



**IMPORTANT ANNOUNCEMENT CONCERNING
THE APPROVED REVISED GUIDELINES
FOR THE
ARCHITECTURAL REVIEW COMMITTEE GUIDELINES**

July 30, 2018

Dear Ocean Colony Homeowners:

In a letter dated June 15, 2018, you were notified by the Board of Directors that they will consider formally adopting the revised Ocean Colony Architectural Review Committee Guidelines.

Enclosed please find the current Ocean Colony Architectural Review Committee Guidelines approved by the Board at the July 18, 2018 board meeting.

Please keep the newly revised guidelines with your Association's governing documents.

If you have any questions regarding the enclosed Ocean Colony Architectural Review Committee Guidelines please contact Dagmar Wachter via email at dagmar.wachter@realmanage.com.

Sincerely,

The Ocean Colony Board of Directors

Enclosure

ARCHITECTURAL REVIEW COMMITTEE GUIDELINES

2018 Revisions

Approved by the Board on July 18, 2018

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APPLICATION GUIDE

Homeowners should review this section carefully prior to submitting an application to the Architectural Review Committee in order to ensure that the application is complete. An incomplete application will be rejected and the approval process will be delayed.

Purpose – The Architectural Review Committee, “ARC,” was established by the Covenants, Conditions and Restrictions, (“CC&Rs”) which govern all residential ownership in Ocean Colony. The ARC is tasked with reviewing and approving all exterior changes to residential properties in order to maintain an orderly and harmonious community. These application instructions and guidelines have been developed to try to help guide property owners who are planning changes to their property and structures, and to help make sure that the application is made in a manner that the ARC can understand without requesting additional information and clarification, and to provide a clear record of what has been reviewed.

Elements of the Application Form – The approval request must be made on the HOA official application form. The application form can be found on the Association’s Resident Portal website www.realmanage.com / Access Portals, or by calling the Association office at 650-726-7676. Homeowners should always use the most recent version of the application form, as use of an outdated form will result in delays in consideration of the application which will be returned for resubmission.

To facilitate the approval process, the application should be submitted in a printed or otherwise legible format. If the ARC cannot readily determine what has been written or drawn, the application will be returned for revision and this will delay the approval process.

Frequently, the number of changes being made will not fit in the space

provided for the description or are only shown on plans. To ensure speedy consideration of your application, a supplemental sheet with a point by point listing of each of the requested changes should be included as an attachment. Photos of existing conditions are encouraged, especially if the proposed changes can be sketched in, and they can help the ARC understand the request. In addition, any plans or diagrams should be submitted on sheets that are no larger than 11 inches by 14 inches (11" X 14").

General Contractor – In order to be considered for approval, the name, address and phone number of the general contractor, along with the scope of work agreed to between homeowner and contractor is required. If the work described in the application will be completed by the homeowner (do-it-yourself project) that must be indicated in the General Contractor section of the application.

Approval/Disapproval – Complete applications will be approved or disapproved within sixty days after receipt by the ARC. This time frame may be extended if the application is not complete or aspects of it require additional inquiry. An application that has not been acted on by the ARC to approve, require revision or disapprove, within 60 days of its completion, will be deemed approved. Any applications that are not sufficiently clear or that are incomplete will be denied, and the owner may resubmit when complete. In addition, the ARC may request additional information on DIY projects to assure that the project will be completed in a timely and appropriate manner.

Duration of Approval/ Extensions – Applications that are approved will have a standard duration of one (1) year from approval to begin and complete, unless an extension is requested and granted. Any request for extensions must be made in writing and must explain why the extension is needed and an updated time for the accomplishment of the task. Any changes to an approved application or conditions must be made in writing and signed by the owner and shall become part of the record for that property. At the sole discretion of the ARC, such request for changes may be determined to be an abandonment of an approval or part of an approval,

and the ARC may require that a new application be submitted. A homeowner who fails to complete a project once it has been started may be found in violation of the CC&Rs Paragraph 7(g).

Notification of Neighbors – All applications require notification to all proximate neighbors. For these purposes, this includes but is not limited to any neighbor next to, across from, or behind the applicant, who will be able to see the change from their property. For example, a change to the front of a structure may require neighbors next to and across the street to be notified but not those to the rear; the opposite is required for a change to the rear of a structure. While this does not require approval by notified neighbors, the ARC will take any concerns expressed by neighbors into account when considering the application. Please note that failure to notify neighbors will render the application incomplete; it will be returned and will result in a delay of consideration of the application until the notification has been made.

Photos – To facilitate timely review and approval, applications should, unless not feasible, contain “before” and “after” pictures of areas that will be changed by the proposed project.

Plot Plan – A **plot plan** is an architecture, engineering, and/or landscape architecture **plan** drawing — a diagram which shows the buildings, utility runs, and equipment layout, the position of roads, and other constructions of an existing or proposed project site at a **defined** scale. **Plot plans** are also known more commonly as site **plans**.

Any change or addition that will result in an alteration to the footprint or ground coverage of a property will require a legible plot plan drawn to scale with the appropriate setback limits accurately shown. Applicants should refer to lot boundary information and setback requirements on recorded maps or CC&Rs. The Association does not maintain maps on the location of existing buildings or structures, so applicants may have to employ professionals to complete an application. For these purposes, neither the Association nor the ARC provides assistance in establishing property corners, property lines, easements, or other property features.

Variations – The CC&Rs specifically allow the ARC to grant variations to restrictions and guideline in order to address practical difficulties or undue hardships. Any application that requires a variance to be approved must include a specific request for the variance in writing on the application. Such a variance request must include a reference to the CC&R section(s), the guidelines, or conditions that the variance request is for, and why the requested variance is the preferred solution to address particular practical difficulties or undue hardship. It should be noted that any variance granted by the ARC is not a substitute for, nor binds in any way, any variance that may be required by the City of Half Moon Bay, or any State or Federal law or regulation and that the foregoing may require a substantial fee for variance processing.

City Ordinances and Permits – *It is the homeowner’s responsibility to obtain both ARC approval as required by the CC&Rs and any required City or other applicable government approvals for any work to be performed.* Any approvals granted by the ARC are done under the authority of the CC&Rs and are not a substitute for, or obligate the City or any other governmental entity to grant any approval or permits. Any approval by the ARC does not in any way constitute an evaluation or opinion on whether the requested changes are in compliance with any building code or other government regulation(s) or suitability for intended use. When a Municipal or other government code or regulation is referred to in these Guidelines, successor or amended provisions of state and local ordinances are included. In some cases the Association’s requirements may be more restrictive than that which would be authorized under local or state law.

Appeal – Under California law any owner whose application has been denied by the ARC has the right to appeal such a denial to the Board of Directors of the Association. The Board may uphold or override such denial and grant approval with conditions attached

Regulations and Guidelines for Project that Require ARC Approval

I. ANTENNAS AND SATELLITE EQUIPMENT

1. Article 7(j) of the Association's CC&Rs states that "No outside antennas, poles, masts or towers shall be permitted unless approved in writing by the Committee" (ARC). Federal law does not allow the Committee to deny an antenna with dimensions that do not exceed 1 meter (39.37 inches) designed to receive signals from direct broadcast satellites. The Committee is permitted to impose requirements or conditions as to location or installation so long as the requirements or conditions do not unreasonably impair the use of the antenna or cause an unreasonable increase in the cost of installation of the antenna. Thus, all satellite antenna installations require ARC approval and will be evaluated with the intention of minimizing the visual effect from adjacent properties and common areas.

2. All exterior wiring and equipment used to connect the antennas to the inside equipment must be identified and diagramed on the application. Photos, legible pictures or sketches are encouraged. Wiring will not be approved to be run unsecured across roofs or run unsupported across open elements of the structure. As a condition of approval, wiring may be required to be painted to match the structural elements to which it is attached.

3. In general, The Committee will not approve any other external antennas.

4. Homeowners are responsible for removing outdoor radio and television antennas and other transmission and receiver facilities no longer in use.

II. BARBECUES - PERMANENT

Permanent barbecues and outdoor fireplaces must conform to applicable setback requirements and receive ARC approval. Applications submitted to the Committee must include plot plans.

III. RECREATIONAL EQUIPMENT

1. Installation of any recreational facilities or equipment will not be approved if use of the facilities or equipment will require or encourage the activity to be performed on any common property or facilities, including streets, sidewalks and parking bays, or private property of others such as the golf course or hotel property.

2. Play structures may be installed in rear yards only and must conform to applicable setback requirements. Play structures are required not to exceed ten feet (10') in height. Approval shall be for a specified limited term, not to exceed 5 years. If a homeowner wishes to continue use of the structure beyond the term of approval, an application for extension must be submitted. If the extension is not granted, the structure must be dismantled or removed. Any approval or extension thereof is not transferable.

IV. DOG HOUSES & DOG RUNS

1. Dog Houses:

Permanent doghouse structures are to be consistent and in accordance with applicant's house in style and color.

Dog houses are to be located in side and rear yards only and may not project above the top of the fence.

Dog houses must conform to the applicable setback requirements.

Dog houses should be placed in an area which minimizes visibility to adjacent neighbors.

2. Dog Runs:

Chain link fencing may be used for a dog run only in conjunction with a solid privacy fence or shrubbery to minimize the visibility to adjacent neighbors. (Refer to Topic VII FENCES for details on solid fencing.)

V. DRIVEWAYS

Existing asphalt driveways may be repaired and maintained in kind, however use of asphalt for replacement of an existing driveway will not be approved.

VI. ELECTRICAL AND MECHANICAL EQUIPMENT

1. Air conditioners and ventilators or other mechanical apparatus requiring exterior or roof installation must be as small as is functionally possible and painted consistent and in accord with the roof, siding, or trim color.
2. Equipment must be located on the least visible side of the roof or dwelling and should not extend above the ridgeline.
3. Exterior mounted equipment must be screened from view by fencing or landscaping and must be placed in the rear or side yard within the applicable setbacks.

VII. FENCES & GATES

1. Fences on property lines adjacent to the golf course have limitations as provided in Article 5(b) of the Association's CC&Rs. All other fences are governed by the City limit of six feet (6') and any other applicable CC&Rs.
2. Permanent perimeter wire fencing is not permitted and will not be approved. Chain link fences will not be approved except as specified for Dog Runs.
3. Fences in front yards must comply (1) with limits of Article 5(a) of the Association's CC&Rs and (2) with any additional limits defined in the Half Moon Bay Municipal Code (Title 18 Zoning, updated 2011) or any successor provision), which currently has a front yard height limit of three feet (3'). Fences in back yards must comply (1) with limits of Article 5(a) of the Association's CC&Rs and (2) with any additional limits defined in

the Half Moon Bay Municipal Code, (or any successor provision) which currently has a back yard height limit of six feet (6’).

4. The application should indicate if it is being submitted by all affected neighbors as a “good neighbor fence” (neighbors agree on sharing the cost of installation and ongoing maintenance/repair). NOTE: As a condition of “good neighbor fences” that will be built on the property line and jointly maintained by both neighbors, the ARC **will issue provisional approval that will become final only upon recordation with San Mateo County of the agreement to build and maintain the fence by both property owners.** If the “good neighbor” provision is not applicable, the owner, as in all other applications, is required to provide neighbor notification. The application must include documentation clearly identifying the appropriate property line(s) and intended placement of fencing relative to the property line. If the property line is not known with certainty and/or the affected neighbor(s) object to the fence placement on the grounds that it is not on the applicant’s property, the applicant(s) must have a property survey conducted to identify the property line(s). In addition, the selected material and color of fencing should demonstrate consideration of appearance to adjacent neighbors, adjacent fences, and the general “look and feel” of the surrounding neighborhood.

5. All fence support posts must be set in concrete or similarly sturdy material.

6. The top of any fences must extend horizontally and have plumb vertical members. Stepped fencing is permissible only in sloping areas. No section may exceed the applicable height limits.

7. Gates are to be of the same material as the fence, or consistent and in accord with the fence as to material and must not extend above the fence/wall line, other than that they may be rounded.

8. Specific fence style requirements: Use of a particular fence style should depend on its use as well as the Ocean Colony preference for

"openness" and the general appearance of the neighborhood. In keeping with Ocean Colony's open feeling, fencing in front yards is discouraged.

Wrought Iron Style:

1. Should be constructed of ocean air corrosive resistant material.
2. Welded wire mesh may be applied to the interior side of a fence to a height not to exceed three feet (3') to restrain small pets or children. Supplemental landscaping on the outside of wire mesh must be used to provide a visual screen of the mesh and to soften the appearance.

Solid Wood - Privacy Fence:

Wooden fences may have a natural finish, otherwise fences must be stained or painted to match either house trim or house color.

Masonry Walls, Cinder Block, Brick, or Adobe Block:

Smooth cinder block walls must be covered (stucco, wooded, plastered) and painted to blend with the existing landscaping or screened by landscaping. Other types of retaining walls must be screened by landscaping.

VIII. GUTTERS & DOWN SPOUTS

1. Non-copper gutters and downspouts must be painted to match existing trim or house color.
2. Run-off from gutters must be controlled as per Article 6 of the Association's CC&Rs, which state that "Unless approved in writing by Declarant as part of a drainage plan, all surface drainage from land and structures will be controlled and directed so that such drainage does not flow onto the golf course property, hotel property, or other residential property." Regardless of potential ARC approval, run-off and drainage are

subject to local and state laws and regulations; homeowners should consult with expert professionals to avoid legal issues.

IX. IRRIGATION & LANDSCAPING

1. Prior ARC approval is not required for the following: New landscaping or changes to existing landscaping that do not change the grade, do not impact drainage, do not involve tree removal, paving, construction of a patio or deck, and do not involve the erection of a landscape structure such as a trellis, arbor, pergola, or a retaining wall. **These projects generally must conform to the following provisions:**

Appropriate drainage must be provided for and managed according to the CC&Rs, local and state laws and regulations.

Sprinklers must be maintained so as not to spray adjacent properties, streets, or sidewalks.

2. Prior approval is required for all other landscape or irrigation changes. Approval of an application for a landscape change involving the erection of a trellis, arbor, or pergola, will depend upon the degree of openness of the structure and the impact on the appearance of the neighborhood. Impact on neighbors' views are also one of the criteria to be considered in determining whether the landscape changes will be permitted.

3. Lots adjacent to the golf course must also conform to applicable set back and easement provisions.

4. Use of artificial turf. Replacement of existing lawn areas with artificial turf require ARC approval.

X. LIGHTING - EXTERIOR

Alteration of exterior lighting is subject to ARC review prior to installation.

1. Exterior lighting must not be directed outside the applicant's property.

2. Proposed lighting fixtures must be consistent and in accord with applicant's house in style and scale.

XI. MAILBOXES

1. Installation of a mailbox supported by a structure other than a single post requires approval of the ARC. Installation of a mailbox supported only by a single post does not require approval subject to the provisions of this section.

2. Mailboxes must be of a design compatible in scale, materials and colors of homeowner's existing structure.

3. Support posts must be set in concrete or similarly sturdy material.

XII. PAINTING – EXTERIOR

Any change in color requires ARC approval.

XIII. PATIOS & DECKS

1. Patios and deck projects require ARC approval and must conform to all applicable rules, regulations and laws regarding setbacks. Concrete texturing or installation of pavers is acceptable in front yard areas.

2. Materials and color must be consistent and in accord with applicant's house. Where a project will be visible to the neighborhood, consideration of the “look and feel” of the neighborhood should be addressed in the application.

3. Wooden decks must be naturally finished or stained or painted to match existing house or trim color.

4. Deck rails require ARC approval.

XIV. PATIO COVERS

Roll-up shades and patio covers require ARC approval.

XV. ROOM ADDITIONS

All room additions require ARC approval.

XVI. SOLAR ENERGY SYSTEMS

Installation of solar energy systems for heating water or for producing electricity requires ARC approval. State law permits the ARC (i) to impose reasonable restrictions on solar energy systems provided they do not significantly increase the cost of the system or significantly decrease the efficiency or specified performance, and shall allow for an alternative system of comparable cost, efficiency, and energy conservation benefits, (ii) to restrict installation in Common Areas, and (iii) to require that the Association be indemnified for loss or damage caused by installation, maintenance, or use of solar energy systems.

XVII. SPAS AND POOLS

1. Permanent above-ground pools will not be approved. In -ground pools and spas require ARC approval.
2. Portable or above-ground spas are permitted in rear yards but also require ARC approval and their placement must conform to applicable setbacks.
3. Spa equipment must be placed so as not to disturb the adjacent properties and its placement must conform to applicable setbacks.
4. Spa equipment must be shielded from view of adjacent properties and common areas or otherwise enclosed.

5. Spas and Pools must be protected and fenced according to California Law.

XVIII. STORAGE SHEDS & GREENHOUSES

1. Detached storage sheds or greenhouses will not be approved.
2. Storage sheds attached to the dwelling must have a roof pitch compatible with the dwelling's roof and placement must conform to applicable setbacks.

XIX. TREE REMOVALS

The CC&Rs require ARC approval for removal of any tree with a circumference of nine inches (9") or greater. State and municipal regulations may require additional approval. Approval, whether by a homeowner or a sub-Association, is subject to the owner or Sub-Association agreeing to the following conditions:

1. Stumps must be removed or ground down below grade and covered.
2. The owner or Sub-Association must plant an approved replacement tree of a size of 15 gallon or larger within 90 days of removal (subject to variance granted by the ARC), and to notify the ARC through the Association Office within 10 days of such planting. The replacement tree to be planted by an owner should be planted in a location upon the owner's lot that will not adversely affect neighboring property and is subject to ARC approval. The location of a replacement tree to be planted by a Sub-Association must be in accordance with a plan submitted to and approved by the ARC.
3. Any property damage caused by the removal or revealed by the removal must be repaired by the owner or the Sub-Association within 90 days. Any damage to Association common facilities or property must be reported to the Association Office within 5 days of occurrence and the Association is entitled to compensation or remediation of such damage.

XX. WINDOW TREATMENTS - EXTERIOR

All exterior window treatments and window replacements require ARC approval.

XXI. STATUARY & FOUNTAINS

Statuary is defined as any item that is used for decorative or ornamental purposes around the exterior of the home or in the surrounding yard facing association common area or the golf course. Statuary includes such items as lawn ornaments, flagpoles, statues, fountains, etc.

1. The use and placement of all statuary two feet (2') or more in height or any size if attached to the ground or a structure requires ARC approval
2. Unless otherwise approved by the ARC, the total number of statuary items on a lot may not exceed twelve (12) including items less than two feet (2') in height which do not need to be individually permitted. The limit does not apply to portable flowerpots less than two feet (2') in height.

XXII. PEST CONTROL

An ARC application must be submitted for large scale pest control projects (not periodic and routine pest control treatments), such as tent fumigation, indicating that adequate neighbor notification has been provided to allow appropriate precautions to be taken to safeguard children and pets.

Homeowners must comply with all state, county and city regulations governing pest control. More information on state regulations is provided by State of California Department of Pesticide Regulation (<http://www.cdpr.ca.gov/docs/dept/factshts/fumigation.pdf>).