

HILLER HIGHLANDS FOUR ASSOCIATION

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<http://www.hhiv.org>

RULES, REGULATIONS, AND PROCEDURES: ARCHITECTURAL

Whereas the Declaration of Covenants, Conditions and Restrictions ("CC&Rs") require Hiller Highlands Four Association ("Association" or "HH IV") to enforce the provisions of the CC&Rs; and

Whereas the CC&Rs gives the Association the power to adopt reasonable rules, and

Whereas various provisions of CC&Rs relate directly to architectural issues,

Now, therefore, the Board of Directors of the Association does hereby establish the following Rules and Regulations which apply to rebuilding, and maintenance or alteration of residences.

UPDATED AND RESTATED JULY 2011

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I. SCOPE & AUTHORITY

A. Purpose

1. These rules describe standards and general conditions governing the structure of HHIV units as well as accessories, colors, etc. and apply to compliance corrections as well as modifications and/or complete rebuilding.
2. These rules, regulations, and procedures supersede any inconsistent language set out in Hiller Highlands Four CC&R Section 7.5.

B. Architectural Control Committee

1. The CC&Rs provide for establishment of an Architectural Control Committee ("ACC") to, among other things, consider and advise the Board of Directors ("Board") regarding exterior changes requested by homeowners and to monitor the units in the Association for compliance with the Architectural Rules and minimum standards for residence maintenance.

II. BASIC RULES & PROCEDURES

A. Corrective Action / Homeowner Responsibility

1. The ACC conducts periodic inspections (usually annually) of the exterior of each unit and notes any corrective measures that are necessary to achieve compliance.
2. Owners of units requiring corrective action will be so advised and are expected to undertake the corrective measures in a timely manner. **Failure to comply within 180 days after notice from the ACC shall subject homeowner to a fine of up to five thousand dollars (\$5,000).** The amount of the fine will relate to the cost of the repairs in question to provide a significant incentive to make the needed changes. Similarly, a homeowner who undertakes exterior changes on his/her home without receiving prior approval from the ACC will be subject to a fine of up to five thousand (\$5,000).
3. Owners shall provide their tenants and guests with notice of these architectural rules and regulations and shall be responsible for payment of fines and penalties assessed for violations by their tenants or guests.

B. Requests for Changes / ACC Approval Requirement

1. Any requested change to the exterior of the home must be reviewed and approved by the ACC before the proposed change is implemented.
2. This ACC approval requirement applies to any change or addition that is visible to the exterior of the home, including, but not limited to:
 - a) Paint (See Appendix A)

- b) Exterior light fixtures
- c) Address placards
- d) Awnings
- e) Garage or other exterior doors
- f) Main entry door, style and/or color
- g) Air conditioner units
- h) Satellite TV dishes
- i) Solar power Installation (See Appendix B)

See [Section IV - STANDARDS](#) for details/specifications/requirements regarding items "a" through "i" above.

C. *Submitting Requests to ACC*

1. All requests for architectural changes must be made in writing to the ACC Chair well in advance of the proposed commencement of work/installation, to allow time for review by the ACC. Requests must originate from the homeowner, and not from the contractor hired for the project. The e-mail addresses and phone numbers of ACC members are listed on the hhiv.org website and published in the quarterly bulletin. Alternatively, homeowners can submit requests via the Hiller Four mailbox at 30 Schooner Hill.
2. Requests must be accompanied by a drawing showing the proposed change and location on the building.
3. Changes or addition of fixtures must include an excerpt from catalogue or brochure showing and describing the item (e.g. size, finish, etc.).
4. Requests that involve alteration/rebuilding of the structure itself must be accompanied by two copies of detailed professional drawings for ACC use. Depending on complexity, the ACC may engage an independent professional to assist in reviewing the plan, at the homeowner's expense. Construction must not begin before ACC approval is obtained. Violation of this requirement is subject to fine (See Section II A., 2).
5. Any proposal that involves limited use of common area requires the homeowner to execute a "Hold Harmless Agreement." Approval of such agreement requires action by the Board before any work is initiated.
6. Requests for any exterior change affecting neighbors' property, view, etc. require written concurrence from the affected neighbors before final approval can be considered.

D. Exterior Repainting Requests / ACC Review Requirement

1. Each unit is painted according to the scheme assigned to it and, when it is time for repainting, must be repainted according to the assigned scheme. (See Appendix A for information on color schemes). In order to confirm the correct color scheme and avoid any misunderstanding about paint colors any request to repaint the exterior of a unit must be reviewed and approved by the ACC before any painting commences.
2. The homeowner should notify the ACC chair or other ACC member of his/her intent to repaint well before the anticipated commencement of the painting work in order to allow time for the ACC to confirm/approve the correct color scheme and answer any questions the homeowner may have. The ACC can provide color sample cards to assist the homeowner and his/her painter.
3. Repainting must not commence before the ACC has confirmed and approved the color scheme.

E. Damage to Common Area

1. If any damage occurring to the common area landscape and streetscapes (including damage to irrigation systems) is the result of work done to an individual unit, such as painting, roofing, or construction, all costs related to the repair of the plantings will be responsibility of the homeowner. Payments are due upon receipt of billing by the Association.

III. GENERAL CONDITIONS

A. General

1. Exceptions to any provision of these general conditions require review by the ACC and approval by the Board of Directors.
2. The ACC can provide a set of basic information, including specifications and drawings of exterior design and building details which apply to all units.
3. Failure to obtain ACC approval before proceeding with exterior changes will subject the homeowner to a monetary fine of up to \$5,000. See Section II A 2.

B. View Preservation

1. All construction must conform to provisions of the "1992 View Line Study" by Bryan and Murphy, Engineers, Planners, and Surveyors, which was compiled at the Board's request. This provides a 5'7" person (assuming an eye level at 5'4") standing at the primary view windows of a residence an unobstructed view over the 30-degree primary view cone with a 4 degree declination. Standard chimneys are not considered obstructions.

C. Noise Abatement

1. No exterior speakers, horns, whistles, bells, wind chimes, or other sound producing devices, except for security devices used exclusively for security purposes, shall be located, used or placed on unit.

D. Drainage and Sewer System

1. A design and master plan to assure adequate drainage of surface and ground water has been established. Drainage systems for all units must be integrated properly with this plan. Specifications are available through the ACC.

2. The Association maintains sewer laterals from the edge of foundation to street main. The owner is responsible for portion of the lateral under the foundation of the unit.

E. Driveways / Entry Walks

1. Driveways and entry walks are smooth-finished concrete.

2. Driveways and entry walks of all units have two 4" PVC sleeves buried 18" deep beneath them for the purpose of running tubes and wiring.

3. The raised wood planters located adjacent to driveways or near the entry of some HH IV homes ("Affected Homes") were installed by the Association as part of the Common Area streetscapes. Periodic ongoing repainting and touch up of the planters is the responsibility of the owners of the Affected Homes. In the event a planter must be completely or partially replaced due to structural damage or deterioration, the Association is responsible to have the work done, including the initial painting of the replaced/repainted planter. In situations where damage has been done by party or parties unknown, the Association will bear the cost of repair/replacement. However in cases where the responsible party is identified, the Association will seek reimbursement. This includes billing the homeowner if he/she is the responsible party or someone performing work for the homeowner is the responsible party. (Also see Appendix A)

F. Interface - Contiguous Buildings

1. Sound-proofing between contiguous units must meet code requirements, and in addition are required to meet these HHIV additional standards.
2. Between the shared walls of all units, there will be a 1" minimum clearance between outside face of studs to property line.
3. In each of the two walls is insulation of R-13 fiberglass bat.
4. Drywall thickness is one layer 5/8" gypsum board, Type X, at each face of studs to run through ceiling/floor cavity for one-hour construction, plus 1/2" gypsum board interior wall finish.

G. Rafter Space Ventilation

1. To provide rafter space ventilation, eave vents and continuous ridge vents, which must terminate 5' from property lines, are required by Hiller IV. Hiller IV has been granted a variance from the City of Oakland that allows use of eave vents. Each builder must apply to the City for this variance on an individual unit basis.
2. Rafter spaces within 5' of property lines should have cross-ventilation to adjacent spaces for adequate ventilation.

H. Exterior Paint Color Schemes (See Appendix A for detailed information)

1. The Association has established a framework for exterior paint colors under which each of the 80 units has an assigned color scheme.
2. Each unit is painted according to the scheme assigned to it and, when it is time for repainting, must be repainted according to the assigned scheme.

IV. STANDARDS

A. General

1. Any new building must observe the foundation footprint, bulk and elevations as existed October 18, 1991.
2. Documented exterior changes and additions approved by the Board may be incorporated in the new building without additional approvals, subject to current building permits and codes.

B. Exterior Design / Siding

1. The approved exterior design, which combines wood and stucco, must be observed. See Appendix A for paint brands and color schemes.
2. The siding is 5/4" horizontal, overlapping, re-sawn clear cedar and has a 6.5" exposure. It is rough finished and factory primed front and back. Siding is painted using approved colors (see Appendix A).

C. Roofing

1. Roofing for pitched roofs is CertainTeed Presidential, Shadow Grey. (The roofing standards previously specified Celotex Presidential, however this product is now manufactured by CertainTeed, which acquired the Celotex Company)
2. For tar and gravel flat roof sections, the gravel must be tinted to replicate the Shadow Grey color.

D. Windows & Skylights

1. Windows are anodized bronze aluminum, thermal break, or wood with exterior metal cladding of dark bronze color. Mirror coatings or dark tinted glass will not be approved.
2. Glass sky lights are flat. Mirror coatings are not acceptable.

E. Balcony Railings / Decking / Planters

1. Balcony railings are curved, metal, either 36" or 42" high and painted with the approved color (see Appendix A below). Specifications for the railings are available from the ACC.
2. Decking and exterior stairs are 2x6 redwood, natural finish. View balconies are curved. Entry balconies on down-hill end units are curved; however non-curved entry railings have been approved in certain cases.

3. Wooden planter boxes placed on decks/balconies must be placed on the decking inside the railing and not hung on the railing.

F. Entry & Garage Doors

1. The front entry door can be of wood, fiberglass, or metal facing. It can be painted or stained. It is raised panel, of one color and is 36" to 42" wide.
2. The garage door is sectioned overhead in wood or metal. The door may consist of either four or five sections, each section consisting of four raised or recessed panels across. Glass panels are not allowed. The door must be painted as described in Appendix A below.

G. Privacy Fences

1. Maintenance/repair of privacy fences located at the rear patio/deck areas of some uphill units is the responsibility of the homeowner.
2. The boards and rails of privacy fences are to be redwood and the posts must be pressure treated wood.
3. Standard fence height is six feet.
4. A detail drawing is available from the ACC showing the fence design

H. Chimney Cap / Downspouts / Roof Protrusions

1. The chimney cap is metal, with spark arrestor exposed above (Specifications are available from ACC). It is to be painted according to the color specifications outlined in Appendix A, III.E.
2. Downspouts are metal, must be securely mounted to the home, and must be painted according to the color specifications outlined in Appendix A III, E, 3.
3. All items protruding above roofs, such as plumbing vents, flues, etc., shall be limited in height to meet existing building codes and shall be painted as described in Appendix A)

I. Lighting Fixtures & Holiday Lights

1. The lighted address placard (house number) was approved by the Oakland Fire Department and is manufactured by Image Sign & Lighting, Chicago, IL (10-24 volts, Model "Ranch", black). (Resource: El Cerrito Lighting, El Cerrito). The lamps use automotive bulbs.

2. Any request to add exterior light fixtures or change existing ones must be pre-approved by the ACC and meet the following requirements:

- a) The fixture should have a muted finish, such as oiled bronze (no bright brass fixtures).
- b) The fixture should be understated to be consistent with the general exterior “look” of HHIV.
- c) The fixture should not exceed 6” X 12” when viewed head on, and not project more than 8” from the surface on which it is mounted
- d) Lamp Brightness:
 - (1) The wattage for an incandescent lamp must not exceed 60 Watts. The lamp should be frosted glass unless the translucence of the lamp shade is such that it sufficiently shades the glare of a clear glass lamp.
 - (2) The wattage for a fluorescent lamp must not exceed 14 Watts (equivalent to 60 W incandescent). The lamp should be the WARM WHITE color which is less glary than colors that give off a blue-white light.
- e) Shades are translucent/obscure material
- f) Clear glass shades are prohibited
- g) Indirect lighting is an acceptable alternative light source such as recessed lights mounted in a soffit or fixtures having a spot lamp mounted in an enclosure that can be directed downward.
- h) The standard exterior light fixture adopted in 1993 for the street entrance and for all exterior fixtures which can be viewed by other units (Progress, No P5678-20, with bronze finish) is no longer in production.

3. Holiday Lighting--To provide homeowners with an ample period of time to display exterior holiday lighting, the rules define the traditional holiday season starting no sooner than Thanksgiving Day (4th Thursday in November) and ending by January 31st of the following year. All holiday lighting and decorations must be removed by January 31st. Any holiday lighting left on display beyond this time period will be considered an unapproved exterior lighting device, in violation of the Architectural Rules. **Failure to meet the removal deadline will subject the homeowner to a fine of \$40/week.**

J. Mail Slots

The letterbox plate (mail slot) is Baldwin, oiled bronze finish, No. 0012-102 and is to be located at the street entrance. (Resource: Truitt & White Lumber, Berkeley). The website for online purchase is <http://www.baldwinbrasshardware.com> (Scroll down the menu to the heading “Baldwin General” and select “mail slots”. Select mail slot Model #0012 and select the finish “Rubbed Oiled Bronze”).

K. Awnings

1. Exterior awnings are Sunbrella fabric and the fabric colors are coordinated with the paint scheme assigned to the unit (See Appendix A for paint scheme information):
 - a) Paint Scheme A – Awning Fabric color: #4628 – Toast
 - b) Paint Scheme B - Awning Fabric color: #4633 – Linen
 - c) Paint Scheme C - Awning Fabric color: #4630 - Cadet Grey
2. Awning hardware is to be anodized bronze.
3. A recommended resource is ACME Awning Company, San Leandro.
4. Owners who propose to add an awning or any other exterior sun protection device must submit a request for prior ACC approval.
5. Owners wishing to replace an existing awning must contact the ACC first to confirm correct fabric color.

L. Air Conditioning Units

1. Placement of concrete pads for air-conditioning compressors requires ACC Approval. Written request must include a drawing/sketch showing the proposed location of the A/C unit.
2. A lattice surround is required to hide the equipment. The surround is to be of high-grade lattice and trimmed so that edges of the lattice are not visible.

M. Satellite TV Dishes

1. Satellite dishes of 18" or less in diameter are permitted under the CC&Rs, with prior ACC/Board approval, with the following requirements:
 - a) The written request for approval must include a drawing/sketch showing the proposed location of the device.
 - b) The priority in placing the device must be to minimize visibility, consistent with obtaining satisfactory reception, due to the unsightly nature of these devices.
 - c) Homeowners must assume responsibility in communicating with the installer regarding the requirement to minimize visibility of the device, in their own best interest and that of their neighbors. Installers tend to want to do what is easiest and simplest for their own purposes but their preferences are not necessarily consistent with the requirement to minimize visibility.
 - d) Visibility of any wiring must be minimized.
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- e) Connecting wires should enter the interior of the house at a location as near as possible to the dish.
 - f) Any wiring that runs on the exterior should be neatly and securely fastened, and installed to follow natural lines in the structure, such as placement next to vertical trim pieces or next to the lap in horizontal siding.
 - g) Any visible exterior wiring should be painted to match the surface to which it is attached.
2. Satellite dishes that are no longer in use, and related exterior wiring, must be removed.
- a) If the current homeowner decides to stop using the satellite dish, he/she is responsible to remove the dish and related exterior wiring.
 - b) When a unit is being sold and the new owner will not be using the satellite dish, the seller and the buyer may negotiate as to which of them will execute the dish removal. However, if this is not resolved in the course of the sale, the new owner will be responsible for the removal.

N. Solar Power Installations

1. In accordance with Section 714 of the California Civil Code, solar installations are permitted, with prior ACC/Board approval, and subject to the conditions/requirements set forth in Appendix B to these Rules & Regulations.

V. STANDARD OPTIONS (REQUIRES ACC REVIEW AND BOARD APPROVAL)

A. Crossing Gable Roof

1. There is an approved design for a crossing (opposing) gable roof element. Clerestory windows within these gables are encouraged.
2. The roof pitch shall be 4" -in- 12" except for flat roof units. A 6" -in- 12" pitch is acceptable only for opposing gables and dormer conditions.

B. Bay Windows

1. Bay windows are trapezoidal in front (living room). Bay windows on the side (dining room) of D2 units are rectangular (D2 = Downhill end units). The sides can be either glass or solid. If neighbors are affected, their concurrence is necessary.

C. Entry & Atrium Cover / Enclosure

1. Entry for D2 units may be open, covered or enclosed. Designs for covered or enclosed entries must have ACC/Board approval.
2. The atrium (solarium) can be enclosed on D1 and D2 units. (D1 = Downhill inside

units; D2 = Downhill end units)