

HVCSA RESIDENTIAL ARCHITECTURAL GUIDELINES

OVERVIEW

Living in a community such as Hidden Valley offers certain privileges. It also involves certain restrictions. To preserve the value, desirability, attractiveness, and architectural integrity of the Community restrictions are placed on changes to the lots and homes within it. The Association is empowered to appoint an Architectural Review Board (ARB) to administer these restrictions.

The ARB is charged with the responsibility to receive, review, consider and act upon all plans of any type which involve changes to the exterior of any home or lot, including landscaping. Planting of trees and shrubs within patio walls are excluded from this requirement. Other architectural changes visible from the street, from a neighbor's property, or from the Common Area require ARB evaluation and approval.

The purpose of the ARB is not to restrict individual creativity or personal preferences but rather to assure overall continuity of design in an attempt to preserve and improve the appearance of the Community.

The ARB may suggest alterations to the Residential Architectural Guidelines which, after approval by a majority vote of the Board of Directors, will be utilized by the ARB in making their determinations. Such Guidelines may be amended by the Board of Directors (BoD) at any time by a majority vote of the BoD.

Residential Architectural Guidelines are intended to assist Owners in planning changes and improvements and to increase the Owners' awareness of ways to maintain neighborhood integrity. Any conflict between the Residential Architectural Guidelines and the Community Covenants and Restrictions (CC&Rs), the ByLaws, or the Book of Resolutions is resolved in favor of any of the aforementioned governing documents.. It is recommended that both the HVCSA governing documents and any Architectural Residential Guidelines be carefully reviewed and any questions answered by the ARB prior to the submission of any request by the applicant.

A copy of the Residential Architectural Guidelines can be obtained from the Management Company and are available on the Community website.

The ARB is not responsible for approving the means or methods of any installation or construction of any improvement. This is the sole responsibility of any individual Owner.

After approval by the ARB and prior to beginning any construction or alteration to the property, the Owner is responsible for having the appropriate municipal or other authority locate all existing below grade utility lines or cables. It is recommended that the Owner submit any required application to the ARB for preliminary approval prior to any City or County application. In some cases the ARB may require that City or County approval, certificates, or permits be obtained prior to final approval and the start of any project.

Failure to obtain the prior approval of the ARB when required will constitute a violation of the Community documents and may lead to the imposition of significant penalties and may require the modification or removal of any unauthorized work or improvements at the Owner's expense.

Once an application has been approved by the ARB any plans must be followed as approved. Any modification to approved plans must receive ARB approval prior to being implemented.

If submittal to the ARB is required in accordance with the CC&Rs and the Architectural Guidelines, plans must be submitted even if the identical improvement has been previously approved by another property in the Community.

During an evaluation of an application, the ARB must consider the characteristics of the home, lot, and individual site on a case-by-case basis. In making decisions, the ARB may need to consider and balance conflicting interests of parties who would be impacted by such decisions.

The ARB may require a refundable building compliance deposit to assure compliance of improvements with the ARB approval

The guidelines that follow address a broad range of exterior structural and/or design alterations for which homeowners frequently submit an application to the ARB. While it would be impossible to address each specific design condition, these guidelines present the principle factors which should be considered when developing a design. More specifically, these guidelines define the limits to size, quality of construction, location, materials and color based on the intended use and relationship to adjoining properties rather than focusing on a particular construction detail or a specific design alternative. As stated earlier, all projects are to be completed within six (6) months.

The individual merits of each application will always be considered by the ARB. The use of these guidelines should assist the homeowner in gaining timely approval. The applicant who follows the guidelines should expect approval or a rationale as to why the application was not approved.

SPECIAL NOTE...COUNTY APPROVALS. Many structural changes require city or county review and Permits. It is the homeowner's responsibility to obtain all county approvals and permits. Bernalillo County authorities should be contacted prior to beginning any work in order to verify what procedures must be followed and obtain required permits. County approval does not preclude the need for ARB approval and vice versa.

THE FOLLOWING ITEMS REQUIRE ARB APPROVAL UNLESS OTHERWISE INDICATED

1. MAJOR EXTERIOR CHANGES

Major alterations are generally considered to be those which substantially alter the existing structure either by subtraction and/or addition. Major building alterations include, but are not- limited to construction of driveways, garages, porches, sidewalks, greenhouses, fireplaces, chimneys, pools, ponds, walls, fences and other additions to a home, etc.

More specifically, the design of major alterations should be compatible in scale, materials and color with the applicant's house and adjacent houses. The location of major alterations should not impair the views, or amount of sunlight and natural ventilation on adjacent properties. New windows and doors should match the type used in the applicant's house and should be located in a manner which will relate well to the location of exterior openings in the existing house.

If changes in grade or other conditions which will affect drainage are anticipated, they must be indicated. Approval will be denied if adjoining properties are adversely affected by changes in drainage.

Construction materials must be stored so that the impact on neighboring properties is minimized. Excess material should be immediately removed after completion of construction.

2. FENCES/WALLS

No wall or other enclosure shall be built on any private Lot without first obtaining PRIOR written approval of the ARB as to location, material, color and design. No enclosure shall be larger than 20 per cent of the footprint of the house. New walls shall not be higher than 6 (six) feet above ground level and must be compatible in material and color with the applicants house and adjoining houses. No fences shall be built on private lots.

3. STORAGE SHEDS

Storage sheds (not including Rubbermaid or other similar types of small sheds or storage bins less than 92 cubic feet) must be approved by the ARB. Applications must include a site plan identifying the proposed shed location, the proposed materials and colors, and an elevation drawing depicting the length, width and height of the proposed shed. All sheds shall have an appropriate base for its location and size, e.g., ground contact, landscape timbers, gravel or cement base, or cement footers. If the proposed shed is to be attached to the dwelling, the roof and siding of the shed must match the exterior of the home. If the shed is freestanding, the shed must be compatible to the applicant's house color or match the homeowner's wall (if applicable). Sheds must not be visible from the street. from the Common Area or from the property of a neighbor. Sheds currently erected are considered "grandfathered".

4. PATIOS AND DECKS

Patio and Deck Location - Patio and decks are to be located in rear yards. When patio and deck schemes include other exterior changes, such as lights, landscaping, etc., other appropriate sections of these guidelines should be consulted before filing an application.

Decks: All decks are to be of pressure treated wood or suitable synthetic product. Applications must include a site plan showing size of deck, location as it relates to applicant's house as well as adjacent houses and property lines, description of materials to be used, and details of railings, posts, stairs, steps, etc., as required to clearly describe proposal. Please include the height of the deck off the ground.

Ground Level Patios - Rear yard, ground level patios made of decking material, brick, stone or cement require ARB approval. Applications for patios must include a site plan showing size of patio, location, description of materials to be used, and other details (such as stairs, steps, lighting, and all other built-in items).

5. TRELLISES/ARBORS

The use of trellises and/or arbors as part of a fence, deck or patio will be reviewed on a case-by-case basis and should be incorporated into the overall design of the project.

6. DOGHOUSES

All doghouses within patio walls and not visible from the street, from the Common Area, or to the neighbors are permissible and do not require prior approval. Other doghouses will not be approved.

7. SUN CONTROL DEVICES

The ARB must approve permanent awnings, trellises or other sun control devices. Awnings or trellises are not permitted in the front of a home. The application must include a description of the device (materials and color) and a site plan depicting the location of the device.

8. HOT TUBS

Hot tubs outside of patio wall will not be approved.

9. RECREATIONAL AND PLAY EQUIPMENT

a. Recreational and play equipment must not be visible from the street, the Common Area, or to the neighbors.

b. Location and Size. Equipment will be permitted only in rear yard locations not visible from the front of the house. Consideration must be given to lot size, equipment design and size, and amount of visual screening. The equipment must be placed so as to avoid being a nuisance to the neighbors.

c. Free Standing (portable) Basketball Hoops shall not be placed or used on public streets or cul-de-sacs, or on any common area of the HOA. No basketball hoop/rim/backboard may be attached to the front or side of any dwelling.

d. Materials and Color. Equipment made of natural or synthetic rust-free materials is preferred . Other play equipment colors will be considered, contingent upon location and landscaping.

10. EXTERIOR PAINTING

Color changes apply not only to the house siding, but also to the doors, shutters, trim, fascia, roofing, and other appurtenant structures. No person shall paint the exterior of any building a color different than the original, without the proposed color having been approved by the ARB. However, Homeowners may paint front doors or shutters a different color as long as that color is one from the approved list of colors for the community. The homeowner must submit a request for any change of color to the ARB. Change of exterior stucco colors will be approved by the ARB if in conformance with established neighborhood guidelines or selected from one of the existing neighborhood colors. Repainting or staining a specific object to match its original color does not require ARB approval. The various phases of Hidden Valley have different stucco palettes and they ARB may establish a different list of colors for each phase. Approved colors and charts may be obtained for reference from a member of the ARB or the BoD. The approval of a stucco color for attached units may, at the discretion of the ARB, involve input from the immediate neighbor or neighbors of the unit.

11. MAJOR LANDSCAPING

Care should be exercised in the landscaping and in planting and maintenance of trees and shrubs on your lot to prevent drainage problems or obstruction of sight lines required for vehicular traffic. Consideration should also be given to type of trees to be planted, specifically with regard to size of mature trees and how roots will affect water lines and underground cables, etc. If such plantings result in complaints by neighbors, the Architectural Review Board will consider appropriate measures to resolve the problem. Planting of all trees and shrubs outside of patio walls whether on the owner's platted lot or the Common Area require prior approval. Trees prohibited for planting by the City of Albuquerque or Bernalillo County will not be approved. Trees with potentially invasive root systems will not be approved. Xeric or relatively xeric trees and shrubs have the greatest chance of being approved.

Applications, when required, should include a description of the types and sizes of trees and shrubs to be planted and a site plan showing the relationship of plantings to the house and adjacent dwellings.

An application is NOT REQUIRED for planting inside of patio walls.

An application IS REQUIRED for all planting outside of a home's patio walls.

Plantings which would become hedges more than 3 feet in height or 8 feet in length, or other features which in effect become structures, fences or screens will not generally be approved.

Conversion of lawns to xeriscapes will be considered but all such conversions require PRIOR approval and detailed plans must be considered including the design and materials to be used.

12. EXTERIOR LIGHTING

No exterior lighting shall be installed or maintained in such a way as to cause discomfort to adjacent neighbors. All spotlight security lighting is to be directed inside the property boundaries. Applications for exterior lighting changes (whether individual or part of a deck, patio, or other landscaping application) must include wattage, height of fixture above ground, and a complete description of the light fixture (materials, design and number of bulbs on a single fixture) and the proposed locate

13. NEW ENTRY WALKWAYS

New front entry walkways shall be constructed from cement, brick, slate or other natural rock that is compatible with home décor, style and color. Applications must specify dimensions, materials to be used and color.

14. LANDSCAPING DECORATIONS

Exterior decorative lawn objects such as birdbaths, small figurines, garden statues, etc., may be placed in the front and side yard of a residence, provided that the object is of a neutral color/material, and that the number of objects shall not exceed four (4) in number. Bird baths cannot exceed 36 inches in height and other decorative figures or small benches shall not exceed 24 inches in height or 4 feet in length. Similar decorative objects may be placed in the rear yard with the same limitations. There is no restriction on decorative items in the rear patio as long as they are not visible from the street, the Common Area, or to the neighbors.. Seasonal holiday decorations are permitted on the front of units and must be removed within two weeks of the end of the holiday/season.

15. ELECTRONIC INSECT TRAPS

No device shall be installed or maintained in such a way as to cause discomfort to adjacent owners from noise and may only be operated during those times when the immediate area protected by the trap is occupied by the owner or his guests. Thus, as a general rule, if you own a "bug-zapper," it must be placed in the rear yard and must be turned-off when the yard is not in use.

16. FLAGPOLES

Temporary flagpole staffs which do not exceed six feet (6') in length and are attached at an incline to the front wall or pillar of the house or dwelling unit do not require ARB approval. Existing flagpoles are considered "grandfathered" Future applications for the erection of permanent flagpoles will be considered on a case by case basis. An American flag not larger than 3x5 feet may be approved to be flown. One other flag of design approved by the ARB may be flown below the American flag. Standard American flag etiquette must be followed. The American flag may not be displayed upside-down. It must be lighted at all times either with natural or artificial light.

17. BARBECUE GRILLS (Permanent)

Permanent brick or cement Barbecue grills shall be placed in the rear yard and as far as practical from the adjacent property lines and from the home. Such grills should not be visible from the street, from the Common Area, or to the neighbors. Use of any grill should be in accordance with County Fire Codes.

18. SATELLITE DISHES

All satellite dishes should be mounted in the rear yard, on the side of the dwelling, or on the roof except when such locations prevent adequate signal reception, in which case the location must be approved by the ARB. Satellite dishes must be no larger than 1 meter (39.37 inches) in diameter.

19. GUTTERS AND DOWNSPOUTS

Gutters and downspouts must match those existing in color and design and must not adversely affect drainage on adjacent properties.

20. ATTIC VENTILATORS

Attic ventilators or other mechanical devices requiring penetration of the roof should be as small in size as functionally possible and should match the roof or be mill finish. They should be on the backside of the roof to the extent possible and not extend above the ridge-line.

21. TRASH AND RECYCLE CONTAINERS

Trash and garbage containers shall not be permitted to remain in public view except on days of trash collection. Trash/recycle containers shall not be placed for pickup prior to 5:00 p.m. on the evening prior to pick-up. Trash must be placed in the provided trash container and must be placed curbside. At all other times trash containers must be kept in the garage or rear yard, and as inconspicuous as possible.

22. SIGNS - REAL ESTATE SALES/RENT, ETC.

No sign of any kind shall be displayed to the public view on any property, except temporary real estate signs. There shall be no more than one real estate sign per lot and there shall be no signs displayed in windows. The sign shall be no larger than four square feet in area and shall not exceed six feet in height. All signs shall be removed within seven days of settlement or leasing of property. No real estate sign

Shall be illuminated. Signs may utilize reflective paint. Open house signs and directional signs are permitted on the day of open house and shall promptly be removed at the conclusion of the open house. None shall be placed on the HOA common areas; except temporary for sale signs or notices may be placed in the median between the common area and the sidewalk. No sign of any kind shall be affixed to traffic, neighborhood watch, or other HVCSA notice signs or to the flyer boxes. Small, decorative banners may be approved by the ARB on a case by case basis.

23. LAWN CARE

Although not required by our governing documents, HVCSA at present is maintaining the front, side and back lawns on the platted lots outside the patios of any homes when such lawns are accessible from the Common Area

24. TREES AND SHRUBS

Homeowners are responsible for maintaining the trees and shrubs which have been planted on any part of their platted lot either by the developer or by themselves.

25. MAINTENANCE OF PROPERTY

Each owner shall keep all lots owned by him/her and all improvements therein or thereon in good order and repair and free of debris. Homeowners will also not allow junk, discarded machinery, construction material, car parts, home remodeling parts or other unsightly or unhealthy items to accumulate where it would be visible from the street, from the Common Area, or to the neighbors., Owners are solely responsible for their removal and cost of removal.

26. STORM DOORS

Storm doors may be installed on the front door but shall be full-length glass doors with either a decorative brass or colored frame that matches the color décor of the home. Wooden screen doors or half screen/glass doors are not permitted. Pre-existing storm doors are considered to be “grandfathered”

27. SUN ROOMS

Sun rooms attached to the rear of a house may be approved on a case by case basis.

28. PARTY WALL DECORATIONS

Party wall decorations will not be approved unless the wall itself is on the applicant’s property. Party wall decorations shall not be visible from the street, from the Common Area, or to the neighbors.

29. SOLAR PANELS

Solar panels are permissible but should be of such size and location as to be minimally visible, if at all, from the street, from the Common Area or to the neighbors.

30. INTERIOR WINDOW TREATMENTS

Interior window treatments including but not limited to blinds, shades, and drapes that are visible from the street, from the Common Area, or to the neighbors shall be maintained in good repair.

PROHIBITED ITEMS

The following items below are prohibited:

1. Compost piles visible from the street, from the Common Area, or to the neighbors
2. New or replacement window air conditioners
3. Exterior antennas other than satellite dishes.
4. Clotheslines visible from the street, the Common Area or to the neighbors.
5. Dog runs visible from the street, from the Common Area, or to the neighbors. Such dog runs currently in existence are considered "grandfathered"
6. Window flower boxes