

**HAGAR COURT
ARCHITECTURAL GUIDELINES
DRAFT 3
September 14, 2004**

A. Overview of the Approval Process

Under the provisions of Article 16 of the Covenants, Conditions, and Restrictions of Hagar Court, a process of design review has been established. Plans for remodeling (including any structural, plumbing and electrical items or any exterior renovation) or landscaping must be approved by an Architectural Review Board (ARB) made up of five members. The ARB works with homeowners to ensure a continuity of concept and design that will preserve the quality of the community for all residents and enhance the value of the investment that each homeowner has made. The ARB also reviews technical aspects of the completed plans and issues building, mechanical, and electrical permits. No additional city or county building permits are required in Hagar Court. University staff or designee will inspect the construction to assure compliance with building codes.

Hagar Court is a condominium association. Modifications to any structure or property outside of the “Condominium Unit” need approval of both the Hagar Court Homeowners Association (HOA) and the Hagar Court ARB. HOA approval should be acquired prior to submitting an application to the ARB.

ARB approval of plans is distinct from “Capital Improvement” approval. The ARB is not obligated to approve as a capital improvement any remodels it may have approved as part of the design approval process. Any homeowner seeking to add the cost of a capital improvement to the value of their home is required to submit documentation to the ARB within three months from the completion of the project. The ARB is not obligated to approve any requests submitted after three months of project completion. (See Capital Improvement Definition Attachment 2.)

The “Architectural Standards” portion of these Guidelines is intended to aid homeowners and their designers in planning, remodeling or landscaping. The Board reserves the right to waive any portion of the Standards, or to impose additional requirements which are reasonable and consistent with its purpose. Since these Guidelines are subject to revision by the ARB, the homeowner should obtain a current copy from the ARB before planning any construction, remodel or landscaping project.

It is strongly recommended that the homeowner have plans for major remodeling or construction prepared by a qualified and licensed architect, engineer or designer. Complete and clear drawings will simplify the design approval process.

The ARB reviews and approves proposals for interior, within the exclusive use area exterior and infrastructure modifications at three stages:

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1. Concept (use attached Concept Description, attach rough sketch if possible.)
Some simple projects may only require a Concept Application.
2. Preliminary Design
3. Final Design

Larger scale modifications will require both a preliminary design review and a final design review. Homeowners planning modifications which affect the exterior of their dwelling (such as fences or awnings) are required to submit plans to the ARB.

B. Submission of Plans for ARB Approval and Permit

1. Concept Approval: The intent of the Concept Approval is to determine that a project is feasible, and will be permitted subject to subsequent design approvals. This is to allow the applicant (homeowner or Homeowners' Association) to initiate a project and obtain concept approval before entering into a costly and time-consuming process with a design professional. To obtain "concept" approval the homeowner or Homeowners' Association, must submit a completed "Concept Application for Home Modification" (blank form Attachment 3)

- a. The ARB will determine the requirements for adjacent property owners notification at this stage. **NOTE:** Under the "Property Use and Maintenance Guidelines of Hagar Court", Section _____, no application for ARB approval shall be considered complete unless accompanied by evidence, in such form as the ARB finds acceptable, that adjoining Home Owners have been notified concerning the pending application.
- b. The ARB will notify the applicant of the extent of detail required for future submittals for preliminary and final design approvals of the proposed project at the time concept approval is granted.
- c. Projects involving any homeowner intrusion into the common area must be approved by the Homeowner's Association Board prior to being submitted to the ARB.
- d. Projects involving only common area changes must be submitted to the ARB from the Board of the Homeowners' Association.

2. Preliminary Design Approval; Preliminary Design review of plans may be required for remodeling or landscaping of any housing unit. A preliminary review does not reduce the 45 day final review period. The homeowner must submit the following to the ARB:

- a. Hagar Court site plan identifying the project site

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- b. Schematic site and floor plans, sections and details of the existing unit and of the proposed modification, and other such documents as may have been noted by the ARB upon concept approval.

Drawing requirements for this review may vary, but could include:

- i. Site plan at 1/8" scale indicating lot lines, setbacks, fences, spas, and mechanical equipment.
- ii. Floor plans and sections at 1/8" scale or greater.
- iii. Optional renderings, etc., to communicate design intent.

After receipt of the above, the ARB may arrange a meeting with the applicant or applicant's designer to discuss the plans. Alternately, the ARB will respond with a letter identifying any aspects of the plans that do not conform to the Guidelines and/or need modification.

The ARB will:

- a. Submit the Preliminary Design package to the Campus Fire Marshal for review if necessary.
 - b. Post plans in the Faculty Housing Office and all residents will be notified and invited to comment within ten working days. All comments will be held in confidence by the ARB.
 - c. Respond to the applicant within thirty days of receipt of the Preliminary Application.
3. Final Design and Technical Review: to obtain Final Design Approval, the homeowner must submit the following to the ARB:

Two complete sets of the Final Working Drawings and Specifications, stamped by an appropriate design professional licensed by the State of California. The following must be included in this submittal. (A fee may be required with your application, as set forth in Exhibit A to these guidelines.)

- a. A site plan at 1/8" scale, indicating lot lines, setbacks, and fences and mechanical equipment.
- b. Floor plans at 1/4" scale, accurately dimensioned

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- c. Plumbing, heating air conditioning; and electrical plans (may be combined with floor plan).
- d. Interior elevation details, and schedules, as required for the proposed modification.
- e. Material specifications, where not included on drawings.
- f. Any other drawings or calculations needed to demonstrate compliance with these guidelines and applicable codes and laws.
- g. Any other documents noted by the ARB at the time of preliminary design approval.
- h. Signed copy of “Working Drawings Final Approval Checklist” (Attachment 4), provided by the ARB at the time of preliminary approval. The homeowner applicant is responsible for all fees associated with required plan reviews and inspection. The checklist/agreement **may** require:
 - i. An independent review of Uniform Building Code and Title 24, by a consultant designated by mutual consent of the ARB and the applicant from a list of licensed consultants provided by the ARB.
 - ii. A plan check for quality control by an independent reviewer. The reviewer is selected by mutual agreement of the ARB and the homeowner.
 - iii. Any other specific plan review (i.e., waterproofing) deemed necessary by the ARB that has been specified at the time of Preliminary Design Approval.
 - iv. Inspection services for compliance with the approved plans and specifications to include at a minimum: drywall, mechanical and electrical. (See Attachment 5 for Inspection Record.) Any other specific inspection deemed necessary by the ARB will be determined on a case by case basis as a condition for Final Approval. Inspector to be selected from a list of qualified inspectors provided by the ARB.

Upon receipt of two complete sets of materials from an applicant, the ARB will begin a 45 day review period of the working drawings.

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By the end of the 45 day period, the ARB will either approve, request modifications or disapprove the plans. If disapproved, the ARB will inform the applicant of the reasons for disapproval. Failure of the ARB to respond does not indicate approval. Correspondence regarding timeliness of the ARB response should be directed to the Campus Building Official. Any re-submittal of plans after ARB disapproval begins a new 45 day review period.

If the application is approved, one (1) set of approved plans—bearing an ARB approval stamp—will be returned to the applicant. The second set will be retained by the ARB. At the same time, the applicant will be given an ARB permit which must be prominently displayed on the construction site until the work is complete. University staff may inspect the work in progress and at completion.

C. Use of Common Area

If the proposed construction work will require the use of common area property—whether for purposes of transporting materials or the temporary storage of materials or otherwise—the ARB will notify the Homeowner’s Association in writing that permission for such “right of entry” has been approved for the construction period. In such cases, as deemed necessary by the ARB, a security deposit or bond may be required from the contractor to assure that any damage to the common area property will be restored. If the proposed construction work will involve any encroachment on any adjoining lot, the homeowner(s) must enter into an agreement with the homeowner(s) of the adjoining lot respecting the use of such property, arrangements for indemnification, and the like.

D. Permit Process

Following final design approval by the ARB the homeowner must submit the following information and documents to the ARB prior to issuance of an ARB building permit:

1. Name and License Number of contractor
2. Copy of contract, including a “hold harmless clause” amendment for the University (see sample in Attachment 6).
3. Proof of the following:
 - a. Performance Bond;*

**For the convenience of the homeowner, the University is willing to waive the requirement for the performance and payment bonds. This waiver will be granted upon written request from the homeowner. A sample request is shown in Attachment 7 and should also include a list of references for the contractor.*

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- b. Payment Bond;**
 - c. Workers' Compensation Insurance (or equivalent) for the project;
 - d. All Risks – Builders' Risk Insurance.
4. Copy of "Hagar Court Guidelines for Contractors" signed by the Homeowner and Contractor (see Attachment 8).

The Building permit will include a listing of required inspections noted in "Final Design Approval," 3.h above, and any other specific inspections called for by the ARB. This also includes a sign-off on the final "back-check" by the independent reviewer.

Occupancy Permit and Final Project Approval is issued by the ARB following receipt of the following:

1. Inspector's written verification and/or inspection cards that work has been completed.
2. Homeowner's/contractor's final reproducible "as-built" drawings showing all locations of alterations/changes to work and underground utilities.
3. Campus Fire Marshal inspection may be required prior to occupying or reoccupying a unit. If required, it will be specified in ARB's final approval notice.

E. Timing of Approved Construction

Work undertaken pursuant to ARB Final Design Approval shall be pursued diligently and shall be completed within twelve months of such approval.

If the scope of the work warrants a more extended completion period, the ARB may grant such extensions as are necessary. If construction pursuant to approved plans and specifications is not commenced within one hundred eighty (180) days of ARB approval, the building permit will be void and a new application must be submitted.

F. Building Code

Plans should be prepared in accordance with the most current edition of the Uniform Building Codes adopted by the City of Santa Cruz and Title 24 of the California Administrative Code.

***It is important to note that a contractor, subcontractor or supplier may place a "mechanic's lien" on the homeowner's interest in the property and any improvements, should they not be paid in full by the homeowner or the contractor. If a waiver of the bond requirement is requested, homeowners are advised to seek legal advice on how to protect themselves from such actions.*

ARCHITECTURAL STANDARDS
For “Exclusive Use” Areas

The following Architectural Standards apply to modifications undertaken in Hagar Court. The owner of any unit wishing to make a modification to their “Exclusive Use” area must request approval from the ARB prior to beginning any project.

A. Fences

1. At side and rear yard: 60” high maximum.
2. Fencing to match existing fence materials and spacing.
3. Gates must be the same height and material as the adjacent fence.
4. Height modifications of fences behind units which share a common fence must include the entire fence. (Both neighbors must agree to the modification.)

B. Landscaping

1. Hedge-type plants may not exceed the height and location limits for fences.
2. Vine/climbing type plants may not be attached to any exterior surface of the unit.
3. Vine/climbing type plants may be grown on a freestanding structure no more than 60” high. They may not be grown on any fence.
4. Arbor or shade structures must be freestanding and have the consent of the adjacent neighbor(s).
5. Exterior lighting must be non-glare down-light type fixtures.

C. Skylights and Solar Equipment

Rooftop skylights and solar equipment can create highly reflective surfaces, and will be approved only when exposure of such elements to adjacent units is minimal.

D. Mechanical Equipment

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Installation of all mechanical equipment, including, but not limited to, air conditioning, spa equipment, solar collectors, gas fired appliances, and water softeners, requires ARB approval. Visual screens or soundproof enclosures may be required for mechanical equipment.

E. Spas

Spa installations require ARB approval. No spa or associated equipment may be located in any front yard or within two feet of the exclusive use boundary at the side or back of the unit. Spas must be screened from view, have a locking cover and securely fenced as required by code.

F. Satellite Dishes

1. Satellite dishes must be no larger than 18" x 20".
2. They must be mounted in a way that does not compromise the roof or create a hazard for people walking near them.
3. At the time of sale, the seller will be responsible for removing the dish if requested to do so by the buyer.