

Architectural Committee Guidance

This guidance document exists solely to convey the benefit of prior experience to new committee members and to promote transparency in how the HOA functions. **This guidance is not binding on the committee or on anyone else.** Last updated: November 2021 by Paul Basore.

Background and Purpose

Article 8.7 of the PC&Rs establishes a three-member Architectural Committee (“Committee”) to assist the Board by reviewing submittals for “Improvements” (defined in Article 1.21). The Committee’s purpose is to determine whether submittals comply with Article 8 of the PC&Rs. Actual enforcement of the PC&Rs is a function of the Board, not the Committee. Furthermore, the Board decides whether to notify the City of any apparent violations of City ordinance.

Article 8.7 of the PC&Rs requires that all members of the Committee must have suitable skills in architecture, engineering, or development. At least two members of the Committee must reside within the Community. Article 3.11.10 of the Bylaws lists the Committee as a standing committee, therefore the Chair of the Committee must be a Director. Committee members are appointed by the Board for three-year terms, but they can be removed by the Board at any time.

Over the years, the Committee (previously known as the Architectural and Planning Board) has interpreted the PC&Rs differently as circumstances evolve, and the PC&Rs were updated significantly in 2021, so some projects approved in any given year would not have been approved in a different year. This unavoidable variability is acknowledged in Article 8.11.7.

Request for Architectural Improvement

The evaluation of architectural submittals starts with the submission of a signed Request for Architectural Improvement form (“Form”) to the HOA’s email address. It is important that the Chair of the Committee be included in the forwarding list for the HOA’s email address (info@sanelijohills1.org), so that the Committee can respond in a timely manner. Not every exterior modification requires approval by the Committee; see Article 8.4 for a list of exceptions.

Only homeowners (not renters) can submit this form, and the Chair should **always confirm that the submission is from the owner of record** for that address, and **check whether the applicant is on the list of delinquent accounts** before processing the request.

The Form requires notification of neighboring owners (not renters) who are most affected, but does not require their approval. Notification serves multiple purposes. If a neighbor objects, they can contact the HOA before work starts. When work does start, there will be less anxiety because they know what’s happening. And it encourages neighbors to get to know each other.

It has been found useful to place major architectural changes on the agenda of the next regular meeting of the Board. This provides an opportunity for all Members to learn about the proposed project and voice their opinion. The decision whether to approve the project should be made by the Committee within a few days following the open meeting.

Article 8.5.1 states that the submittal must describe the nature, size, height, color, and location of any proposed Improvements. The Committee needs enough information to visualize what the proposed Improvements will look like. Physical samples are not required unless the Committee determines it is necessary to distinguish whether the submittal meets requirements. Such a situation has occurred when evaluating dark shades of color or the sheen of roofing material.

The submittal should be rejected only if it violates one or more restrictions in the PC&Rs. Compliance of the project with City ordinances is a separate requirement that does not affect whether the project complies with the PC&Rs.

A majority of the Committee must agree to approve or reject any submittal (*i.e.*, two signatures). Approval is invalidated if the work does not commence within one year of approval. **The Chair needs to maintain a ledger of submittals, with dates of receipt and approval.**

Structures

Our HOA is unique in that the Secretary of State has determined that we are not a “Common Interest Development” and thus not subject to California’s Davis-Stirling Act. Davis-Stirling requirements that HOAs allow auxiliary dwelling units (ADU) or subdivision of lots do not apply to us.

The most commonly encountered restrictions on structures include:

5.3: No alteration of the Slopes without Board approval

8.3.2: Only one single-family residence on each lot

8.3.4: Structures over 36” within 15’ of the rear building pad boundary

8.3.5: 50% limit for impermeable lot coverage

8.3.7: Roof pitch range

8.3.9: Exterior colors not on pre-approved list (Article 8.4)

8.3.12: Deck placement

8.6: Location in relation to surroundings

Special attention is required with side-yard easements (Article 2.10):

2.10.3: Permanent structures on dominant easements

8.3.10: Window size and placement on servient easement

8.3.11: Door placement on servient easement

Fences

Fences can be a contentious issue. They isolate neighbor from neighbor and can interfere with views, yet they improve privacy, contain pets, and protect gardens. The Committee must evaluate every request to install or modify a fence with consideration for all of the factors.

Several PC&Rs apply to fencing, including:

2.10.4: Servient-side rights in border fencing

5.3: No alteration of the Slopes without Board approval

8.3.9: Color other than those pre-approved (Article 8.4).

8.3.14: 36" height in front, 72" elsewhere, no chain-link

8.3.15: See-through above 36" within 15' of rear pad edge at top of a slope

8.6: Location in relation to surroundings

Side Yard Easements

PC&R Article 2.10 addresses side yard easements ("Easements"), which exist for about half of the lots in the development. These Easements are not the same as a "zero lot line" and should not be referred to as such. The original property developers took precautions in the placement of doors, windows, and porches to ensure that these Easements would satisfy the PC&R requirement to exclusively benefit the Dominant Tenement owner.

There are limits on what the Dominant Tenement owner can do in the Easement. Gardening, patio slabs, and irrigation are fine; but no "permanent installations" and nothing that damages the Servient Tenement's property. Examples of the latter are attaching fences to the wall, planting trees with invasive roots, or excessive watering (including leaks).

An important responsibility of the Committee is to ensure that Improvements do not significantly diminish the Dominant Tenement owner's exclusive benefit, especially with regard to privacy. The number, size, placement, and style of windows on the Servient Tenement side is a primary concern. Locating windows above eye level and/or use of patterned glass are effective ways to allow light into the Servient Tenement's home without impacting the Dominant Tenement owner's privacy. Doors from a Servient Tenement's home directly into the Easement are not allowed, although many homes have doors that open onto a small patio that is screened from the Easement. Second-story decks on a Servient Tenement owner's home should be set back from the Easement (typically, 15 feet or more). Note that while Dominant Tenement owners are allowed to place plantings in the Easement to enhance their privacy, this should not be imposed on them as a requirement.

Easements are recorded with the individual lots and can, in principle, be negotiated away if both neighbors agree. There is no official master list of Easements for the HOA, although the Committee maintains a map showing where easements have been visibly utilized. Note that Easements start at the front lot boundary. They are typically (but not always) 10 feet wide and 100 to 150 feet long, which means they often do not extend all the way to the rear property line.

Landscaping

Landscaping on the slopes is the purview of the Slopes Committee, but changes to landscaping on the pad level are subject to approval by the Committee. The sole exception in Article 8.4 is the maintenance of existing landscaping, including like-with-like replacement.

The most commonly encountered restrictions on landscaping include:

5.3: No alteration of the Slopes without Board approval

8.3.3: Hedges over 36" within 15' of the rear building pad boundary

8.3.5: 50% limit for impermeable lot coverage

8.3.13: Screening of A/C units

8.6: Location in relation to surroundings

PC&R passages that refer to a "Maintenance District Easement" require careful interpretation because it is unclear whether such a District was formed or which slopes were included.

It has been observed that a minimum plant size of 15 gallons for shrubs and 24 inch boxes for trees is necessary to prevent premature failure and ensure healthy development in the slow-draining clay-sand soil present in our neighborhood.

Reporting and Recordkeeping

1. The Chair of the Committee should report submittals that have been received or approved at each Board meeting. The address and brief description should be included in the minutes.
2. A summary of requests approved during the previous fiscal year, categorized by type of request (*e.g.*, painting, renovation, fencing, etc.) should be presented at the Annual Meeting.
3. Approved Forms with attached photos and plans should be combined into a single pdf file and stored on OneDrive in the Lot Parcel folder for that street address.
4. Only discuss Committee interpretations of the PC&Rs with Owners (not potential Buyers!). Email correspondence relating to PC&R issues should be cc'd to info@sanelijohills1.org.