

SIMBA RUN CONDOMINIUMS

DESIGN GUIDELINES

1. Introduction and Purpose. These Design Guidelines (“Guidelines”) are intended to assist Unit Owners and their representatives with respect to making improvements or alterations to their property (as provided for in the Declaration and the Rules and Regulations) and to establish architectural, construction, structural and aesthetic criteria, rules, and standards pertaining to the Community.

The Board of Directors (“Board”) of the Simba Run Condominium Association adopts these Guidelines to establish and preserve the planning and design concepts of the Association Community, to enhance property values, and to promote respectful quality of life within the Community.

These Guidelines are authorized by the Declaration for Simba Run Condominiums (“Declaration”). The Board reserves the right to add, modify or amend these Guidelines from time to time in its reasonable discretion.

2. Applicability/Approval Required. Unless otherwise provided herein, plans and specifications for any proposed improvement, modification, or alteration to any exterior components of any Unit or any portion of the Common Elements or Limited Common Elements must be submitted to the Board (as applicable) for prior written approval before any improvement, modification or alteration is made. In certain instances, where specifically noted, minor improvements, modifications and/or alterations may not require prior written approval but are nonetheless subject to the Declaration, the Rules and Regulations and these Guidelines. Any improvement, modification or alteration not specifically listed herein requires Board review and approval.

3. Definitions. Any capitalized term used but not defined herein shall have the meaning given such term in the Declaration. Unless the context requires otherwise, the following terms used in these Guidelines have the meanings indicated:

(a) “Applicant” or “Owner” means a person or entity that owns a “Unit”. All applications for review and approval of improvement plans, modification or alteration must be made by the Owner.

(b) “Declaration” means the Declaration for Simba Run Condominium dated January 18, 1983.

(c) “Guidelines” means these Design Guidelines. The Guidelines may be amended from time to time by the Association.

(d) “Holiday” means New Year's Day, President’s Day, Easter Sunday, MLK Day, Memorial Day, Independence Day, Labor Day, Veterans Day, Thanksgiving Day and Christmas Day.

(e) "Remodel" means improvement, alteration, or modification that results in a material change to the character of a Unit, or Limited Common Elements appurtenant to the Unit (or any portion thereof). Remodels require approval of the Board prior to commencement as provided herein. Changes that affect or involve any utilities, mechanical systems, utility components or equipment are considered a Remodel.

(f) “Renovation” means any improvement, alteration, or modification that involves interior modifications, alteration or repairs that do not alter or affect the exterior appearance of the Unit, that do not require a building permit issued by the Town of Vail and does not meet the definition of “Remodel.” Examples of Renovations include, but are not limited to, new/replacement interior finishes and fixtures, such as painting and texturizing, replacement countertops, cabinetry, flooring, etc.

(g) “Variance” or “Variance Request” means a formal request from an Owner or Owner Representative

to the Association to deviate from adopted or published guidelines, processes, procedures, or standards contained within these Guidelines.

4. Procedures for Approval.

(a) *Application; Submittal of Plans and Specifications.*

(i) All applications for design approval must be made by submitting a completed Design Review Application and must include the property address and the name, mailing address and email address of all Owners of the Unit. A copy of the Design Review Application is attached to these Guidelines as ATTACHMENT A. Submittal must be made before the commencement of any work. The Design Review Application must include the items and documentation specified therein, which may include such descriptions, surveys, plot plans, drainage plans, elevation drawings, construction plans, specification and samples of materials and colors, and other information as the Association may reasonably request showing the nature, kind, shape, height, width, colors, materials and location of the proposed improvements, modifications or alterations. In most instances, a simple drawing with dimensions or photo and a description and/or identification of the materials to be used for any exterior modifications is sufficient. Design Review Applications are to be submitted to the Property Manager (McNeill Property Management).

Upon approval, and prior to commencing any work, Owner's must also submit a Unit Remodel Worksheet attached to these Guidelines as ATTACHMENT B and a Contractor's Checklist attached to these Guidelines as ATTACHMENT C to the Simba Run Facility Manager.

(ii) Submittals must include the estimated timing of all construction or improvements, including projected commencement and completion dates. To the extent applicable, plans must identify the location of all construction staging areas, parking requirements, designated parking areas for construction vehicles/equipment, and the location of any trash dumpsters to be used in conjunction with the construction or Renovation/Remodel project.

(b) *Action by the Board.* The Board, as applicable, will meet regularly to review all plans submitted for approval. The Board, as applicable, must act within 30 days after receipt of a complete Application. In the event the Board, as applicable, fails to approve or disapprove such design, materials, and location within 30 days after said plans and specifications have been submitted to it, approval shall be deemed denied. Yet, the Owner shall have the right of appeal to the Association.

(c) *Prosecution of Work.* All approved work should be accomplished as promptly and diligently as possible in accordance with the approved plans. Work must commence within six months from the date of approval, or re-submittal will be required.

5. Rules Applicable to all Construction. The following rules apply to all improvements, alterations and modifications:

(a) *Permits.* Owners must obtain and post copies of any required building permits on the front door of the Unit, or in a visible location from the exterior, if required by the Town of Vail.

(b) *Deliveries, Debris and Equipment.* Owner shall coordinate with the Association's manager regarding on-site material deliveries, removal of debris, positioning of trash receptacles, any temporary extraordinary equipment needs, such as a crane, concrete truck, parking of contractors and construction vehicles, etc.

(c) *Construction Vehicle Parking.* Construction vehicles shall park in the designated parking spot for the Unit. Any additional construction vehicle parking needs are to be coordinated with the Facility Manager. Vehicles are not allowed to be parked on or along any private roads or in designated parking areas in any manner that unreasonably obstructs or impairs access to Units or resident/guest parking areas. Overnight parking of construction vehicles is not permitted unless approved by the Board, as applicable, as part of the Design Review Application or a

variance is granted. The Owner is responsible for repairing any damage caused by construction vehicles.

(d) *Permissible Days and Hours for Construction Activity.* Construction will only be permitted between the hours of Monday through Friday 8AM to 5PM, Saturday 9AM to 5PM unless otherwise approved by the Board or the Association's Property Manager, upon request of the Owner. **No construction is permitted on Sundays or Holidays.**

(e) *Notice Before Commencing Construction.* The Owner must provide notice to the Association's Property Management Company prior to commencing any Construction Activity.

(f) *Compliance with Governmental Regulations.* Approval by the Association does not constitute any representation or assurance that improvements comply with applicable governmental requirements or regulations, codes or ordinances, nor does approval assure that a permit or approvals are not also required from applicable governmental bodies.

(g) *Limitations.* In making improvements, modifications, or alternations, Rights of Owners are limited in accordance with the Declarations and the Rules and Regulations. Owners are responsible for locating all water, gas, sewer, electrical, cable, fiber optic or other utility lines or easements. Owners may not construct any improvements over existing utility easements or move any utilities of record without the consent of the utility provider, and Owners are responsible for damage to any utility lines or easements caused by the construction, installation or operation of the improvements, modifications, or alternations.

(h) *Site Cleanup/Waste Removal.* Owners must keep construction areas reasonably free and clear of all materials, rubbish, and debris resulting from the construction. Owners are responsible for daily cleanup of the construction area and common areas, including proper disposal of all waste materials. Owners must remove all rubbish, debris, and waste materials from the construction area. No construction debris of any kind shall be placed in Simba Run trash containers by any Owner or their Agent. All construction debris shall be taken off the premises and disposed of at the Owner's expense.

(i) *Trash Dumpsters.* Trash and debris are to be removed from the site daily. If a trash dumpster is required, the location of any trash dumpster(s) maintained for construction rubbish and debris must be coordinated with the Facility Manager and emptied on a regular basis or as may otherwise be directed by the Board. The Association reserves the right to charge a parking fee for any dumpster or trailer that remains on property for more than one day. The charge will be assessed based on the size of the dumpster or trailer and the anticipated length of stay. Any damage to the pavement, asphalt or concrete, caused by the placement of, retrieval of, and/or spillage from the dumpster or trailer will be charged back to the Owner of the remodel project. Damage will be assessed by the Facility Manager prior to completion of the project.

(j) *Contractors.* All contractor's performing Remodel or Renovation work must be licensed as required by the Town of Vail and in compliance with other applicable law.

(k) *Notification:* The applicant is required to provide notice to any affected owners (located within the same building, on either side, above or below, or across the hallway to the subject unit prior to the start of any work.

(l) *Sticky Mats:* To be used at the unit entrance to avoid tracking debris into the hallways.

6. Specific Improvements.

Owners have the right to make any improvement or alterations to the interior of his or her Unit as provided for in the Declarations.

Owners have the right to make improvements or alterations to the exterior Limited Common Element balcony, patio, or deck area, as subsequently provided for in the Declarations. No permanent exterior alterations including but not

limited to, exterior siding elements, roofing/flushing, skylights, windows and doors, fencing, lattice, screen/storm doors, landscape/hardscape improvements or alterations will be permitted without Board approval.

(a) *Air Conditioning Equipment.* No occupants shall install air conditioning units on the exterior of the project (including any part of the deck or balcony), or protrude through the walls, windows, or roof of the condominium unit except as may be expressly authorized by the Board. Window units are prohibited.

(b) *Patios, Decks and Balconies.* Expansion of Patios, Decks and Balconies is prohibited.

(c) *Lights and Lighting.* Association approval is required for new/replacement exterior lights and lighting. Approval considerations include, without limitation, visibility, style, luminosity, and location of the fixture(s) to minimize adverse impact to neighboring Units. All new exterior lighting must comply with the Town of Vail "Dark Sky Ordinances".

(d) *Doors and Windows:* The installation or replacement of exterior windows, entry doors, screen doors and storm doors require board approval. Color and style must match existing windows and door elements. Town of Vail Design Review Board and Building Permits may also be required.

(e) *Interior Alterations, Modifications, and Improvements.* Interior alterations, modifications and improvements do not require Association approval, provided that (i) the Rules applicable to construction activity herein are met, (ii) all contractor's performing work are licensed as required by the Town of Vail and in compliance with other applicable law and (iii) interior alterations, modifications and improvements do not impair the exterior appearance, structural integrity, electrical systems, mechanical systems, sound transmission (including flooring products) to other units or lessen the support of any portion of the Common Interest Community.

Notwithstanding the foregoing, hard surface flooring, while permitted, must be installed using appropriate sound deadening underlayment to minimize sound transmissions to neighboring units in consideration of noise and nuisance.

Alteration or modification to any of the above listed systems or assemblies or those that require a permit issued by the Town of Vail require submission of a Design Review Application and written approval from the Board; provided however, the manager may approve such interior modifications that require a permit and involve emergency repairs or replacements or that involve repairs and replacements necessary for the preservation of the health, safety and welfare of the occupants of a residence.

Owner's must submit a Design Review Application describing any interior alteration or improvements (fixtures, flooring, cabinet replacement, etc.) for coordination of logistical issues (construction dumpsters, parking, etc.) if any, and for record keeping purposes.

(f) *Cable, Antennae, Satellite Dishes, etc.* No occupants shall install television, radio antennae, satellite dish, or machines on the exterior of the buildings (including any part of a patio, deck, or balcony), or protrude through the walls, windows, or roof of the condominium unit except as may be expressly authorized by the Board of Directors.

(g) *Hot Tubs.* Hot Tubs are prohibited.

7. Variance Requests.

(a) Any deviation from these Guidelines, processes, procedures, or standards requested by an Applicant requires an approved variance. The Applicant must send and/or deliver a written variance request, along with any supporting documentation, photographs, alternative design plans, etc.

(b) If strict application of these Guidelines would be impossible, unduly burdensome or unnecessary, a

variance may be granted by the Board if: (i) physical conditions such as topography, natural obstructions or aesthetic or environmental considerations effectively prohibits compliance; or (ii) application of the Guidelines would constitute an extreme or undue hardship to the Applicant; or (iii) the Applicant's proposal, although not meeting the requirements, is not contrary to the planning and design concepts of Simba Run Condominiums, does not adversely impact property values or the quality of life within the Community.

8. Limitation of Liability. Neither the Association, the Board, nor any directors, officers, committees, or agents of the same will bear any responsibility for the design, quality, structural integrity, or soundness of any improvements, alterations or modifications undertaken or performed by an Owner, nor for compliance with building codes, zoning regulations, and other government requirements. The Association, its directors, officers, committees and agents are not liable for any injury, damages, or loss arising out of the manner, design, or quality of approved improvements, alterations, or modifications.

9. Enforcement/Failure to Submit. If an Owner fails to submit an application and/or obtain approval prior to starting work, the Association may take all action afforded by law and in equity, and exercise any remedies consistent with the Colorado Common Interest Ownership Act, the Declaration, the policies of the Association regarding covenant enforcement, and/or other action permitted by law, including, without limitation, requiring the Owner to stop work and/or restore the property to its original condition.

ATTACHMENT A
Simba Run Condominiums
Design and Review Application

PLEASE PRINT

Owner Name: _____ Date: _____

Property Address: _____

Mailing Address (if different): _____

Phone: _____ E-mail: _____

The Condominium Declaration for Simba Run Condominiums addresses the approval process related to exterior and interior alterations, modifications, installation, and construction.

Exterior alterations, modifications, installation, and construction must be done in accordance with the Declarations and the Rules and Regulations, the Design Guidelines and requires written approval from the Association Board (“Board”) for any proposed modifications.

Interior alterations, modifications and improvements that do not impair the exterior appearance, structural integrity, electrical systems, mechanical systems, sound transmission to other units or lessen the support of any portion of the Common Interest Community may be done without Board approval in accordance with Declaration and the Design Guidelines.

However, Owner’s must submit a Design Review Application describing any interior alteration or improvements (fixtures, flooring, cabinet replacement, etc.) for coordination of logistical issues (construction dumpsters, parking, etc.) if any, and for record keeping purposes.

Notwithstanding the foregoing, hard surface flooring, while permitted, must be installed using appropriate sound deadening underlayment to minimize sound transmissions to neighboring units in consideration of noise and nuisance.

If approved, the manager will give written notice of Association approval to proceed if such notice is required for the Town of Vail (please contact the Town Planning Department and Building Department staff for their application forms). Please provide manager with a copy of any required permits and approvals upon receipt of them.

Should the board require additional information, approval will be deferred until additional information is received.

Requests from an owner with delinquent dues or assessments will not be accepted.

A. Supporting Documents – Please submit the following as applicable:

- a. Plans and specifications which reasonably detail the proposed exterior or interior alterations, modifications and improvements including information on proposed materials and colors for exterior improvements and modifications, which is sufficient as determined by the Board in its reasonable discretion to show the nature, kind, shape, height, width, colors, materials and location of the proposed improvements, modifications, or alterations.
 - b. To the extent applicable, identify the location of all construction staging areas, designated parking areas for construction vehicles/equipment, and the location of any trash dumpsters to be used in conjunction with the construction.
 - c. Estimated time to complete construction including projected commencement and completion dates.
 - d. Such other information as the Board may reasonably request to inform the Board about the Application.
 - e. Sticky Mats: To be used at the unit entrance to avoid tracking debris into the hallways.
- B. Consultant - The Board, may avail itself of technical professional advice and consultants and Applicant agrees to bear that cost.
- C. The Board, as applicable, is not required to address an Application until all Application requirements are met. The Board, as applicable, will meet regularly to review all plans submitted for approval. The Board, as applicable, must act within 30 days after receipt of a complete Application. In the event the Board, as applicable, fails to approve or disapprove such design, materials, and location within 30 days after said plans and specifications have been submitted to it, approval shall be deemed denied. Yet, the Owner shall have the right of appeal to the Association.
- D. The Board, as applicable, will review your Application and advise you of additional information required. By submitting this Application you acknowledge that you may be required to compensate the Association for the Association's retention of a consultant, such as an engineer or architect, if the application is such that it requires, in the Board's discretion, a consultant for the Association. The Association will address this with you before retention of the consultant.
- E. Once approved, construction must be completed within the approved construction time and must be done in a way that does not unreasonably interfere with neighboring properties. Applicant is responsible for the removal, in a timely manner, of any debris resulting from construction. Construction must meet all zoning, building codes, and laws of the Town. Nothing herein contained shall be construed as a waiver or modification of any such code or law. Where applicable, utility easements and property setbacks are to be marked before excavation is to be started. Misrepresentation of any items in this request, either oral or written, may void any approval of this Application. Any changes from approved design require management approval.

Owner signature: _____

Date: _____

Printed Name: _____

ATTACHMENT B
Simba Run Condominiums
Unit Remodel Worksheet

Date of Submittal: _____

Name of Owner(s): _____

Unit #: _____

Primary Contact: _____

(Circle One: Representative, Contractor, or Owner)

Phone #: _____

Email Address: _____

Contractor Information

Company Name: _____

Contact: _____

Phone: _____

Email: _____

Description of Project:

Start Date: _____

Estimated Completion Date: _____

Scope of Work: _____

Town of Vail Building Permit #, if applicable: _____

Conditions: I hereby agree to abide by the following Conditions based upon the Rules and Regulations of the Simba Run Condominium Association (please initial each item below):

_____ No construction debris may be deposited into the Simba Run recycle dumpster, the compactor or left in the garage. My contractor will haul off any debris daily by truck.

_____ I agree not to drill any holes in the exterior walls, sills or headers, nor attach any wires or cables to the exterior of any building. Any exterior wall changes, including vents and caps must receive PRIOR BOARD APPROVAL before construction commences.

_____ I understand that contractors', subcontractors' and any employees' ("workers") vehicles must be parked inside the garage in my assigned spot. Guest parking spots may NOT be used by workers. I understand that parking for workers for my project may need to occur off site and workers may need to be shuttled to the job site.

_____ Any damage to Common Areas as a result of my Project and caused by my employees, contractors, subcontractors, inspectors or any other persons that come to Simba Run for the purpose of my Project will be my responsibility to repair or replace at my own expense.

_____ I understand that contractors, subcontractors or employees may not use the bathroom facilities in Simba Run common areas and that I must provide bathroom facilities inside of my unit or obtain Board permission for a temporary, portable toilet (location to be determined).

_____ I agree to abide by Reasonable Work Hours: Monday through Friday 8AM to 5PM, Saturday 9AM to 5PM. NO WORK ON SUNDAYS. NO WORK ON HOLIDAYS (i.e.: Memorial Day, Labor Day, Thanksgiving, Christmas, New Years, MLK's Birthday, President' Day, Easter, etc.).

_____ I understand that violation of any above the above Rules will result in fines according to the Rules & Regulations and the Policies & Procedures of the Association.

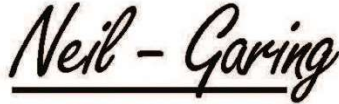
Please notify your neighbors of any work that that is planned. Thank you.

Signature of Owner: _____ Date: _____

Signature of General Contractor: _____ Date: _____

Submit to:
McNeill Property Management
dan@mcneillinc.com

Simba Run Facility Manager
bobopp@simbarun.com



I N S U R A N C E

Guide for Unit Owners for Working with Contractors

The following risk control techniques are effective in the contract for work and the contractor's insurance policy.

The plans been approved by the association and building department.	Association and unit owner work together to confirm that all work being done is within the acceptable guidelines of the association
Hold harmless and indemnity clauses in the work contract between the unit owner and contractor. Additional Insured requirements need to be required by a written contract.	This agreement will shift the financial and legal responsibility to the contractor to the extent permitted by law.
General contractor and subcontractors provide adequate General Liability limits of insurance as determined by the association through the declarations.	Does the general contractor or subcontractor have a general liability deductible? If so what is the deductible amount and who is responsible?
The contractor's General Liability policy to include the unit owner and association as an additional insured, including products/completed operations.	This allows the unit owner and association to access the contractor's policy in the event of a third party suit pertaining to the work for the contractor.
Contractor's General Liability Policy is primary in the event of a loss	The contractor's liability policy endorsed as the primary insurance coverage when the unit owner and association are added as an additional insured
Require that the contractors insurance policy provide coverage for multifamily/residential projects	Verify multifamily/residential projects are not excluded from the contractors policy
The unit owner may need to purchase a Builder's Risk policy.	A Builder's Risk policy fills in the gaps between the unit owners, association and the contractor's policy.
General contractor and subcontractors have secured Worker's Compensation insurance with Waiver of Subrogation for the unit owner and association.	This provides coverage to a worker if injured on the project.
Certificates of Insurance are required from contractor for approval, prior to work performed	See suggested certificate language below.
Verify if the association has a Protective Safeguard endorsement on the Property policy.	If so, the property manager needs to discuss with their insurance agent.

Certificate Information

The certificate of insurance obtained from the contractor's insurer should contain, if possible, the following language:

- **Certificate Holder:** The association's name and unit owner
- **Description of operations, locations, vehicles and special items:**
Name of Unit Owner and Association are included as additional insured under the General Liability policy with completed operations pertaining to *name of the project*. Waiver of subrogation applies to the Worker's Compensation policy.

*This document is intended to be a basic guideline. Unit owners should consult with their own insurance agent and/or attorney for a comprehensive review.

ATTACHMENT C Simba Run Condominiums Contractor Checklist

Contractor: _____

Date: _____

This is a brief check list of some good questions to ask when interviewing contractors prior to entering into a contract. A “No” response should not be used as a single source of elimination but can be used for further investigation to determine if that question is relative to the specific project. We suggest that you request that the contractor provide an Insurance Certificate together with the endorsement(s) to the policy to confirm the answers to the following:

- | | | |
|--|-----------|----------|
| Is General Liability coverage written on an Occurrence Basis? | Yes _____ | No _____ |
| Does General Liability coverage provide a general aggregate limit per project? | Yes _____ | No _____ |
| Does General Liability coverage include products and completed operations? | Yes _____ | No _____ |
| Does General Liability coverage provide defense coverage outside of the limit? | Yes _____ | No _____ |
| Are all contractually required parties listed as additional insured’s for both ongoing and completed operations by endorsement(s) to the policy? | Yes _____ | No _____ |
| Is General Liability coverage primary and non-contributory? | Yes _____ | No _____ |
| Does General Liability, Automobile Liability and Workers Compensation provide a Waiver of Subrogation in favor of Certificate Holder? | Yes _____ | No _____ |
| Is Business Auto Liability coverage for all vehicles owned, hired, operated, and borrowed? | Yes _____ | No _____ |
| Does Umbrella Liability policy sit in excess of General, Auto and Employer’s Liability? | Yes _____ | No _____ |
| Are any of the following restrictive endorsements on your General Liability or Umbrella | | |
| Residential or multi-family exclusion | Yes _____ | No _____ |
| Subsidence or earth movement exclusion | Yes _____ | No _____ |
| Mold, indoor air quality or pollution exclusion | Yes _____ | No _____ |
| Contractual Liability coverage exclusion or modification | Yes _____ | No _____ |
| Damage to work performed by subcontractor exclusion | Yes _____ | No _____ |

The intent of this questionnaire is to identify any potential areas of concern. Please call your agent to review any specific questions and to review the answers prior to implementing a contract.