

**POLICY OF PARK EAST SQUARE HOMEOWNERS ASSOCIATION, INC.
REGARDING EXTERIOR MODIFICATIONS and ARCHITECTURAL CONTROL GUIDELINES**

SUBJECT: Adoption of a procedure regarding requests for exterior changes, whether related to a building or the grounds.

PURPOSE: To adopt a standard procedure to be followed for the submission, approval, and execution of exterior changes. To also adopt guidelines that establish and promote conformity, preserve the harmonious design and appearance, and protect the value of the property.

AUTHORITY: The Declaration, Articles of Incorporation, and Bylaws of the Association and Colorado law.

EFFECTIVE DATE: September 13, 2022

RESOLUTION: The Association hereby adopts the following Policy and Procedures.

1. General. It is the general policy of the Association to require prior written Board approval of any and all modifications to the exterior of a townhome or the adjoining grounds in order to ensure architectural and landscape harmony, encourage compliance with building and safety codes, and protect the Association from inadvertent damage caused by owner actions.
2. Architectural Control Guidelines. The Architectural Control Guidelines are hereby incorporated into this policy to clarify specifications for any modification made to building exteriors.

Be cautious of door-to-door soliciting. Please ensure anyone performing modifications or repairs will guarantee they will meet these guidelines, and remember to obtain Board approval BEFORE signing a contract or paying a deposit.

3. General Policy. Modifications to the exterior of a townhome may include, **but are not limited to**, the following:
 - Addition of HVAC equipment, such as air conditioning condensing units, whole house fans, mini-split systems, or swamp coolers,
 - Replacement or extension of fencing around patio areas,
 - Gates in locations that may limit access or egress to the townhome,
 - Installation of decks or any kind of patio,
 - Replacement of windows and doors,
 - Effective April 1, 2022, discretionary penetrations of the roof (e.g., skylights or solar tubes, stovepipes, or any other purpose) are prohibited unless permitted by law,
 - Penetration of walls, siding, or trim for **any reason**, such as combustion air and venting, sump pump discharge, furnace, water heater, and venting a kitchen hood, bathroom fan, or crawlspace.
 - Alteration of any garden areas adjacent to the townhome, or construction of raised garden beds on HOA grounds, etc.

All repairs to items covered by the architectural control guidelines shall be reported to the HOA Manager prior to the work or as soon as possible in the case of an emergency.

- a. Responsibility. The current townhome owner is responsible for the maintenance, repair, and replacement of any modification to the townhome or adjacent HOA property, regardless of when the modification was made, AND for any damage resulting from the negligence of the owner in such modification. See examples below.

- i. Example #1: If owner replaces a window, and the replacement window leaks due to the owner's negligence or poor installation, the Association may recover from the owner the costs incurred by the Association due to the leak, in making repairs that are the Association's responsibility, such as siding, trim, and other exterior surface repairs.
- ii. Example #2: If a roof penetration leaks, owner is responsible for any inside damage and the Association may recover from the owner the costs incurred for repairs to the roof.
- iii. Example #3: If an owner has modified their fence or built a deck, they are responsible for any costs to maintain those items, and the Association may recover from the owner the costs incurred in repairing damage to the building or grounds under the Association's responsibility.
- iv. Example #4: If an owner has installed a sump pump which has resulted in damage to the building or the grounds outside the building, the Association may recover from the owner the costs incurred in repairing or mitigating any damage or other negative impacts.

4. Procedure for Obtaining Board Approval. Owners requesting modifications shall complete an application, including the application form (available on the website or from the Association Manager) along with any required supplemental documentation and submit to the Board (or the Association Manager). Supplemental information includes such documents as detailed drawings or plans, specifications of products or equipment, a written guarantee from the contractor agreeing they will meet the guidelines, proposed timeline (begin and end date), a copy of any required building permit, a copy of any required certificates of insurance and licenses from the contractor, any signed agreement if required, material and color samples, and any other documentation required in the specific sections below. If incomplete, the Board shall contact the owner and request the missing item(s). The Board has 30 days, 60 in the case of solar energy devices, to approve or deny the request from full submission of the application and all required documentation. The owner shall be sent notification and if the application is denied, the basis for the denial will be described in reasonable detail. The Board may decide at the monthly Board meeting or via email in an effort to expedite the request to the extent possible subject to sufficient time to review the application. If the application is to be reviewed at the Board meeting, the complete application must be received at least one week prior to the meeting and the owner may request to speak at the meeting if desired.
 - a. Project Completion. Owners are expected to act promptly to complete the project once the application is approved. Failure to complete the project within the approved timeline in the application shall result in withdrawal of approval unless an extension is requested in writing and approved by the Board. Without an approved extension from the Board, a new application shall be submitted for approval.
 - b. Reporting Progress. Owners shall notify the Board of the date the work actually begins, any changes during the project, and the date the work is completed so a final inspection can be performed and the application closed.
 - c. Compliance Obligation. Some modifications involve state and/or local requirements (e.g., solar devices and outdoor lighting) and the owner remains obligated to comply with any of these requirements, including all city, county, and state building codes. Approval from the Association does not negate compliance with any such requirements.
5. Board Requirements. Owners are required to provide the Board with a copy of City of Boulder permits (if required by the City) prior to commencing work as well as a copy of the final City inspection. The Board will require owners for each project to submit to periodic inspections and direction to be provided by the Association Manager (or other designated individual) to ensure proper installations that will not impact the Association.
6. Failure to Comply. Owners that execute projects without Board approval or fail to install the modification as approved by the Board will be subject to enforcement action set forth in the Association's *Policy and Procedures for Covenant and Rule Enforcement* and subject to the enforcement procedures of said policy, including the assessment of fines and/or the requirement to remove or correct the installation to meet the guidelines.

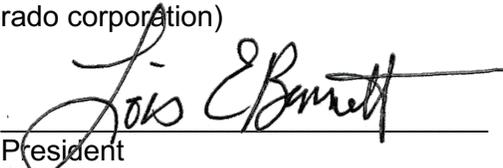
7. Handling of Exterior Modifications made prior to Enactment of this Policy. Any exterior modifications that were made prior to the enactment of this policy that do not meet the covenants or current policies will be addressed in the following manner.
 - a. The Board will initiate an annual survey of all townhomes and the Association property to identify any modifications that violate covenants or policies.
 - b. Townhome owners who have such violations will be notified that they have “non-conforming items” and will be asked to correct those items. An estimate to correct the violation may also be prepared and included in the notice. This notice will be filed in the Association’s files for future reference.
8. Supplement to Law. The provisions of this Policy shall be in addition to and in supplement of the terms and provisions of the Declaration, and the law of the State of Colorado governing the community.
9. Deviations. The Board may deviate from the procedures set forth in this Policy if in its sole discretion such deviation is reasonable under the circumstances.
10. Amendment. This Policy may be amended from time to time by the Board of Directors.

PRESIDENT'S

CERTIFICATION:

The undersigned, being the President of Park East Square Homeowners Association, Inc. certifies that the foregoing Policy was approved and adopted by the Board of Directors of the Association, at a duly called and held meeting of the Board of Directors of the Association on September 13, 2022. In witness thereof, the undersigned has subscribed their name.

Park East Square Homeowners Association, Inc.,
(a Colorado corporation)

By: 
Its: President

**ARCHITECTURAL CONTROL GUIDELINES
OF PARK EAST SQUARE HOMEOWNERS ASSOCIATION, INC.**

The following is a list of architectural categories for which the Association is hereby adopting specific guidelines. The purpose of these guidelines is to establish and preserve conformity and harmony of design and appearance, and protect the value of the property. No work of any kind shall begin without prior written authorization from the Association unless specifically noted below.

- I. Paint. The Association shall provide paint to match the existing building colors for any exterior modifications that require new or touch-up paint. Owners are responsible for the painting of such modifications.
- II. Window and Door Replacement, including installation of new C Townhome or A Townhome Windows.
 - A. General. Replacement windows and doors, and installation of new C or A townhome windows, shall be installed in such a way to ensure that moisture and outside air cannot penetrate the exterior. Installation of new C or A townhome windows requires a City of Boulder building permit.

It is strongly recommended that these architectural control guidelines in this section pertaining to windows and patio doors be provided to all potential contractors so they are aware of the requirements when preparing their bids and that the selected contractor can provide the written guarantee required for a complete application (Section 4).

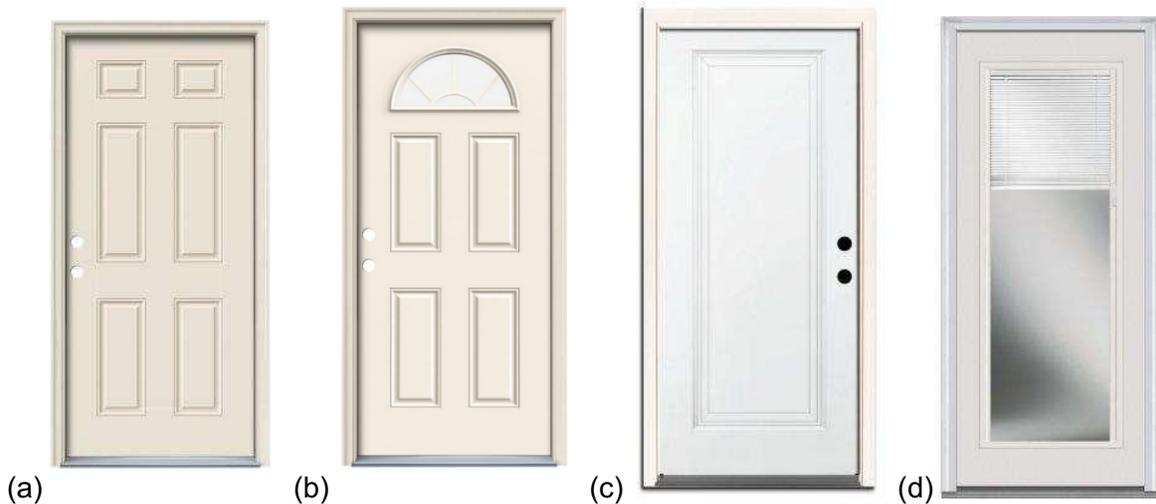
- B. Responsibility. Any costs associated with replacing a window or door, or installing new C or A townhome windows, are the owner's responsibility, including any associated trim, caulking, flashing, painting, and permits for new C or A townhome windows. Any cost to repair damage caused by an improperly installed window or door, including reinstallation of the window or door itself, is also the owner's responsibility.
- C. Inspection. As a condition of approval of a window or door replacement, the Association requires that the requesting owner allow the Association Manager or maintenance technician to verify the specifications listed below with the contractor and/or to inspect the replacement process. The owner shall provide the contact information of the contractor hired to perform the replacement as well as the date and time of the scheduled replacement.
- D. Window Replacement Specifications. The following specifications shall apply to all window replacements.
1. Owners requesting to install a new window shall submit an *Application for Exterior Modifications* along with other required supplemental materials, including a contractor's proposal and guarantee that the installation will meet these guidelines.
 2. Replacement windows shall be white.
 3. Replacement windows shall be two-part sliders. Three-section sliders are not permitted.
 4. "Retro-fit" windows, installed without flanges, pocket-windows and inserts are not allowed.
 5. Replacement windows shall be "new construction" windows, with flanges around the outside of the frame. These flanges shall be securely attached to the building sheathing. The back of the flanges shall be caulked before installation and the flanges shall be taped after installation. All existing trim and small strips of siding around the window shall be removed to make room for the flange and window tape. The small strips of siding shall be replaced on top of the flange and tape and butt joints where siding was cut and replaced shall be caulked before trim is re-installed.
 6. Standard metallic window flashing shall be installed along the top of the window and metallic flashing shall be installed along the top of the upper trim lapped under the siding to prevent water intrusion behind the trim.
 7. If necessary, the interior drywall and sill shall be cut back or otherwise modified or replaced to allow the replacement window flanges to sit flush against the building sheathing.
 8. Trim shall be replaced using new cedar or composite material with wood grain texture, matching the existing building trim. Trim shall be properly caulked, primed (if not pre-primed) and painted.
- E. C Townhome Window Installation Specifications. In addition to the specifications required in section D above, the following specifications shall apply to all new windows installed in C townhomes.
1. The new windows shall be centered on the wall in the room. They shall be aligned vertically ("stacked") if installing two new windows (bedroom and living room) or adding a second window on the wall above or below a current window.
 2. The new lower window (living room) shall be the same dimensions as the existing window on the other wall and aligned horizontally with the existing window, as well as vertically with any upper window. The trim around the new lower window shall not be flush with the edge of any roofing over the C townhome front door to avoid potential water damage.
 3. The new upper window (bedroom) shall be the same width as the existing window on the other wall with the window tops aligned horizontally. However, the height may be adjusted so the lower sill meets City of Boulder code while being as close as possible to the sill height of the existing window.
- F. A Townhome Window Installation Specifications. In addition to specifications required in section D above, the following specifications shall apply to a new window installed in A townhomes. The intent is for the new window to look similar to 3-bedroom A townhomes with a window facing the parking lot.
1. The new window shall be centered in the bedroom wall.
 2. The new window shall be the same width as the existing bedroom window with the window tops aligned horizontally. However, the height may be adjusted so the lower sill meets City of Boulder code while being as close as possible to the sill height of the existing window.

G. Sliding Glass Door Specifications. The following specifications shall apply to all sliding glass door replacements.

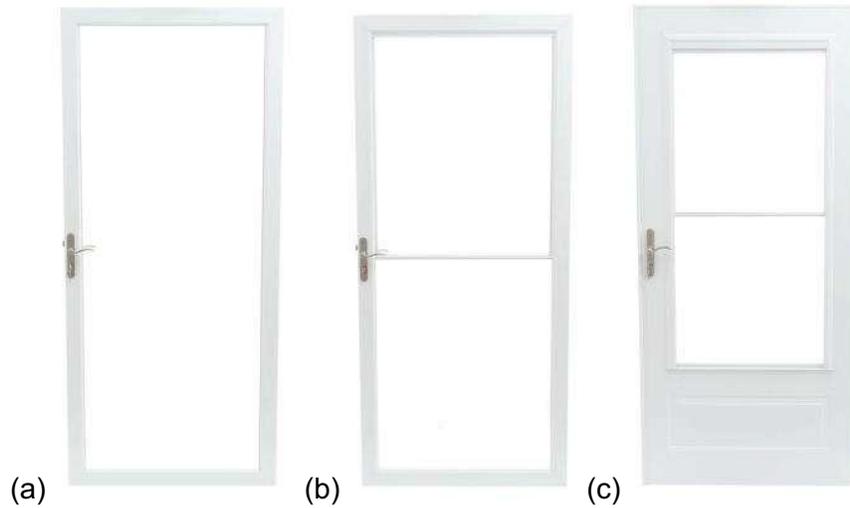
1. Owners requesting to install a new sliding glass door shall submit an *Application for Exterior Modifications* along with other supplemental materials, including a contractor's proposal.
2. Replacement sliding glass doors shall be white.
3. Replacement sliding glass doors shall be "new construction" sliding glass doors, with flanges around the outside of the frame. These flanges shall be securely attached to the building framing with galvanized roofing nails and sit flush against the building sheathing. This requires that the existing trim and usually a small strip (up to 1 1/2") of siding around the sliding glass door be removed along with the existing sliding glass door.
4. If necessary, the interior drywall shall be cut back or otherwise modified or replaced to allow the replacement sliding glass door flanges to sit flush against the building sheathing.
5. The back of the replacement sliding glass door flanges shall be caulked with silicone prior to installation.
6. Standard galvanized or aluminum flashing shall be installed along the top of the sliding glass door with the top of the flashing flush against the flange and partially tucked behind the existing siding if possible before trim is replaced.
7. Replacement sliding glass door shall be taped on top and sides after the flange is nailed and flashing is installed and before trim is replaced.
8. Trim shall be replaced using new cedar or composite material with wood grain texture, matching the existing building trim. Trim shall be properly caulked, primed (if not pre-primed) and painted.

H. Door Specifications. The following specifications shall apply to all door replacements.

1. Owners requesting to install a new door shall submit an *Application for Exterior Modifications* along with other supplemental materials, including a contractor's proposal.
2. Permanent pet doors are not allowed in front or carport doors and walls.
3. Front Door Styles. There are four acceptable styles of front doors, which can be exterior grade steel, fiberglass or solid core wood. (See illustrations below.)
 - a. Six or eight panel solid door (with "spy" hole optional).
 - b. Four panel solid door with clear glass fan lite window.
 - c. Single panel solid door or slab door (with "spy" hole optional).
 - d. Single lite glass door with internal white micro-blinds.



4. Front Door Color. The exterior of all front doors shall be painted the same color as the building exterior.
5. Storm Doors. Whether in a carport or on a front door, storm doors and door frames shall be white. There are three acceptable styles. (See illustrations below.)
 - a. Full lite solid glass or single layer of screen only (no grilles or solid barriers).
 - b. Two-part glass with sliding screen.
 - c. Two-part glass with sliding screen and either a plain or paneled solid bottom.



6. Carport Door Style. Carport doors shall be solid slab exterior grade 1-hour fire doors made of steel, fiberglass, or solid core wood with “spy” holes (optional). (See illustration below.)



7. Carport Door Color: The exterior of all carport doors shall be the same color as the carport.

- I. Screens. Window and door screens shall be maintained in good repair and appearance (e.g., frames not bent, splines not unattached or hanging from the frame, screens not torn or hanging from frames).

III. Patio Area.

- A. General. The original patio areas, as defined on the Easement Location Map that is included with the Association’s original Declaration, may be expanded by either a fence, deck, concrete, flagstone or similar material.
- B. Responsibility. Any expanded patio area shall be subject to the same provisions in the Association’s Declaration, policies, and Rules & Regulations with regards to repair and maintenance as the original patio area.
- C. Specifications. The following outlines the allowable maximum dimensions of any expanded patio area.
1. A townhomes. Patio area shall not exceed 24 feet x 12 feet, shall not cover the sidewalk leading to the B townhome, and shall not extend beyond the corner of the foundation of the building. Dimensions shall include any steps, posts, fence, gates, etc.
 2. B townhomes. Patio area shall not exceed 21 feet x 13 feet and may extend just over the sidewalk, or stay within the sidewalk. Dimensions must include any steps, posts, fence, gate, etc.
 3. C townhomes. Patio area shall not exceed 21 feet x 13 feet and shall line up with the B townhome fence (whether beyond the sidewalk or inside the sidewalk, with the exception of

buildings 4227 and 4264 where the B townhome sidewalk may not be blocked), and shall not extend beyond the corner of the foundation of the building. Dimensions must include any steps, posts, fence, gate, etc.

D. Hot Tubs and Swim Spas. Hot tubs and swim spas are prohibited.

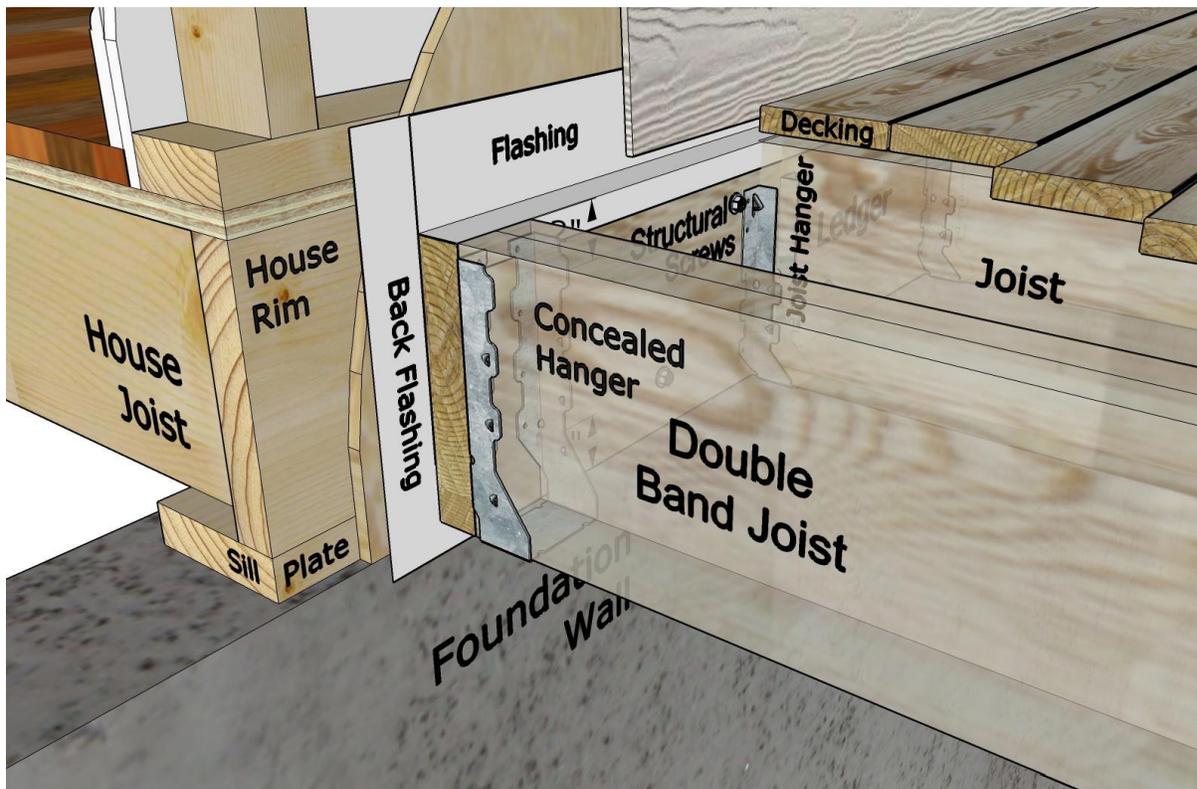
IV. Decks.

A. General. Decks shall be built and attached to the building in such a way as to minimize water penetration and damage to the building as much as possible.

B. Responsibility. Any costs associated with building damage caused by improper deck installation are the owner's responsibility.

C. Specifications. The following specifications shall apply to all decks.

1. Owners requesting to install a new deck or modify, repair or replace an existing deck shall submit an *Application for Exterior Modifications* along with other supplemental materials, including a drawing showing the location and dimensions of the finished deck (see "Patio Area" above) and a sample of the decking material and/or paint/stain/sealer color to be used.
2. Public utilities must be located before any digging. This can be done by the owner or contractor by calling 811 or requesting a locate from colorado811.org.
3. Existing building trim shall be removed prior to deck installation.
4. Once the structural integrity of the house rim joist behind the trim is verified, back flashing shall be installed on top of sheathing prior to deck ledger installation.
5. Deck ledger shall be pressure-treated lumber and shall be secured to the house rim through the back flashing and sheathing with structural screws.
6. Galvanized flashing shall be installed above the deck ledger and behind the building siding.
7. Deck shall be supported by 12" wide concrete footers poured to a minimum depth of 30".
8. Decking material may be wood or composite. The color of the decking shall be subject to Association approval based on the decking sample provided.
9. The following illustration shows the proper method of deck attachment to the building.



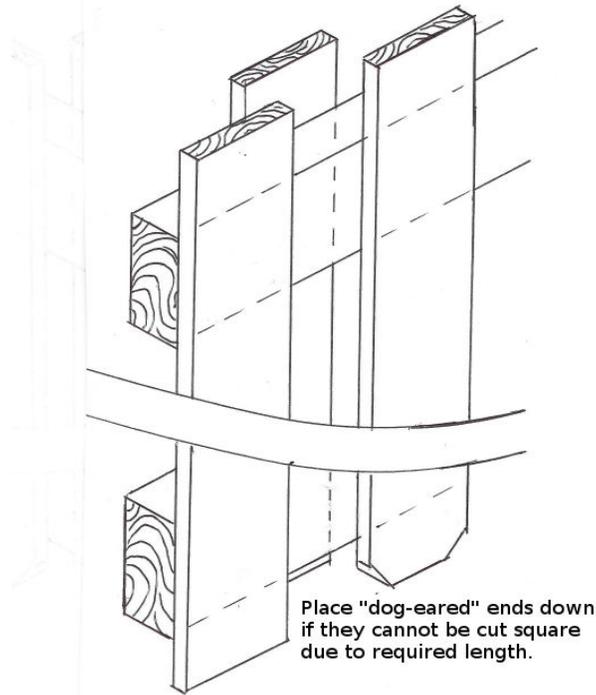
V. Hardscape Patios

A. General. Any expansion or replacement of the original patios with concrete, flagstone or similar shall be done in such a way as to minimize water penetration and damage to the building as much as possible.

- B. Responsibility. Any costs associated with building damage caused by improper patio expansion or replacement are the owner's responsibility.
- C. Specifications. The following specifications shall apply to all hardscape patios.
 1. Owners requesting to install a new hardscape patio or to modify, repair or replace an existing hardscape patio shall submit an *Application for Exterior Modifications* along with other supplemental materials, including a contractor's proposal (if applicable), a drawing showing the location, dimensions (see "Patio Area" above), material and color of the finished patio.
 2. Hardscape patios shall provide a minimum grade of 1/8" per foot and the far edge of any hardscape patio shall be at least 1" above ground level to assure adequate positive drainage away from the building to the surrounding landscape.
 3. An expansion joint shall be installed between the new hardscape patio and the concrete foundation wall of the building.
 4. Hardscape patios may not be installed any higher than the top of the concrete foundation wall of the building. Any existing exterior siding or trim overhanging the foundation wall shall be modified so as to be a minimum of 1/2" and a maximum of 1" above the finished hardscaped surface with flashing installed behind the trim and extending down to the finished hardscape surface.
 5. Concrete patios, including mortared flagstone or similar, shall be at least 4" thick on a 4" deep layer of compacted gravel.
 6. Dry-laid flagstone, brick or similar patios shall be set on a minimum of 3" of compacted gravel plus 1" of sand. Including the thickness of the surface material, this will most likely require excavation to a depth of at least 6".

VI. Fences.

- A. General. Fences shall be consistent in appearance and construction throughout the development. Fences are allowed on the outer boundaries of the patio easements.
- B. Responsibility. Unmodified fences that were part of the original development shall be the responsibility of the Association to maintain. These fences are, generally, L-shaped on the A townhome patios and T-shaped between the B and C townhome patios. Any fence that has been built or rebuilt by any owner is the responsibility of the current townhome owner. Should an owner wish to revert a fence back to an original fence, this may be done at the owner's expense, and will become the Association's responsibility to maintain once so reverted.
- C. Failure to Maintain. Owners shall notify the Association Manager if their original fence is in need of repair. The Association shall notify any owner if their modified fence is in need of repair. If the owner does not complete the repair in a reasonable amount of time as determined at the sole discretion of the Association, the Association may complete the repair at the owner's expense.
- D. Specifications. The following specifications shall apply to all fences in patio easements.
 1. Owners requesting to install a new fence or modify, repair or replace an existing fence shall submit an *Application for Exterior Modifications* along with other supplemental materials, including a drawing showing location and dimensions (see "Patio Area" above) of the finished fence.
 2. Public utilities must be located before any digging. This can be done by the owner or contractor by calling 811 or requesting a utility line locate from colorado811.org.
 3. Posts shall be pressure treated 4x4s set in concrete at a depth of at least 2'.
 4. Horizontals shall be cedar 2x4s and pickets shall be cedar and 5 1/2" wide by 3/4" thick. If pickets have a tapered end, that end shall be cut square. If extra length is needed, then tapered end shall be placed at the bottom. The following illustration shows the proper installation of fence horizontals and pickets.



5. Height shall be consistent with adjoining fences, approximately 5' with some variation allowed for ground contour. Fence posts shall be the same height as the fence line. Refer to the Rules and Regulations regarding extensions on fence posts.
6. Owners desiring additional visual privacy between a B and C townhome shall submit an *Application for Exterior Modifications* that also includes the townhome responsible for maintenance and any damage to the building or fence.
7. Fences shall not be attached to the buildings in any way, with the only exception of the small section of fence between B and C townhomes extending from the building to the column supporting the short roof section on some buildings. If a fence is being rebuilt that is currently attached to a building, a new post shall be added 4" from the building exterior.
8. Any fence completely enclosing a patio area shall have a functioning gate with sturdy hinges and a functioning latch, operable from both sides.
9. Any owner wishing to lock their gate shall provide a copy of the key to the Association Manager.
10. Fences shall not be painted or stained, but a clear sealant may be applied by the owner if desired.

VII. Exterior Heating, Ventilation, and Air Conditioning (HVAC) Equipment.

- A. General. Central Air Conditioning (AC), heat pump, evaporative coolers, and mini-split heat pump systems are allowed with Association approval.
- B. Window AC Units. Window AC units are not allowed under any circumstances. Window AC units permanently affixed to an opening cut into the exterior of the building are also not allowed.
- C. Common Exterior HVAC System Specifications. The following specifications shall apply to all HVAC systems requiring an exterior unit.
 1. Owners requesting to install systems shall submit an *Application for Exterior Modifications* along with a drawing showing the location of the unit, contractor's proposal with approximate location of all associated lines and conduit, method of attachment, and covering of the lines. Location shall be approved by the Association prior to installation.
 2. The system shall be installed by a qualified, licensed, and insured professional.
 3. The exterior unit shall be located as low and out of sight as possible, six (6) to 20 inches from the building wall, and in such a way as to avoid the noise becoming a nuisance to other townhomes.
 4. All lines leading from the unit shall be securely fastened to the building exterior, covered in an appropriate line set cover (conduit) (see illustration), and painted to match the building color.

Lines from the unit to the building that cannot be covered shall be painted to match the building color.



D. Additional Central AC System Specifications for D Townhomes. The following additional specifications shall apply to all D townhome central AC units.

1. The preferred location for a D townhome AC compressor is on the deck with the secondary location outside the stairwell.
2. Owners shall consult with the HOA Manager on the appropriate placement and covering of lines prior to submitting an application.
3. All lines leading from the compressor into the D townhome shall be hidden from view to the extent possible and covered by line set covers (see above) or boxed in (see illustration below of a trim board chase).



E. Additional Mini-split System Specification. The following additional specification shall apply to all ductless mini-splits. The exterior wall shall only be penetrated once in an approved location and the line set covered with approved covering. Any lines to additional air handlers must run in the interior of the townhome. The penetration must be properly trimmed, flashed, sealed, caulked, and painted.

F. Additional Evaporative Cooler Specifications. Evaporative Coolers (ECs) are considered “energy efficiency measures”, reducing the amount of energy derived from fossil fuels that is consumed by a residence. The following additional specifications shall apply to all Evaporative Coolers.

1. ECs shall not be installed in a window or on the roof of any townhome.
2. Exterior wall penetrations must be properly trimmed, flashed, sealed, caulked and painted. If installation of an EC requires any modification to the structural framing of the building, a building permit shall be required from the City of Boulder and a copy of such permit shall be provided to the Association.
3. All lines leading from the EC into the townhome shall be securely fastened to the building exterior and appropriately covered wherever possible with the covering painted to match the building color. Lines that cannot be covered shall be painted to match the building color.

VIII. Exterior Light Fixtures.

A. General. The goal of exterior lighting is to provide adequate light for safety while limiting light pollution and maximizing energy efficiency. Refer to the Rules and Regulations regarding string and ornamental landscape lighting.

- B. Responsibility. Each building has six exterior lights that are maintained by the Association, including three in the carport, one on the front of the carport above the address numbers, one in the trash room and one in the hallway at the base of the stairs to the D townhome. The electricity for these lights comes from a separate meter that is paid for by the Association and they are all controlled by photocells. Additionally, the A and C townhomes have two exterior lights and the B and D townhomes have one exterior light that serves only the townhome, are controlled from the townhome and are connected to the electric meter serving that townhome. These “townhome specific” exterior lights are the responsibility of the townhome owner to maintain, repair, and replace in accordance with the following specifications. No “townhome specific” exterior light fixture shall be completely removed, which is considered a minimum life safety standard as noted above and consistent with the National Electrical Code (NEC) and City of Boulder’s code.
- C. City Ordinance. All exterior light fixtures shall be compliant with the City of Boulder’s outdoor lighting ordinance ([Boulder Municipal Code 9-9-16](#)) as of November 16, 2018.
- D. Specifications. The following specifications shall apply to all “townhome specific” light fixtures.
 1. Owners requesting to install new light fixtures shall submit an *Application for Exterior Modifications* along with other supplemental materials, including an example of the specific fixture to be installed.
 2. Wall-mounted fixtures by entry doors shall be fully shielded with matte black, metallic, cylindrical shades. Dimensions may be 4 to 4.5 inches in diameter by 7 to 7.5 inches tall. (See illustration.)



3. Bulbs in all exterior light fixtures shall be white and shall not exceed 900 lumens and have a color temperature less than 3,000k (warm or soft white).
4. Spotlights (e.g., security lights) shall not replace the townhome-specific light fixtures above. Floodlights are not permitted due to a wider beam angle that raises light intrusion concerns.
 - a. Spotlights cannot exceed 1200 lumens (roughly 75-watt incandescent or 19-watt LED).
 - b. To prevent light trespass, the spotlight must be shielded or aimed downward and adjusted so it does not cross the townhome’s property lines.
 - c. The spotlight must have a motion sensor and a timer that turns the light off within five minutes of activation. To avoid nuisance activations, the motion sensor must be adjusted so it is not triggered by movement or activity outside the townhome’s property lines.

IX. Skylights and Solar Tubes.

- A. General. Effective April 1, 2022, skylights and solar tubes are prohibited. Existing skylights and solar tubes must be properly maintained to prevent damage to the roof, including water leakage.

X. Solar Energy Devices.

- A. General. Solar energy devices (“solar devices”) are defined as “...a solar collector or other device or a structural design feature of a structure which provides for the collection of sunlight and which comprises part of a system for the conversion of the sun’s radiant energy into thermal, chemical, mechanical or electrical energy...” (C.R.S. §38-30-168) are allowed if the following conditions are met.
- B. Specifications. The following specifications shall apply to all solar devices, whether owner-owned or leased.
 1. Owner requesting the installation shall submit an *Application for Exterior Modifications* containing detailed plans and specifications describing the type of solar device, as well as a solar site survey that is prepared by a licensed contractor experienced in the installation of solar devices (a copy of the license and the certificate of liability and workers’ compensation

insurance must be included) that, (a) shows the proposed location, which shall be on the roof area directly over the lot owned by the applicant, the number of devices, dimensions, mounting equipment, manner of attachment, the geometry of the solar device compared to the residence and visibility of the solar device, including any auxiliary equipment, from neighboring townhomes, streets or the Common Area; (b) includes a stamped letter from a professional structural engineer stating that the roof is adequate for the load requirements of the proposed system; and, (c) photographs and manufacturer information showing the overall appearance of the solar device, recommended installation guidelines, and the proposed style, color, and materials to be used. The application must also include the *Solar Device Maintenance, Insurance, and Indemnity Agreement* as specified in paragraph 6 below.

- a. The Board shall approve or deny the installation no later than 60 days from full submission of the application and all required supporting documentation.
- b. The Association shall not require additional conditions that increase the cost of the solar device by more than 10% or decrease its performance of efficiency by more than 10%.
2. Solar devices may not be installed on any property of other owners in the building or on the Common Area, unless an exception is requested based on the written permission of the other owner(s) that is included in the application and approved by the Board.
3. Solar devices must be installed in accordance with all manufacturer's guidelines. and Owners remain obligated to comply with any other requirements, including all city, county, and state building codes with respect to installation of the solar devices.
4. Any roof-mounted panels shall be mounted flush with the roof with as low of a profile as possible and any visible mounting or other materials on the roof must match the color of the shingles to the extent possible. Any conduit, junction box, wiring, or any other materials used must blend with the building. If any portion of the wiring or other materials is located adjacent to the trim, it must match the trim color. Any portion of the wiring, or other materials, located on the siding must match the siding color.
5. Since the new solar device will not be covered by the Association's insurance, Owner and each successive owner shall at all times have and maintain insurance coverage naming the Association as an additional insured on the owner's insurance policy for any claim related to the installation, maintenance, or use of the solar device. Owner must provide a certificate of insurance within 14 days of approval of the application.
6. Owner shall submit a signed *Solar Energy Device Maintenance, Insurance, License, and Indemnity Agreement* with the application whereby the owner and all successors-in-interest affirm and assume responsibility for the costs of repairing damage to, among other things, the common area resulting from the installation, maintenance, repair, removal or replacement of the solar device. Owner is also responsible for all costs of removal and reinstallation of the solar device when roof replacement, repair, or maintenance is required to be performed by the Association.
7. Owner shall be responsible for any roof damage, as well as any damage to any other owner's or Association property, including the Common Area, resulting from installation, operation, maintenance, repair, removal, reinstallation, or use of the solar device.

XI. Stovepipes, Wall Vents, and Piping.

- A. General. Wall vents (e.g., dryer, attic) and piping must be installed in such a way as to minimize damage to the walls of the building.
 1. Effective April 1, 2022, stovepipes are prohibited. Existing stovepipes must be properly maintained to prevent damage to the roof, including water leakage.
- B. Dryer and Wall Vents Specifications. The following specifications shall apply.
 1. Owners shall submit an *Application for Exterior Modifications* along with other supplemental materials, including a plan showing the exact location and dimensions of the vent.
 2. The installation shall be done by a licensed contractor.
 3. Owners are responsible for maintenance, repair, and any damages to the building exterior or persons.
 4. Dryer vents shall not be installed in carport walls (per City of Boulder code) due to safety, sanitation, and potential air quality concerns.

- C. Radon Exhaust Pipes Specification. Radon exhaust pipes are allowed subject to approval of an *Application for Exterior Modifications* prior to installation. Exhaust pipes shall be designed to be as unobtrusive as possible and shall match or be painted to match the exterior of the buildings.
- D. Ventilation or Exhaust Piping Specifications. Owners must submit an *Application for Exterior Modification* for any change that includes ventilation or exhaust piping that involves the wall of the building exterior or carport (penetration of the roof is prohibited). Piping in the carport shall be covered and painted the same color, and piping on the building exterior shall be painted to match.

XII. Electric Vehicle Charging System.

- A. General. Electric vehicle charging systems (“EVC system”) are defined as “...a device used to provide electricity to a plug-in electric vehicle or plug-in hybrid, designed to ensure a safe connection has been made between the electric grid and the vehicle, and able to communication with the vehicle’s control system so that electricity flows in an appropriate volage and current level...” (C.R.S. §38-33.3-106.8). Level 1 (120-volt AC plug) or Level 2 (228-volt AC plug) EVC system is allowed subject to the following conditions. The EVC system is permitted in the requesting owner’s carport and must be installed in such a way as to minimize damage to the carport. Installation on common elements or another owner’s carport are not permitted.
- B. Specifications. The following specifications shall apply to all EVC systems.
 1. Owner requesting installation of an EVC system in the carport shall submit an *Application for Exterior Modifications* containing detailed plans and specifications describing the type of EVC system, including the exact location and manner of installation of the EVC system, copies of the license and certificate of liability and worker’s compensation insurance, and photographs and manufacturer information showing the appearance of the EVC system.
 2. Owner shall submit a signed *Electric Vehicle Charging System Maintenance, Insurance, License, and Indemnity Agreement* with the application whereby the owner and any successor buyers affirm and assume responsibility for the costs of repairing damage to, among other things, the common area resulting from the installation, maintenance, repair, removal or replacement of the EVC system. Owner is also responsible for the for removal and reinstallation, including all costs, when repair, maintenance, or replacement is required to be performed by the Association.
 3. The EVC system will not be covered by the Association’s insurance. The owner and each successive owner shall at all times have and maintain insurance coverage naming the Association as an additional insured on the owner’s insurance policy for any claim related to the installation, maintenance, or use of the EVC system. Owner must provide a certificate of insurance within 14 days of approval of the application.
 4. The owner is responsible for the expense of the installation, including costs to restore the Association-maintained portions of the carport disturbed in the process of installing the EVC system.
 5. The EVC system must be certified by the Underwriters Laboratories or an equivalent certification and must comply with the current version of Article 625 of the National Electric Code (NEC). The connecting cords shall be installed and maintained in the owner’s carport and meet the SAE international J1772 standard or a successor standard.
 6. Ports/outlets shall be wall-mounted and placed as low as possible on the owner’s townhome carport wall (i.e., not in the middle of the wall), wiring must be properly fished up the interior of the wall (e.g., no exterior conduit), and needs to consider potential tripping hazards. The port/outlet must be white and have a weatherproof cover.
 7. The installation must be done by a licensed and registered electrician experienced and familiar with installations and familiar with code requirements for EVC systems. The installation must meet all bona fide safety requirements, consistent with applicable building codes or recognized safety standards for the protection of persons and property.
 8. The port/outlet must be connected to the townhome’s own power, not the HOA’s or another’s townhome, and the owner is responsible for the cost of electricity.
 9. The EVC system must be registered with the Association within 30 days after installation. The EVC system installed at the owner’s cost is the property of the owner. Upon sale or change in occupant of the lot, if the EVC system is removable, the owner may either remove it or sell it to

the buyer for an agreed price. Nothing in this section requires the buyer to purchase the EVC system.

XIII. Items Attached to Building Exteriors.

- A. General. While the Association allows some items to be attached to the building exteriors, the following specifications are intended to maintain the clean and orderly appearance of the neighborhood and to protect the building exteriors from damage. The Association reserves the right to limit the number of items attached to any building exterior and shall notify an owner if items need to be removed.
- B. Responsibility. If damage occurs from the attachment of any items to the building exterior, the townhome owner shall be responsible for repair of such damage. The Association may remove items attached to any building exterior for maintenance, repairs and painting. Re-attaching items that have been removed for these purposes is the responsibility of the owner.
- C. Specifications. The following specifications shall apply to all items attached to the building exteriors, including carports, stairwells and covered decks.
 - 1. No items may be attached to the building exterior of the trash room, storage closets or D townhome hallway and stairwell.
 - 2. Items attached to building exteriors weighing more than 2 lbs. shall be firmly anchored to the framing of the building (stud, plate, joist, etc.). Items weighing less than 2 lbs. may be firmly anchored to exterior trim. No items may be attached solely to the siding, which is thin and fibrous and can be easily damaged.
 - 3. Owners shall submit an *Application for Exterior Modifications* before attaching any item to a building exterior that involves significant moisture (flower boxes, trellises, fountains, water features, etc.) or weight (bicycles or similar). Such items will be reviewed on a case-by-case basis. Enclosed flower boxes permanently attached to window trim are not allowed.
 - 4. D townhome owners shall submit an *Application for Exterior Modifications* for approval prior to installing any gate or barrier across the stairs (deck railings or stairwell landings). The owner is responsible for compliance with city safety codes and regulations (e.g., safety as the sole egress) and for any damage to the building.
 - 5. An *Application for Exterior Modifications* must be approved before installing a vertical shade. They must be retracted when not in use. Any exterior damage to the building is the responsibility of the owner to repair. Sails and awnings are not permitted.

XIV. Over-the-Air Reception Devices.

- A. General. A resident's right to install and use Over-the-Air Reception Devices (antennas, satellite dishes and some others) is protected by federal law.
- B. Specifications. The following specifications shall apply to all Over-the-Air Reception Devices (hereinafter referred to as "Devices", including all related equipment).
 - 1. Users of Devices are not required to submit an *Application for Exterior Modifications* prior to installation as long as the Device is to be placed on the exterior of the user's own townhome or patio area, or the Device does not fall under the definitions set forth in Title 47 of the Code of Federal Regulations. In these cases, an *Application for Exterior Modifications* is required.
 - 2. Devices larger than one meter in diameter are not allowed.
 - 3. Only customer-end Devices are allowed. Hub or relay devices are not allowed.
 - 4. Devices shall not be placed on or encroach upon the private property, building exterior, or easements belonging to another townhome.
 - 5. Owners shall reimburse the Association for any damages to the building exterior or common area caused by installation or operation of the Device.
 - 6. Devices shall be installed in accordance with the manufacturer's guidelines and comply with applicable building, electrical, and related codes.
 - 7. Devices shall be installed and secured so they do not jeopardize the soundness or safety of any structure, area, or person. All excess wires and other safety hazards shall be removed after installation.
 - 8. If the Association notes a legitimate concern with the location or method of installation (e.g., damage) of a Device, the Association shall require that the concern be corrected or that the Device be removed.

9. Unused or obsolete Devices shall be removed and the point of attachment returned to its original condition. If the owner does not act within 21 days, the Association may perform the removal and restoration and bill the owner if no action is taken following a written notice.

C. Preferences. The Association suggests following this order of preference in deciding on where to install a Device. In general, the Device should be installed in the least conspicuous location available on the townhome. These guidelines are an attempt to ensure the safety of all residents and to minimize the impact of the device's installation on the integrity of the building exterior. In general, a Device installed on the exterior of the building must be attached using appropriate fasteners every four feet (4'), hidden by building features (e.g., overhangs, trim, soffits, gutters) or in chases, building cavities, or conduit to the greatest extent possible, and appropriate caulking/sealing/flashing of all holes.

1. Inside the townhome, including within the attic or crawlspace.

2. On a pole or stand on the townhome's patio, balcony or deck or on the townhome's railing, post or fence within the patio easement of the townhome.

3. On a pole installed in the gravel area within a few feet of the townhome with the cables buried. This requires Association approval **prior** to installation.

4. On the trim of the townhome.

5. On the siding of the townhome.

6. On the lower roof of the overhang of the townhome's patio or under the eaves of the main roof over the townhome.

7. On the roof over the townhome as a last resort. Please note that these installations interfere with the Association's ability to maintain the roof and gutters and are **strongly discouraged**. Improper installation can cause water to leak into the building. There is also significant safety risk of an improperly installed receiver falling from the roof. **Significant costs may become the owner's responsibility in the event a more extensive repair is needed and installation of the Device voided any warranty.**

a. Owner shall submit a signed *Maintenance, Insurance, and Indemnity Agreement* no later than 10 days of an installation on the roof whereby the owner assumes responsibility for the costs of repairing damage, among other things, the common area and other townhomes resulting from the installation, maintenance, repair, removal or replacement of the Device.

D. Maintenance. The Association may occasionally need to disconnect, remove or otherwise interfere with the operation of a receiver during building maintenance. A good faith effort will be made to contact the user in advance. Any additional costs incurred by the Association during building maintenance related to the Device shall be billed to the townhome owner.

E. Indemnification. The townhome owner or resident installing the Device agrees that the Association is not responsible for any and all costs as a result of installation, use or removal of the Device, damages to the townhome, other townhomes or common area, or any personal injury caused by the Device.

XV. Security Cameras.

A. General. Security cameras on the exterior of the townhome are to be installed in a manner that minimizes damage to the building exterior and be as non-intrusive as possible. Consideration should be given to cameras that have high resolution, infrared, motion activated, have a wide field of view subject to specifications below, and are connected to get real time notifications.

B. Responsibility. Owners are responsible for all costs related to the installation and maintenance of security cameras, including any damage to the building exterior. Residents are responsible for complying with all privacy, audio recording, and eavesdropping laws and ordinances (e.g., no audio recordings without consent, do not direct the camera where there is an expectation of privacy).

C. Specifications. The following specifications shall apply.

1. Installation of security cameras requires submission of an *Application for Exterior Modifications* prior to installation and for any change to the initial installation including supplemental materials (e.g., location, direction and field of view relative to neighboring structures, the equipment including photos and dimensions of the camera).

2. Cameras should be as inconspicuous as possible. They should be as small as possible (e.g., 5.1" diameter of a Ring camera, 3" x 2.38" x 5.43" without the stand and 9.37" fully extended for a rectangular camera).

3. The camera must be connected to the townhome's own power, not the HOA's or another's townhome,
 4. Cables and wires are to be neatly concealed in a chase.
 5. Cameras are not to be installed higher than the ceiling of the carport or soffit on the building.
 6. Cameras are not to be directed at the Common Area or neighboring structures or townhomes.
- D. HOA-installed Cameras. Cameras installed at the pool, shop, and office are for the purpose of protecting HOA property only and shall not be relied upon for personal safety. They are for recording and are not monitored in real time.