



PROMONTORY POINTE HOMEOWNERS ASSOCIATION

ARCHITECTURAL POLICY AMENDMENT TO ARCHITECTURAL GUIDELINES

In accordance with, and in addition to the CC&R's of PROMONTORY POINTE HOMEOWNERS ASSOCIATION and as an amendment to the Association's Architectural Guidelines, the following sets forth architectural terms for the Association as required by California Civil Code Section 4765.

1. Changes That Require Architectural Approval.

No Improvements of any kind whatsoever, shall be commenced, erected, placed or altered upon or around any Residential Unit until the location and complete plans and specifications showing the nature, kind, shape, height and materials, including the color have been submitted to and approved in writing by the Board. (Article 9, Section 9.3, of the CC&R's).

2. Procedures for Review and Response.

2.1. The Application.

To be deemed a complete application, the Promontory Pointe Homeowners Association Home Improvement Form must be fully completed and submitted with all requested documents and information, including, but not limited to the Neighbor Statement form.

The complete Application shall be signed and submitted in triplicate by the homeowner to the Board or the Architectural Committee and is deemed received upon delivery and receipt by the management company on behalf of the Association.

2.2. Standards for Decision.

The Board or the Architectural Committee shall review and approve all plans submitted to it for any proposed improvement, alteration or addition, only if it deems that the construction, alteration or additions contemplated thereby in the locations indicated will be in compliance with the Architectural Guidelines.

2.3. Response to Complete Application.

2.3.1. Time for Response.

The Board or the Architectural committee will review the Submittal Package and will provide written notification of approval, approval with conditions, or disapproval of the proposed modifications to the Property Management Company. The Property Management Company will then provide written notice of the actions taken by the Board or Architectural Committee within thirty (30) days from the receipt of the Submittal Package along with one (1) set of the Submittal Package, appropriately marked with the Board's action. If an Owner fails to receive notice of the action by the Board or the Architectural Committee within such thirty (30) day period, then the Owner shall have the right to deliver a reminder notice to the Board and Property Management Company. If the Owner fails to receive a response within fifteen (15) days after

delivery of the Owner's reminder notice to the Board and the Property Management Company, the Submittal Package will be deemed approved provided that any Improvements conform to all conditions and restrictions contained in these Architectural Guidelines and the Declaration and are in harmony with similar structures erected within the Project.

If an Owner's proposal is not approved, or returned as incomplete, a revised Submittal Package may be submitted. Provided the re-submittal is prompt, and does not constitute a substantially revised proposal, the Board will attempt to review the re-submitted application within the initial forty-five (45) day period. If the re-submittal is not prompt or includes substantially revised Plans and Specifications, an additional thirty (30) days may be required to complete the Board's review.

2.3.2. Nature of Response.

The written response to the complete Application shall be either an Approval with or without conditions, or a Disapproval. In the event of a Disapproval the response will set forth why it was not approved, what additional information or documentation is needed, if any, and the procedures for reconsideration by the Board according to this policy. (Civil Code 4765.) Note: Approval of the complete Application does not relieve the homeowner of adherence and compliance with all building codes and regulations of the City other government agencies and utility companies, and the approval in no way represents that building codes, City or government regulations or requirements of utility companies were reviewed or taken into consideration or that the Board has any knowledge or information in this regard. Additionally, the Board shall not be responsible for any defects in any building or other structure erected, constructed, installed, placed, altered or maintained in accordance with or pursuant to any plans and specifications, color a scheme, plot plan, grading plan or other material approved by the Committee or any conditions or requirements that said Committee may have imposed with respect thereto or with respect to compliance with any building or other codes.

3. Procedures for Reconsideration an Appeal.

All requests for reconsideration must be in writing and submitted within 30 days following the final decision of the Board. A written request or written appeal to the Board of Directors to reconsider the complete Application at an open meeting of the Board, will be responded to with notice of the date upon which the matter will be reconsidered at an open meeting of the Board. (Civil Code 4765.) Notice of the open meeting shall be given at least 4 days prior to the open meeting. (Civil Code 4920 and 4765.) The open meeting will be the next scheduled regular meeting of the Board. A written request to the Board for reconsideration, which does not include a request for a meeting, will be responded to in writing, by the Board within 45 days of receipt.

4. Variances.

The Board may authorize variances from compliance with any of the architectural provisions, of the Declaration, including, without limitation, restrictions upon height, size, floor areas or placement of Improvements or other similar restrictions, when the topography, natural obstructions, aesthetic or environmental conditions may require. Such variances may be evidenced in writing, must be signed by at least two (2) members of the Board. (Article 9, Section 9.14 of the CC&R's.)

5. Completion of Project and Compliance With Approval.

Homeowners must timely and properly complete their approved project.