

**ARCHITECTURAL MODIFICATION PACKET**

**FOR**

**FIELDSTONE OWNERS ASSOCIATION**

## **INTRODUCTION**

This packet provides the information, application, and forms you need to request approval from the Planning Committee (the "Committee") to modify your lot or residence in accordance with the Governing Documents, including the *Fieldstone Planned Development Declaration of Restrictions* (the "Declaration") of the Fieldstone Owners Association (the "Association"). If the Board has not appointed a Planning Committee, then the Board takes on all duties of Planning Committee described in these instructions.

Please read the enclosed information carefully. If you have questions, contact the Association's Board of Directors. The terms defined in the Declaration shall have the same meaning when used in this document, unless the context clearly indicates a contrary intention by the Association.

Any person proposing to construct, reconstruct, recolor, refinish, alter or maintain the exterior of any improvement, including solar energy installations, patio covers, awnings, satellite dishes, placement of accessory buildings, altering topography or natural or existing surface drainage or installing, planting, altering landscaping in Front Yard areas must first get approval in writing from the Committee. (see CC&Rs, section 10.0)

The following documents have been provided to you in this packet. Instructions for each document are provided in the pages that follow.

1. **Instructions**
2. **Rules and Procedures**
3. **Architectural Modification Application (the "Application")**
4. **Neighbor Opinion Form**

Only completed applications will be considered by the Committee.

**INSTRUCTIONS**

**STEP 1: Prepare and submit your application to the Committee.**

1. Prepare a scale drawing of your proposed project. Include top and side views as necessary to clearly establish and describe the proposed location, dimensions and construction details of your proposed modification. Your drawing should include existing structures and boundaries where necessary to indicate relative location.

*NOTE: If you are ONLY replacing existing doors or windows without changing their location, size or shape: Be sure that your Application describes clearly which windows or doors you are replacing.*

2. Complete and sign the Architectural Modification Application.
3. We recommend that you meet with the owners of adjacent residences, and other neighbors that may be impacted by your project. Describe your project to them and ask them to complete the Neighbor Opinion Form. Although the Association encourages you to take this step, it is not required. Please note, however, that failure to include the Neighbor Opinion Form can be considered by the Committee in its review of your application.

*Note: Meet with the Owners of the neighboring residences, and not with their tenant(s).*

4. Provide the following completed items to the Committee:
  - (1) Three copies of the scale drawings;
  - (2) Completed Architectural Modification Application;
  - (3) Neighbor Opinion Form (*optional*); and
  - (4) Applicable descriptive material relevant to your project.

**STEP 2: Fulfill additional requirements as requested by the Committee.**

5. After reviewing your application, the Committee will notify you in writing of its decision. Your project may be approved, denied, or you may be requested to submit additional information.
6. In the event that you are required to submit additional information for the Committee's consideration you must do so within sixty (60) days of the mailing date of the

## FIELDSTONE OWNERS ASSOCIATION

---

Committee's decision, unless otherwise specified. Failure to provide required additional information by the deadline will have the same effect as an application denial.

7. Approval of proposed projects by the Committee may be subject to conditions, including without limitation requiring the applicant to obtain permits from the City or other applicable agency, submission of modified proposed plans to conform to the Governing Documents, and providing proof of general liability insurance naming the Association and Management as additional insured. The Committee has the discretion to determine the type, scope, and deadlines for any conditions required for approval of the proposed project.
8. If permit(s) are required, please note that it is solely the applicant's responsibility to take the necessary steps to obtain the proper permits from the City or other applicable authority.
9. Failure to provide proof in writing to the Committee of the condition(s) being fulfilled within the deadline(s) designated in the Committee's correspondence will have the same effect as an application denial.

### **STEP 3: Complete your project.**

10. If you received approval or conditional approval of your project, you must submit proof in writing of fulfilling all conditions, if any, required by the Committee. The Committee will notify the applicant of its final decision in writing within sixty (60) days of receipt of the fulfilled conditions. The Committee has discretion to determine whether satisfactory proof of condition fulfillment has been provided by the applicant, and may require additional documentation to be provided to the Committee.
11. Upon final approval of your project, the Committee or the Association's legal counsel will submit your Architectural Modification Agreement to the applicable county recorder's office within sixty (60) days. The applicant is responsible for immediately reimbursing all recording fees, typically amounting to fifty dollars (\$ 50.00). Payment directly to the county recorder's office may be required prior to submitting the Architectural Modification Agreement for recording.
12. Unless otherwise specified or approved by the Committee, the applicant has a maximum of one (1) year in which to complete the construction of the proposed project.
13. The construction of the project must conform at all times to all conditions required by the Committee, and or imposed by the City or other governmental authority.
14. Upon completion of construction, the applicant may be required to submit inspection paperwork or documentation to the Committee within sixty (60) days. If a site inspection is required, the applicant is responsible for scheduling the inspection at a reasonable day

## FIELDSTONE OWNERS ASSOCIATION

---

and time mutually agreed upon by the applicant and Committee, and at a date no longer than thirty (30) days after construction is complete unless otherwise agreed upon by the Committee.

### **RULES AND PROCEDURES**

1. Owners, at their own expense, must submit to the Committee the required application forms and documents as described in this Architectural Modification Packet. Only the Owner of record of the lot the proposed project will take place on is eligible to submit an application. In the event there are two or more Owners of the lot, the signature of all Owners is required in order for the application to be deemed complete.
2. Owners are encouraged to discuss their proposed projects with neighbors early in the planning stages to explore and resolve potential problems. Although permission from neighbors is not required for approval, one purpose of the Neighbor Opinion Form is to avoid problems and detrimental impact on neighbors. Such impact is considered by the Committee during the review process. As noted above, failure to submit the completed Neighbor Opinion Form may be considered by the Committee as a basis for its decision.
3. The Committee shall review the application and respond in writing to the applicant within sixty (60) days of receipt of the application. The response may indicate approval or disapproval of the project, or may be a request for additional information. Approval of the project may be subject to conditions, and the conditions specified are at the discretion of the Committee. In the event that the Committee requires additional time to thoroughly consider the proposed project, the Committee shall notify the applicant in writing within sixty (60) days of receipt of the application.
4. The Committee considers each application on a case-by-case basis. Previously approved applications do not constitute precedent and have no effect on the Committee's review and decision regarding the application.
5. If an application is denied, the written decision shall include both an explanation as to why the proposed change is denied and a description of the procedure for reconsideration of the decision by the Committee, if any.
6. If an application is denied, the applicant is entitled to reconsideration by the Committee. If the applicant elects to have the decision reconsidered by the Committee, the applicant shall notify the Committee of their request in writing (the " Request for Reconsideration") within sixty (60) days of the mailing date of the Committee's decision.

## FIELDSTONE OWNERS ASSOCIATION

---

7. The Request for Reconsideration must state new documentation, modified proposed plans, or other documentation supporting the applicant's position that the Committee should approve, conditionally approve, or request more information regarding the proposed project.
8. The Committee shall consider the Request for Reconsideration, and shall respond in writing within sixty (60) days. If the proposed change is denied, the written decision shall include an explanation as to why the Request for Reconsideration was denied.

*Note: Reconsideration of a decision that is made by the Committee at a meeting that satisfies the requirements of California Civil Code Section 1363.05 is not necessary.*

9. The decision(s) of the Committee shall be consistent with all applicable laws, including, but not limited to, the Fair Employment and Housing Act (Part 2.8 [commencing with Section 12900] of Division 3 of Title 2 of the California Government Code).
10. Architectural modification projects may be inspected by a designated Association agent before, during and/or after construction to confirm that the changes comply with the approved plans and conditions. The applicant must provide the Association's agent with access to the construction site upon request at a day and time mutually agreed upon between the agent and applicant.
11. The applicant may be required, at their expense, to remove or make corrective changes, if the actual project:
  - (1) Is not being constructed or is not constructed as described in the Architectural Modification Application;
  - (2) Fails to comply with applicable City or Association construction guidelines;
  - (3) Fails to comply with applicable building codes or other applicable local, State, or Federal laws, including without limitation statute and ordinances.
12. The Owner and all subsequent purchasers of their lot are solely responsible for the maintenance, repair and replacement of all aspects of Architectural Modifications made by the Owner, during and after construction.
13. If a project causes damage or affects Association property in any way the Owner is responsible for the cost of repair or replacement, as deemed appropriate by the Association.

---

**ARCHITECTURAL MODIFICATION APPLICATION**

**1. OWNER(S) CONTACT INFORMATION**

Lot Address: \_\_\_\_\_

Owners Names(s): \_\_\_\_\_ ( ) -  
\_\_\_\_\_ ( ) -  
\_\_\_\_\_ ( ) -  
\_\_\_\_\_ ( ) -

Mailing Address (if different from Lot Address): \_\_\_\_\_

**2. DESCRIPTION OF PROPOSED ARCHITECTURAL MODIFICATION**

Summary: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Start Date: \_\_\_\_\_

Completion Date: \_\_\_\_\_

Color(s): \_\_\_\_\_

Location: \_\_\_\_\_

Dimensions: \_\_\_\_\_

Material(s): \_\_\_\_\_

Supplier: \_\_\_\_\_

Contractor(s): \_\_\_\_\_

FIELDSTONE OWNERS ASSOCIATION

License Number: \_\_\_\_\_

Describe any impact to Association (if none, please explain): \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Describe any impact to Neighbors (if none, please explain): \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Did you provide neighboring Owners with a Neighbor Opinion Form?  Yes  No

If No, please explain: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

**SIGNATURES**

I/We, the undersigned Owner(s), agree to protect, defend, hold harmless and indemnify the Fieldstone Owners Association and its directors and managers against any claims or expenses incurred in connection with the approval, construction or maintenance of the above described improvements. I/We further agree that any such expenses incurred and not paid by me/us may be charged to me/us as a reimbursement assessment.

**Submitted by Owner(s) of:** \_\_\_\_\_

Date \_\_\_\_\_ Owner (Signature) \_\_\_\_\_

Owner (Print name) \_\_\_\_\_

Date \_\_\_\_\_ Owner (Signature) \_\_\_\_\_

Owner (Print name) \_\_\_\_\_

**Received by Officer/Agent for Fieldstone Owners Association:**

Date \_\_\_\_\_ Officer/Agent (Signature) \_\_\_\_\_



FIELDSTONE OWNERS ASSOCIATION

---

Officer/Agent (Print name) \_\_\_\_\_

**NEIGHBOR OPINION FORM**

This form has been provided to you as a courtesy by the Owner(s) listed below who are seeking to apply for Architectural Modification Approval by the Fieldstone Owners Association's (the "Association") Planning Committee for the proposed project described below. If you wish to have the Committee review your opinions and comments regarding the proposed project, please submit this completed form within thirty (30) days to the Committee. This form is optional, but your feedback will be considered by the Committee as part of its review of the Owner's application. Please note that pursuant to the Fieldstone Planned Development Declaration of Restrictions (the "Declaration" or "CC&Rs") you may not challenge the Committee's decision even if you submit this form.

The Committee looks forward to reviewing your opinions about the proposed project submitted in this form, and sincerely thanks you in advance for your time and consideration of this proposed project.

**Section 1: Completed by the Owner submitting the Architectural Modification Application.**

Owner's Name \_\_\_\_\_

Unit Address \_\_\_\_\_

Description of Proposed Modifications:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**Section 2: Completed by the neighboring owner of the proposed project location.**

Neighbor's Name \_\_\_\_\_

Fieldstone Address \_\_\_\_\_

Phone (home) \_\_\_\_\_ (work) \_\_\_\_\_

FIELDSTONE OWNERS ASSOCIATION

---

As a neighbor who may be impacted by this project, I have reviewed the modification request.

\_\_\_\_\_ I APPROVE this project.

\_\_\_\_\_ I DO NOT APPROVE this Project for the following reasons:

---

---

---

---

I understand that the Committee considers comments from neighbors, along with other materials submitted by the Owner in their application, and that the Committee has the authority to approve or deny the request as its sole discretion

Date \_\_\_\_\_ Adjacent Owner (Signature) \_\_\_\_\_  
Adjacent Owner (Print Name) \_\_\_\_\_

**[SAMPLE]**

**AGREEMENT AFFECTING REAL PROPERTY**

Lot address: \_\_\_\_\_, \_\_\_\_\_, California, \_\_\_\_\_,  
[ZIP CODE]

also described as Lot No. \_\_\_\_\_, on \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

[INSERT LEGAL DESCRIPT OF MAP]

NOTICE is hereby given that the Fieldstone Owners Association (the "Association") and

the Owner of record of the above property (the "Owner"), have entered into an agreement binding all owners, and their successors and assigns.

Owners have requested the Association approve the following:

\_\_\_\_\_  
\_\_\_\_\_

As a condition of Association approval, Owner has already or shall comply with the following requirements as identified with an "(X)":

- ( ) Work performed by \_\_\_\_\_, a licensed and insured contractor
- ( ) A building permit procured and all work performed in accordance with that permit and all applicable building codes. (Where applicable)

Assessor's Parcel No.: \_\_\_\_\_

**[SAMPLE]**

**ARCHITECTURAL MODIFICATION AGREEMENT AND HOLD HARMLESS,**

- ( ) A licensed architect's or engineer's written opinion that the (proposed) modification does not impact the structural integrity, fire separation, or acoustical separation in the building. (If it does this must be addressed in detail before the request can be processed by the Association).
- ( ) Written "non-opposition" from the owner of the following neighboring address: (where applicable) \_\_\_\_\_
- ( ) Complete work not later than \_\_\_\_\_

Association has agreed to grant approval for said architectural alteration in exchange for Owners' covenants herein and as follows and where an "(X)" has been placed:

- ( ) Owner shall be responsible to maintain, repair and replace all aspect of the alteration.
- ( ) Owner shall disclose this agreement to all subsequent purchasers of the unit.
- ( ) Owner shall indemnify, hold harmless, protect and defend the Association, Directors and Management against any and all claims arising from or in any way related to the approval of the alteration or the alteration itself, including but not limited to, any and all acts, omissions, or claims arising in connection with the approval, construction, maintenance, repair, or use of said alteration.
- ( ) In the event of a dispute regarding this agreement, the prevailing party shall be entitled to attorneys' fees and costs.
- ( ) Owner agrees to maintain general liability insurance on the property.
- ( ) Owner shall add the Association and Management as additional insured on the general liability \_\_\_\_\_ insurance.

FIELDSTONE OWNERS ASSOCIATION

---

**[SAMPLE]**

The undersigned are the owner(s) of record of the above referenced lot at:

---

Date \_\_\_\_\_ Owner (Signature) \_\_\_\_\_

Owner (Print name) \_\_\_\_\_

Date \_\_\_\_\_ Owner (Signature) \_\_\_\_\_

Owner (Print name) \_\_\_\_\_

Date \_\_\_\_\_ Owner (Signature) \_\_\_\_\_

Owner (Print name) \_\_\_\_\_

**Officer/Agent for Fieldstone Owners Association, Inc.:**

Date \_\_\_\_\_ Officer/Agent (Signature) \_\_\_\_\_

Office/Agent (Print name) \_\_\_\_\_

**PLEASE ATTACH NOTARY CERTIFICATES**