

ARCHITECTURAL REVIEW

**Rules and Procedures of the Architectural Committee of York Hills
Homeowners Association**

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INTRODUCTION

York Hills is an indescribably unique parcel of land. It is rich beyond measure in history, character and natural beauty. The lyric poetry of John Steinbeck called this area the “pastures of heaven” and truly it is.

The beauty of the area has been enhanced over the generations by owners who have brought to it a special feeling and a love for the land. The property acquired by the initial purchasers in York Hills was bought from the family which acquired the ranch from the holders of the original Spanish Land Grant given in the early 19th Century. Their love of the land, and their concern to preserve its quality and character, is expressed in the design of York Hills.

The responsibility for preserving the quality and character of this unique area with its gently rolling hills and magnificent sweeping vistas is now vested in the Architectural Committee of the Homeowners Association. It is with a serious understanding of the nature of that responsibility that the Architectural Committee undertakes its task. To further that effort, the Committee has prepared this booklet to help each owner in working with the Committee and to verbalize the Committee’s concepts as it begins to fulfill its responsibility.

The work of the Committee is a dynamic process, involving communication and interrelation between the Committee, its architect, the owner, and the architect and designers whom he has employed. Each of these persons is a member of a team, whose final responsibility is to the land itself, the owners of the fifty three lots in the development, and all other persons whose lives will be affected by what happens on this unique piece of property. Therefore, the Committee’s review process is not and cannot be an adversary procedure. Rather, it is a joint effort of all the parties involved to fulfill the responsibility entrusted to them to use the land wisely and make of it all that it can be for the benefit of all who are involved with it.

Ultimately, and most importantly to each owner, this is the land which you have selected for your home. It represents a significant investment of your money, time and life. The rules and work of the Architectural Committee are designed to protect and benefit that

investment as much as possible within the context of the individual goals of each landowner and the overall harmony of the entire area.

The Architectural Committee requests your patience and assistance in this process. Together the Architectural Committee and the owners of the fifty-three lots can make York Hills the finest residential area on the Monterey Peninsula. Together we can fulfill the trust imposed upon us to respect, enhance and make more useful the land we are privileged to own. This is our responsibility and our goal. It is with these thoughts that the following guidelines and procedures are prepared. It is on this basis that the work of the Architectural Committee is undertaken.

ARTICLE VII
COVENANTS, CONDITIONS AND RESTRICTIONS

Quoted below is Article VII of LAGUNA SECA RANCH ESTATES (predecessor in name to YORK HILLS HOMEOWNERS ASSOCIATION), DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS recorded in the Office of the Recorder, County of Monterey, on September 11, 1980 at Reel 1431, Page 549. This describes the jurisdiction, composition and powers of the Architectural Committee.

ARTICLE VII
ARCHITECTURAL COMMITTEE

7.01 Members of Committee. The Architectural Committee shall consist of three members. The term of each member of the Committee shall be three years, except that upon initial appointment of the Committee one member shall be appointed to a one year term and one member shall be appointed to a two year term. If a member of the Architectural Committee resigns, is removed, or otherwise ceases to be a member at any time during his term, his replacement shall be appointed for the period of time necessary to complete the term of the member whom he is replacing.

7.02 Appointment of Committee Members. Declarant shall appoint all of the initial members of the Architectural Committee, and all replacements, until the first anniversary of the issuance of the original public report for the Subdivided Property. Thereafter, until such time as ninety (90%) percent of the Residential Lots have been sold, or until the fifth anniversary date of the original issuance of the final public report for the Subdivided Property, whichever occurs first, Declarant shall appoint such members of the Committee as are necessary for Declarant to at all times have appointed a majority of the members of the Committee, and the remaining members shall be appointed by the Board. From and after such time as ninety (90%) percent of the Residential Lots have been sold, or on the fifth anniversary date of the original issuance of the final public report for the Subdivided Property, whichever occurs first, all members of the Architectural Committee shall be

appointed by the Board. Members appointed to the Architectural Committee by the Board shall be members of the Association. Members appointed to the Architectural Committee by Declarant need not be members of the Association.

7.03 Rules. The Architectural Committee shall adopt, amend and repeal rules and regulations to implement and interpret its purposes as set forth herein (“Architectural Committee Rules”). The Architectural Committee Rules shall be enforceable in the manner and in accordance with the powers set forth in the Declaration.

7.04 Review of Construction. No residence, septic tank, fence, access road, building or other improvement of any kind whatsoever including landscaping or the like shall be erected, placed, altered or refinished on any Residential Lot until such action has been approved in writing by the Architectural Committee. The review by the Architectural Committee shall be for the purpose of examining appearance and design compatibility, and such factors as size, design, view, effect on other property owners, disturbance of existing terrain and vegetation, location with respect to designated setback requirements, color and matters of similar import shall be considered.

7.05 Action by Architectural Committee. The Architectural Committee shall either approve, conditionally approve, or disapprove any submission to it. Except as otherwise herein stated, all actions of the Architectural Committee shall be by vote of a majority of the members of the Architectural Committee. In the event the Architectural Committee fails to approve, conditionally approve, or disapprove a submission which has been made in accordance with the Architectural Committee Rules within thirty (30) days from the date of said submission to the Architectural Committee, approval shall not be required and the related covenants herein shall be deemed to have been complied with; provided, however, that the Architectural Committee may extend the time for such approval for no longer than ninety (90) days from the date of submission by majority vote of those Architectural Committee members in attendance at the meeting at which such vote is taken, and a quorum shall not be required for such action.

7.06 Conditional Approval. The Architectural Committee may conditionally approve any submission by imposing reasonable conditions upon its approval to the extent

such conditions are reasonably related to the review purposes set forth herein. Upon imposition of such conditions to approval, the applicant approval shall, within thirty (30) days of notice of conditional approval, execute a written agreement with the Association accepting and agreeing to perform each of the conditions established by the Architectural Committee. Upon execution and delivery of such an agreement by the applicant to the Association, the applicant's submission shall be deemed approved. In the event the applicant fails to execute and deliver such agreement to the Association within the thirty day period, his submission shall be deemed disapproved.

7.07 Building Permit. No application for a building permit with respect to any Residential Lot shall be made until a submission receives approval from the Architectural Committee.

7.08 Format of Submission. The Architectural Committee shall specify in the Architectural Committee Rules the format of and documents required for a submission for approval. The Architectural Committee may require that a submission for approval be accompanied by a reasonable fee, which shall be set by the Architectural Committee.

7.09 Completion of Work. In the event work has not begun within one year from the date of a submission's approval, said approval shall be deemed revoked. The Architectural Committee may in its sole discretion grant an extension beyond one year for good cause and upon written application.

7.10 Nonliability. Neither the Architectural Committee nor any member thereof, nor the Board nor the Association shall be liable to any owner or any Grantee for any damage, loss or prejudice suffered or claimed on account of (1) the approval of any plans, drawings and specifications, whether or not defective, (2) the construction or performance of any work, whether or not pursuant to approved plans, drawings and specifications, or (3) the development or manner of development of any property.

7.11 Completion of Construction. All construction, including landscaping, shall be completed within one year from the date of the issuance of the building permit for such construction. The Architectural Committee may in its sole discretion grant an extension beyond one year for good cause and upon written application.

7.12 Nonoccupancy. No Residential Lot shall be occupied until all structures thereon have been completed in accordance with the submission approved by the Architectural Committee.

7.13 Architectural Variances. The Architectural Committee may grant an architectural variance from any condition contained herein, or in the Architectural Committee Rules, for the purpose of saving significant trees, avoiding unnecessary cuts and fills, or because of a design, which though desirable and compatible, is so unique in concept that it is beyond the scope of these conditions and the Architectural Committee Rules. The person who applies for such variance has the burden of proof and shall offer evidence in support of his application. An architectural variance shall not be granted unless the Architectural Committee finds that the variance is appropriate to the location, the lot, and the neighborhood; the variance is consistent with the goals of the Declaration, Articles, Bylaws and Architectural Committee Rules; and, the variance will not adversely affect the character of the neighborhood. Each applicant for an architectural variance shall submit the following information:

1. Name and address of the applicant;
 2. Location of subject property;
 3. A written explanation of the facts supporting the applicant's request;
- and
4. All other information requested by the Architectural Committee to properly evaluate the application.

7.14 Enforcement of Architectural Committee Rulings. If a Grantee fails to comply with any notice of noncompliance, directive or order from the Architectural Committee, the Architectural Committee or the Board may after reasonable notice, perform the subject matter of such directive or order, and the cost of the such performance shall be charged to such Grantee, and may be recovered by the Association in an action at law. In addition, this Declaration hereby vests the Architectural Committee or the Board, acting in the name of the Association and for the benefit thereof, with the right to bring a proceeding in equity to enforce the declaration and the Architectural Committee Rules adopted pursuant thereto.

BUILDING GUIDELINES

The following guidelines should be carefully considered in developing the design of your residence. These guidelines generally express the fundamental concerns which the Architectural Committee will have when it reviews your plans. While no list of guidelines can be all-inclusive, nor arbitrarily applied, the Architectural Committee has designed these guidelines in an effort to give you as much advance assistance as possible.

1. PROFESSIONAL SERVICES.

It is recommended that you use the services of an architect or professional designer in planning your residence. While this is not required, it will help to ensure the highest standards in creating and maintaining quality environment and community.

2. BUILDING SITING.

Use the greatest care to protect existing terrain and vegetation when siting the building and determining areas of paving and landscaping. Make the siting of the building as unobtrusive to neighbors as possible. Minimize cuts and fills for buildings, drives and parking areas.

3. BUILDING CHARACTER.

The architecture of the building should harmonize with or enhance the natural environment, and the quality and character of the community. Extraordinary and unusual designs should be avoided, so that the entire community will have a consistent character. The design should give emphasis to fine detailing, and avoid strips of veneer, false fronts, shutters and the like. Select materials and colors to blend with the environment and the community.

4. EXTERIOR MATERIALS.

Materials should be consistent throughout the building. Small areas of materials added for ornamental effect should be avoided. Wood shingles, shakes, wood siding, stucco, adobe and natural stone are recommended. Metal sidings or other manufactured products are not recommended and the use of reflective materials is discouraged. Colors and textures should harmonize with the surrounding natural environment.

5. FENCES AND WALLS.

Masonry walls and natural wood fencing materials are recommended, as is open type fencing when enclosing the property. Landscaping of fencing is encouraged so that the actual fencing will eventually disappear from view. Chain link or similar type fencing should be avoided.

6. GARAGES AND OTHER ACCESSORY BUILDINGS.

All such structures should have a consistent architectural character with the principal residence, and should be composed of the same materials. Where feasible, physically link structures through roofs, walls or other appropriate means to create homogenous composition.

7. DRIVEWAYS.

Driveway material should be concrete or asphalt paving. The design should consider a turnaround or circular drive where access is located on main thoroughfares or those with poor site distances. You are encouraged to accommodate for off-street visitor parking.

8. DRAINAGE.

Disperse road and paved area drainage on your lot, or direct it to an adjacent road or existing natural drainage wherever possible. Analyze subsurface drainage, and take adequate precautions to alleviate any potential problems.

9. FOUNDATIONS.

Continuous foundations should be outside the drip line of all trees which are to remain. Consider a point foundation system if the building is to be placed closer than the drip line to the trees. Take care in placing foundations to avoid cutting the roots of major trees.

10. GRADING.

Keep to an absolute minimum changes in natural grade by cutting or filling for buildings, walks, driveways and similar site improvements. The effort is to preserve the existing land form and to prevent scars and erosion.

11. LANDSCAPING.

Please refer to LANDSCAPING GUIDELINES for details.

12. MASONRY.

To the extent appropriate within the framework of a particular design, concrete, concrete slump block, adobe, stucco and brick are acceptable. It is most desirable that exposed masonry surfaces consist of locally quarried stone. The use of decorative concrete blocks as veneer, fences or screens is strongly discouraged.

13. METAL SURFACES (EXPOSED).

Exposed metal (with the exception of copper) flashing or trim must be anodized or painted to blend with the exterior colors of the building and be nonreflective. Where appropriate, exposed metal surfaces should be boxed in with suitable materials.

14. ROOFS.

Wood or tile roofs, either gabled or hipped, are recommended. Flat roofs are acceptable if they are not too expansive and are visually screened from the neighbors and roadways. Fire treating of flammable roofing materials is strongly recommended.

15. SKYLIGHTS.

The most desirable skylight is one which is of a flat, low silhouette type. Plastic bubble skylights are strongly discouraged unless they are expressive of the architecture or are screened from view.

16. SOLAR PANELS AND OTHER ENERGY CONSERVATION DEVICES.

These devices must be integrated into the design of any structure or completely concealed from view. Anything which gives a tacked or added on appearance should be avoided.

17. TRASH AND STORAGE.

Provide an enclosed structure or appropriately screen any area used for the storage of trash containers so that these containers are not visible from streets or other residences. Provide a similar enclosed structure or screening for storage of such items as patio and recreational equipment.

18. WINDOWS AND DOOR FRAMES.

Anodize all aluminum window sash and door frames to an acceptable color. Do not use mill finish aluminum frames and screens.

19. POOL AND SPA EQUIPMENT.

Locate this equipment so that any noise from it cannot be heard on neighboring properties. Provide an enclosed structure or appropriately screen this equipment so that it is not visible from streets or other residences.

LANDSCAPING GUIDELINES

York Hills provides a beautiful, naturally scenic setting. It is the intent of the Architectural Committee to preserve that quality. You are urged to secure the services of a landscape architect or professional designer to aid in accomplishing this goal.

The following guidelines will be considered by the Architectural Committee in reviewing landscaping plans.

1. COUNTY REQUIREMENTS.

York Hills is located in a Scenic Conservation District. Therefore, all Monterey County requirements for a Scenic Conservation District must be met.

2. ADJACENT PROPERTIES.

Consider and give thought to a visually pleasing juncture with adjacent properties. Consider your neighbors. Do not block their views or create a problem for them. Avoid traffic hazards caused by any obstruction of the line of site with tall plantings.

3. FENCES.

Please see BUILDING GUIDELINES.

4. PATHS AND WALKWAYS.

These should be of natural materials which blend with the surrounding landscaping.

5. PROTECTION OF EXISTING TREES.

Avoid filling and cutting around existing trees. Protect these trees with barriers during construction and alert the contractor and subcontractor to protect your trees.

6. REMOVAL OF ADDITIONAL TREES AND OTHER NATURAL FORMS.

No tree, major shrub, major rock or other prominent vegetation shall be removed from private property without the written approval of the Architectural Committee.

7. TREES AND PLANT MATERIALS.

Use native, indigenous and drought resistant plant materials. Attempt to retain as much as possible of the natural and native vegetation.

PLAN SUBMISSION REQUIREMENTS

The Declaration of Covenants, Conditions and Restrictions of York Hills provides that the Architectural Committee must complete its review of a submission to it within thirty days of the date of that submission, provided that the Committee may extend that time by an additional ninety days. The Declaration also grants to the Architectural Committee the power to specify the format of and documents required for a submission, and to impose a reasonable fee. These matters are discussed below.

A. PRELIMINARY PLAN REVIEW.

It is in the best interest of the owner of each lot to communicate with the Architectural Committee as early in the design process as possible. This enables the Architectural Committee to review proposed plans and make suggestions to the owner before the owner has spent a substantial amount of money in design. As a result, the Architectural Committee will review preliminary plans and specifications with the understanding that this is a preliminary review and is not a final review on the basis of a submission as that term is defined hereinafter and used in the declaration.

To obtain a preliminary review, the owner should submit a site plan, floor plan, exterior elevation plan, and general statement of specifications in accordance with the requirements which are indicated by an asterisk in the section on plan submissions below. The owner should also field stake and flag the building in accordance with the building location requirements marked by an asterisk below.

Along with the documents, the owner should clearly state to the Architectural Committee that his application is for a preliminary review. This will avoid confusion and delay to the owner and to the Architectural Committee. In submitting documents for a preliminary review, the owner is strongly encouraged to avoid pre-packaged plans which have not been reviewed by a design professional with the particular site in mind.

The response of the Architectural Committee to a preliminary review is solely advisory, and a positive response does not imply or guaranty that the final plans will be accepted.

B. PLAN SUBMISSION REQUIREMENTS.

For purposes of the declaration, a Submission to the Architectural Committee is defined as the occurrence of each of the following. The date of the Submission shall be the date when the Applicant submits two (2) sets of each plan required hereunder, to the Architectural Committee at the then current address of the Chairman of the Architectural Committee:

1. Site Plan:

- a. This plan should show the entire site at 1" = 20' or other suitable scale showing the proposed location of buildings and improvements. It should give elevations of all site corner points and indicate compass rose orientation.
- b. The plan should show natural site topography at a minimum of two foot intervals.
- c. The plan should indicate all existing trees which are to remain, and show existing trees which will be removed.
- d. The plan should show proposed finished grades, finished floor heights and site drainage.
- e. The plan should show required set backs and easements.
- f. The plan should show proposed off-street parking, drives, walks, patios, decks and trash enclosures.
- g. The plan should show proposed fences, screens and earth berms.
- h. The plan should show proposed site lighting.
- i. The plan should show a roof design plan.
- j. The plan should show all utility connections and any other requirements established by building codes.

2. Footing, Foundation and Structural Plans.

These plans should show in sufficient detail the layout of the foundation and structural configuration of the building.

3. Floor Plans.

- a. Floor plans should be on a scale of $\frac{1}{4}'' = 1'$ and should show compass rose orientation.
- b. Floor plans should show room size, and locations and sizes of doors and windows.
- c. Floor plans should indicate living area square footage.
- d. Floor plans should indicate all mechanical and electrical equipment locations.

4. Exterior Elevations.

- a. These should be on a scale of $\frac{1}{4}'' = 1'$.
- b. They should show exterior appearance of all views labeled in accordance with compass orientation.
- c. They should show natural and finish grades on all elevations and street elevation.
- d. They should indicate final ridge and chimney heights on each elevation, from natural grade.

5. Landscaping Plans.

- a. Landscaping plans should be at a scale of $\frac{1}{8}'' = 1'$ or larger, and accurately and clearly drawn.
- b. Landscaping plans should show the entire parcel with scale, north point, major dimensions, road or street, utility services, easements, etc.; contour lines and/or slope indications and/or spot elevations; existing trees (size and type) of over 6" in diameter; major shrub masses, soil conditions, rock outcroppings, etc.
- c. Landscape plans should show proposed site clearing and development, including house, garage, fences, and any other structures (with colors noted), driveway, required parking spaces, paved or gravel areas, drainage information if appropriate, and all landscape plant materials including grass, ground cover and flower masses accompanied by a list of plants showing botanical and common names of plants, quantities and installation sizes.

6. Specifications.

- a. Describe proposed exterior materials of walls, roof, trim, chimney, garage door and the like.
- b. Provide a color sample board of all exterior materials.
- c. Provide typical details of all eave, window and door trims, railings, finish materials and the like. The scale should be of a sufficient size to fully reflect the method and materials of constructions. Describe all exterior finishes and colors including glass types and specifications for aluminum material applications.

7. Building Location.

*Field stake and flag outer most corner points of proposed buildings on the lot. Stakes and flags must be of sufficient height to be visible from the property line.

8. Other Requirements.

The Architectural Committee reserves the right to require the submission of any other information which is reasonably necessary to adequately inform it with respect to the proposed design.

C. WAIVER OF REQUIREMENTS.

The Architectural Committee may, by majority vote, waive any requirement for a submission when the Application concerns the modification of an existing structure, or the addition of an accessory building or improvement.

D. RECONSIDERATION OF DISAPPROVAL.

If a Submission is disapproved by the Architectural Committee, the applicant is entitled to reconsideration by the Association's Board of Directors at an open meeting of the Board, provided that the applicant makes and delivers to the Association's Secretary a written request for such reconsideration within fifteen (15) days following the provision of notice to the applicant of the Architectural Committee's disapproval of the Submission. Upon receipt of a proper and timely request for such reconsideration, the Board shall take the matter up at its next regularly scheduled meeting that is not less than fifteen (15) days following receipt of the request or at the discretion of the Board, at any special meeting to be conducted within ninety (90) days of receipt of the request.