



Kent Woodlands Property Owners Association

KWPOA Architectural Rules

INTRODUCTION

These updated Kent Woodlands Property Owners Association (“KWPOA”) Architectural Rules are intended to:

- 1) Provide clear guidance to the Architectural Committee (“AC”) in its design review work;
- 2) Streamline and improve the application and approval process by more fully defining the criteria that will be used by the AC when reviewing and approving architectural applications.

Reviewing and understanding these Rules will allow members and their design teams to work effectively and efficiently with the AC in the approval process, avoid future misunderstandings, and ensure that all improvements are completed in conformance with the standards that make our community such a special and beautiful place to live.

KWPOA'S ROLE IN DESIGN REVIEW

The KWPOA Covenants, Conditions and Restrictions recorded on September 25, 1995, (“CC&Rs”) grant the Board of Directors the authority to appoint an AC to conduct design review of Improvements on member parcels. All members seeking to construct or alter any "Improvements" must first apply to and obtain written approval from the AC before beginning work.

It is important to understand that the term "Improvements" is broadly defined in the CC&Rs, at Article V, Section 1(b), as the:

“... construction, installation, alteration or remodeling of any buildings, walls, decks, fences, swimming pools, tennis or sports courts, major landscaping plans affecting areas visible from any street or neighboring Lot, landscape structures, antennas, drainage structure, grading of Lots, television satellite reception dishes, utility lines or any other structure of any kind.”

The above referenced section also provides that members do not have to have approval from the AC for:

“... (i) any improvements to the interior of any Residence or building structure; (ii) landscape maintenance projects; or (iii) any maintenance or repair project of any kind which uses the same or substantially similar materials and exterior colors (or other colors approved by the Association) to those used or found on the Improvement that is being repaired, maintained or replaced.”

If there is any doubt as to whether approval is required, it is always best to check with the AC before proceeding with the work.

The CC&Rs also grant to the KWPOA Board of Directors the authority to adopt and amend “Architectural Rules” that interpret and implement the standards set forth in the CC&Rs. (CC&Rs, Art.

V, Section 5(a)). The CC&Rs contain a significant amount of detail as to minimum architectural standards, and for the most part, these Rules are a restatement of those existing requirements.

ROLE OF THE COUNTY OF MARIN IN DESIGN REVIEW

In addition to the requirements set forth in the CC&Rs, Improvements on member Lots also must conform to the land use plan applicable to Kent Woodlands, which is the Kent Woodlands Land Use Policy Report (“KWLUPR”), first adopted by the County of Marin in 1995. (CC&Rs, Article V, Section 6(d)). The County’s Community Development Agency, through the Planning Department and the Planning Commission, rely upon the Marin County Plan and related ordinances, as modified by the KWLUPR, to make its own design review decisions for any proposed project in Kent Woodlands. The County may acknowledge, but cannot enforce, the KWPOA CC&Rs.

In sum, a KWPOA member applicant must obtain the approval of both the KWPOA and the County of Marin.

USE OF THE DESIGN REVIEW RULES

These design review rules are intended to assist new members and potential design review applicants in understanding the KWPOA design review process and the criteria that will be used in evaluating applications, so that the AC and the applicant can work in harmony with each other to achieve a mutually satisfactory result.

It is important to understand that while the Architectural Committee shall use the design review rules as a primary guide in evaluating design review applications, each property is unique, and decisions of the Committee are on a case-by-case basis. These rules do not take the place of the broad discretion that is exercised by the AC when it makes decisions on applications.

Members interested in making improvements to their property are encouraged to share the rules with their design team and to become familiar with these rules, and importantly, to contact the Committee and its staff if there are any questions about the process.

BASIS FOR AC APPROVAL

Article V, Section 6 of the CC&Rs, sets forth the basis for the approval of any architectural application, by providing that every approval requires the Committee, in its sole discretion, to make the following findings regarding the proposed project:

- (a) The Owner's drawings and specifications conform to this Declaration and to the Architectural Rules in effect at the time such plans are submitted to the Committee.
- (b) The Improvement will be in harmony with the external design and appearance of other structures and/or landscaping within Kent Woodlands.
- (c) The Improvement, as a result of its appearance, location, or anticipated use, will not interfere with the reasonable enjoyment of any other Owner of his or her property.
- (d) The proposed improvement, if approved, will otherwise be consistent with the architectural aesthetic standards and community character prevailing within Kent Woodlands and with the overall plan (including the current county land use plan applicable to Kent Woodlands) and scheme of development for Kent Woodlands, as contemplated by this CC&Rs and the Association Rules.”

FACTORS AND GUIDELINES

1. **Privacy** – Applicants should seek to minimize the impact of any Improvements on their neighbor’s privacy and sense of seclusion. New design proposals will be evaluated for the impact the Improvements and related use will have on the privacy of neighboring owners, as the ability of residents to enjoy outdoor areas as an extension of their home must be respected. Additions to residences, especially second stories, and the siting of any new residences should be designed to keep privacy between homes at a maximum, whenever possible.

Reference: KWPOA CC&R Article V, Sect. 6(b), Sect. 6(c); Article VI, Sect. 14; KWLUPR page II-3; CD1.5; CD1.6; CD1.7a, CD1.8; EQ8.1

2. **Woodland Character** – The spirit of all improvements should also include preserving the woodland character of Kent Woodlands. Whenever possible, new designs should follow natural topography. That said, much of Kent Woodlands is located in a Wildland Urban Interface and the risk of fire is of increasing concern. Maintaining the woodland character and the privacy expectations of neighbors will be balanced against fire safety concerns, and the need to provide for defensible space and other mitigation efforts relating to fire safety.

Reference: KWPOA CC&R Article V, Sect. 6(b), Sect. 6(c), Sect 6(d), KWLUPR CD1.6; CD1.10

3. **Views and Ridgetop Preservation** – Applicants should seek to minimize any material change in views from other lots, especially where said views are of landmark or important natural features such as Mt. Tamalpais and the Bay. New designs should seek to not materially impact primary views from neighboring lots. However, simply being able to see new construction – absent other factors – is not considered a material impact.

Reference: KWPOA CC&R Article V, Sect. 6(c), Sect. 6(d), KWLUPR CD1.4; CD1.5; CD1.6; CD1.7

4. **Trees** – No trees which have a circumference greater than eighteen (18) inches when measured five (5) feet above grade shall be cut, removed, or heavily pruned without the consent of the AC unless the tree is certified to be dead or diseased and is creating or is likely to create an immediate threat or hazard to persons or property. If a tree materially obstructs the view from any other residential Lot, the AC shall determine if, how, and to what extent such tree shall be trimmed or removed so that the view from the other residential Lot shall not be unreasonably obstructed by such tree, as set forth in the CC&Rs, Article VI, Section 8.

The Committee shall in writing advise the Owner of the Lot upon which the tree is located to have the tree so trimmed or removed. If the Owner fails for a period of thirty (30) days after delivery of such written notice to have the tree so trimmed or removed, the Architectural Committee shall have the right, but shall not be obligated, by itself or its agents or employees, to enter the Lot upon which the tree is located and to trim or to remove it at the expense of the Owner.

Owners shall maintain the exteriors of their Residences and landscaping in a neat and attractive appearance and shall manage weeds and other natural vegetation on their Lots in a way which reduces the risk of fire.

When reviewing an application for Improvement, the AC will consider that some vegetation poses a higher fire threat (e.g., juniper, bamboo, etc.) and deny their installation. The AC encourages

Members to work together regarding view restoration, however our CC&R's state that the member of the offending tree is responsible for its trimming and maintenance.

Reference: KWPOA CC&R Article V, Sect. 6(b); Article VI, Sect. 2 and 8. KWLUPR EQ4.1, CD1.1, CD1.2

- 5. Exterior Colors and Finishes** – In order to reinforce the beautiful natural environment of Kent Woodlands, natural colors and finishing materials (meaning earth tones or other colors indicated on a color chart adopted as part of the Architectural Rules) shall be used on the exterior surfaces of structural improvements.

An approved color chart is available for members to use as a guide for the exterior paint color selection for their home. Members can use the specific color identified on the chart, or a color similar to the one on the color chart. Generally, approved exterior colors are to be considered earth tone and have a Light Reflectance Value (LRV) of 55 or lower. Paint colors that are presented and deemed similar to colors on the approved color chart are then added to the color chart. This allows members to select from an increasing range of paint color choice while adhering to the spirit of the Kent Woodlands CC&Rs.

Paint trim, including casings, roof fascia boards, gutters/downspouts etc., will be reviewed by the AC on a case-by-case basis. Due to the minor impact on the overall visual impact of a structure, lighter colors for trim will be considered.

Reference: KWPOA CC&R Article V, Sect. 6(d) Article VI, Sect. 12, KWLUPR CD1.3; 1.4; 1.6 ; 1.7; 1.9

- 6. Setbacks** – No Residence or other structure, including swimming pools or other outside facilities, shall be constructed or situated on any Lot except in conformity with the setback lines shown on the original Subdivision Map creating the Lot and in conformity with any additional “set back” lines which have been imposed on the property by provisions contained in the deed for the Lot. If no setback is designated for any Lot in the original Subdivision Maps or any deed, then the setbacks shall be as follows: front: 30’, side: 15’, back: 25’) or the distance by applicable County laws, whichever is greater. If any of the setback distances specified above are greater than the setbacks imposed by County ordinance, the set-back may be modified by a variance issued by the Association in writing by the Architectural Committee. As specified in the CC&Rs, the setbacks of any building, structure or other development shall be deemed to be the minimum distance between such building, structure or other improvement and the Lot line. The setback of any building, or other structure or other Improvement as to any street shall be deemed to be the minimum distance between any portion of the building, structure or Improvement, and the nearest line of the street. If a Lot adjoins two or more streets, the Architectural Committee shall determine the appropriate application of the various set back rules to the respective streets, including the resolution of any questions regarding which line of a Lot is a front, rear or sideline. The AC will have discretion to require that the footprint of improvements be placed at a greater distance from property lines than required by prevailing setbacks if such placement is feasible, and necessary to accommodate privacy, view, or mass impacts on neighboring lots.

Reference: KWPOA CC&R Article VI, Sect. 6, KWLUPR CD1.5; EQ3.1

- 7. Building Height** – The height of an Improvement shall be considered, especially as to privacy concerns. While the AC will in most cases follow County ordinances as to allowable building height, the AC retains the authority to deviate from County height requirements where the proposed building height will adversely impact neighboring lots or the community.

Reference: KWPOA CC&R Article V, Sect. 6(b), Sect. 6(c), Sect.6 (d); KWLUPR CD1.6; CD1.7

- 8. Excavation and Grading** – Existing topography, native vegetation, trees, and rock outcroppings should be preserved. Massive grading or alteration of the existing site is not considered appropriate. The established drainage for the applicant Lot or any adjacent lots shall not be altered or interfered with, except to the extent such alteration in drainage pattern is approved in writing by the AC, the County, and all other public authorities having jurisdiction. Retaining walls visible from offsite should be of maximum height of 4', more than 4' in height needs approval and faced with stone or earth-tone materials and colors.

Reference: KWPOA CC&R Article V, Sect. 6(b), Sect 6(c), Sect. 6(d) Article VI, Sect. 4 KWLUPR EQ6.1; EQ7.1; CD1.1; CD1.2 ; CD1.9

- 9. Fencing** – We encourage members to strike a balance between protecting their privacy with fencing without dramatically impacting the natural characteristics of Kent Woodlands for neighbors and passersby; however, our CC&R's make no mention that fences remain open. All screening and fencing must be designed to conform to the design of the proposed or existing residence and shall be constructed of wood, wood and welded wire, rock, masonry, wrought iron or a combination thereof. Screening and fencing must be so designed as to face its most attractive side toward the street or toward any neighboring Lots. No fence or wall over six (6) feet in height shall be erected at any place within Kent Woodlands; provided, however, this restriction and other requirements may be waived or modified by the AC in accordance with the variance procedures set forth in the Architectural Rules. Fences shall be discouraged within the right of way of any county road or street.

Reference: KWPOA CC&R Article VI, Sect. 22; KWLUPR CD1.9; T1

- 10. Exterior Lighting and Fixtures** – No colored exterior lights (except holiday displays and yellow insect type lights) shall be permitted at any location within Kent Woodlands. All exterior fixtures that are attached to the main Residence shall be compatible with the design and materials of the Residence, and enclosed in a manner that directs the light in a specific area without causing a visual impairment to passing motorists or a nuisance to neighboring properties. The issue of whether a nuisance exists shall be determined by the AC at its sole discretion.

Reference: KWPOA CC&R Article VI, Sect. 18 ; KWLUPR CD1.8

- 11. Solar Panels & Alternate Energy** – Solar panels installed on rooftops do not need AC approval. Other alternate energy systems, or solar panels homeowners wish to install in a location other than a roof, must first secure AC approval. Note that solar does require county approval, and homeowners should share a copy/other verification of their county approval with the KWPOA.

Reference: KWPOA CC&Rs Article VI, Sect. 13.

- 12. Noise Levels** – All mechanical equipment such as pool equipment, HVAC units, and generators must be situated in a location to limit noise and/or require soundproofing. In addition, the AC will look at the design and location of things like driveways, sport courts, pools etc. to minimize noise for

adjacent properties when possible. In approving a request for construction of an Improvement, the AC may condition approval upon the adoption of modifications in the plans and specifications or observance of restrictions as to location, noise abatement or similar mitigating conditions.

Reference: KWLUPR EQ8.1

- 13. Construction Hours** – Homeowners must follow County rules regarding allowable construction days, construction hours and loud equipment.

Reference: KWPOA CC&R Article V, Sect. 6 (b) 6(c) and Sect 6 (d) Article VIII, Sect. 2, Sect. 3

- 14. Maximum Construction Period** - Commencement of construction of approved Improvements is to begin within (2) two years of the date of approval by the Board and all construction (whether based on initial approved plans or later approved changes to such plans) is to be completed within (2) two years after construction first commences (the “completion period”). The completion period may be extended for good cause upon application to the Board provided such application is made at least 30 days prior to the expiration of the completion period.

- 15. Generators** – Refer to the Generator Guidelines, available on www.kwpoa.com.

- 16.** Except as otherwise determined by the AC, the AC may meet up to twice each month at the Association office on days and at times agreed upon by its members. The meeting schedule shall be published at least once each year in the Association newsletter.

- 17.** The agenda for all AC meetings shall be determined by the Committee Chairperson. Anyone wishing to be placed on the agenda for a meeting must obtain advance approval from the AC.

- 18.** It is important that neighboring lot owners be advised fully of proposed Improvements, and that they have an opportunity to see the plans and comment on them prior to submission. The AC may also solicit comments from affected neighbors. The determination as to whether a neighbor is adversely affected or if any modifications should be made to accommodate a neighbor’s concern will be made by the AC in its sole discretion.

- 19.** The AC shall, at its discretion, set application and processing fees from time to time, based on the nature of the project and the extent of review required.

- 20.** All applicants must submit, prior to the AC’s cutoff date for an upcoming meeting, a completed Application for Construction Approval, in the form approved by the AC (“Completed Application”). A Completed Application is an application that includes the drawings and specifications satisfying the requirements of the AC, and proof that the application and its details have been shared with neighboring lot owners who might be impacted by the Improvement. The AC shall notify the applicant within 30 days as to whether the application is complete. The AC shall act on a Completed Application within 30 days of receipt by providing written notice of approval or of disapproval with written suggestions of changes required for approval. If the Committee recommends that the drawings and specifications be modified, the Applicant may implement such changes and, within 30 days, resubmit drawings incorporating such changes for approval to the Committee, which shall not unreasonably withhold its approval so long as the Applicant has complied in all material respects with the requested changes. In the event that a Completed Application raises certain questions that cannot be resolved in 30 days, rather than deny the application, the AC may request that the

applicant waive the 30-day requirement in order to provide sufficient time to work with the AC to resolve the questions, rather than receive a denial. Once approved, the AC shall provide a copy of its notification letter to the Marin County Community Development Agency (CDA).

- 21.** Applicants must obtain separate approval from the Marin County Community Development Agency, if required.
- 22.** All construction vehicles and storage shall be contained on-site. The use of public streets, sidewalks or right-of-way by contractors and subcontractors as staging areas for materials and equipment, or for equipment parking (including portable toilets), is not permitted. Vehicles must not interfere with safe traffic circulation.
- 23.** Any changes or additions to approved project plans, including exterior colors, must be submitted to the Committee for approval, prior to said modifications being completed.
- 24.** When determined to be appropriate, the Committee may require graphic information for analysis of the potential visual impact on the community. Unless waived or modified by the Committee, story poles are required for new construction, teardowns, and major additions such as second stories, and for architectural features that may impact neighboring properties. Poles are required to be installed ten days prior to the anticipated agenda date. The proposed story pole locations and design shall be approved by the Committee prior to installation and the locations must be shown on the plans submitted by the applicant. Story pole locations and heights shall be verified by a surveyor if requested by the Committee. Unless modified by the Committee, the poles shall be set at all corners of the project, with a height representing the roof height at each corner, and at the ends of all roof ridge lines. When requested by the Committee, the story poles shall be connected with orange netting (or other acceptable visual aids) to display the roof ridgeline, to allow observers to visualize the impact of height, mass, bulk, and shadow. Second story window placement shall be noted with a flag or other device when closer than 100' from a neighboring structure. With respect to any application, the Committee has discretion to require the applicant to provide one or more studies concerning the impact of the proposed Improvement on neighboring properties if the proposed Improvement may adversely impact a neighboring property in a manner that is inconsistent with the governing policies, rules, and rules for design review in Kent Woodlands.
- 25.** Variance requests will be considered on a case-by-case basis. In order to have a variance request considered by the Committee, the applicant must submit information in support of the need for the variance, and that will allow the AC to make the following findings when granting the requested variance:
 - a. The granting of the variance will not jeopardize the intent of the CC&Rs nor change the character of Kent Woodlands.
 - b. The granting of the variance will not create undue hardship for another owner on another lot in Kent Woodlands.
 - c. The Improvement and its intended use are necessary to permit the applicant to improve and enjoy their property in a manner that is consistent with other homes in Kent Woodlands.

- d. The property has unique physical or topographical characteristics that prevent or render unduly expensive strict adherence to the Rules.
 - e. The need for the variance has not been self-induced – that is, previous improvements to the property should not be cited as the sole reason that the new improvement cannot comply with the CC&Rs.
- 26.** By submitting an application for design review to KWPOA, an applicant grants permission to the Board, the Committee and their designees to visit the site of the proposed improvement as necessary to determine the appropriateness of the proposed request, and to monitor compliance with the conditions of approval until completion of the project.
- 27.** For projects in the C5, C6, and C13 categories, where Reserve Fees are collected at the start of the project, some remaining Reserve Fees may be available for reimbursement at project completion. Upon completion of an Approved C5, C6 or C13 project, applicants are to notify the Architectural Committee that the project is completed and that all improvements have been installed or constructed in accordance with the plans as approved or conditionally approved. This can be in the form of an email or a letter to the Architecture Coordinator and must be received within six (6) months of project completion after which time any unused Reserve Fees will be forfeited. Once this notification has been received, a Close Out Site Visit will be scheduled, to verify that all improvements adhere to the Approval Letter. Once verified, any unused Reserve Fees will be refunded and returned to the applicant.
- 28.** Any decision of the AC may be appealed to the Board of Directors under the rules for appeals, which are established by the Board from time to time.