



## **EXTERIOR OF UNITS**

Under no circumstances may any items be nailed, screwed, glued or otherwise attached directly to the outer walls of buildings. If this occurs, the item(s) will be removed and the wall(s) repaired at owner's expense.

## **ARCHITECTURAL GUIDELINES**

Prior to the commencement of any addition, alteration or construction work of any type on any residential Unit in Golf Villas, owners must first submit an application to the Architectural Committee for approval of such work along with documentation showing their contractor is licensed, bonded and insured with both liability and workers compensation insurance. Failure to obtain approval of the Architectural Committee may constitute a violation of the CC&R's affecting your home, and may require modification or removal of unauthorized works of improvement at your expense.

The Building Department of the City of San Juan Capistrano, or other governmental agencies prior to the commencement of any work may require a building or other permit. Neither the Architectural Committee, nor the Association assumes any responsibility for failure to obtain such permits. Also, obtaining such permits does not waive the obligation to obtain Architectural Committee approval.

All architectural submittals must also comply with the Master Association's Property Owners Architectural Guidelines/Rules.

## **ARCHITECTURAL GUIDELINES**

Below is a condensed version of the requirements of our CC&R's that are more fully described in Article IV ARCHITECTURAL CONTROL, beginning with Section 4.01 through Section 4.12. **Anyone seeking Architectural Approval should consult the entire Article in our CC&R's.**

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## I. **PURPOSE**

As set forth in the Declaration of Restrictions, the Architectural Committee is vested with the authority to review and approve all Improvements to all Units for Golf Villas of Marbella Association. Such requests might include additions, modifications and alterations to **interior** of Units, walls, landscaping, screens, patios and patio covers, window treatments, air conditioning units and attic fans, and any other modifications to the Unit or other Improvements or alterations to your home as permitted in the CC&R's Section 4.04 and Civil Code 1360.

The Architectural Committee is responsible for ensuring the structural integrity of the unit is maintained and has the right to retain architects or other construction specialists as may be necessary to perform its duties.

## **SUBMISSION PROCEDURE AND REQUIREMENTS**

1. All requests for Architectural Committee approval are to be made on the standard Golf Villas of Marbella Architectural Change Application Form. **(EXHIBIT D)** This form must be filled out according to instructions with attached drawings with sufficient clarity and completeness to enable the Committee to make an informed decision on your request. Depending on the changes the following attachments may be necessary and should be submitted with the Architectural Change Application Form.
  - a. Complete dimensions of the proposed improvements
  - b. Description of materials to be used
  - c. Drainage plans (if applicable) where the established drainage pattern might be altered by the proposed improvements.
  - d. Floor plans (if applicable) showing overall dimensions and area of Improvements reflecting your preliminary design concept.
  - e. Description of proposed construction scheduled.
  - f. -If proposed improvements require access over the Common Area or Common Facilities for purposes of transporting labor or materials, written permission shall be required from the Association. Any such requests must be filed with the Architectural Committee prior to the commencement of your Improvements.

Requests are to be submitted to the property management company.

## **FAILURE TO COMPLY WITH REQUIRED PROCEDURES**

Failure to comply with the requirements and procedures set forth herein shall cause your request to be delayed pending submission of other information and documentation to the Architectural Committee. An incomplete Application shall affect the time limits for approval otherwise reserved in favor of the Architectural Committee.

A. Approval by Architectural Committee.

The Committee shall give approval or disapproval of your request within thirty (30) days from submission of a completed Application, which must include all the required supporting information and documentation. If approval is granted, please follow instructions under "G" below.

B. Disapproval by Architectural Committee: Appeal.

In the event the plans and specifications submitted to the Architectural Committee are disapproved, the party or parties making the request may appeal in writing to the Board of Directors within fifteen (15) days following the final decision of the Architectural Committee. The Board of Directors will then submit a written request to the Architectural Committee for review, whose written recommendations are to be submitted to the Board of Directors. Within 45 days following receipt of the request for Board appeal, the Board shall render a written decision.

C. Enforcement.

Failure to obtain the necessary approval from the Architectural Committee, or failure to complete the Improvements in conformity with plans and specifications approved by the Architectural Committee may constitute a violation of the Declaration of Restrictions and may require modifications or removal of any work or Improvement at your expense. (See fining schedule.)

D. Violations

All Owners in Golf Villas of Marbella Association shall have the right and responsibility to bring to the attention of the Architectural Committee any violations of the Standards set forth herein.

E. Inspection - Compliance - Non Compliance

Upon completion of an authorized improvement, the owner will notify the management company in writing. . Within forty-five (45) days thereafter, a representative of the Architectural Committee shall inspect such improvement: The Committee will give final approval if the work was in compliance with the approved plans. If the Committee finds that such work was not done in substantial compliance with the approved plans, it shall notify the owner in writing of such non-compliance within this forty-five (45) day period and require the owner to correct the matter.

If upon expiration of forty-five (45) days from the date of notification, the owner has failed to remedy the non-compliance, the Architectural Committee shall

notify the Board of Directors of the Association in writing of such failure. After affording such owner notice and hearing, the Board shall determine whether there is a noncompliance, and, if so, the nature thereof and the estimated cost of correcting or removing same. If a noncompliance exists, the owner shall remedy or remove it within a period of not more than forty-five (45) days from the date of announcement of the Board ruling on noncompliance. If the owner does not comply with the Board ruling within such period, the Board may record a Notice of Noncompliance with the Association's legal counsel.

## **ARCHITECTURAL STANDARDS**

An owner may modify a Unit, at the owner's expense, to facilitate access for persons who are handicapped. These modifications may include modifications of the route from the public way to the door of the unit.

Any changes in the exterior appearance of a unit must be in accordance with the CC&R's and Architectural Guidelines. One example of this would be the addition of a patio or entry door **awning**. These **awnings** shall be made of a high quality canvas material suitable for this purpose and in **Association approved colors** fabricated on a high-grade tubular aluminum frame, which will withstand strong winds. This information can be obtained from the Management Company.

- A. Gutters and Downspouts - No gutters, downspouts or scuppers to control water shed from roofs shall be installed **by any individual. This is the Association's responsibility.**
- B. Unightly Items - Rubbish, debris or unsightly materials or objects of any kind must be removed on a regular basis.
- C. Exterior Flowerpots and Decorative Items- Any plants (no artificial plants please) in flowerpots located on the floor adjacent to front entrances, on decks/bridges or anywhere in the Common area must be maintained in accordance with the standards of the Landscaping Committee and the Association. Pots that are not maintained to these standards and/or not previously authorized will be removed from the premises fifteen days after notifying the resident.

All pots require leak-proof dishes that accommodate the drainage from the pot. The pot must be raised off the surface floor using feet or wheels so that NO moisture/water is trapped under the flowerpot that may cause damage to the common area. Owners are responsible for any damage to the common area.

- D. **Planter boxes on second story balconies must be placed at the inside of the balcony.**

**Any statues or other decorative items** that are in the planted areas or left anywhere in the common area. These items are subject to removal.

- E. Outside Installations - No balcony, patio or deck covers or latticework, wiring, or installation of air conditioning, water softeners, or other machines shall be installed on the exterior of the buildings.
- F. Radio Antenna - No radio station or short-wave operators of any kind shall operate from any Unit or other portion of the Property unless approved by the Architectural Committee. No exterior radio antenna, ham radio or "CB" antenna shall be erected or maintained anywhere in the property.
- G. Hardsurface Flooring Hard-surface flooring material can be used in upper units if it sound tests to a rate lower than 50 on the IIC test. (See Exhibit J)
- H. Window Coverings- Only curtains, shades, drapes, shutters, blinds, beveled glass overlay may be installed as window covers. Aluminum foil, paint, newspaper, sheets or similar coverings are not permitted. Stained colored glass window/door inserts are not permitted.
- I. Water Supply Systems. No individual water supply or water softener system shall be permitted in any Unit unless such system is designed, located, constructed and equipped in accordance with the requirements, standards and recommendations of any applicable water district, the City of San Juan Capistrano and County of Orange and all other applicable governmental authorities.
- J. Equipment and Storage Sheds. No structure, trailer, tent, shack, garage, barn or other out-building shall be installed or used at any time, temporarily or permanently, by an **individual** homeowner.
- K. Skylights. Skylights are not permitted.
- L. Screen Doors. - Only "disappearing" screen doors may be installed. The homeowner assumes all maintenance of this improvement.
- M. Satellite Dishes. Civil Code No. 1376 permits the installation of satellite dishes with a diameter or diagonal measurement of 36 inches or less, with reasonable restrictions by the Association. Requests for satellite dish installation must be submitted to the Architectural Committee and require Architectural Approval as to location, provision for the maintenance, repair or replacement of building components, and requirements to indemnify the Association for loss or damage. See Exhibit F.

#### IV. GENERAL CONDITIONS

1. Golf Villa Architectural approval does not constitute a waiver of any requirements required by applicable governmental agencies. Architectural approval of plans does not constitute acceptance of any technical or engineering specifications, and the Golf Villas assumes no responsibility for such. The function of the Architectural Committee is to review submittals as to aesthetics. All technical and engineering matters are the responsibility of the Homeowner.
2. Building permits may be required for certain improvements from the city of San Juan Capistrano. The Applicant shall obtain Architectural Committee approval of improvements requiring a building permit prior to requesting such a permit from the city of San Juan Capistrano.
3. An oversight of a Covenant, Condition or Restriction, or an Architectural Committee policy does not constitute waiver of that rule and therefore, must be corrected upon notice.

Access over Common Area or Common Facilities will not be permitted without prior approval from the Board of Directors.

4. Streets may not be obstructed with objects and building materials that are hazardous to pedestrians, vehicles, etc. Items such as, but not limited to, dumpsters, sand and building materials may not be stored on streets, sidewalks or Common Property, unless approved by the Board of Directors.
5. Any damage to Golf Villa Property will be replaced or repaired by a Golf Villa subcontractor. All applicable charges for restoration will be charged back to the Homeowner and are due and payable within 15 days from notification or assessment.
6. Lower Level Unit Owners are prohibited from altering the post tension slab the unit is constructed upon.
7. Approved plans are not to be considered authorization to change the drainage plan as installed by the developer and approved by the city of San Juan Capistrano.
8. If after 60 days from the date of this notice, the owner has not complied, the Architectural Committee will refer this matter to the Board of Directors for enforcement in accordance with the paragraph titled "Inspection/Compliance/Non Compliance."

**See EXHIBIT "D"** Forms may be requested from the Property Management Company.