

MATADERA MAINTENANCE CORPORATION DESIGN REVIEW COMMITTEE RULES AND GUIDELINES

The Declaration of Covenants, Conditions, and Restrictions (CC&R's) for Matadera Maintenance Corporation, and any amendments thereto (CC&R's), provide for a mandatory homeowners association, the Bylaws of which provide for a Design Review Committee. Article 9 of the CC&R's and Section 8.3 of the Bylaws authorize the formation of a Design Review Committee ("Committee") which shall have the duty to consider and act upon such proposals or plans submitted to it pursuant to the terms and conditions of the CC&R's and Bylaws, to adopt Design Review Committee guidelines, criteria and rules, and to carry out all other duties imposed upon them by the CC&R's and Bylaws.

Article 9.1 of the CC&R's also provides that no alterations, modifications, additions, or other improvements may be made to the exteriors of residences and/or lots without the Property Owner ("Owner") first obtaining architectural approval in accordance with the provisions of the CC&R's and subject to the approval of the Town of Danville.

1.0 SUBMISSION OF PLANS FOR APPROVAL

The following Rules have been adopted by the unanimous vote of the Members of the Design Review Committee and the Board of Directors for Matadera Maintenance Corporation and apply to submission of plans for approval of the Committee. **These Rules contain minimum standards.**

1.1 All plans, specifications and any work thereunder must conform to the requirements of the CC&R's or these Rules, whichever is more restrictive. In the event of a conflict between these Rules and the CC&R's, the more restrictive shall apply. The Committee's review of plans, specifications or drawings shall not imply the Committee's review of the same, or obligate the Committee to review the same, for quality, design, or compliance with any governmental law, ordinance or regulation, including, but not limited to, applicable laws, building permits, building codes and standards, set-backs, deed restrictions, safety regulations or any like matters. Accordingly, notwithstanding that any plans, specifications or drawings are reviewed by the Committee, and notwithstanding any advice or assistance which may be rendered to Owner by the Committee, the Committee shall have no liability whatsoever in connection therewith and shall not be responsible for any omissions or errors contained in the plans, specifications or drawings. All applicants must comply with such laws, ordinances and regulations, in addition to the CC&R's and these Rules. **The Committee shall have no responsibility to determine the structural or drainage adequacy of any plans submitted for approval.**

1.2 The Committee may review and act upon plans submitted by prospective Owners prior to their acquisition of title. Any such action of the Committee for prospective Owners shall be conditioned upon such prospective buyer acquiring a fee simple interest in the property described in the plans and noted on the application. Such approval is not applicable to any other property without the express written consent of the Committee.

1.3 Plans must be submitted **IN DUPLICATE AND ACCOMPANIED BY THE APPLICATION**, showing the Homeowner's name, address, lot number, telephone number, and owner's signature, to:

MATADERA MAINTENANCE CORPORATION
MIRAMONTE COMPANY
1225 ALPINE ROAD, SUITE #206
WALNUT CREEK, CA 94596

1.4 Plans must be drawn to scale, showing location, color and dimensions of existing structures, driveways, sidewalks and fences, as well as location, setbacks, color and dimensions of proposed additions and/or improvements, including but not limited to patios, patio covers, landscaping areas, walls, fences, gazebos, screens, ancillary structures or structures of any kind, sports apparatus, balconies, spas and pools. Two copies of plans shall be accompanied by an application containing a description and/or sample of all materials and colors proposed to be used, and a proposed construction schedule. **This includes changing the exterior color of your home as originally painted.**

1.5 Landscaping plans shall include the type of sodding, seeding, trees, hedges, shrubs, and irrigation. Minor changes to front yards and backyards initially installed, including planting of flowers, shrubs or replacement of existing trees, shrubs or plants, do not require approval of the Committee. Major changes to landscaping, including deletion or addition of turf areas, trees, rock, concrete flatwork, walls, stone work, fencing, structures or improvements requiring electricity (lamp posts, spot lights, vapor or LED lights, sport court or associated lighting, or fence location changes, etc.), must be submitted for review and approval by the Committee. Trees should be installed a minimum of five (5) feet away from rear and side property lines and fences. **It is advisable not to locate irrigation valves directly adjacent house to avoid foundation edge lift due to expansive soils and the potential for irrigation valves to leak.**

1.6 **POSITIVE DRAINAGE MUST BE CONSIDERED TO ASSURE THAT WATER DOES NOT DRAIN TOWARDS THE FOUNDATION OR INTO A NEIGHBOR'S YARD.** Plans should provide area drains sized to meet the drainage requirements generated from your proposed improvements. This includes planter areas that may be enclosed between proposed concrete and any existing improvement or the house. Maintain positive drainage away from your house at all times. Owner should protect all curb drain inlets in the street so that clear water is the only substance that enters the storm drain system. Plans should provide additional drainage in planter areas between sidewalks/patios and the house. Waterproofing and drain lines are recommended behind any retaining walls and raised planters.

1.7 If there is a particular view of importance or obstruction to any Homeowner, it should be noted. Per the CC&R's there are no protected views, however privacy remains a concern with all applications and proposed improvements.

1.8 The Committee may request any additional information, plans, drawings and details as it reasonably sees fit to adequately review the request for approval.

1.9 Within thirty (30) days of receipt of plans for approval which comply with the above Rules, the Committee shall review the plans (as set forth under "Design Review Meetings" below) and shall grant written approval, written conditional approval, written denial, or a written request for additional information or clarification of information submitted. Any plans submitted which do not comply with these rules may be rejected by the Committee. Such rejection shall be accompanied by a statement of what deficiencies must be corrected prior to formal review by the Committee.

2.0 GENERAL DESIGN REVIEW GUIDELINES

The following are general guidelines which the Committee will follow in approving, conditionally approving or disapproving your submittal and application. The Committee reserves the right to amend these guidelines from time to time without prior notice. For more specific guidelines, refer to the CC&R's and/or Bylaws.

2.1 **Patio Structures, Lanais, Sunshades, Arbors, Trellises, Sheds and Gazebos:** Structures shall be made of wood or masonry construction only.

2.2 The side and rear elevations of the above structures shall not be enclosed in any manner, except for sheds and in the case where a wall on a main dwelling forms a natural enclosure to some or all portions of a side elevation.

2.3 The following materials shall NOT be used for the roof (top cover surface) on patios, sheds and sunshades:

- A. Metal structures and supports, including metal awnings.
- B. Plastic and fiberglass panels.
- C. Plastic webbing, reed or straw like materials.

2.4 No retaining walls or cutting into or encroachment upon a slope or hillside will be permitted without first obtaining approval from the Committee. Slope areas within any lot shall be maintained by the Owner in a neat, orderly and safe condition, and in such a manner as to enhance their appearance, maintain established slope ratios, prevent erosion and sliding problems, and to facilitate orderly discharge of water through drainage systems. No structure, planting, debris or other materials shall be placed or permitted to remain, or other activities undertaken which might damage or interfere with established slope ratios, create erosion or sliding problems, or interfere with established drainage function or facilities. Please refer to Articles 6.17 and 9.5 of the CC&R's.

2.5 Exposed Equipment:

- A. Basketball standards may be approved by the Committee if they are located in rear or side yard areas only. Portable basketball standards are permitted in front driveway areas; however, they must be stored in the garage or side yard when not in use. Portable basketball standards may not be placed on the public street or sidewalks. No basketball standards may be affixed to the front of a home or garage or erected in the front.
- B. Subject to the Telecommunications Act of 1996, and Section 714 of the Civil Code, no television or radio poles, or antennae of any description may be installed without the approval of the Committee. An 18-inch TV satellite dish is permitted provided it is not installed on the front elevation of the home. Satellite dish should be installed in such a manner that cables are not exposed. Any exposed cables must be painted to match the surface on which the cable has been affixed.
- C. All ground-mounted equipment shall be screened from view with structures or landscaping consistent with these guidelines.
- D. Permanent play structures with raised platforms shall not be installed adjacent to fences without landscape screening and the approval of the Committee. At a minimum, play structures shall be setback from property lines and fences to meet the setbacks as required for a pool. Play structures may require an additional setback due to type of structure or height of structure or as determined by the Committee.
- E. Please refer to Article 6.13 of the CC&R's regarding exterior airspace.
- F. Ground mounted solar units, not on the roof, should be maintained a minimum of five (5) feet from property line and concealed from the neighboring view; a fence or wall of sufficient height to accomplish screening may be appropriate. Roof mounted solar systems are permitted on the rear or side elevation roof area of the home to reduce visibility from the street. Roof mounted solar systems will only be permitted on the front elevation if it can be demonstrated that the location of panels on the side and rear of the home would decrease the efficiency of the system by more than 20%. Only solar panels made of rigid materials will be permitted on the front elevation roof area of the home. Solar units on a roof should be within the wall line of the structure. All aluminum or plastic trim should be color treated. Solar units should be set into or below the plane of roofing material. All plumbing lines should be concealed and the method of installation shown and detailed on the plans. The solar panel material should be dark in color. Brochures showing specifications and photographs of the proposed solar unit should be submitted with the Design Review application. Construction details, which apply to specific installations, should be provided. The Committee may require the details to be professionally drawn to clarify installation methods or procedures. The details should be drawn to scale and should clearly show all elevations, assembly, the attachment to the roof structure and proposed location on the lot or building. Calculations should be provided verifying

the number and/or area of panels required. Photographs of the home should be submitted showing the location of the proposed solar units and the visibility of the panels from neighboring structures, street or streets. A cover plate or the glazing should be either transparent or white to reduce the light reflectivity. Cover material, if flammable, should be self-extinguishing. Please refer to Article 6.21 of the CC&R's regarding Solar Panels.

2.6 Fences/Walls:

- A. No fences, hedges or walls shall be erected or maintained other than those initially installed by Davidon, unless first approved by the Committee. Fences, **including painting**, shall be of a type of material that is compatible with the surroundings and of a type of material similar to that of existing fences. No landscaping or fences installed shall prevent adequate driver visibility from the streets within the project. Please refer to Articles 6.10.1 and 6.10.2 of the CC&R's regarding Fences, Hedges and Walls.
- B. Wood fences or masonry property line privacy walls are not to be used as retaining walls. Finish pad or yard grades are not to be altered from that as provided by Davidon adjacent the toe of fences or masonry property line privacy walls.
- C. The height of wood fences and masonry property line privacy walls are not to be increased without prior approval from the Committee. An application to increase the height of a wood fence or a masonry property line privacy wall will typically require a structural review of the modification and the exiting fence or wall. Any application submitted for consideration, which requires a third party independent review, will require that the applicant or Owner pay for the reasonable cost of an additional review by an independent third party.

2.7 **Signs:** Please refer to Article 6.11 of the CC&R's regarding various permitted sign uses.

2.8 Landscape Materials:

- A. It is recommended that a mixture of lawn, plant materials and ground cover be used. Non-organic plant material must be approved by the Committee.
- B. **Use of statuary, water features or fountains is not permitted in the front yards without the express approval of the Committee.**
- C. Coverage of ground cover areas with a red, white, or any other colored rock, gravel, sand or wood chips needs prior approval of the Committee. Please refer to Article 6.9 and 9.5(d) of the CC&R's regarding landscaping.

2.9 Commercial Use: No part of any residence shall be used, or cause to be used, or allowed or authorized in any way, directly or indirectly, for any business, commercial, manufacturing, mercantile, storing, vending or non-residential purposes unless specifically permitted by local ordinance and Article 6.4 of the CC&R's.

2.10 Utility Service: No lines, wires, or other devices for communication or transmission of electric current or power, shall be constructed, placed or maintained anywhere in or on any lot, unless contained in conduits or cables underground or concealed in, under or on buildings or other approved structures, excluding temporary power or telephone services incidental to construction of approved buildings. Please refer to Article 6.13 of the CC&R's.

2.11 Temporary Occupancy: No trailer, tent, shack, barn, garage, basement of any incomplete building, or temporary building or ancillary structure will be used as a residence, either temporary or permanent. The exception to this requirement is for "Casitas" as designed and constructed by Davidon Homes on specific lots, or those similar type structures so designed and approved by the Committee and HOA Board of directors for such use. Please refer to Article 6.15 of the CC&R's.

2.12 Nuisances: No plans shall be approved which might, in the opinion of the Committee, render any lot portion thereof, unsanitary, unsightly, harmful or detrimental to any property in the vicinity or to the occupants thereof. No horns, whistles, bells, or other sound devices, except security devices used exclusively for security purposes, shall be located, used or placed on any lot. Please refer to Article 6.16 of the CC&R's.

2.13 Clothes Drying Facilities: No outside clotheslines or other outside clothes drying or airing facilities are allowed on a lot. Please refer to Article 6.12 of the CC&R's.

2.14 Fires: No exterior fires whatsoever, except barbecue fires contained within receptacles designed for such purpose, are permitted. Outdoor fireplaces are allowed provided they meet the local building code, have spark arrestors, and the owner obtains a permit. Gas log set fire pits or fireplaces may be allowed provided they meet local building codes and ordinances and subject to Design Review approval.

2.15 Mailboxes: Mailboxes and mailbox structures, unless installed by Davidon, must be approved by the local postal authority and the Committee. Mailbox structures for Matadera consist of 3 grouped neighborhood mailbox structures. Individual mail box locations are not allowed by the local postal authority. Please refer to Article 6.23.11 of the CC&R's regarding mailboxes.

2.16 Structures for Animals: No structure for the care, housing or confinement of any animal shall be maintained so as to be visible from neighboring property unless approved by the Committee. Please refer to Article 6.8 of the CC&R's for additional animal restrictions.

2.17 Exterior lighting: All site lighting must be low-level illumination. No exterior yard or sport court type lighting without adequate and proper shielding shall be installed on any

residence or erected in any yard without Committee approval. Please refer to Article 9.5(b) of the CC&R's.

2.18 Vehicle Storage: No mobile home, trailer of any kind, commercial vehicles, un-mounted camper, boat or similar recreational vehicle shall be kept, maintained, constructed, remodeled, reconstructed or repaired on the driveway or front yard space, or parked on the street or streets adjacent to any lot for a period of time exceeding 48 hours. Please refer to Article 6.6 of the CC&R's for additional vehicle restrictions.

2.19 Driveways: Driveway or walkway additions to access a side yard should match the existing driveway/walkway finish material and color. Additions to driveway or walkways must be submitted and approved by the Committee prior to installation or construction. The amount of additional hardscape area installed adjacent to a driveway in order to access a side yard should be limited to avoid large areas of expansive concrete.

2.20 Approval of Town of Danville: Without the approval of Town of Danville, no Owner may construct an addition to or remodel a residence, or construct or architecturally alter a swimming pool, spa, accessory structure, or fence.

2.21 Storage of Materials: Storage of construction materials is not allowed in the streets. Construction debris shall be removed from the front yard of a residence on a daily basis.

2.22 Minimum Setbacks: Minimum setbacks for all structures including accessory structures (pools, spas, sheds, etc.) shall be in accordance with the standards set by the Town of Danville.

2.23 Construction Activities: Construction activities vary by property location due to the Town of Danville's requirements and prior project approval. Construction activities at homes and properties located within Subdivision 8641, Lots 2-8 located on Obrien Drive or Obrien Place, are permitted to work Monday through Friday, 8:00 a.m. to 6:00 p.m. Construction activities at homes and properties located within Subdivision 8919, Lots 1-22 located on Weber Lane, Weber Place and Matadera Way, are permitted to work Monday through Friday, 7:30 a.m. to 5:00 p.m. Saturday and Sunday construction activity is not allowed, unless prior approval is received from the Town of Danville.

2.24 Swimming Pool/Spas/Water Features: Individual lot owners will be responsible to perform site specific investigations by a soils engineer for planned swimming pools, spas and water features. They will need to be designed by a licensed and registered civil or structural engineer. It is the responsibility of the soils and structural engineers and the pool designer to consider subsurface conditions and provide recommendations, which should include but not be limited to:

- A. Lateral earth pressures.
- B. Suitable drainage adjacent to the pool, spa, water features, and appurtenant structures. Finished sub-grades beneath concrete decks should be sloped to drain away from the pool, spa and water features.

- C. Mitigation of potential expansive soil conditions (all areas to receive concrete or other hardscape surface material should be properly pre-soaked, especially at impervious deck areas) to reduce adverse impact on pool, spa, water features and decking.
- D. Planter areas between the residence and concrete patios should be provided with appropriate sub-drainage systems and surface drainage systems diverting excess irrigation water flows to storm system.
- E. Recommendations should be provided for temporary excavation, grading, sub-drainage and backfilling.
- F. A gravel blanket should be provided under the pool with an appropriate perforated drain pipe (SDR 35 or equivalent) to control potential expansive pressures and to allow drainage to storm system. Discharge line should drain by gravity, or be connected to a sump pump to remove any water that may collect in the gravel blanket. Hydrostatic pressure relief valves should be included.
- G. Pool equipment is to be enclosed to prevent noise emanating onto neighboring lots or Common Area.

2.25 Trash and Recyclable Containers: Trash cans and recyclable containers are to be stored behind screen fences, walls or privacy fences other than on the day of or evening prior to pick up at curb side. Trash cans and recyclable containers are to be screened from view of the street. Where possible, the trash and recyclable containers should be located behind closed gates. Fences, walls or screening should be high enough to enclose and conceal trash enclosure areas and the trash and recyclable containers. Trash enclosure fences, walls or screens should match adjacent finish materials used either with the construction of the house or privacy/property line fences.

2.26 Lot Restrictions: The following lots have specific restrictions that must be adhered to with the improvement of the property due to the prior approval of the subdivisions.

- A. **Special Restrictions Regarding Lots 10 through 13 of Subdivision 8919 Located on Weber Place:** Certain height restrictions are imposed on the Owners of Subdivision 8919-lots 10 through 13 and their successors. The homes on these lots may only be one-story and are subject to rear yard and front yard planting restrictions. Such restrictions are set forth in deed restrictions recorded against these lots. Owners of these lots will be required to comply with such restrictions and the Association, its Board or the Committee will not be responsible for the review, approval or denial of any landscaping, alteration, addition or improvement which may violate or impede the height restrictions. Approval, or conditional approval of a submittal for review by the Association, its Board or the Committee does not constitute compliance with any restrictions on these lots and it is ultimately the responsibility of the Owner to comply with these height restrictions. Please refer to Article 6.23.8 of the CC&R's.

- B. Special Restrictions Regarding Lots 19, 21 and 22 of Subdivision 8919 Located on Weber Lane:** Building restrictions are imposed on the Owners of Subdivision 8919-lots 19, 21 and 22 and their successors. The lots require the construction of only one-story. Such restrictions are set forth in deed restrictions recorded against these lots. Owners of these lots will be required to comply with such restrictions and the Association, its Board or the Committee will not be responsible for the review, approval or denial of any alteration, addition or improvement which may violate or impede these restrictions. Approval, or conditional approval of a submittal for review by the Association, its Board or the Committee does not constitute compliance with any restrictions on these lots and it is ultimately the responsibility of the Owner to comply with these restrictions. Please refer to Article 6.23.9 of the CC&R's.

2.27 Drainage and Grading: The property was graded substantially in accordance with engineered plans and specifications. These plans and specifications were reviewed and approved by governmental agencies having jurisdiction over the property, the purpose of which is to drain water away from the home and prevent water damage to the home, as well as other homes in the development.

- A. The Owner shall maintain positive drainage away from the house foundation and the top of slopes at all times. Improvements should direct to drainage structures. Failure to maintain positive drainage away from slopes may result in slope instabilities on Owner's property or adjacent neighbors' properties. An Owner may be responsible for the repair or reconstruction of slopes or damage to any lot or property as a result of slope instability due to excessive irrigation or inappropriate drainage design or practices.
- B. Landscape improvements may add planter areas adjacent to the foundation of the home. These areas often become trapped planters and must be provided with adequate drainage away from the foundation at all times. Positive drainage must be provided in all planter areas by the installation of drain lines. Subsurface drainage must be provided adjacent to the foundation whenever a planter area is located next to the foundation. If irrigation water is allowed to drain toward the residence, a subsurface drainage system should be installed adjacent the foundation.
- C. Drip irrigation is recommended in all planter areas adjacent the foundation.
- D. The addition of area drains may not be sufficient to replace the drainage swales as shown on the original plot plan designed by the civil engineer. Positive drainage away from the foundation or slopes shall drain towards the street or approved drainage facilities, and shall be maintained at all times.

- E. Ponding water and saturated soil should be avoided by designing adequate and properly functioning drainage systems. Ponding of water or saturated soils adjacent to the foundation of the home, retaining walls, tops or toes of slopes may cause instabilities.
- F. Landscape improvements shall insure that concentrated discharge of roof storm water is not allowed on the building pad or adjacent to the house foundation. Storm water from roof downspouts shall be directed away from the foundation of the house or structure and towards the curb or an outlet structure.

2.28 Subdrains: Sub-drains may be encountered during landscaping, pool or spa construction or with exterior improvements. If sub-drains are encountered or damaged, it shall be immediately brought to the attention of the Town of Danville Building and Engineering Departments. Sub-drains may collect water from numerous properties and convey it to approved drainage structures. It is imperative that sub-drains remain in place and operative at all times.

- A. Surface drainage should never be connected to a sub-drain system. The repair of damaged sub-drains or the relocation of existing sub-drains shall be the responsibility of the Owner.
- B. If conflicts exist between the subdrains and the proposed improvements to the property, the subdrain must be relocated at Owner's expense.

2.29 Irrigation Design and Practices: Irrigation design and practices should be monitored and adjusted for seasonal and climatic changes. Irrigation designs should allow for remote or automatic seasonal and climatic changes and modifications to the irrigation controller system. Irrigation systems should be properly designed and maintained to avoid over irrigation. Irrigation systems adjacent to the house foundation should be designed to minimize the potential for over watering. Drip irrigation with adequate and positive drainage away from the foundation is recommended for planting areas adjacent the foundation of any structure. Irrigation controllers should be equipped with monitoring and soil moisture sensing equipment to maintain soils adjacent the foundation of structures at a relative equilibrium to avoid potential foundation movement.

2.30 Street Trees: The street trees may not be removed or relocated. Damaged, removed, relocated or dead trees will be required to be replaced by the Owner with the same species and size of tree that was dead, damaged, removed or relocated. Please refer to Article 6.23.18 of the CC&R's regarding street trees.

2.31 Damages: Owner is responsible for any damage to curbs, sidewalks, driveway aprons, streets, and other improvements which the property owner or his contractors may damage during the course of any construction, such as installation of swimming pools, patios, landscaping, remodeling or an addition, or other improvements.

3.0 DESIGN REVIEW COMMITTEE MEETINGS

3.1 The Committee shall meet as necessary to properly perform its duties. The Committee may convene by telephone if necessary.

3.2 Notice of meetings shall not be in writing and may be given by telephone. Meetings shall be held not more than (30) thirty days after receipt of plan submitted for approval.

3.3 The Committee shall keep records including copies of its rules, guidelines and procedures, plan approvals or rejections, and copies of correspondence to homeowners and others. These records may be kept and managed by the Homeowner's Association property management company on behalf of the Committee. Such records may be destroyed after a period of time in accordance with any document retention policy adopted by the Association Board from time to time.

3.4 In reviewing plans, the Committee may, but is not obligated to, have the plans reviewed by and consider the opinions of professional consultants and others, conduct open hearings and consider evidence and comments from all relevant sources, and make a personal inspection of the property involved without the presence of other Members of the Committee or the Owner of the property. If the Committee chooses to conduct an open hearing, at least five (5) days prior written notice of such hearing must be given to the Owner submitting plans for approval. Such hearing may be adjourned and reconvened at a time no later than twenty-five (25) days from the date the plans were submitted for approval.

3.5 The Committee will review the plans and either grant approval in entirety, disapproval in entirety, or approval subject to conditions. The Committee shall notify the Homeowner in writing of the action taken by the Committee.

3.6 Any Member of the Committee, or any consultant retained by the Committee who has an ownership or financial interest in the property for which an application is being processed, or is legally related to the applicant, must disqualify himself or herself from participation in the architectural review process of that application.

3.7 Approval of any plan by the Committee does not waive the necessity of obtaining all governmental or regulatory agency permits that may be required. If Committee approval is obtained, and modifications to the plans are required by the governmental agency or other regulatory agency or other authority, such modification must be reviewed and approved by the Committee pursuant to procedures set forth in these Rules, prior to the start of any work.

4.0 PROCEEDING WITH WORK

Upon receipt of approval from the Committee, the Owner shall begin and complete work within one year from the date of approval, or approval shall be deemed revoked.

5.0 NON-COMPLIANCE AND ENFORCEMENT PROCEDURES

If the Committee finds that the work has not been done in substantial compliance with the approved plans, the Committee shall notify the Owner in writing and request that the Owner remedy same. Notice of non-compliance or non-completion may be recorded by the Association in accordance with Article 9.6 of the CC&R's. If the Owner fails to remedy the non-compliance within thirty (30) days after the date of the notice of non-compliance, the Committee shall then set a date on which a hearing will be held before the Committee.

6.0 WORK PERFORMED WITHOUT PRIOR APPROVAL

6.1 If work is commenced or completed without the Committee's approval, the Committee may require the Homeowner to submit plans for approval and may approve or disapprove the plans, notwithstanding the fact that work has commenced and or completed prior to Committee approval. If plans submitted for approval are found to be in violation of the CC&R's, these Rules, or otherwise by the Committee, or the Owner fails to submit plans as requested by the Committee within thirty (30) days after the date of written request from the Committee, the Committee shall then set a date on which a hearing will be held before the Committee.

6.2 In the event the Committee receives a complaint that work has been commenced or completed without Committee approval, the following procedures will be taken:

- A. The Committee will make an investigation to verify that the complaint is accurate.
- B. The Committee will make a determination whether such construction is in violation of the CC&R's, including the failure to obtain Committee approval.
- C. If a determination of violation of the CC&R's is made by the Committee, the Committee will notify the Owner in writing of the violation and request that the violation be remedied.
- D. If, within thirty (30) days from the date of notice of violation, the Owner fails to remedy the non-compliance, the Committee shall set a date on which a hearing will be held before the Committee.

7.0 GENERAL CONDITIONS

7.1 Any condition or material not defined within these Rules and Guidelines shall become a matter of judgment on the part of the Committee unless described in the CC&R's. See the CC&R's for the general use restrictions.

7.2 Neither the Committee nor any Member thereof shall be liable to any Owner for any damage, loss, or prejudice suffered or claimed on account of:

- A. The approval or disapproval of any plans, drawings and specification, whether or not defective;
- B. The construction or performance of any work, whether or not pursuant to

- approved plans, drawings and specifications; or
- C. The development of any property within the project; provided, however, that such Member has acted in good faith on the basis of such information as may be possessed by him.

See Section 9.8 of the CC&R's in regard to liability for architectural review.

7.3 The Design Review Committee Rules and Guidelines may be amended only by a unanimous vote of the Design Review Committee.

**MATADERA MAINTENANCE CORPORATION
EXTERIOR ALTERATION APPLICATION**

*NOTE: Plans should be submitted at least 90 days before activity begins.
All applications must be submitted with two copies of a plan to scale.*

NAME: _____ DATE: _____

ADDRESS: _____

PHONE: RES: _____ BUS: _____ PROPOSED COMPLETION DATE: _____

TYPE OF ARCHITECTURAL AND / OR LANDSCAPING IMPROVEMENTS

☐ Remodeling/Additions
☐ Garage Doors/Exterior Doors
☐ Driveway/Walkways
☐ Greenhouses/Sunrooms
☐ Gazebos/Sheds/Play Equipment
☐ Swimming Pool/Spa/Solar Panels
☐ Decks/Patios
☐ Arbors/Overhangs
☐ Dog Houses/Runs
☐ Fences/Fence Additions & Retaining Walls
☐ Landscaping Front and/or Backyard

Materials to be used:
☐ Wood ☐ Stucco ☐ Brick
☐ Stone ☐ Concrete
☐ Durawood/Al-Metal ☐ Other _____
is material same color and type as your house?
☐ Yes ☐ No
Additional Comments: _____

Painting: ☐ Repaint House Same Color (no processing fee required) ☐ Repaint House New Color
(Attached paint color sample for stucco, trim and fascia).

Acknowledgment of all neighbors who will be affected by your alterations/improvements is required. To expedite the processing of your application, please show and explain your plans to all those neighbors who will be affected and have them sign in the appropriate place below.

Neighbor Acknowledgement

By signing below, you acknowledge you have reviewed the applicant's plans and endorse that your privacy is not being infringed upon nor is any view being blocked. You understand that it is the responsibility of the Architectural Committee to determine if these plans conform to the governing documents.

DATE	ADDRESS	SIGNATURE	PHONE #

Homeowner Acknowledgement

By signing below you acknowledge you have read the applicable governing documents of the Association pertaining to your project. **You understand you are not to commence your project until you have received written approval from Miramonte Company.** The Association does not issue verbal approvals as they are neither valid nor enforceable. If you believe you have received a verbal approval from the Association, please contact Miramonte to obtain confirmation in writing. Any projects started before receiving approval are subject to review by the Association. Should the project not be approved, you are responsible to have the project changed to conform to the Association's governing documents.

Signature of Applicant: _____ Date: _____

For Association Use Only: _____ Approved _____ Not Approved _____ Conditionally Approved

Comments: _____

By: _____ Date: _____

Please return completed form to:
Matadera Maintenance Corp. c/o Miramonte Company, 1225 Alpine Road #206, Walnut Creek, CA 94596