

GRENELEFE ASSOCIATION OF CONDOMINIUM OWNERS NO. 1, INC.
DESIGN REVIEW POLICY
NOVEMBER 2005
REVISED FEBRUARY 2009

INTRODUCTION

Design review involves everyone who has a vested interest in the Association, because it helps to maintain, protect, and enhance property values. Although condominium owners are most directly affected, lending institutions often are concerned with the continuing quality of the property, and public officials have an interest in maintaining and enhancing property values and the related tax base.

Associations that fail to properly exercise design review can foster misunderstanding and controversy among owners, a series of actual or alleged violations, and numerous expensive and protracted court cases. Additionally, the membership may see property values decline if design review is absent, ineffective, or inconsistently enforced.

To be successful, a design review program must be recognized by the Association membership as a benefit, not a burden. The Board must clearly communicate the program's purpose and structure. The term "design review" as opposed to "architectural control" is used to emphasize the positive aspects of the review process rather than the negative concept of control.

AUTHORITY

The authority to establish and enforce design review guidelines comes from the Association's governing documents.

DEFINITIONS

"The common elements include the land and all other parts of the condominium not within the individual apartments. All common elements shall be available for use by all apartment owners without discrimination. Such use shall be without charge, except where specifically authorized by this Declaration." (Section 3.7)

Limited common elements include the following: "All outside stairways, whether they serve one or more apartments, as they relate to the apartment or apartments they serve, entrance balconies and entrance terraces serving more than one apartment as they relate to the apartments served, utility rooms which are not part of an apartment as they relate to the building they serve, and exterior concrete pads upon which air conditioning equipment is placed as said pads relate to the apartments they serve." (Section 3.6)

COMMITTEE FUNCTIONS

The Design Review Committee shall regulate the external design, appearance, and location of the properties and/or improvements thereon in such a manner as (a) to promote those qualities in the environment that bring value to the property and (b) to foster the attractiveness and the functional utility of the community as a place to live, including a harmonious relationship among structures, vegetation and topography.

The Design Review Committee, consisting of not less than three (3) persons, shall be appointed by and responsible to the Association Board of Directors.

The responsibility of the Design Review Committee will include but not necessarily be limited to monitoring and enforcing the provisions of the Declarations which state that, "Neither an apartment owner nor the Association shall make any alterations in the portions of an apartment or apartment building which are to be maintained by the Association or remove any portion thereof, or make any additions thereto or do anything which would jeopardize the safety or soundness of the apartment building, or impair any easement without first obtaining approval in writing of owners of all apartments in which such work is to be done and the approval of the Board of Directors of the Association." (Section 5.1(c))

Therefore, there will be no changes to the exterior of the buildings or the grounds of the Association, including any change of exterior color or other work which in any way alters the exterior appearance of any portion of the common element without the prior written approval of the Design Review Committee.

The Design Review Committee shall, subject to the approval of the Association Board, develop and promulgate policy guidelines for the application of the design review provisions in this Association. The policy guidelines shall include (a) what changes require approval, (b) the basic objective design requirements, (c) the design principles for determining compliance with the basic objective design requirements, and (d) design review procedures. The policy guidelines also may include specific design practices that, though optional, are generally acceptable methods for achieving the required objective in frequently encountered design problems. Policy guidelines are intended to assist the design review committee in the ongoing process of community design. They may be modified and supplemented from time to time upon due notice to the owners. They are subject to approval of the Board.

Design approval shall be based on the proposed modifications (a) size and location, (b) exterior design, (c) color and character of exterior materials, (d) quality of the exterior workmanship, (e) construction time schedule, and (f) provisions for adequate and timely exterior maintenance.

APPLICATION

The application submitted to the Design Review Committee shall comply with Section 5.1(c) of the Declarations of Condominium which states that, "A copy of plans for all such work prepared by an architect licensed to practice in this state shall be filed with the Association prior to the starting of the work." (Section 5.1(c))

In the event that the Association has already established specific acceptable design practices for frequently proposed changes and has on file a copy of a previously proposed architectural drawing or design, the review committee shall implement a short form application and fast track procedure for applications that are limited to established acceptable practices.

If the Association does not have an established specific acceptable design, it will be the responsibility of the owner to submit the application in Exhibit A along with the necessary requirements identified on the application.

In the event that the work is to be of a substantial nature, at least one member of the committee may visit the site before the committee considers the application to assess its effect on the immediate neighborhood. Taking pictures during the site visit will aid the other committee members in reviewing the case and provide valuable documentation for the file.

Occasionally a case will arise when the normal application of the Association's design principles is inappropriate. In some cases, due to special circumstances or unnecessary hardship, the owner's proposed project achieves the basic design objectives of the Association's requirements, although it varies from the design principles set forth in the Association's guidelines. The committee should judiciously consider such cases and, if appropriate, grant variances that comply with the basic design objectives of the Association's requirements. The Association's design review procedures should include provisions for the committee to grant design variances in such cases.

In the event that the proposed project does not meet the requirements of the Association, the design committee should explain why and suggest ways to modify the application to make it acceptable before denial.

If the Design Review Committee fails to approve or deny in writing an application within 30 days after written plans and specifications have been submitted in accordance with adopted procedures, approval will be deemed granted. If the Design Review Committee rejects an application, the applicant may appeal an adverse Design Review Committee decision to the Board of Directors, which may reverse or modify such decision by a two-thirds vote of those directors present and voting at a meeting at which a quorum is present.

An Association representative should inspect the project at the estimated completion date and follow up with subsequent inspections if necessary to insure that the owner has complied with the design criteria, met any conditions to the design approval, and that the construction site has been left in an acceptable condition. A certificate of design review compliance may be issued when the approved work is completed. The committee will keep accurate records of its activities, including receipt of applications, decisions and notifications of approval or disapproval, compliance inspections and corrective actions.

ENFORCEABILITY

The Association must know why and how its design provisions will be enforced. Courts generally categorize association regulations in two groups. In the first group, the regulation is recorded in the governing documents and is considered enforceable if it relates to the property and its burdens do not substantially outweigh its benefits. In the second group, the board or committee adopts the regulation; courts will enforce the regulation if it reasonably relates to the health, safety, and welfare of the owners and the community.

An owner can challenge a design regulation or provision for the following reasons:

- Against public policy or statute. The design provision cannot violate an established public policy or statute. For instance, an association may be required to permit a disabled individual to install a wheelchair ramp even if the design review process would otherwise prohibit it.
- Arbitrary and capricious action by the reviewing authority. The design regulation must be applied fairly, consistently, and in good faith.
- Failure to follow enforcement procedures. The association must follow the enforcement procedures contained in the governing documents or adopted by the association. In addition, state laws or the governing documents can mandate mediation or arbitration to resolve disputes.
- Failure to enforce the regulation in a timely manner.
- Failure to act on similar violations.

In many respects, community associations function like a government entity. Courts do not allow associations to abuse this power. Associations should enforce covenants in a reasonable manner and focus on members' right to fair treatment. Members are entitled to reasonable procedures and nondiscriminatory treatment.

DESIGN SPECIFICATIONS APPROVED BY THE BOARD OF DIRECTORS
OCTOBER 2005

Entry doors:

Any fiberglass entry door of the Lakewood Collection of Feather River Door Company, unfinished or smooth skin to be painted the building trim color. The owner may choose a 6-panel door or any of the glass inserts in the collection. A matching sidelight may also be included.

Screen/storm doors:

Two choices are available, both from the EMCO Collection by Anderson Doors.

HD300 – Triple track door. This door features solid brass exterior and color matched interior handles, brass finish sweep, molded kick panel, triple track window system, separate deadbolt, or

HD75/150 – Full-view door, featuring a black push button handle and color matched sweep, snap-in/out window and insect screen.

All screen/storm doors must be bronze in color.

French patio doors:

Masonite patio doors, steel or fiberglass. Must be tempered, insulated glass either clear glass or low-E and/or tinted, providing that the tint is not reflective on the exterior.

Glass area may be 1-Lite, 10-Lite external grill, or 1-Lite internal mini-blinds. Other light options may be requested from design review.

Doors come primed white and must be painted the trim color of the building.

All of the above are available at Home Depot.

Light fixtures:

Exterior light fixture, model W4484, available through Tramco Supply.