

# OHHA Architectural Review Policy

Effective June 14, 2023

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## Part I.

# OAK HILLS HOMEOWNERS ASSOCIATION GUIDANCE FOR DESIGN APPROVAL.

## 1. Introduction and Overview

- a. The Oak Hills Homeowners Association (HOA) Board of Directors, with the assistance of the Architectural Review Committee (ARC), is pleased to present the Architectural Guidelines for the community of Oak Hills. These guidelines will give Association members consistent standards, while meeting State and County Codes, to follow when planning exterior changes to your property.
- b. We hope these Guidelines help to build a community that will allow freedom for individual tastes, while maintaining the overall aesthetic tone that is welcoming and attractive for generations, and maintain compatibility between improvements, and preserve property values.
- c. Please read and follow these guidelines. Written approval from the ARC is required prior to the start of some exterior changes. Because Oak Hills is in a Design Control (DC) District, County of Monterey (County) approval may be required prior to the start of building any new structures on property. (This is advisory only and not a requirement for ARC approval.) Examples include a new fence, an accessory building or addition. It is advised that an owner receive written approval from the County and the Board of the Directors (Board) before committing labor or materials to any project.
- d. The HOA reserves the right to amend these Guidelines from time to time as it deems desirable or necessary.

## 2. Purpose and Policy

- a. The Guidelines are intended to serve as a consistent set of standards and the foundation for planning exterior changes to the properties in the HOA. This document does not replace or supersede the CC&Rs, which are the legal and binding authority and take precedence over any of the stated Guidelines.
- b. Owners are responsible for repairs to existing structures and home exterior in order to maintain an attractive appearance of their property. No ARC application is needed to effect repairs and restoration to the original condition. If you are

unsure whether ARC approval is required, please contact the ARC as to whether an application is needed.

- c. Each owner will need to plan in advance to allow for the ARC recommendation and Board evaluation of each application. The ARC will hold meetings as necessary to review requests and will communicate its decision with explanation via email.
- d. The ARC is charged with conducting the review of all applications for exterior changes, performing site inspections of requested modifications (before and after) and offering recommendations or changes to the Board with regard to Architectural Guidelines.
- e. The ARC reviews applications for aesthetic purposes only. It is the responsibility of the Owner to follow all applicable federal, state, and local building codes.
- f. Each application is evaluated on its own merits.
- g. An Owner is financially responsible for any damage to property owned or maintained by HOA as a result of the Owner's improvements.

### **3. Review Criteria**

- a. The intent of the ARC with these standards and Guidelines is to continue to build a community that will allow freedom for individual owner's tastes, while assuring the visual integrity of the development without imposing undue restrictions.
- b. The ARC's recommendations to the HOA are based on the following standards:
  - 1) Aesthetic Considerations: The color, form, shape, style, size, material type will be included in the consideration.
  - 2) Validity of Concept: The basic idea of the exterior change must be sound and appropriate to its surroundings.
  - 3) Relationship of Structures and Adjoining Property: The proposed change must relate harmoniously to its surroundings and to existing buildings and terrain that are visually related to the change.

#### **4. Protection of the Adjacent Properties.**

- a. The interests of neighboring owners must be protected by making reasonable provisions for such matters as water drainage, sound and sight buffers, privacy, and other aspects of design that may have substantial effects on neighboring property.
- b. Design Compatibility. The proposed change must be compatible with the design characteristics of the applicant's home and general neighborhood setting. Compatibility is defined as harmony in design, style, scale, materials finish(es), color and construction details.
- c. Workmanship. The quality of work must be equal to or better than that of existing structures.
- d. Any condition or material not defined shall become a matter of judgement on the part of the ARC.

#### **5. Project Completion/Timing**

An approved property change may be installed either by the Owner or by a contractor.

In the event a project significantly exceeds the approved design, scope or time period, the homeowner should communicate in writing to the ARC regarding these changes and provide additional information. The original approval may be revoked, or the ARC may require additional documentation.

Projects that remain unfinished for an extended period of time, are visually objectionable, or can be a nuisance and/or a safety hazard for neighbors and the community, may be subject to Board action.

All applications must contain a maximum time period from start to completion of construction. If the proposed time period is considered unreasonable, the ARC may not recommend approval of the application and/or will require the project be broken up into phases.

When the work is complete, the homeowner must notify the ARC or Board. A follow-up inspection may be performed.

## PART II

### ARCHITECTURAL ELEMENTS REVIEW CRITERIA

#### 1. Fences

- a. Approvals:
  - 1) Monterey County requires a Design Approval (DA) for any new fences. There are exceptions if a few fence boards are being replaced **or** the fence is being rebuilt like for like, using the same type of material, same height, same location, and same color. See section e, below.
  - 2) Board Approval is required prior to starting work.
  - 3) Building permits (BP) from the County are required for fences greater than 6 feet in height.
- b. Setbacks. Front fences cannot be located within 20 feet of the curb in front of the house.
- c. Height: Back and side yard fences shall be no taller than 6 feet in height. Fences in the front yard shall be no taller than 3 feet.
- d. Standards.
  - 1) Existing fences are grandfathered.
  - 2) All replacement fences must comply with the following:
    - a) Accepted materials for front and side fences: wood, wrought iron and vinyl. Chain link and "hog wire" fences are acceptable only on the back of the property line with views of the greenbelt. Dog kennels constructed of chain link are permitted inside the perimeter fence in the backyard and must be no more than 6 feet high. (See Appendix A).
    - b) Colors: exposed wood, earth tones, plus white or cream (See Appendix B).
    - c) Design: a variety of designs are acceptable (See Appendix A).
- e. Repair and maintenance: All boards and posts must be solidly attached on the frame or placed in the ground. Fences in poor condition must be repaired/replaced in a timely manner with similar material. Neither DA nor ARC Approval is required for simple repairs.

## 2. Storage Sheds

- a. Approvals:
  - 1) Monterey County requires a DA for all accessory structures, including storage sheds.
  - 2) A BP is not required as long as electrical and plumbing are not added and is not used to store hazardous material or vehicles.
  - 3) Board approval is required for all sheds visible from the street.
- b. Location: Sheds must meet County setback requirements. Sheds are to be located in the backyard of the property. Sheds may be allowed inside side yards if they are behind a fence and in the back half of the property. Existing sheds are grandfathered. Replacement sheds must have Board approval.
- c. Height/Size: no taller than 15 feet and no larger than 240 sq. ft.
- d. Colors: match the main residence with earth tone colors for the principal structure and a complementary color for the trim (See Appendix B).
- e. Design: roof shall have a pitch. Windows, doors and corners shall have trim.
- f. Materials: wood, stucco, vinyl, and metal.
- g. Pods are considered temporary storage, not sheds, and shall not remain on the premises for more than ninety (90) days. The owner will notify the Board the date of arrival and removal of the "Pod".

## 3. Driveway / Drive Extensions / Parking Areas

- a. Approvals:
  - 1) DA is **not** required for a new/replacement driveway.
  - 2) Board Approval is required (See Appendix C).
  - 3) The County requires an encroachment permit for a new or replacement driveway that enters a County street/highway. If the apron or the adjacent sidewalk is not disturbed and is in good condition, an encroachment permit will not be required.
  - 4) The County may require a grading permit for new and replacement driveways.

- b. Materials: All aprons and sidewalks will be installed using a six sack Portland Cement Concrete (PCC) and have an exposed aggregate finish.
- c. Approved driveway and extension finish: troweled concrete, salt finish, stamped concrete, pavers, and exposed aggregate. Asphalt for driveways or extensions are prohibited. Existing asphalt driveways are grandfathered. Decomposed granite (DG) and gravel is acceptable for extensions only.
- d. Repair: must be consistent with the rest of the driveway material.
- e. Colors for newly constructed driveways: earth tones and neutral colors approved by the ARC/Board.
- f. Parking is not permitted in a front yard unless it has a dedicated driveway or extension space for vehicles.

#### **4. Landscaping and Easements:**

- a. Landscaping design will come under the Landscaping Policy.
- b. No structures are permitted within 20 feet of the curb.

#### **5. Temporary Parking Structure:**

- a. Temporary parking structures, such as outdoor carports are not permitted anywhere on the front property.

#### **6. Exterior Paint - Colors and Condition.**

- a. Approvals: Board approval only.
- b. Exterior colors: Samples of earth-tone colors for the primary and secondary colors must be submitted to the ARC for approval. (See Appendix B)
- c. Condition: walls and trim must be maintained in functional condition and have an attractive appearance. Dry rot must be removed, repaired, and repainted.
- d. Patch painting: if a touchup needs to be made, repainting must cover the entire wall.

## **7. Roofs**

- a. Approvals:
  - 1) The County requires a permit.
  - 2) Board approval required.
- b. Materials: Roof material must be composition or tile.
- c. Replacement: A sample must be submitted to the ARC for approval.
- d. Roof Repair: material color and type must be matched to the existing roof material.
- e. Tarps are allowed only in an emergency to prevent rain damage to the home. Owners must notify the Board by email immediately. In the event of a roof emergency, an owner can place a tarp to prevent damage for up to thirty (30) days. One additional thirty (30) day extension may be available upon request for good cause.

## **8. Decks and Pergolas**

- a. Approvals:
  - 1) The County requires a DA for installation of decks and pergolas that are placed in the ground.
  - 2) Board Approval is required for all decks and pergolas visible from the street.
- b. Materials: Decks are to be composed of a weather resistant wood or synthetic material (i.e., Trex). Samples of earth tone colors must be submitted to the ARC/Board for review. See color palette samples (See Appendix B).
- c. Repair: decks that are viewable and need repair must be repaired in a timely manner not to exceed 90 days.

## **9. Antennas and Satellite Dishes**

- a. Satellite dishes, when possible, should be located in an unobtrusive location. Nonfunctioning dishes are to be removed.

## 10. Sidewalks

- a. Approvals:  
The County requires a no-fee encroachment permit for repairing or replacing sidewalks.
- b. Owners are required to maintain sidewalks located on their property. Height deviations of more than ¼ inch must be repaired.
- c. All sidewalks must meet County Code with a six sack Portland Cement Concrete (PCC) and have an exposed aggregate finish.
- d. Maintenance of sidewalks often involves both repair and replacement activities to ensure the sidewalk remains in a condition that is not dangerous to Owners or members of the general public that use the sidewalk in a reasonable manner. Replacement and repair activities typically include, but are not limited to, the following:
  - Removal and replacement of raised, cracked, sunken or uneven sidewalk sections and associated curb and gutter sections
  - Saw cutting existing uneven sidewalk sections
  - Addressing the source of sidewalk damage such as leaking utility services or shallow tree roots

### SIDEWALKS - ADA EXCERPT

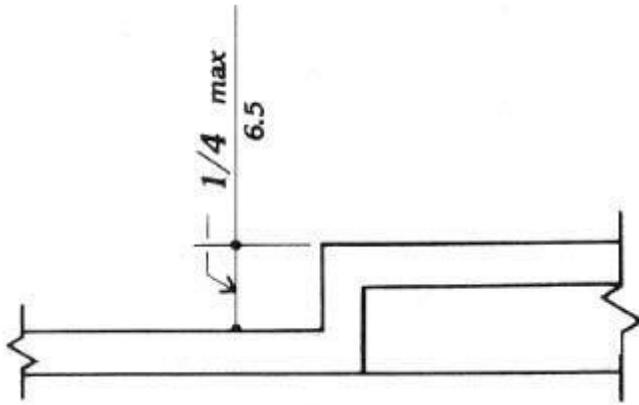
#### **4.5 Ground and Floor Surfaces.**

##### **4.5.1 General**

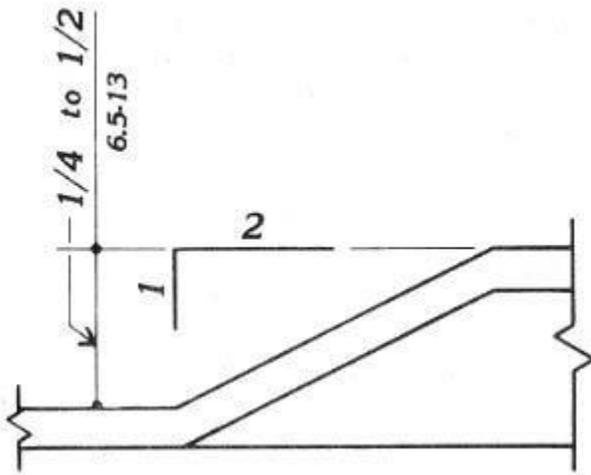
Ground and floor surfaces along accessible routes and in accessible rooms and spaces including floors, walks, ramps, stairs, and curb ramps, shall be stable, firm, slip-resistant.

##### **4.5.2 Changes in Level**

Changes in level up to 1/4 in (6 mm) may be vertical and without edge treatment.



Changes in level between 1/4 in and 1/2 in (6 mm and 13 mm) shall be beveled with a slope no greater than 1:2.



Changes in level greater than 1/2 in (13 mm) shall be accomplished by means of a ramp that complies with 4.7 or 4.8 of the ADA Standards of Accessible Design.

## PART III. APPROVAL PROCESS

Homeowner's instructions for processing the Architectural Review Committee (ARC) application (Appendix C).

### 1. Instructions

- a. Download the application from the Oak Hills Association website, complete it, along with any required documentation and plans, and submit by email to [office@oakhillshoa.org](mailto:office@oakhillshoa.org)
- b. Upon receipt of the application, the ARC will review for completeness. If the application is not complete, the ARC will contact the Owner regarding the additional documentation required.
- c. Upon receipt of the ARC's recommendation, the Board may approve, modify or deny the application.  
The Board, after review, may make a determination on the application and recommend approval, approval with conditions, or denial.
- d. If the Board denies the application, a written explanation along with necessary corrective actions will be provided. Once the project has been modified to meet the specified criteria, the Owner can reapply to the Board to receive approval.
- e. If the Board denies the application, an Owner may request reconsideration of the decision, based upon new facts or evidence, within ten (10) days. Failure to request reconsideration within the ten (10) days constitutes a waiver of the right to make the request.
- f. Expect up to forty-five (45) days to receive final approval from the Board. If Board is unable to approve in that time, the application will be considered approved.
- g. If a permit is required from the County (DA, BP or grading) applicant should wait until receipt of the initial Board approval to proceed with the project. The reasoning is, if the project is turned down initially by the Board, the Owner will not risk the chance of forfeiting any fees to the County before the application has been approved by the Board.
- h. Once approved, the Owner shall have ninety (90) days or a pre-approved time frame by the ARC to complete the project. If the project is not completed within

the required amount of time, the Owner can apply to the Board for a one-time extension for good cause.

- i. Once the project is completed, the Owner must contact the ARC/Board to arrange for a final inspection.

## **2. Actions by the ARC**

- a. The ARC will review the application for completeness and evaluate the plans and specifications to determine if they are compatible with the HOA standards of design, construction and quality of the development (Article 6.1 from the Declaration of Covenants, Conditions and Restrictions “CC&Rs”). The ARC has the discretion to request additional information it deems necessary to complete its review. An onsite inspection may be necessary.
- b. The ARC may take any of the following actions:
  - 1) Recommend approval – the application is complete, and all standards have been met. The application then goes to the full Board for consideration and final action.
  - 2) Recommend approval with conditions - If the plan needs to be changed due to an unacceptable design element, the ARC will notify the Owner to take corrective action. Once the design element has been corrected, the ARC will forward the application to the Board.
  - 3) Recommend denial – the application is forwarded to the Board.

## **3. Actions by the Board**

- a. The Board will review the ARC’s recommendation and make a determination as to whether to grant final approval, approval with conditions, modification, or denial of the application.
- b. The Board’s decision on an application will be in writing, with findings and set forth the grounds for determination. The decision is final.
- c. An Owner may make a request for reconsideration based upon new facts and evidence, within ten (10) days of the Board’s decision. Failure to make a request within the ten (10) day period shall constitute a waiver of the right to make the request.

- d. Therefore, Owners should plan for a maximum of a 60-day review and approval process and should not commit to labor or materials until they have received written approval.
- e. Absent approval from the Board, the Owner may not proceed with the proposed project.

## Part IV. Penalties and Fines

The Board advises that all owners adhere to County and state codes when making exterior modifications and improvements to their property. As a requirement for some modifications, as detailed in the Guidelines, Owners are required to submit an application to the ARC committee and obtain Board approval prior to commencing work.

If written approval is not obtained, modifications shall constitute a violation of the CC&Rs and unauthorized improvements shall be removed at the Owner's expense.

Offense:

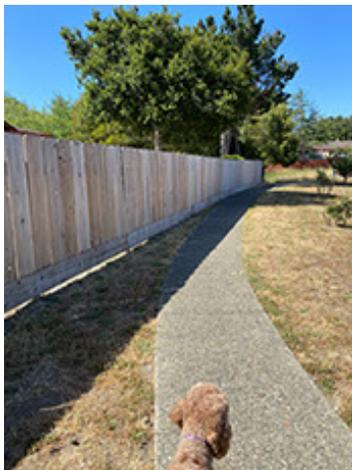
1. Not completing/submitting application to the ARC prior to starting work.
2. Failure to complete the project within the allocated time frame.
3. Failure to replace or modify non-compliant structures in accordance with the CC&Rs and ARC policy.

The Board will:

1. Send a first notice by certified mail and an email to the Owner requiring the work stop immediately and to submit an application to the ARC for review. A response by the owner is required within ten (10) days.
2. If the Owner takes no action, a second notice will be sent by certified mail and an email giving the Owner providing at least ten (10) days notice of a hearing before the Board at which time the Board will consider imposing any of the following: Monetary penalties, suspension of privileges, commencement of legal or equitable damages, injunctive relief, or any or all of the above.
3. The hearing before the Board shall be held in executive session. At the hearing, the Owner will be allowed to speak to the Board concerning the alleged violation and provide documentation for the Board to consider.
4. A written notice of the Board's decision regarding a determination and any penalties or fines will be delivered to the Owner within fifteen (15) days following the hearing.
5. A fine of \$100 may be assessed if no action is taken for each month thereafter. If compliance is not met after a total of six (6) months, the fine will be increased to \$200/month.

6. A reconsideration process for the imposition of fines or penalties is available for owners that feel that such penalties have been unjustly assessed to their property. Owners disputing fines may contact the Administrator or Board President by mail or email, to schedule an executive Board meeting. Should a meeting with the Board fail to result in a solution satisfactory to both parties, a mediator may be hired, with the costs to be paid by the losing parties.

# Appendix A Fences



# Appendix B Color Palette



## Architectural Review Informational & Approval Request

Submit to: Oak Hills Homeowner Assoc.  
Attn: ARC  
14460 Charter Oak Blvd.  
Salinas, CA 93907

Name: \_\_\_\_\_ Date: \_\_\_\_\_

Property Street Address: \_\_\_\_\_

Email: \_\_\_\_\_ Phone: \_\_\_\_\_

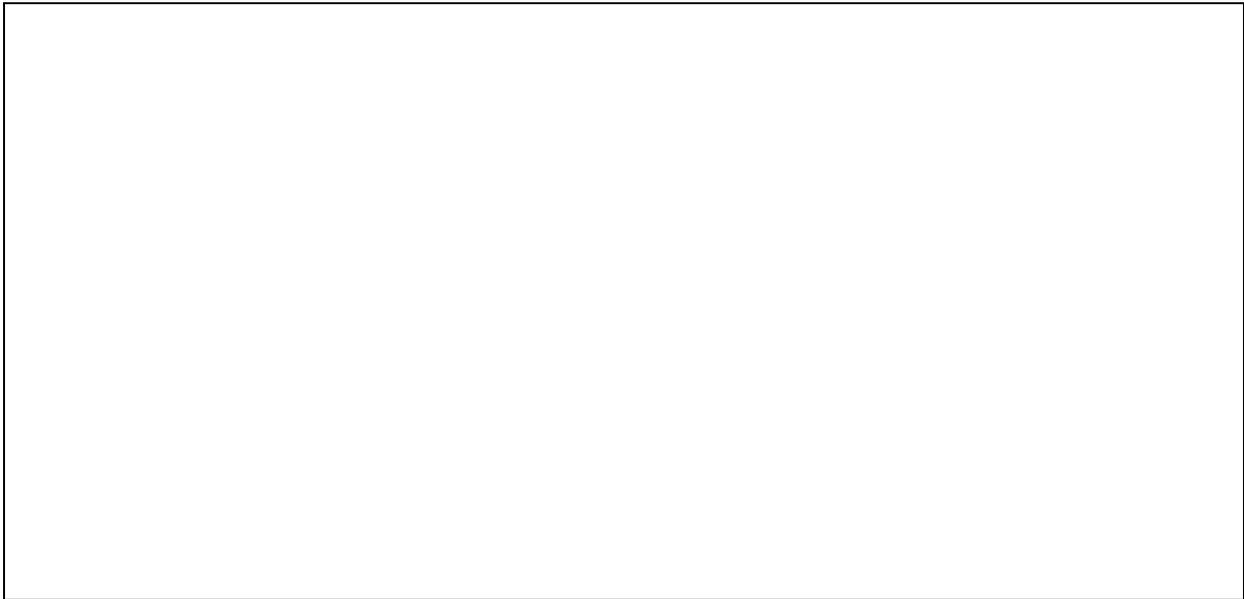
General plan/description: \_\_\_\_\_

Begin work (date) \_\_\_\_\_ Planned completion (date) \_\_\_\_\_

### Project Type and Required Items for Submittal:

- Fences/Gates
  - Design drawing
  - Location to house & property lines
  - Photos/Diagrams, if possible
  - Material(s) and color(s) with samples, if possible
- Storage sheds
  - Location to house & property lines
  - Photos/Diagrams, if possible
  - Color(s) with samples, if possible
- Driveways
  - Location to house & property lines
  - Photos/Diagrams, if possible
  - Material(s) and color(s) with samples, if possible
- Vehicle parking modification
  - Location to house & property lines
  - Photos/Diagrams, if possible
  - Material(s) and color(s) with samples, if possible
- Exterior painting (color change)
  - Color(s) with samples, if possible
- Roofs
  - Material(s) and color(s) with samples, if possible
- Decks
  - Design drawing
  - Location to house & property lines
  - Photos/Diagrams, if possible
  - Material(s) and color(s) with samples, if possible

Please provide a sufficiently detailed description of your project to allow reviewers to envision your plan idea. (Attach more pages if required.)

A large, empty rectangular box with a thin black border, intended for the applicant to provide a detailed description of their project plan. The box is currently blank.

Please include a list of attached pages, samples, and/or other items submitted for clarification of your project plan.

Applications not accompanied by proper documentation will be returned to the applicant for correction prior to any review process.

The ARC Committee will attempt to review, complete, and respond to homeowner's applications within 10 business days provided that applications are complete and understandable.