

210 Cooper Condominium Association
Architectural Review Committee Rules, Policies and Guidelines

The 210 Cooper Condominium Association Architectural Review Committee was authorized at a special meeting of the 210 Cooper Condominium Homeowners Association (HOA) on July 9, 2005, which action was subsequently reaffirmed at a regularly scheduled meeting of the Association on March 17, 2006, pursuant to which the Board of Managers of the Association at a meeting held on August 25, 2006, adopted the following rules, policies and guidelines to implement the HOA enactment.

A. Objectives of the Architectural Review Committee Shall Be:

- To regulate construction and establish architectural standards for the 210 Cooper Condominium Association homeowners.
- To establish rules for dealing with commonly encountered issues.
- To establish a review panel for owner remodels, repairs or renovations.
- To evaluate the impact of homeowner remodels in the context of the limits allowed by the physical characteristics of the building at 210 E.Cooper Street and its age.
- To review engineering recommendations, architectural plans, and the selection of fixtures and finishes to be used by the homeowner so that the integrity of the existing building is not compromised.
- To review building permits, insurance requirements, and construction plans prior to the start of the remodel, repair or renovation.
- To maintain, or compel by action recommended to be taken by the Board of Managers, restoration of the appearance of the building and its common or private elements that visually impact observers and that detract from the cohesive and harmonious appearance achieved through compliance with a basic principle of conformity.
- To enforce covenants by recommending action taken to that effect by the Board of Managers.

B. General Rules and Recommendations to Homeowners:

1. The original floor plan of the condominium prevails in determining the placement of the kitchen and wet areas, including but not limited to bathrooms, washing machines, hot water heaters, ice making machines, and similar arrangements.
2. Hard surface flooring including, but not limited to, wood, tile, or linoleum, will be allowed only in the areas of the original floor plan location for the kitchen, baths, and in some condominium units the entry hallway. Moving the location of the

kitchen, bath or wet areas does not create an exception due to the new designation outside of the original layout.

3. Air conditioning units are not allowed outside of the interior walls of the condominium unit. A portable unit for interior use may be approved based on energy requirements, and satisfactory indemnification of the owner below, in the event of water damage. Properly installed ceiling fans are acceptable.
4. The original skylight installation, with respect to the dimensions and location of the skylight, is maintained by the HOA. If the original skylight penetration has been enlarged, or if additional skylights have been added, the owner of the unit is responsible for the maintenance, repair, and any damage incurred to the structural integrity of the building, or other condominium units.
5. New skylights may be added at the time of the roof replacement, as long as the new penetration is limited to the width of the joist bay, and that no drilling, cutting or alteration to the structural members shall take place.
6. Although the individual homeowner is a retail customer, the building and grounds constitute a commercial property. It is strongly recommended that any product used in the construction affecting common elements including, but not limited to, plumbing fixtures, fasteners, green board, insulation, and electrical fixtures be of commercial quality, or highest retail quality, to protect the HOA and other homeowners from product failures that might cause damage outside of the condominium owners unit.
7. The asbestos "popcorn" in the ceiling must be abated professionally, and a certificate certifying that the removal and disposal was conducted in accordance with federal and local laws must be provided to the Committee before any demolition can begin. The only other acceptable procedure is to cover the existing ceiling with drywall or similar material. It should be noted that if the owner or his/her contractor chooses to treat the surface by covering it, the old sound board, and old insulation will be sealed into the joist space. This treatment must be disclosed to a potential buyer.
8. Pocket doors are not allowed in bearing walls, or walls suspected of load bearing. Pocket doors must have the approval of a licensed engineer.
9. An applicant for a remodel must demonstrate compliance with noise abatement under carpets and hard surface floors. Lightweight concrete may not be used due to the extreme loading of the floor by the concrete. The load calculations for our wood framed building are not to exceed 6 lb. per square foot, total. When replacing carpeting, it is required that a noise limiting pad or blanket be used. If the noise in the condominium unit below is enhanced after carpet replacement, the Committee can require receipts proving that the installation included a sound barrier application. A penalty will be assessed until the noise is abated.
10. Radiant heat installations are not acceptable.
11. No new penetrations of the joists will be permitted. The common elements of the building include the joists and the space between floors and between the walls, as well as the utilities servicing the condominium unit.
12. No enlargement of door openings or window openings, and no additional penetrations to add doors or windows will be permitted. The building was constructed in 1966; we are therefore exempt from the code governing the size of

openings for egress. The window and door sizes are considered to be "custom" for sizing purposes. If your remodel includes replacements of the doors and windows, the Committee will recommend conforming manufacturers and their local distributors for your purchase. If you choose to purchase your windows and doors elsewhere, you must present your manufacturer and model information for doors and windows at the beginning of the review process. Should independent selection of nonconforming windows and doors be determined to be significantly detrimental to the overall appearance of the buildings exterior, every effort will be made to have a stop order issued by the city against your permit until the issue is resolved with the Committee and the Board of Managers. There may be a penalty assessed.

13. One Jacuzzi tub, depending on the design and size, may be approved for bathroom installation if a licensed structural engineer has calculated the loads for the complete bathroom installation and has deemed it within the acceptable limits of loading, as well as an appropriate size so as not to disturb the load bearing of the walls adjacent to the tub. The motor must be well insulated for sound.
14. The balconies represent limited common areas Maintained by the HOA. The rear balcony attached to the second and third floor condominium units are for the exclusive use of the owner to whose unit it is attached and who has access from within that condominium unit. No permanent attachment of any wall hanging, curtain, decoration, lights, artwork, bird feeders or storage unit may be made to the walls, rails, deck or windows defined by the balcony without permission of the Committee. Any furniture or storage container placed on the rear balcony may not exceed a height equal to the railing, and must be constructed of materials which will not rust or otherwise degrade, causing the material to invade another unit owners balcony. Wood boxes or storage containers must be painted to match the color of the building. Furniture should be neutral in color, preferably green, grey or beige, as an example. Cabinets or other types of storage lockers that exceed the height of the rail are prohibited on any balcony. Flowers and wood stacking are permitted on both balconies. Storage of bikes and other athletic equipment is prohibited on the balconies.

C. Construction Rules:

By definition, the condominium unit owner owns and maintains the interior walls, ceiling and floor within the unit, as well as the utilities from the wall into the condominium unit. The HOA, as tenants in common, maintain and control the utilities stubbed to the condominium unit up to the wall where it enters the unit. The HOA controls the subfloor, the framing and bays between floors and adjacent condominium units, and the balconies. Whereas the unit owner owns the doors and windows, there is a requirement that any replacements meet the standards set forth by the Committee. The doors and windows must conform to the overall appearance of the building in color, size, type and detail. Exterior storm or security door installation is controlled by the HOA due to its location outside of the condominium unit.

Committee approval must be obtained in order for the unit owner to make any alteration or change, in any manner, to any exterior feature of his/her condominium unit.

1. Construction management of a project must be performed by a licensed general contractor, or licensed specialty contractor. An owner may self perform management of a project. A license is required, even if the owner is self performing the construction management. The license must be issued in Pitkin County.
2. A certificate of insurance is required naming the 210 Cooper Condominium Association as "additional insured," and naming the unit homeowner below the unit in which the construction will take place also as "additional insured." The unit owner is not exempt from the insurance requirements if he/she self performs the construction management. A sample of a certificate showing the limits of liability, worker's compensation coverage specific to the trade, automobile insurance, etc., will be provided by the Committee.
3. All subcontractors must be named and certificates of insurance must be submitted with the general contractor or owner's certificate of insurance. Worker's compensation and liability limits must accurately reflect the trade for which the certificate is presented.
4. All Certificates of Insurance must be generated directly from the underwriter.
5. Care must be taken to keep the common elements free from debris and obstructions. Work on all unit remodeling projects must be professionally performed. A penalty fine will be assessed for the following infractions:

SEE ATTACHMENT "A"

6. The HOA condominium dumpster cannot be used for individual unit construction debris. The contractor or self performing construction manager must provide a private dumpster for demolition and designate a trash removal person responsible for removing all debris from the worksite.
7. The stairs should be covered by tarps or other material so that no stains or footprints are left on the stair and balcony carpeting. The contractor should cover the stairs with tarps during the demolition, dry walling and painting phases of the work.
8. The cutting of wood or tile should be performed in the parking area to the rear of the building, or in the area of the garage near the entrance; dust and debris must be contained and the areas cleaned daily; cutting of any material in the courtyard and garden/lawn areas is prohibited.
9. Use of the water spigots in the front of the **A** and **G** tiers, and on the west side of the building is prohibited. Water from the HOA building is not available for construction use except from inside of the condominium unit being remodeled. Rinsing of buckets, paint brushes, or any other items in these areas is prohibited. Sweeping debris into, or dumping dirty water into the gardens or on the lawn is prohibited.

10. If the employees of a subcontractor do not speak or understand English, an English speaking foreman must be present at all times. This is a safety issue from the perspective of the HOA and the city fire and police agencies.
11. Work hours are limited to 8:00 AM to 6:00 PM, Monday through Friday. Saturday work is permitted from 10:00 AM to 5:00 PM. It is strongly urged that the Saturday work be the "quite type." Absolutely no work is to be performed on Sundays and holidays.
12. Once the permits are issued, the Committee must be notified as to the start date and end date of the project. To minimize the impact of the construction work on the residents of the building, a construction schedule must be prepared, distributed to building residents, and adhered to throughout the project. The Committee must be notified of any delays, expected or otherwise, which might impact the timely completion of the project. A well planned total remodel in the 210 Cooper building should take no more than six weeks to complete. An owner performing a complete remodel must satisfy the Committee that a longer period is needed in order to extend the project beyond six weeks.
13. A full size fire extinguisher must be available within the unit during construction.
14. Cloths dryers must be vented to the outside to meet code. Regardless of the situation, if a cloths dryer is replaced at any time, the installation must include venting to the outside. Under no circumstances can the dryer be vented into the space between floors.
15. All plans for construction must be signed and stamped by a licensed architect. Any alternations, modifications, or relocation of existing walls, installation of large areas of granite, stone or marble must be approved by a licenses structural engineer. Submittals must include written recommendations and assessments by a licensed structural engineer as to whether the loading of the structural components can withstand the loading generated by these finishes. All licenses must be from the State of Colorado.
16. Permits for construction and Specialty Contractor licenses are required for any electrical work, plumbing, or asbestos abatement performed during remodel. Replacing a toilet, faucets, electrical fans, and similar types of work, do not require permits. When in doubt, contact a Committee member for information.
17. Contractors will be permitted to repair any damage to the common elements as long as the workmanship is professional and the touch up paints, if any, match the existing painted surfaces. The Committee can provide samples of the paint. The unit owner will be notified in writing of any damage caused by contractors.
18. From time to time, the Committee member designated as the lead person for the remodel project should be permitted access to the project area. If it is observed that unauthorized substitutions are being made to the plans and specifications approved by the Committee and the City of Aspen, the work will be suspended until the issue is resolved or corrected. The unit owner will be notified of any inspection performed by the Committee member or Board of Managers.
19. NOTE: Contractors and suppliers waive their right to lien the HOA or the collection of funds owned them by the individual unit owner. A clause to this effect must be included in any contract with a general or specialty contractor.

ATTACHMENT "A"

210 Cooper Condominium Noncompliance Assessment Schedule

The owner of each condominium unit comprising the 210 Cooper Condominium Association (HOA) is ultimately responsible to the HOA for compliance with the HOA declarations, by-laws, and rules or regulations governing occupancy and use of that unit and all common building elements and grounds, including construction or remodeling work being done in a unit.

In situations involving noncompliance by owners, tenants, guests, contractors or workmen with the HOA declarations, by-laws, or rules and regulations, the following assessment structure is intended to bring the owner, tenant or guest into prompt compliance:

Except for nuisance category violations, where notice may be given by telephone or electronic mail contact, the owner shall be notified in writing delivered to the unit, mailed to the owner or conveyed by electronic message. The notice shall describe the observed violation and given reasonable time to rectify or cease and desist from perpetuating the violation. If such is not accomplished within the time specified in the notice, the HOA is authorized to assess the owner the following fees or charges:

Nuisance category violations are those involving littering, noise, failure to observe bicycle or dumpster rules, parking, pets, trash or other similar items left in front of the unit shall be assessed at a minimum of \$25.00 per occurrence and no more than \$100.00. This list may be amended from time to time as determined by the Board of Managers.

More egregious violations are those involving failure to comply with the HOA Declarations and By-laws and all remodeling or renovation rules and regulations. The assessment for these violations shall be a minimum of \$ 250.00 per event or day, as deemed proper by the Board of Managers. This list may be amended from time to time by the Board of Managers.

The Board of Managers is authorized to rebate all or any part of the fees assessed based on the timeliness and diligence exhibited by owner in rectifying the violation.

Any owner notified of an assessment has a right to a hearing. The Board of Managers shall issue rules and procedures governing such hearings.