

ADDENDUM M-2 ARCHITECTURAL APPLICATION FORM



CITY WALK ASSOCIATION ARCHITECTURAL APPLICATION

Name:	 _
Unit #:	 _
Date Submitted:	 <u> </u>

I. ARCHITECTURAL APPLICATION PROCESS ACKNOWLEDGEMENT

A. SUBMISSION OF ARCHITECTURAL APPLICATION

Prior to the commencement of any addition, alteration, construction work or other improvements ("Improvements") to Owner's unit, each Owner must submit an Architectural Application to the Property Manager for the City Walk Association (the "Association") to provide notice of and to request approval for such work in accordance with the architectural provisions set forth in the Association's Declaration of Restrictions (CC&Rs), Bylaws and Rules & Regulations. A summary of these provisions is attached hereto for Owner's reference as Appendix A. Owner understands that the information included in this Architectural Application is solely for the purpose of assisting Owner with its Improvements and is not inclusive of all Association policies and rules which might apply from time to time and that it is the Owner's responsibility to ensure any Improvements are consistent with the Association's governing documents. Please note that the Board of Directors may, from time to time, adopt, amend and repeal the Rules & Regulations relating to Architectural Improvements.

B. REVIEW AND APPROVAL OF ARCHITECTURAL APPLICATION

Owner's completed Architectural Application will be reviewed by the Architectural Committee of the Association and must be approved by the Architectural Committee (and Board of Directors, if applicable) prior to Owner permitting any work on any Improvements to commence. Please note that while the Association endeavors to review and approve Architectural Applications on a timely basis and routinely within one to two weeks, it could take as long as forty-five (45) days (in the case of more complex proposed Improvements) to complete the review and approval process after all required materials are submitted and to notify Owner of any decisions made and the reasons for such decisions regarding approval of Owner's Architectural Application.

C. ADDITIONAL OWNER REQUIREMENTS

In addition its Architectural Application, Owner understands that Owner (and Owner's contractors, if applicable) will be required to submit the following documents to the Property Manager in connection with the proposed Improvements as noted below:

<u>All Architectural Applications</u> (Level I (Cosmetic); Level II (Replacement & Refurbishment; and Level III (Remodel & Reconfiguration):

- 1. **Indemnity Agreement** (attached as Exhibit A)
 - required to be completed, signed and returned by Owner to Property Manager at time of Architectural Application submission.
- 2. **Contractor Acknowledgement** (attached as Exhibit B)
 - required to be completed, signed by Owner and each contractor, and returned to Property Manager prior to each such contractor beginning work at City Walk.



3. Contractor Insurance

- evidence of liability insurance for each contractor required to be submitted by Owner to Property Manager prior to each such contractor beginning work at City Walk.

<u>Level II Architectural Applications</u> (Replacement & Refurbishment); and Level III Architectural Applications (Remodel & Reconfiguration):

4. **Neighbor Notification Form** (attached as Exhibit C)

- Owner to assist Property Manager to complete and Property Manager to circulate to all adjacent neighbors (horizontally and vertically) who may be impacted by the proposed Improvements. Approval of Architectural Application will be contingent upon submission of fully completed Neighbor Notification Form).

5. Photos

- Owner to permit entry to their unit to allow Property Manager, Architectural Committee, the Board of Directors, and/or their agent(s) to take photos of the portion of Unit where work will occur before, during, and after completion of Improvements.

7. **Notice of Completion** (attached as Exhibit D)

Required to be completed, signed and submitted by Owner to Property Manager within 30 days of completion of improvements.

<u>Level III Architectural Applications</u> (Remodel & Reconfiguration):

Additional information and meetings will be required for an Owner submitting a Level III Architectural Application (structural changes, electrical changes, and/or plumbing changes) due to the substantial nature of the proposed Improvements. These additional requirements include:

8. Milestone Schedule and Timeline

- Owner to provide timeline and detailed schedule for major elements of proposed Improvements.

9. Complete set of Architectural Plans

- required to be submitted by Owner to Property Manager prior to commencement of any work.
- Independent Study in the event that the Architectural Committee determines professional analysis or opinion is necessary to determine full impact of Owner's proposed changes, an independent study (to be paid for by Owner) *may* be required.

10. Project Kickoff Meeting

- Owner and Owner's contractor(s) required to attend meeting with Architectural Committee member(s) and/or Board Member(s).
- 11. **Permits** (electrical, plumbing, building, etc. consult with the City of San Diego or the County of San Diego prior to commencing work to determine what permits your Improvements require).
 - Owner is responsible to obtain any and all permits necessary to complete Improvements as advised by the applicable City of San Diego or County of San Diego authority.
 - approved permits required to be submitted by Owner to Property Manager upon receipt from City of San Diego or County of San Diego, as applicable.



D. AMENDMENT TO ARCHITECTURAL APPLICATION

In the event at any time Owner expects that actual Improvements will deviate from the proposed Improvements described in Owner's approved Architectural Application (including, but not limited to, any change to the scope of work or time schedule), Owner is obligated to promptly submit an Amendment to Architectural Application in the form of Exhibit E hereto to the Property Manager for processing for approval by the Architectural Committee and Board of Directors (as applicable) prior to Owner commencing any deviating work.

E. ADHERENCE TO SCHEDULE

Owner must complete the proposed Improvements within the time schedule specified in Owner's Architectural Application.

If Owner does not complete the proposed Improvements within this time schedule, then Owner is prohibited from completing any further work until (1) Owner meets with the Architectural Committee and Board of Directors and a new time schedule is agreed, and/or (2) the Owner is notified by the Association (upon direction by Board of Directors) of an extension of the time schedule.

Any approved extension of the time schedule will be documented by written notice delivered by Management to Owner and attached to Owner's Architectural Application. Please note that any approved extension of time schedule may also be subject to fines in accordance with the CWA Enforcement and Fine Schedule.

F. NOTICE OF COMPLETION

Owner is required to give Notice of Completion (in the form attached hereto as Exhibit D) to the Architectural Committee upon completion of Improvements. The Architectural Committee, the Board of Directors, and/or their agent(s) may view any completed Improvements to confirm compliance with the approved plans submitted in connection with Owner's Architectural Application.

Agreed to and Acknowledged by:		
Signature:	I	
Owner Printed Name / Unit #:	Dato:	



II. OWNER ARCHITECTURAL APPLICATION AGREEMENT
I,, legal owner of Unit #, understand that I am responsible for my contractor(s)' actions and any damages to the Association common area and property while my contractor(s) are performing work in my Unit. I understand that approval of this Architectural
Application is expressly conditioned upon my agreement to assume the cost for any additional maintenance directly or indirectly caused by the Improvements.
I agree and represent that, as a condition of submittal of this Architectural Application, I have independently reviewed and confirmed that the information provided is correct from a legal, structural, architectural, engineering and/or landscaping standpoint and will not in any way, other than that which has been disclosed in this Architectural Application, negatively impact the Association or cause damage or additional maintenance to Association-owned and/or maintained property.
I have deposited (or will deposit prior to commencement of any work at my Unit, as applicable) with the Association, through the Property Manager, a check in the amount of [CHECK ONE:\$200 (Level I)]\$500 (Level III)]. I understand that this sum may be fully refunded, that fines, costs and other charges may be deducted from the deposit, and/or that I may be subject to an additional assessment if the deposit is insufficient to reimburse the Association for its costs and expenses arising from or relating to my Improvements. I understand that an accounting of my security deposit shall be made upon completion of such Improvements in accordance with the Rules & Regulations.
In the event that the Architectural Committee and Board of Directors deems it necessary to the best interests of the Association to consult with outside specialists (architect, attorney, contractor, or other professional reviewer) to review the plans or inspect the proposed Improvements, I understand that I will be responsible to pay reasonable costs incurred for any such consultation. SUCH REVIEWS ARE VERY LIMITED IN SCOPE AND MAY NOT BE RELIED UPON BY ME TO ENSURE CORRECTNESS OR SUFFICIENCY OF THE ARCHITECURAL APPLICATION OR PLANS FROM A LEGAL, ARCHITECTURAL, STRUCTURAL, ENGINEERING OR LANDSCAPE STANDPOINT.
I further understand that the information included in this Architectural Application is solely for the purpose of assisting in my Improvements and is not inclusive of all Association policies and rules which might apply from time to time. Although certain building plans may be made available to me by the Association I assume full responsibility to verify any items on the plans which might affect my modifications.
I also understand that the Association, through representatives of the Architectural Committee, the Board of Directors, the Property Manager and/or their agents, has a right to view the proposed Improvements as may be reasonably necessary to confirm time schedule and scope and upon reasonable prior notice during normal business hours throughout the duration of the completion of the Improvements.
I further agree and represent that I have and will comply with all applicable Federal, State, County and City laws and ordinances. I agree to consult with the City of San Diego and County of San Diego prior to commencing work and during the course of completion of the Improvements as required by law and to obtain copies of any necessary City of San Diego and/or County of San Diego permits required in connection with this Architectural Application and proposed Improvements, and that I will provide (or arrange to have provided) copies of the same to the Property Manager in a timely manner and in any event prior to the actual implementation and/or construction of the proposed Improvements. I UNDERSTAND THAT APPROVAL OF THE PROPOSED IMPROVEMENTS BY THE ASSOCIATION DOES NOT CHANGE OR ABROGATE OWNER'S OBLIGATION TO OBTAIN ALL NECESSARY PERMITS AND/OR COMPLY WITH ALL APPLICABLE GOVERNMENT REQUIREMENTS AND RESTRICTIONS.

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Owner Printed Name / Unit #:	Date:



III. PROPOSED IMPROVEMENTS

A. DESCRIPTION OF IMPROVEMENTS

Please describe the improvements you are requesting to make to your unit. Please provide sufficient detail as to the type(s) of work to be done as this will allow your Architectural Application to be processed most efficiently.

Examples:

- Painting living, dining and master bedroom.
- Replace hardwood flooring on first floor with carpeting.
- Kitchen remodel including removal and replacement of appliances, installation of new cabinets, installation of new counters, new sink, painting, replacement of light fixtures, movement of sink, etc.

LEVEL (See Notification of Proposed Improvements Form to determine applicable Architectural Application level. Please note that any Architectural Application describing proposed Improvements that include any structural, electrical or plumbing changes is deemed to be a Level II Architectural Application).
OWNER HEREBY CONFIRMS TO THE ASSOCIATION THAT THE PROPOSED IMPROVEMENTS DESCRIBED IN THIS ARCHITECTURAL APPLICATION: Owner Initials:
WILL WILL NOT Include making any structural change Include making any electrical changes Include making electrical changes Include making electrical chang



B. CONTRACTOR INFORMATION

Please provide the following information for each contractor (including, but not limited to, any general contractor, interior designer, plumber, electrician) who will be performing work at your Unit.

Please note that Owner and each contractor, sub-contractor or any other person or entity performing work on or within the Association on behalf of Owner (each a "Contractor") will be required to execute a "Contractor Acknowledgement" agreement prior to any such Contractor commencing work on your behalf.

Each Contractor will also be required to provide Property Manager with proof of insurance, a California State Contractors License (if applicable), and a City Business License (if applicable) prior to commencing work.

Address: Telephone #: Email address: State License Number/Bond information: Contractor Name: Address: Telephone #: Email address: State License Number/Bond information: Contractor Name: Address: Telephone #: Email address: State License Number/Bond information: C. SCHEDULE Please provide detail regarding the start date, duration, and completion of your proposed improvements. For improvements involving multiple types of work or phases (for example, a kitchen remodel involving painting, cabinetry replacement, and electrical rewiring), please list the separate schedule for each type of work to be done: Type of improvement: Proposed Start Date: Proposed Schedule for completion of Improvements: Estimated Date of Completion: Type of improvement: Proposed Schedule for completion of Improvements: Estimated Date of Completion: Type of improvement: Proposed Schedule for completion of Improvements: Estimated Date of Completion: Type of improvement: Proposed Schedule for completion of Improvements: Estimated Date of Completion: Type of improvement: Proposed Schedule for completion of Improvements: Estimated Date of Completion: Estimated Date of Completion: Estimated Date of Completion of Improvements: Estimated Date of Completion:	Contractor Name:	
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APPENDIX A SUMMARY OF ARCHITECTURAL CONTROL PROCEDURES



Summary of Architectural Control Procedures

The California Civil Code requires the Association to publish a notice annually that describes the types of architectural changes that require Association approval. This Summary of Architectural Control Procedures has been prepared for that purpose. This is only a summary and owners are therefore requested to refer to the CC&R's and to the Association's Rules and Regulations for additional architectural improvement related information. If you have questions about whether there are any standard guidelines or requirements for the type of improvement you would like to make, please contact management *before* you start work.

- A. <u>No Exterior Additions and Changes without Prior Approval</u>. No Owner shall make any improvements or exterior changes...until plans and specifications therefore showing nature, design, kind, shape, height, width, color, materials and location have been submitted to and approved in writing by the Board of Directors. (CC&R's Article XIV, Section 14.1).
- B. <u>Board Approval Requirement</u>. In addition to Architectural Committee approval, modifications or additions affecting the Common Area also require prior approval from the Board of Directors. (CC&R's Article VI, Section 6.8).
- C. <u>Submission Procedures/Plan Requirements</u>. An Owner's architectural application shall be submitted only on the Association's Architectural Application form. The completed Architectural Application and additional required documents shall be submitted only to the Association's management agent, Action Property Management, Inc., and not to any Association Director, Officer, or Committee member. The plans and specifications shall show the nature, kind, shape, color, size, materials, and location of the proposed improvements or alterations. The Committee may require such detail in plans and specifications submitted for its review as it deems proper, including without limitation, floor plans, site plans, drainage plans, elevation drawings, and description or samples of exterior materials or colors. Until the Committee receives all required plans and specifications, the application is not deemed complete, the Committee may postpone review of the application, and the forty-five (45) day period within which the Committee must notify the applicant of its decision does not commence. (CC&R's Article XIV, Section 14.5).
- D. <u>Approval Criteria</u>. Approval shall be based, among other things, on adequacy of site dimensions; adequacy of structural design and material; conformity and harmony of external design with neighboring structures; effect of location and use of improvements on neighboring properties, improvements, operations and uses; aesthetic beauty; and conformity of the plans and specifications to the purpose and general plan and intent of the CC&R's. The Architectural Committee is composed of volunteers and will not review applications to ensure compliance with building codes, or other local or state laws. The homeowner submitting plans shall have the duty to obtain any necessary building permits from the governmental agencies involved to ensure compliance with these codes. Any violations of these ordinances will be the responsibility of the homeowner to correct. (CC&R's Article XIV, Section 14.7).
- E. <u>Decision Timing</u>. If the Architectural Committee, or its designated representatives, fails to notify the applicant of the Committee's decision to approve or disapprove a complete submission of plans and specification within forty-five (45) days after the same have been submitted to the Committee, it shall be conclusively presumed that the Architectural Committee has approved such plans and specification. No purported oral or verbal approval of the



Committee shall be permitted or effective, and any approval, to be binding upon the Committee and the Association, must be in writing. (CC&R's Article XIV, Section 14.5).

- F. <u>Disapproval/Request for Reconsideration</u>. If plans and specifications submitted to the Architectural Committee are disapproved, the applicant shall be advised in writing of the reason(s) for the denial and of the application's ability to request reconsideration by the Board of Directors. The applicant may submit a request to the Board of Directors to reconsider the Architectural Committee's denial at an open meeting, or the applicant may request the matter to be heard in an executive session meeting of the Board of Directors. The request for reconsideration shall be in writing, shall be addressed to the Board of Directors of the Association, shall be delivered to the Association's managing agent, Action Property Management, Inc., and must be received by the Association's managing agent not more than fifteen (15) days following delivery to the applicant of the Architectural Committee's notice of disapproval. The term "delivery" as used herein is defined in Civil Code Section 1350.7.
- G. <u>Board Decision on Request for Reconsideration</u>. Notice of the date, time, and location of the Board of Directors meeting at which the applicant's request for reconsideration shall be heard shall be delivered to the applicant at least ten (10) days prior to the meeting. The Board of Directors shall render its decision on the request for reconsideration within thirty (30) days following the Association's managing agent's receipt of the request for reconsideration, and the Board shall transmit its decision to the Owner within fifteen (15) days after its decision; provided, however, if no written decision is provided to the Owner within fifteen (15) days after the hearing, the request for reconsideration shall be deemed denied and the Architectural Committee's decision shall be deemed affirmed. In no event will a request for reconsideration be deemed approved based upon the passage or lapse of time; any approval must be by affirmative written action of the Board of Directors to be effective. The Board of Directors shall uphold the Architectural Committee's disapproval if the Board of Directors determines that the Architectural Committee acted within its authority under the Declaration and the Architectural Guidelines and otherwise acted in a manner the Board believes to be in the best interests of the community.



EXHIBIT A INDEMNITY AGREEMENT



INDEMNITY AND HOLD HARMLESS AGREEMENT

This Agree	ment is	mad	le this				_ day of			_ in the Ci	ity o
							ia between				
("Indemnito	r") and C	City \	Walk Asso	ciation, 3	301 W.	G S	treet, San Diego	o, CA 9	1201 ("City W	/alk").	
Indemnitor	seeks	to	perform	certain	work	of	improvement	more	particularly	described	as
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EXHIBIT B OWNER AND CONTRACTOR AGREEMENT



City Walk Owner & Contractor Agreement

The City Walk owner ("Owner") and its contractor ("Contractor"), each as listed below, hereby acknowledge and agree that they have been informed of and will follow the City Walk Association Rules & Regulations (the "Rules & Regulations") in connection with the renovations proposed by Owner to be completed by Contractor pursuant to Owner's Architectural Application.

The Owner acknowledges and agrees that it is Owner's responsibility to inform Contractor of the Rules & Regulations and to require Contractor to adhere the Rules & Regulations in its performance of the proposed improvements to Owner's unit.

In the event of any violation of the Rules & Regulations by Owner and/or any of Owner's contractors performing work onsite, the Owner will be provided notice of such violation, required to personally attend a hearing for such violation(s) and potentially fined for such violation(s) in accordance with the City Walk Association Enforcement and Fine Schedule.

Owner and Contractor specifically acknowledges and agrees that, in addition to adhering to the Rules & Regulations, Contractor will also adhere to the following guidelines while performing work at City Walk:

- Contractor shall provide copies of any permits required by the City of San Diego, County of San Diego, or State of California, in connection with work done by Contractor at City Walk for Owner to the Property Manager prior to commencing such work at Owner's unit.
- 2. Work shall only take place between the hours of 8:00 a.m. 5:00 p.m. Monday Friday. No work is permitted on weekends or federal or City of San Diego holidays. Exceptions to this rule may be authorized in extenuating circumstances on a case-by-case basis by the Board of Directors.
- 3. No work may be performed in Common Areas or Exclusive Use Areas (as defined in the City Walk governing documents) of the building. This includes, but is not limited to, patios, balconies, courtyard area and/or hallways adjacent to unit entrance(s).
- 4. For work on 1st floor units without a pedestrian street entrance, Contractor will only transport large items (building materials, appliances, large tools, carts, etc.) to and from the 1st floor units using the Union Street pedestrian entrance.
- 5. For work on 3rd and 4th floor units, Contractor and/or Owner will confirm elevator padding is in place as necessary. Contractor will only transport large items (building materials, appliances, large tools, carts, etc.) to and from the 3rd and 4th floor units using the garage entrance and padded designated elevator.
- 6. Construction debris must be removed from the premises and may not be placed in the Association dumpsters.
- 7. Smoking is not permitted in any City Walk common area.

Contractor hereby certifies that it [CIRCLE ONE: **DOES / DOES NOT**] have professional experience working in midrise condominium buildings similar to City Walk.

Please sign below to indicate your acknowledgement, understanding and agreement to the foregoing:

Owner Name/Unit #:	Owner Signature:	Date:
Contractor Name:	Contractor Signature:	Date:



EXHIBIT C NEIGHBOR NOTIFICATION



<u>CITY WALK ASSOCIATION</u> <u>FACING, ADJACENT AND IMPACTED NEIGHBOR STATEMENT</u>

The attached plans were made available to the following neighbors for review.

FACING NEIGHBOR:		
Name FACING NEIGHBOR:	Address	Signature
Name FACING NEIGHBOR:	Address	Signature
Name	Address	Signature
ADJACENT NEIGHBOR:		
Name	Address	Signature
ADJACENT NEIGHBOR:		
Name	Address	Signature
IMPACTED NEIGHBOR:		
Name	Address	Signature
IMPACTED NEIGHBOR:		
verification). I understand neig	hbor objections do not in the	Signature ectural Committee approval (see above emselves cause denial. However, the heir objections and their appropriateness,
SUBMITTED BY: NAME:		DATE:
ADDRESS.		



EXHIBIT D NOTICE OF COMPLETION



CITY WALK ASSOCIATION NOTICE OF COMPLETION FORM

This form must be completed by Owner and submitted to the Property Manager's office of City Walk Association within thirty (30) days following Owner's completion of its improvements to their unit in accordance with the Architectural Application previously submitted by Owner to and approved by the City Walk.

The City Walk Association Architectural Committee will review Owner's submitted Notice of Completion Form and either indicate its Approval below or let Owner know of that additional information and/or documentation from Owner is required (in which case, Owner will need to resubmit this form).

Upon the Architectural Committee's countersignature indicating approval to this Notice of Completion Form, Owner's security deposit submitted with its Architectural Application (less any deductions authorized by the Board of Directors as a result of any Owner deficiencies and/or violations during completion of the work), shall be returned to Owner.

Today's Date: / U	nit #:
Address Where Work Took Place:	
Mailing Address:	
Daytime Phone: () E	vening Phone: ()
Email Address:	
Notice is hereby given that the undersigned is the Owner of the Cand that the work was completed on the date specified below:	City Walk Association unit where the work took place
Date Work Was Completed://	
Applicant's Name: Applica (Please Print)	nt's Signature:
(<i>Please Print)</i> Please attach the following documents to this Notice of Comp	
Photographs of work completed at the Unit (before/c Copy of approved stamped plans (and any approved Copy of any City or County permits (including, but n Copy of any City or County inspection documentation	d revised/amended plans). ot limited to, construction, electrical, plumbing)
Owner Signature:	
Signature (1st Submittal)	Date
Signature (2 nd Submittal)	Date
Signature (3 rd Submittal)	Date
(Do Not Write Below Line. This is to be comp Architectural Committee Comments: Submittal APPROVED Submittal	leted by Architectural Committee)
NOT APPROVED	

Notes:



EXHIBIT E

AMENDMENT TO ARCHITECTURAL APPLICATION



CITY WALK ASSOCIATION AMENDMENT #____ TO ARCHITECTURAL APPLICATION

Name:					
Unit #:					
Date Submitted by Owner:					
Date Original Architectural Application Approved:					
Please describe changes from Original Architectural Application:					
Signature:					
Owner Printed Name : Date:					
	_				
FOR PROPERTY MANAGER & ARCHITECTURAL COMMITTEE USE ONLY	_				
FOR PROPERTY MANAGER & ARCHITECTURAL COMMITTEE USE ONLY TO BE ATTACHED TO ORIGINAL ARCHITECTURAL APPLICATION UPON COMPLETION OF PROCESSING	_				
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TO BE ATTACHED TO ORIGINAL ARCHITECTURAL APPLICATION UPON COMPLETION OF PROCESSING					

Architectural Committee Notes: