



To: All Alta Vista South Homeowners
From: Board of Directors, Alta Vistas South Homeowners Association
Re: Summary of Architectural Control Procedures

Dear Association Member:

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

- A. No Exterior Additions and Changes without Prior Approval. No construction, installation or alteration of an Improvement, including landscaping, in the Properties may be commenced until the plans and specifications therefore showing the nature, kind, shape, height, width, color, materials and location thereof have been submitted to and approved in writing by the Design Review Committee; however, any Improvement may be repainted without Design Review Committee approval so long as the Improvement is repainted the identical color which it was last painted. The provisions of this Article apply to construction, installation and alteration or solar energy systems, as defined in Section 801.5 of the California Civil Code, subject to the provisions of the California Civil Code Section 714, the City Building Code, zoning regulations and other laws... (CC&R's, Article V, Section 5.3.1).
- B. Submission Procedures/Plan Requirements. Until changed by the Board, the address for the submission of such plans and specifications is the Association's principal office. The form of application used by the Design Review Committee may include spaces allowing "Adjacent Owners" to sign or initial the application confirming that they have been notified of the application. The Design Review Committee may establish a definition of "Adjacent Owners" in its design guidelines. Applications will be complete and may be approved or disapproved by the Design Review Committee even if all of the Adjacent Owners do not initial the applications so long as the Owner submitting plans and specifications ("Applicant") certifies that the Applicant has asked the Adjacent Owners to sign the applications....(CC&R's, Article V, Section 5.3.2).
- C. Approval Criteria. The Design Review Committee shall approve plans and specifications submitted for its approval only if it determines that (a) installation, construction or alterations of the Improvements in the locations indicated will not be detrimental to the appearance of the surrounding area of the Properties as a whole, (b) the appearance of any structure affected by the proposed Improvements will be in harmony with the surrounding structures, (c) installation, construction or alteration of the proposed Improvements will not detract from the beauty, wholesomeness and attractiveness of the Properties or the enjoyment thereof by the Owners, (d) maintenance of the proposed Improvements will not become a burden to the Association, and (e) the proposed Improvements are consistent with this Declaration. The Design Review Committee may condition its approval of proposals or plans and specifications for any Improvement on any of the following: (i) the Applicant's furnishing the Association with security acceptable to the Association against any mechanic's lien or other encumbrance that may be Recorded against the Properties as a result of such work, (ii) such

changes therein as the Design Review Committee considers appropriate (iii) the Applicant's agreement to grant easements made necessary by the Improvement to the Association, (iv) the Applicant's agreement to install water, gas, electrical or other utility meters to measure any increased consumption, (v) the Applicant's agreement to reimburse the Association for the cost of such maintenance, or (vi) the Applicant's agreement to complete the proposed work within a stated period of time. The Design Review Committee may require submission of additional plans and specifications or other information before approving or disapproving material submitted. The Applicant shall meet any review or permit requirements of the City before making any construction, installation or alterations permitted under this Declaration.

The Design Review Committee's approval or disapproval shall be based solely on the considerations listed in this Article. The Design Review Committee is not responsible for reviewing, nor may its approval of any plans or design be deemed approval of, any plan or design from the standpoint of structural safety or conformance with building or other codes. The Design Review Committee may consider the impact of views from the other Residences or Lots and reasonable privacy right claims as factors in reviewing, approving or disapproving any proposed landscaping, construction or other Improvement. However, neither the Declarant nor the Association warrants that any views in the Properties are protected. No Residence or Lot is guaranteed the existence or unobstructed continuation of any particular view...(CC&R's, Article V, Section 5.3.3).

- D. Decision Timing. The Design Review Committee shall transmit its decision and the reasons therefore to the Applicant at the address listed in the application for approval within forty-five (45) days after the Design Review Committee receives all required materials. Any application submitted shall be deemed approved unless the Design Review Committee transmits written disapproval or a request for additional information or materials to the Applicant within forty-five (45) days after the date the Design Review Committee receives all required materials...(CC&R's, Article V, Section 5.3.2)
- E. Disapproval/Request for Reconsideration. If plans and specifications submitted to the Architectural Committee are disapproved, the applicant shall be advised in writing of the reason(s) for the denial and of the applicant's ability to request reconsideration by the Board of Directors. The applicant may submit a request to the Board of Directors to reconsider the Architectural Committee's denial at an open meeting, or the applicant may request the matter to be heard in an executive session meeting of the Board of Directors. The request for reconsideration shall be in writing, shall be addressed to the Board of Directors of the Association, shall be delivered by the Association's managing agent, South Coast Property Management and must be received to the Association's managing agent not more than fifteen (15) days following the delivery to the applicant of the Architectural Committee's notice of disapproval. The term "delivery" as used herein is defined in Civil Code Section 1350.7.
- F. Board Decision on Request for Reconsideration. Notice of the date, time, and location of the Board of Directors meeting at which the applicant's request for reconsideration shall be heard shall be delivered to the applicant at least ten (10) days prior to the meeting. The Board of Directors shall render its decision on the request for reconsideration within forty-five (45) days following the Association's managing agent's receipt of the request for reconsideration, and the Board shall transmit its decision to the Owner within fifteen (15) days after its decision; provided, however, if no written decision is provided to the Owner within fifteen (15) days after the hearing, the request for reconsideration shall be deemed denied and the Architectural Committee's decision shall be deemed affirmed. In no event will a request for reconsideration be deemed approved based upon the passage of lapse of time; any approval must be affirmative written action of the Board of Directors to be effective. The Board of Directors shall uphold the Architectural Committee's disapproval if the Board of Directors determines that the Architectural Committee acted within its authority under the Declaration and that the Architectural Guidelines and otherwise acted in a manner the Board believes to be in the best interest of the community.