-mail us at arc@bollingerhills.org. See more info on Architecture at our website, www.bollingerhills.org.
- Call us at (925) 415-0847.
- Be sure to use the Request for Architectural Approval Form when requesting approval for an architectural change. The form is also on the Bollinger Hills website at http://www.bollingerhills.org/ARC_Request.pdf

***Architectural Procedure and Information (from CC&Rs):
Enforcement Authority
(Refer to CC&Rs and By-Laws for all information.)***

**ARTICLE IV
COVENANT FOR MAINTENANCE ASSESSMENTS**

Section 6. Enforcement Assessment (Fine). The Board may levy an Enforcement Assessment upon an Owner and his Residence Lot for failure to comply with the Governing Documents. The same act may constitute more than one violation if the act is ongoing or continuous. An Enforcement Assessment may be levied after notice and an opportunity for a hearing before the Board as set forth in the Bylaws. The Board may establish reasonable rules regarding repeated Enforcement Assessments for continual or recurring violations and shall adopt and circulate a policy to the Owners setting Assessment amounts to be charged. These Assessments are not subject to collection by lien/foreclosure discussed below. All other remedies are available.

**ARTICLE V
ARCHITECTURAL DESIGN AND CONTROL**

A. APPLICATION REQUIREMENTS AND COMMITTEE STRUCTURE

Section 1. Architectural Approval. No building, wall, antenna, pole, standard, tower, satellite dish, mailbox (if free standing or grouped) or other structure shall be commenced or erected or maintained upon any of the Properties without seeking architectural approval. No exterior addition to, or change in current color scheme or significant alteration to the buildings may be made until the plans and specifications showing the nature, kind, shape, height, exterior color change, materials and location of the same shall have been submitted to an Architectural Committee.

Section 2. Architectural Committee. The Architectural Committee shall be composed of at least three (3) Members (who are also Members of the Association) appointed by the Board. The Board of Directors shall serve if no Committee of 3 can reasonably be appointed.

Section 3. Application for Approval of Improvements: Basis for Approval of Improvements. Any Owner proposing to perform any work of any kind whatever which requires the prior approval of the Architectural Committee, pursuant to this Restated Declaration, shall apply to such Committee for approval of the proposed work by notifying the Committee in writing as to the nature of the proposed work and furnishing such information as the Committee may require. The Architectural Committee shall consider recommending approval only if:

- The Owner has submitted a written application;
- The Committee finds that the plans and specifications conform to this Restated Declaration and to any Architectural Committee Rules in effect at the time such plans are submitted to the Committee; and

- The Members of the Committee, in their sole discretion, determine that the proposed improvements would be compatible with the standards of the community and the purposes of this Restated Declaration as to quality of workmanship and materials, the harmony of external design with the existing structures, and the location with respect to topography and finished grade evaluations.

Section 4. Form of Approval. The Architectural Committee shall make a written recommendation to the Board on any application of an Owner to improve or alter his Unit within thirty (30) days of receipt of such application, or notify the Owner if there are any delays (such as an incomplete application or need for further information). The time shall be extended as needed in thirty (30) day increments. If neither the Committee nor the Board takes any action in response to an application within three (3) months after proper plans and specifications have been submitted by an Owner, the Association's right to object to the improvement is waived. However, the owner must have written acknowledgement of receipt of the application to qualify for this entitlement.

Section 5. Proceeding With Work. Upon receipt of written approval from the Board pursuant to Section 4 above, the Owner, as soon as practicable, shall diligently proceed with the commencement and completion of all construction, reconstruction, refinishing, alterations and excavations so approved, and shall satisfy all conditions. The construction of an approved improvement must be commenced within six months from the date of such approval. If the Owner fails to comply with this Section, any approval given pursuant to Section 4 above shall be deemed revoked unless the Board, upon written request of the Owner made prior to the expiration of this time, extends the time for such commencement.

Section 6. Failure to Complete Work. The Owner must complete the construction, reconstruction, refinishing or alteration of any such improvement within one year after commencing construction thereof, unless completion within the required time is rendered impossible or would result in great hardship to the Owner (such as in the event of strikes, fires, national emergencies, natural calamities or other supervening forces beyond the control of the Owner or his agents). If an Owner fails to comply, the Committee shall notify the Board of such failure, and the Board shall proceed in accordance with the provisions of Section 9 below as though the failure to complete the improvement were a non-compliance with approved plans.

Section 7. Meetings. The Architectural Committee may meet from time to time as necessary to properly perform its duties hereunder. The vote or written consent of any two Members shall constitute an act by the Committee sufficient to render a recommendation to the Board. The Committee shall keep and maintain a record of all actions taken. The Architectural Committee and its Members shall be entitled to reimbursement for reasonable out-of-pocket expenses incurred in the performance of any Architectural Committee function.

Section 8. Liability. Neither the Architectural Committee nor any Member of it shall be liable to the Association or to any Owner for any damage, loss or prejudice suffered or claimed on account of the recommendations for approval or disapproval of any plans, drawings and specifications, whether or not defective or the construction or performance of any work, whether or not pursuant to approved plans, drawings and specifications. Specifically, and without limitation of the foregoing, plans and specifications are not approved for adequacy or engineering or structural design and, by approving any plans and specifications, neither the Architectural Committee, the Association, nor the Board, assume any liability or responsibility for the plans or for any defect in any structure constructed pursuant to such plans and specifications.

STANDARDS

Section 1. Antennas and Satellite Dishes. Any individually-owned outside television or radio antennas constructed, installed, or maintained in said Properties are subject to reasonable standards regarding placement, screening, maintenance and indemnity obligation, which may be adopted by the Board pursuant to F.C.C. Rule 207.

Section 2. Fences, Garages, or Other Attached or Detached Structures. No fence, garage, or other attached or detached structure shall be erected in front of any residential Unit. Any attached or detached structure erected adjacent to or behind any residential Unit shall comply with the side yard requirements of the applicable zoning ordinance of City of San Ramon. When the erection of a structure has begun, the work thereon must be prosecuted diligently and said structure must be completed within a reasonable time.

No fence shall be erected in the backyard or side yard of any Lot that does not comply with City regulations. Approval by the City must be provided.

No trailer, garage, or other outbuilding may be used as a temporary or permanent residence nor shall any residential structure be moved onto said subdivision from any other location.

Section 3. Fences, Walls, Hedges, or Shrubs on Corner Lots. No fence, wall, hedge, or shrub plantings which obstruct sight lines at elevations between two and six feet above the roadways shall be placed or permitted to remain on any corner Lot within the triangular area formed by the street property lines and a line connecting them at points twenty-five feet from the intersection of the street lines, or in the case of a rounded property corner, from the intersection of the street property lines extended. The same sight-line limitations shall apply on any Lot within ten feet from the intersection of a street property line with the edge of a driveway or alley pavement. No trees shall be permitted to remain within such distances of such intersection unless the foliage line is maintained at a sufficient height to prevent obstruction of such sightlines.

Section 4. Blockage of Easements Prohibited. Easements for installation and maintenance of utilities and drainage facilities are reserved as shown on the recorded plat. Within these easements, no structure, planting or other material shall be placed or permitted to remain which may damage or interfere with installation and maintenance of utilities, or which may change the direction or flow of drainage channels in the easements, or which may obstruct or retard the flow of water through drainage channels in the easements. The easement area of each Lot and all improvements on it shall be maintained continuously by the Owner of the Lot, except for those improvements which a public authority or utility company is responsible.

Section 5. Damage or Interference with Slope Control Areas Prohibited. Slope control areas are reserved in accordance with grading established within the subdivision. Within these slope controls areas no structure, planting, or other activities undertaken which may damage or interfere with established slope ratios, create erosion, or sliding problems or which may change the direction or flow of drainage channels. The slope control areas of each Lot and all improvements shall be maintained continuously by the Owner of the Lot, except for those improvements which a public authority or utility company is responsible.

Section 6. Architectural Committee Rules And Standards. The Architectural Committee may, from time to time, with majority Board approval, adopt, amend and repeal the Rules and Regulations to be known as "Architectural Committee Rules". Said Rules shall interpret and implement the provisions hereof by setting forth the standard and procedures for Architectural Committee review and guidelines for architectural design, location of improvements, acceptable types of landscaping, acceptable building colors, exterior finishes and materials and similar features which are recommended for use in the development; provided, however, that said Rules shall not be in derogation of the minimum standards established by this Restated Declaration.

**ARTICLE VII
MAINTENANCE/REPAIR OBLIGATIONS**

Section 2. Owner's Obligations.

Dwellings and Lots. Each Owner of a Lot shall be responsible for maintaining and repairing his or her Lot, including all structures and landscaping on the Lots, subject to reasonable standards adopted by the Board.

Landscaping. Each Owner shall be responsible for all landscaping located within his Lot. Landscaping on portions of a Lot visible from the streets adjacent to the Lot shall be maintained in a neat and orderly condition. Each Owner's landscaping responsibility shall include pruning, mowing, weeding, cleaning of debris and trash, fertilizing and regular watering. No landscaping shall be allowed to encroach on sidewalks. Any weeds, and diseased or dead lawns shall be neatly mowed and trees and shrubs shall be neatly trimmed. Dead trees shall be removed promptly. The Architectural Control Committee is authorized to adopt, revise, and enforce minimum landscaping standards to provide guidance for compliance with this Article.

Utility/Cables/Lines. Each Owner shall also be responsible for maintenance, repair and replacement of all plumbing, electrical, and water conduits, pipes, and lines on and servicing his Lot.

Section 3. Association Remedy for Non-Compliance. In the event an Owner of any Lot shall fail to fulfill his or her obligations in a manner satisfactory to the Board, the Association may, after notice to the Lot Owner and opportunity for a hearing before the Board, through its agents and employees, enter upon said Lot and repair the landscaping that can be seen from the street, and may take disciplinary, legal or equitable action to require that other violations of the standards of the Association be met. As for any landscaping or Lot cleanup undertaken by the Association, or any legal or equitable action that is necessary to seek conformance, the costs of such items shall be assessed by Reimbursement Assessment (see Article IV) to which the Lot is subject.

Section 4. Owner's Liability to Association. The Owner of each Lot shall be legally liable to the Association for all damages to the Common Area and to any improvements, if the damage is caused by Owner or any occupant of Owner's Lot, or visitors, guests, etc. of any Owner or tenant residing in the home on said Lot. Charges related to such damage may be assessed in accordance with Reimbursement Assessments under Article IV.

The adoption of this Rule was approved on the 5th day of February, 2007, by the following vote:

DIRECTOR

Victor Petersen	Yes ___X___	No _____	Absent/Not Voting _____
John Youngblood	Yes ___X___	No _____	Absent/Not Voting _____
Janet Miller	Yes ___X___	No _____	Absent/Not Voting _____
Tom von Thury	Yes _____	No _____	Absent/Not Voting ___X___
Renee Rovai	Yes ___X___	No _____	Absent/Not Voting _____

WHEREUPON, the Treasurer declares the foregoing Rule duly adopted, to be effective February 5, 2007.

Dated: February 5, 2007

Terry S. Cunningham - Treasurer