

# ARCHITECTURAL CONTROL GUIDELINES & APPROVAL PROCESS

HOLIDAY ESTATES Maintenance Association

November 2001

Holiday Lake Estates is governed by two sets of CC&R's, one for Unit One and one for Unit Two. These CC&R's contain many specific as well as vague regulations for its' members. The Board of Directors has adopted these Guidelines for three primary purposes:

1. To clarify the current Board interpretations of the CC&R's
2. To preserve the character of Holiday Lake Estates
3. To ensure that the property values increase commensurate with the real estate market

The Board views this process as evolutionary and invites homeowners to make comments and to provide constructive input at any time. The following Guidelines are based on actual language in the CC&R's, as well as Board policies. Actual language or paraphrasing from the CC&R's is shown in *italics*. Where possible, the sections of the CC&R's are referenced.

## ***Architectural Guidelines***

### **I. Residence Conditions (Article I)**

1. *All residences must be one and two story single-family private homes.*
2. *Outbuildings are permitted, including private garage, boathouse, guest house, cabana, arbor, gazebo and similar structures. All outbuildings are limited to one story. Outbuildings which contain housing accommodations must be joined to the main house by a roofed connection.*
3. *Utility connections must be underground at the homeowners expense.*
4. *No form of business, manufacturing or other form of commercial enterprise is permitted.* Note that this restriction does not prohibit residents from maintaining and working from a home office, provided customers are not regularly visiting the home to conduct business, and there is no external signage.
5. *No keeping of animals or creatures of any kind for commercial purposes.* (Article XIII)

### **II. Temporary Buildings (Article II)**

1. *A temporary building or trailer may only be used as a residence during the period a permanent structure is being built.*
2. *A temporary building must have written approval of the Association's Board of Directors and must be removed by time the permanent structure is occupied.*

### **III. Architectural Control (Article III)**

1. Written approval by the Association's Board of Directors is required for all of the following:
  - *Buildings, walls, fences or other exterior structures (including decks).*  
The placement of fences and walls on the property is restricted by the following:
    - *May not be closer to the street than the original construction or the building setback line.*
    - *May not be taller than six (6) feet.*
    - *May not interfere with or obstruct existing property easements.*
    - *Fences may not enclose more than 25% of a property. (Preserve the "Openness" of HLE)*
    - *Electric fences are prohibited. (Safety)*
    - *Fences must be 90% "see through". (Preserve the "Openness" of HLE)*
    - *Wire cages for the protection of young trees do **not** require approval.*
  - *Exterior building alterations that require a permit.*
  - *Any other permanent alteration to the exterior of a structure (including roofs).*
  - *Any change in the exterior color of the structure.*

2. The Association must refuse approval if the request:
  - Violates any conditions in the CC&R's.
  - *Does not conform with general improvements in the area.*
  - *Is not in harmony with the general improvements in the area.*
3. Wherever applicable, City and/or County permits must be obtained by the homeowner prior to the beginning of the proposed work. Approval by the Association's Board of Directors in no way constitutes approval to commence work without obtaining the required permits.
4. Replacement decks with no change in size, shape, height or materials do not need Board approval.
5. *The minimum size of the primary residence is 1250 sq. ft. (Article V)*
6. *Site clearance plans, including tree removal, must be approved by the Association's Board of Directors. (Article VI)* Site clearance for the purposes of building a new residence or extension to an existing residence must follow City and County guidelines for slope control, and HEMA CC&R's for slope and drainage control. The homeowner must obtain appropriate permits from the City of Morgan Hill and/or the County of Santa Clara, before removing trees. Several species of trees are controlled by the city and/or county regulations, and their removal must be approved and permits obtained from the governing agency.
7. Additions to existing structures must be compatible with the original designs. (Preserve the uniformity of the neighborhood)
8. Class A fire retardant roofing materials are to be used. Roof color must be approved by the Association's Board of Directors.
9. Preferred structure colors are neutral, beige, white or brown and warm earth-tones.

#### IV. Swimming Pools

1. Terrain permitting, the location of a pool is to be in the back or side yard. Board Approval is required.
2. The pump must be sound insulated and located so as to be least offensive to neighbors.

#### V. Driveways & Parking

1. All driveways used for access onto property from the street should have a minimum **10-inch** diameter pipe under it to allow drainage under the driveway from the ditches running parallel to the street. Larger pipes may be required in some areas, as dictated by the needs of the location and the annual runoff.
2. Property owners are responsible for keeping drainage channels under their driveways free flowing and free from obstruction.
3. Since no parking is allowed on the streets within Holiday Lake Estates, provision should be made on each lot, to park vehicles off of the road and off of the road's shoulder.

#### VI. Landscaping

1. Lots must be kept free from dead trees, brush and other unsightly materials and fire hazards.
2. Some landscaping must be installed on completion of construction.
3. Homeowners are further encouraged to avoid planting under the native oak trees. Lawns or other plants which require summer irrigation are discouraged.
4. The height of newly planted trees and shrubs at **their maturity** may not block anyone's view of the lake, valley or foothills.
5. The homeowner must obtain appropriate permits from the City of Morgan Hill and/or the County of Santa Clara, before removing trees. Several species of trees are controlled by city and/or county regulations, and their removal must be approved and permits obtained from the governing agency.

## VII. Energy and Communication Systems

1. Wind generation devices are prohibited.
2. *Television Antennae/Dish Antennae are permitted and should be placed so they are not visible from the street.*
3. Solar collectors for photovoltaic, active fluid or passive systems are allowed and are subject to the following limitations:
  - They should not be located above the roof line.
  - They should be installed in an unobtrusive fashion and be architecturally compatible with the structure. This includes piping, ducting and other appurtenances.
  - They should not be oriented in such a way to cause glare into a neighbor's home, deck or patio or other structure on neighbor's lot.
  - The solar collection system must be approved by the Association's Board of Directors prior to installation. (Since this is an exterior modification)

## VIII. Drainage

1. No owner may alter the grade of the land within his/her Lot, construct any structure, retaining wall, undertake any planting or other activity which will substantially retard, change or otherwise interfere with the natural flow of surface or drainage water which could actually or potentially threaten any other Lot, or which could cause erosion or land slippage problems.
2. All homeowners are encouraged to install downspout extensions on their home to control roof water run-off. Such run-off should be channeled into existing drainage ditches.

## ***Architectural Request Approval Process***

### **General**

Homeowners wishing to make any alteration or additions which require approval by the Association's Board of Directors (as indicated above) must submit an Architectural Request in writing **prior to beginning the proposed work.**

The Architectural Request should contain the information outline below and include detailed plans and specifications if applicable.

No work may commence prior to receiving written approval of the Architectural Request from the Association's Board of Directors.

Approval of Architectural Requests is valid for 12 months. If work is not begun in the 12- month period following receipt of approval, a renewal request to the Board must be submitted.

### **Information Required**

Necessary data would include:

- Your name, address, and phone number
- Height, width, length, size, shape, color, material of the proposed improvements.
- Address and lot number of proposed improvements.
- Architectural drawings or plans for proposed improvements.
- Photographs or sketches of similar completed projects that would aid in the review process.
- Copies of city or county permits whenever such permits are required.
- If the proposed modification would in any way change the existing drainage pattern, this must be clarified and solutions for maintaining the correct drainage pattern must be included with the request.

- Estimated duration of the proposed work.

**NOTE: The Board will need to keep one copy of plans, drawings, permits, sketches and photographs.**

### **Approval Cycle**

The Board reviews requests for architectural modifications at the monthly Board Meetings. Homeowners are encouraged to attend the meeting when their requests will be reviewed.

The Association's Board of Directors meets on the 3<sup>rd</sup> Thursday of each month. Architectural Requests must be submitted at least 14 days prior to the meeting in order to give the Architectural Committee and/or Board sufficient time to review plans and visit the site.

Architectural Requests that have not been submitted in time to be properly reviewed prior to the monthly meeting cannot be approved until the following month's meeting.

If the Board of Directors disapproves a request, the Board of Directors must issue a letter to the requestor within 15 days of the vote to reject the request, informing the requestor of the rejection and specifically outlining the reason(s) for the rejection. The requestor may then resubmit the request making appropriate amendments according to the reasons for rejection(s) outlined in the letter. The policy of the Board is to issue a single rejection outlining all deficiencies and not to revisit the entire submission upon resubmission of the corrections.

Requests should be delivered to the Association Management Company, c/o Bethaney Dearing:

**Access Association Services, Inc.  
Bethaney Dearing, Manager  
16264 Church Street, Suite 102  
Morgan Hill, CA 95037  
Tel.: 408/782-1222  
FAX 408/782-1226**

*In the event of a conflict between these Architectural Guidelines and the Association Management Documents (By Laws and CC&R's), the Association Management Documents will prevail.*