

MONTELOMA HOMEOWNERS ASSOCIATION

ARCHITECTURAL GUIDELINES

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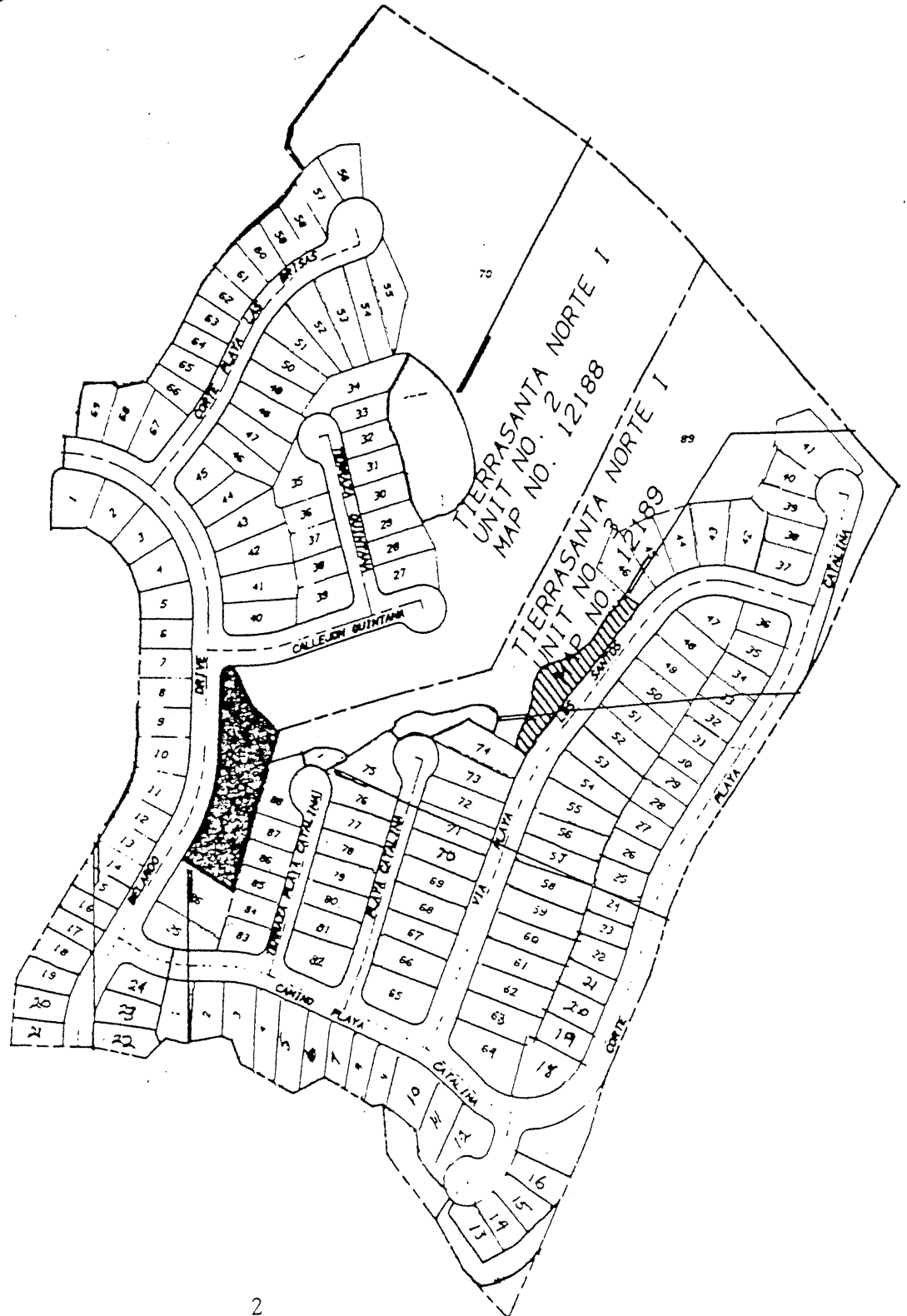
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REVISED 3/93

TIERRASANTA, NORTE VII  
MAP NO 17  
PORTOBELLO  
COSTA RICA

1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28 29 30 31 32 33 34 35 36 37 38 39 40 41 42 43 44 45 46 47

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## MONTELOMA HOMEOWNERS ASSOCIATION

INTRODUCTION

One of the most important functions of the Monteloma Homeowners Association is the preservation of the architectural character of the planned community in order to enhance the desirability and attractiveness of the entire community. The Monteloma Homeowners Association has been charged with the administration and enforcement of architectural control within the community by the authority given to it in Article III of the Covenants, Conditions and Restrictions (hereinafter referred to as the CC&Rs) of the Monteloma Homeowners Association. The CC&Rs provide for an Architectural Review Committee (ARC) to be appointed, initially by the Declarant, and later, by the Board of Directors. This Committee has the authority to review and approve or disapprove all plans and specifications submitted to it for any proposed "improvement" as defined in Article III, Section 3.02 of the CC&Rs.

- A. Intent of Guidelines: These Guidelines are primarily concerned with the physical appearance of the community environment. It is the intent of these Guidelines to direct design efforts towards a homogeneous and quality response to the natural and built environment.
- B. Approval: To receive ARC approval, your improvement must not be detrimental to the appearance of the Development as a whole, must comply with all architectural standards, must not detract from the beauty, wholesomeness, and attractiveness of the Development or members' enjoyment thereof, and must not violate use or height restrictions. Further, the appearance of your improvement must be in harmony with surrounding structures and the upkeep and maintenance of the improvement must not create a burden on the Association.

Upon submission of a completed Architectural Approval Request Form or all additional information required by the ARC (whichever occurs later), you will be notified of approval or disapproval, as the case may be within forty-five (45) days thereafter. In the event the ARC fails to approve or disapprove plans and specifications within forty-five (45) days after receipt by the ARC of all materials requested, such plans and specifications shall be deemed approved. (See Article III, Section 3.02(d) of the CC&Rs).

- C. Building Permits: Building permits from applicable government agencies may be required for certain improvements. The homeowner is responsible for obtaining and complying with all building laws, rules, regulations, and permits. In the event of a conflict between the provisions of these Architectural Guidelines and the county ordinance or regulation, the more restrictive requirements shall prevail.

## MONTELOMA HOMEOWNERS ASSOCIATION

CONDITIONS OF APPROVAL

It shall be the responsibility of the owner of the residence on which an approval was granted to ensure that the conditions set forth below are enforced upon all persons or firms used, engaged, or employed in carrying out any operation or trade in conjunction with the construction of the improvement.

- A. Signs: No signs shall be displayed on any residence other than a sign advertising the property for sale as permitted by the CC&Rs. This includes tradesmens', contractors', and installers' signs of any type, including the signs identifying the residence as the site of their activities or operations.
- B. Construction Times: All operation times shall be carried on between the hours of 7:00 AM and 5:00 PM on Monday through Friday and 9:00 AM and 4:00 PM on Saturday, Sundays, and holidays. In the event City of San Diego ordinances are more restrictive, the City of San Diego ordinances shall prevail.
- C. Temporary Structure: No structure of a temporary character, including motorhomes and trailers, will be permitted to remain on any lot without the written approval of the ARC.
- D. Unsightly Items: All rubbish, debris, and unsightly material or objects of any kind shall be regularly removed from the unit and/or lot and will not be allowed to accumulate thereon. Removal shall be made weekly, preferably on Friday, and will not be allowed to accumulate on walkways, street right-of-ways, or common areas.
- E. Streets and Walkways: No construction debris or materials such as sand or bricks may be permitted to remain on the streets or walkways. All items of such nature must be stored on the owner's lot. In the event that any materials are delivered and deposited on the streets or common areas, the owners will be held responsible for the costs involved in cleaning and/or restoring the common areas, streets, and walkways.
- F. Maintenance of Improvements: The repair and maintenance of any work or improvement will be the responsibility of the installing owner(s) or subsequent owner(s).
- G. Access used for construction must be through the homeowners property only. Access over common area will not be permitted, except under unusual circumstances which require specific written permission from the ARC. The ARC may require the homeowner to post a bond if common area intrusion is anticipated.
- H. It is the homeowners responsibility at homeowners expense, to correct to the original condition, any damage or alteration to the common area caused by the homeowner. Should it be necessary for the Homeowners Association to restore the common area, the

responsible homeowner shall reimburse the Association for all pertinent costs. The ARC may require the homeowner to post a bond (see V.C.) if damage to the common area is anticipated or has already occurred.

- I. The ARC's approval of any proposals or plans and specifications or drawings for any work done or proposed or in connection with any other matter requiring the ARC's approval shall not be deemed to constitute a waiver to any right to withhold approval or consent to any similar proposals, plans, specifications, drawings, or other matter subsequently or additionally submitted for approval or consent. See CC&R's Article III, Section 3.04.

## MONTELOMA HOMEOWNERS ASSOCIATION

SUBMITTAL REQUIREMENTS

In addition to the Conditions of Approval procedures described in Section II of these Architectural Guidelines, owners in the Monteloma Homeowners Association, other than Declarant, shall comply with the following submission standards:

- A. Preliminary Drawings: If you are submitting plans for a major improvement, it is highly recommended that you submit preliminary plans in order to save the time and cost of having to revise working drawings. Preliminary drawing submissions shall include, where applicable, the following:
1. Plot Plan: (See Samples on page 9)
    - a. Show lot lines accurately as to length, angles, and amount of curve. Show all existing and proposed buildings, structures, fences, walls, sidewalks, and other improvements; indicate all required setbacks, easements, street right-of-way, and top or toe of slopes.
    - b. Show all dimensions on work to be considered, distances between existing and proposed work, and distances between proposed work and property lines, setback lines, and slopes.
    - c. Site photos of all surrounding conditions adjacent to the location of the proposed improvements, including neighboring properties and common space may be submitted, if necessary for clarification or requested by the ARC.
  2. Roof Plan: (See Samples on page 9)
    - a. Show all existing and proposed roofs with slope pitches and overhangs noted.
    - b. Designate existing and proposed roofing material.
    - c. Indicate any unusual conditions and details involved in or resulting from the work.
  3. Floor Plan: (See Samples on page 9)
    - a. Indicate all walls, columns, openings, and any condition or feature that will affect the exterior design of the structure.
    - b. Show dimensions of proposed work and related existing work; indicate relationship.
    - c. Delineate all parts of the exterior that cannot be

shown on elevation.

d. Set out square footage of proposed and existing work.

4. Elevations: (See Samples on page 9)

a. Provide exterior elevations of all proposed structures.

5. Fence and Wall Plans: (See Samples on page 9)

a. Drawings shall include specifications of materials, color, and height.

b. Heights should be shown in relation to adjacent ground elevations.

6. Exterior Materials, Colors and Finishes:

a. Note all exterior finish materials, colors, and textures of proposed work. For alterations or additions note if finish is to match existing materials, colors, and textures.

B. Construction Drawings and Specifications: Submission shall include, where applicable, the following:

1. Construction Drawings: Include all of the drawings required for the preliminary submission, if utilized, revised as required by the ARC's preliminary review along with all working drawings.

2. Grading Plan (see IV.C.1.D.):

a. Show contours, flow lines, finish grades, and proposed drainage systems.

b. Significant changes of finished grade must be accompanied by a grading plan prepared by a registered civil engineer.

c. The plot and grading plans may be incorporated in the same drawing.

3. Landscape Plan: Include grading, drainage systems, walks and hardscape, planting area, planters, decks, fences and walls, stairs, trellises, arbors, gazebos, ponds, fountains, ground covers, shrubs, trees, slope stabilization, ornamental rocks, recreation areas, courts, apparatus, courtyard lighting, and height of trees at maturity.

4. Pool Plan: Include pools, spas, hot tubs, heating and filtering equipment, enclosures or screening, and drainage.

5. Mechanical and Solar Energy Plans: Include all mechanical devices exposed to the exterior and all solar collectors, racks, storage facilities, and distribution components.

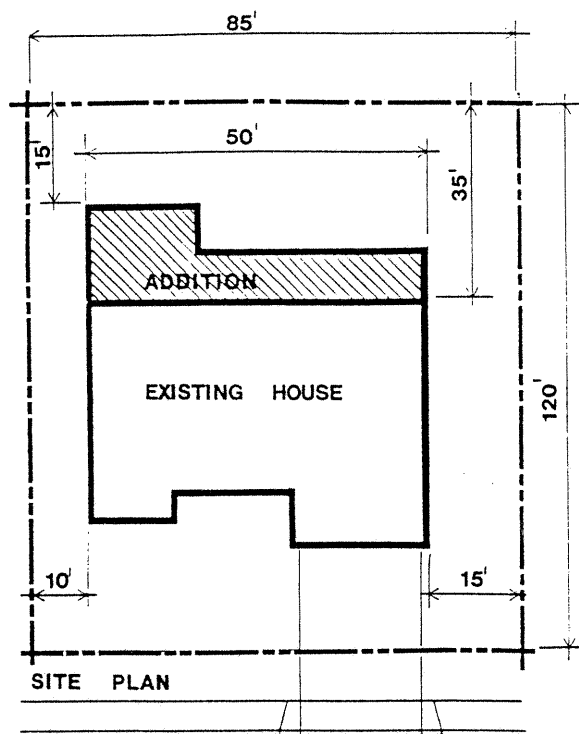
6. Exterior Materials Colors and Finishes: For any proposed modification of existing exterior material and color requirements, the following must be included:
- a. A color sample board or an elevation sheet with color chips attached clearly noting where colors are to be used.
  - b. A description of masonry block and finish roofing materials. Photos or samples may be required by the ARC for clarification.

NOTE: Color and material samples are not required when drawings indicate "color and material to match existing finish or trim."

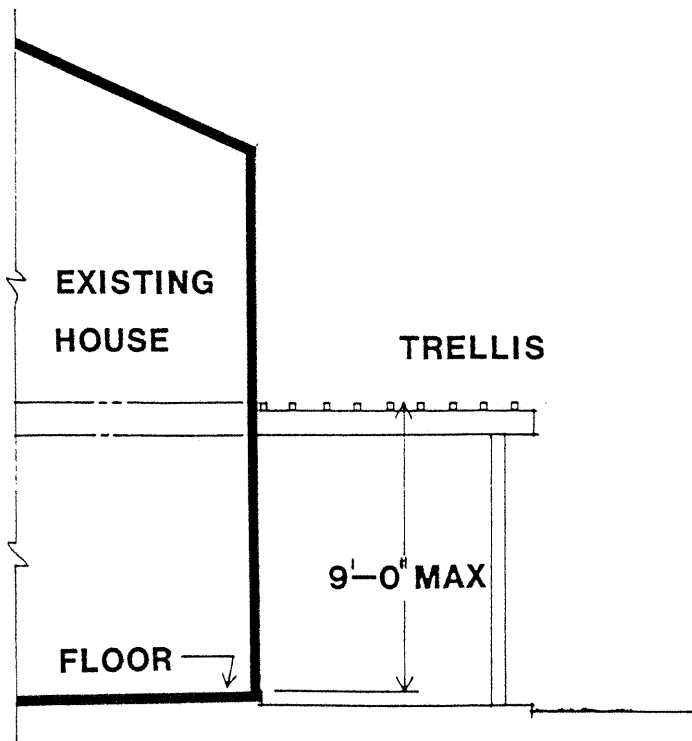
7. Specifications: List materials and finishes together with method of installation or application.



Sample "A"



Sample "B"



## MONTELOMA HOMEOWNERS ASSOCIATION

SITE DEVELOPMENT, REMODELING, & ADDITION GUIDELINES

The following Site Development Guidelines shall apply to all improvements undertaken on, except such work undertaken by Declarant.

- A. Workmanship: All works of improvement shall be performed in a manner consistent with the guidelines for the existing structures, fences, or common area improvements. Any work deemed by the Architectural Review Committee (ARC) as not meeting the guidelines shall be reworked to meet those standards or removed and the building or common area restored to its condition prior to commencement of the work by the owner. In the event the owner refuses to rework, remove, and/or restore as called for above, the ARC shall request the Board of Directors to cause such rework, removal, and/or restoration and the cost thereof shall be assessed to the owner as provided in the CC&Rs.
- B. General Development Guidelines:
1. No improvement may encroach on the Common Area or Association maintained property.
  2. Heights (also see IV.C.1):
    - a. Dwellings: Heights of improvements shall be restricted to the maximum height of the first structure constructed on the lot and must be compatible with the intent of the existing structure with respect to massing and enclosure. Any improvements to dwellings which have any portions above ten (10) feet are subject to view analysis and approval or disapproval by ARC.
    - b. Other Structures: Maximum height of the occupiable area of all non-dwelling structures including patio covers, trellises, and gazebos, shall be limited to nine (9) feet in height. All portions of proposed structures that are decorative and unoccupiable and exceed the nine (9) foot limit are subject to special review and may not be permitted.
    - c. Cross-view Areas: To allow for additional view, the rear section of side fences of homes with rear view lots generally is composed of wrought iron. These sections of wrought iron extend inward from the rear fence for a variable distance, usually 10-20 feet, as constructed by developer. No object, plant, or structure measuring more than thirty-two (32) inches in height may be placed in the rear corners of these lots in the view area defined by a 45 degree angle originating at the point where wrought iron meets solid fence.

The ARC may consider a waiver to this requirement if specific consent to the proposed view area alteration is received from an affected adjacent neighbor. Specific neighbor consent may be in the form of a signed note on the Neighbor Awareness Statement or on the plan themselves. Neighbor consent does not constitute automatic approval for the proposed alteration.

3. Setbacks: Minimum setback standards for Monteloma Homeowners Association are established by the City of San Diego Planning Commission in conformance with the applicable City of San Diego building and zoning codes. The applicable zone for Monteloma is R-1-5000. It is the homeowner's responsibility to contact the City of San Diego Building Department to obtain the necessary setback requirement standards. These standards affect all improvements including, without limitation, buildings, out-buildings, garages, carports, pools, recreation facilities, parking areas, awnings, patio covers, balconies, stairs, and decks. In the case of irregular shaped lots or flag lots, the ARC may establish front, side, and rear yard setbacks in addition to City of San Diego minimum guidelines to allow alternative siting of the improvement.
4. Fences, Walls, and Hedges (Also see IV.D.5):
  - a. Windbreaks and sound screens shall be considered to be fences.
  - b. Fences, walls, and hedges shall not exceed six (6) feet in height, except within six (6) feet of the front property lines, where a maximum height of three (3) feet is permitted.
  - c. Fences, walls, and hedges which will abut any existing wall or fence shall not exceed the established height of the existing wall or fence, except heights required by building codes for protection of swimming pools or spas.
  - d. Any fence, wall, or hedge which would block the view from other lots shall be subject to the approval of the ARC. Retaining walls shall be subject to the approval of the ARC.
  - e. The height of all fences, walls, and hedges shall be measured vertically from the average finished grade at the base of the fence or wall. Tops of all fencing, walls, or hedges installed on level ground shall be dead level. Tops of fencing, walls, or hedges installed on slopes, where permitted, may be parallel with the slope or stepped.
  - f. Existing fencing or walls shall not be modified or relocated by alteration, additions, or color without the express written approval of the Architectural

Review Committee. The ARC may approve the change to wrought-iron fencing, clear and non-patterned tempered glass or plexiglass placed on short stucco walls. Combination fences composed of stucco and wood or wrought iron and wood are not acceptable. Original fences constructed by the builder, or replacement fences, must maintain a minimum height of five (5) feet.

- g. Structural framing and/or unfinished sides of fences or walls shall not be exposed to any adjacent lot, common area, or street.
- 5. Overhangs and Other Projections: Cornices, eaves, and windows projecting above the footing of the dwelling may project into any front, side, or rear yard setback providing they meet all applicable City of San Diego building and zoning codes.
- 6. Patio Covers, Sun Shades, Trellises and Gazebos (Also see IV.D.6. and IV.B.2.B.):
  - a. Side elevations of structures shall not be enclosed in any manner, except in the case where a wall of a dwelling forms a natural enclosure to some or all portions of a side elevation.
  - b. No objects such as urns, pots, artificial flowers, planters, etc. shall be placed on top of structures in this section. All such "adornment" shall be located under, around, or suspended within the structure.
- 7. Deck Standards: Attached or unattached decks constructed of any material may not exceed two (2) feet above house slab level anywhere on the deck surface.
- 8. Balcony Standards (Also see IV.D.6):
  - a. The balcony may not extend further than six (6) feet from the house to which it is attached.
  - b. The balcony, measured parallel to the wall to which it is attached, may not exceed fifteen (15) feet.
  - c. The balcony should be accessible from the interior of the house as the primary means of access, although exceptions will be considered by the ARC on a case by case basis (see 8.d. below).
  - d. The balcony and its means of access may not unreasonably infringe upon the privacy of owners in neighboring lots. The Board and Architectural Review Committee reserve the right to evaluate privacy infringement based upon any relevant factors. These may include, without limitation, the distance from neighboring lot lines, the location of windows on neighboring homes in relation to the location of the

balcony, the aesthetic appearance of the balcony in relation to the surrounding property and other factors of a similar nature. While the opinions of neighboring property owners may be considered in decisions concerning approval of balconies, they will not be deemed binding on the Board or Architectural Review Committee.

- e. All materials used in the balcony must be painted to match existing colors of house or trim.
- 9. Antennas: No television and/or radio sending or receiving devices shall be affixed to the exterior of the unit nor allowed in the common areas. All devices of this type shall be restricted to the attic of the residence.
- 10. Trash Containers: Stored trash containers must be completely screened from streets, common areas, and other dwellings. It is recommended that trash containers be of a plastic material to reduce collection noise.
- 11. Exterior materials, colors and finishes (See IV.D.): Exterior materials, colors and finishes of building, fences, walls, and structures as first applied by the developer and/or as approved by the Architectural Review Committee for new construction, additions, and/or alterations shall not be changed or altered without the approval of the ARC.
- 12. Flagpoles: The design, material, and installation of flagpoles shall be subject to the review and approval of the ARC.
- 13. Exterior Lighting: Exterior lights with bright light sources that can be seen from adjacent streets or homes shall not be allowed. (Examples of light sources are bulbs, lenses, reflector openings, etc.) Acceptable exterior lighting shall be directed or screened from being visible from adjacent streets or homes.
- 14. Basketball Backboards: For aesthetic purposes, basketball backboards are discouraged but will be considered on an individual basis by the ARC. Backboard attachment to a removable or portable standard is preferred as opposed to attachment to the dwelling. Every effort should be made by the homeowner to soften the visual impact of the backboard by location or by screening with adjacent landscaping (e.g. trees, etc.) Specific comment by affected adjacent neighbors is required, but will not be considered binding on the ARC. Backboards, including all attachments and mounting devices, shall be maintained by painting or staining to match existing house or trim as required by the Architectural Review Committee. Any backboard attachment not maintained to the satisfaction of the ARC shall be removed by the owner at the request of the ARC.

15. Mailboxes: Mailbox shall not be changed from that installed by developer and shall be subject to the control and approval of the Architectural Review Committee unless otherwise controlled by the U.S. Postal Service.
16. Mechanical or Solar Devices: All mechanical equipment exposed to the exterior, including pumps, heaters, air conditioning compressors, and solar devices including collectors, racks, storage facilities, and distribution components shall be subject to review and approval of the Architectural Review Committee.
  - a. Solar panels should be placed at locations with consideration given to the aesthetic balance of the house and the overall appearance of the community.
  - b. Solar panels should be installed at the rear of the house or garage, when possible.
  - c. Solar panels shall be located in a plane parallel to the roof plane.
  - d. Solar installation shall not exceed an overall height of eight (8) inches from the roof surface when being used for domestic water heating and not more than four (4) inches when used for swimming pool water heating.
  - e. Solar panels shall be encased or framed with a fascia or trim that shall be painted to match the roof material or the exterior house trim, when necessary.
  - f. Solar panels should be located so that they do not transmit glare to surrounding houses.
  - g. Solar panels must be joined abutting each other with no gaps where appropriate.
  - h. If the hot water storage tank will be located outside the house or garage, it must be completely enclosed and meet architectural guidelines.
  - i. All pipes leading to and from solar panels should not be visible, if at all possible. If any pipe or other equipment is visible, it shall be painted to match the color of that part of the house to which it is immediately affixed.
  - j. The non-solar collecting parts of the panels should be painted or treated with non-reflecting material and match the immediately surrounding color of the existing structure.
  - k. Preferably, all pipes should not be visible from outside the property.

17. Chimneys:

- a. Heights: Chimney heights may not exceed City of San Diego and Building Code Standards.
  - b. Exterior Dimensions: The exterior dimensions of chimneys shall be subject to the control of the ARC so as to minimize obstruction of view or line of sight of other lots.
18. Landscaped Slope Areas: No building or structure of any kind will be allowed on or abutting sloped areas.
19. Storage Sheds: Outdoor storage sheds not used for living purposes are acceptable only if inconspicuous and of low profile. City setback requirements must be observed. Sheds covered with stucco or siding to match existing dwelling in color or finish are preferred. Metal sheds that are compatible in color with existing dwelling will be considered. Wooden storage sheds are not acceptable.
20. Roofs: Roofs must match existing. No wood shake, shingle, composition or tin roofs will be allowed.
21. Sun Rooms: Sun rooms are not allowed unless they match materials, trim, and finishes of existing dwelling. Sun rooms require architectural approval.

C. Landscaping, Pool, and Recreational Standards:

1. Landscaping:

- a. At maturity, trees, bushes or other plants may not exceed the height of the dwelling on the lot. Submitted plans shall show in detail the proposed locations and elevations and the heights at maturity of said trees, bushes, shrubs, or plants, including location, elevation, and height in relation to other lots.
- b. The ARC shall have the right, but not the obligation to require any owner to remove, trim, top, or prune any tree, bush, shrub, or plant which in the reasonable belief of the ARC impedes or detracts from the view or line of sight of any lot.
- c. Unless landscaped by builder, front yards shall be landscaped within one hundred eighty (180) days following conveyance of a lot to the first owner.
- d. Lots have been engineered and graded to allow for proper drainage. Local ordinances require homeowners to maintain correct grades of lots so that water drainage does not flow onto adjoining properties, open space or common areas or prevent overflow from same. Homeowners should retain a civil engineer to review any significant modification of established grading or

drainage. This is particularly important for those lots that abut large common maintained slopes. The ARC may require that grading or drainage plans be prepared by a licensed or registered civil engineer. Approval of plans does not constitute authorization to change drainage installed by the developer.

2. Pool, Spas, Hot Tubs, Ponds, and Fountains:

- a. All accessory equipment shall be located, screened, or recessed in such a manner so as not to be viewed from outside the property at ground level of the residence.
- b. Heaters shall be stackless or low-profile in configuration.
- c. All installations shall be located, sound controlled, and maintained in such a manner so as not to disturb residents of other lots. The ARC shall have the right, but not the obligation, to require any owner to repair or restore any installation to quiet operation or restrict its use or operation if in the reasonable opinion of the ARC, continued use or operation disturbs residents of other lots.

3. Cross view areas (See IV.B.2.C.)

4. Recreational: The ARC may consider the possible impact to other lots when reviewing proposed outside recreational use or activity areas. Such review shall include, but not be limited to, noise and light intrusion.

D. Building Materials, Color and Finishes: All requirements noted within this section shall be incorporated into the final plan submission in the form of general notes, details, or drawings (See also IV.B.11).

1. Exterior colors, materials, and finishes of new constructions, additions, and/or alterations must match those of the existing dwelling.
2. Window and Door Openings: Window openings within exterior wall surfaces shall be located in a manner consistent with the existing treatment.
3. Window Glazing, Tinting, and Shading: Reflective glass film and plastic roll up shades shall not be permitted. Exterior shades of any type shall not be permitted.
4. Awnings: Awnings shall be subject to the following standards:
  - a. Material: Woven cloth of natural fiber such as cotton canvas.
  - b. Frame Work and Mechanical Parts: Must be concealed from view of other lots or public rights of way.



- c. Color: Material shall be of one color and compatible with exterior colors of dwelling to which awnings are to be attached.
  - d. Finish: No tassels or scalloped edges.
  - e. Conditions of Approval: Because awnings are subject to fading, may deteriorate with time, or may be damaged by the elements, owners agree to remove or replace with like kind any awning which, in the opinion of the ARC, has become discolored, deteriorated, or damaged. Said removal or replacement shall be completed within sixty (60) days of written notice having been sent to owner with said awnings.
5. Walls and Fences (Also see IV.B.4.):
- a. Materials utilized for perimeter walls and fences shall be consistent with the perimeter walls, fences, and gates originally installed by developer. Clear non-colored and non-patterned glass placed on a short stucco wall in a view area or for protection from wind is permitted. A combination of stucco and wrought iron may be approved by the ARC. Combination wood and stucco fences are not acceptable.
  - b. Acceptable Colors and Finishes:
    - (1) Wood gates colored to match existing trim or siding color.
    - (2) Stucco applied to masonry color and texture to match existing developer installed stucco.
    - (3) Wrought iron color and styling to match existing wrought iron installation.
  - c. Unacceptable Materials:
    - (1) Chain link, poultry wire, or other types of woven wire, including plastic coated wire.
    - (2) Aluminum or sheet metal.
    - (3) Plastic or fiberglass materials other than clear non-patterned tempered glass or plexiglass.
    - (4) Reed or straw-like materials.
    - (5) Rope or other fibrous strand elements.
    - (6) Concrete block, plain or painted.
    - (7) Grape stake or tri-stake.

6. Patio Covers, Sunshades, Trellises, Gazebos and Balconies  
(Also see IV.B.6. and VI.B.8.):

a. Acceptable Materials:

- (1) Structure of frame work, including any overhead portions, to be of wood construction only with the exception of vertical support members. Vertical support members may be clad with stucco or brick to relate to existing structures.
  - (a) Exposed wood surface shall be painted or stained to match color of existing dwelling or trim.
- (2) Open, lath roofs are preferred for patio covers, sunshades and gazebos, although solid wood (not plywood, compressed wood, etc.) will be considered.
  - (a) Solid wood patio covers may not be used as decks or balconies unless they conform with Balcony Standards. (See IV.B.8.).
- (3) If roofing materials are applied to patio covers, sunshades and gazebos, said structures should be pitched and either:
  - (a) roofed with materials matching the roof materials of the dwelling; or
  - (b) roofed with composition materials that closely match the color of existing dwelling or trim, and are attractive in overall appearance in the opinion of the ARC.

b. Unacceptable Materials:

- (1) Structures and frameworks of exposed metal.
- (2) Roofing materials of:
  - (a) Crushed rock.
  - (b) Built-up or composition roofing not conforming to conditions in 6.a.(3) (b) above.
  - (c) Asphalt shingles or wood shakes.
  - (d) Plastic or fiberglass, flat or corrugated.
  - (e) Canvas.
  - (f) Aluminum.

(g) Exposed plywood

(h) Asphalt, tar and similar materials

(i) Tar paper/Tar

7. Roof Vents: All roof vents to be colored to match the dominant roofing material.
8. Chimney Flashing: All chimney flashing to be colored to match integral or applied color of chimney stucco.
9. Sheet Metal: All exposed sheet metal to be colored to match related material or surface being flashed.

## MONTELOMA HOMEOWNERS ASSOCIATION

SUBMITTAL PROCESS AND PROCEDURES

- A. Intent: By way of illustration, but without limitation, submissions to the Architectural Review Committee (ARC) for approval are required for the following improvements:
1. New construction or installation, including dwellings, accessory buildings, garages, fences, retaining walls, steps, awnings, canopies, poles, mail boxes, trellises, patio overheads, decks, balconies, gazebos, wind screens, tennis courts, swimming pools, fountains, spas, hot tubs, recreational apparatus, exterior lighting, sound systems, solar energy systems, satellite dishes, trailers, recreational vehicles, metal storage sheds, and solar panels.
  2. Installation or revision of landscaping, hardscaping, or surface improvements including ground covers, trees, shrubs, plants, irrigation or drainage systems, recreation areas or courts, and surface drainage revisions.
- B. City of San Diego and Other Approval: Approval of any project by the ARC does not waive the requirement for the permits, nor does obtaining all required permits waive the need for Architectural Review Committee approval. The ARC will not knowingly approve a project which violates the building or zoning codes or those of any other governmental agency or entity, and takes no responsibility for plan conformance to any criteria other than these Design Standards.
- C. Submittal Fees: The ARC may require the Owner to pay a submission fee to cover the cost to the Monteloma Homeowners Association of the review of plans and specifications for the proposed improvements.

The ARC may also require the posting of a five hundred dollar (\$500.00) deposit to cover the cost of restoration or repairs to the common area. Any security deposit not utilized for repairs to the common area shall be returned to the homeowner.

In addition to a security deposit, the ARC, in its discretion, may require an indemnity or restoration agreement.

- D. Submission Procedures and Requirements:
1. All applications are to be made to Professional Management Associates, the managing agent for Monteloma Homeowners Association. Applications may be mailed or delivered to:

Monteloma Homeowners Association  
c/o Professional Management Associates  
5897 Oberlin Drive, Ste. 212  
San Diego, CA 92121

Telephone inquiries should be directed to (619)452-8675.

2. Request Forms: All requests for ARC approval must be made on the standard Monteloma Homeowners Association form, a copy of which may be obtained from Association management.
3. Required Copies: Three (3) complete sets of plans must be submitted with each application.
4. Construction Drawings and Specifications: Plans must be prepared in accordance with applicable building codes and with clarity and completeness. It is recommended that work involving major additions, custom homes, or work requiring variances be submitted at the preliminary drawing stage for review by both the Architectural Review Committee and the City Building Department. Final drawings should not be prepared until after preliminary plans have been approved.
5. Neighbor Notification: An owner desirous of constructing an improvement must notify his/her neighbor(s) who own property adjacent to or facing the property to be improved or whose property would be impacted by the improvements. Written proof of such notification must be included with a submittal.
6. Incomplete Submissions: To avoid unnecessary delays and expense, the ARC shall not accept an incomplete submittal for consideration. Incomplete submittals shall be returned to the applicant along with a copy of the checklist noting the area of deficiency.
7. Non-Liability: Plans and specifications are not approved for engineering design. By approving such plans and specifications neither the ARC, the member thereof, the Association, the Members, the Board of Directors, designated representatives, nor the Declarant assumes liability or responsibility therefor, for any defect in any structure constructed from such plans and specifications.
8. Homeowner Notification: The decisions of the Architectural Review Committee shall be transmitted by the ARC to the applicant within forty five (45) days after receipt of all necessary plans and information by the ARC.
9. Disposition: Upon approval/disapproval or in the event the ARC requests clarification or additional information, all submissions shall be distributed as follows:
  - a. One (1) plan, whether approved or disapproved, shall be retained by the ARC as its working copy.
  - b. One (1) approved plan shall be placed in the Association files.

- c. One (1) approved plan shall be returned to the homeowner who shall be required to maintain the same at the work site during the course of construction until such time as a final inspection has been made by the ARC or its designated representative.
  - d. Disapproved plans or those requiring clarification or additional information shall be returned to the homeowner. Said plans shall be included with subsequent submissions.
- 10. Time Period: All works of improvement(s) shall be completed within one hundred twenty (120) days after the date of approval, unless otherwise specified in writing by the ARC. If not so completed, the ARC may void the approval and require a new submission for review.
  - 11. Inspection: Within thirty (30) days after completion of the improvement as indicated on the "Approved" copy of the drawings and specifications, the owner/applicant shall notify the ARC in writing for final inspection and approval using the required form. If for any reason the ARC fails to notify the owner of any noncompliance within sixty (60) days after receipt of written notice of completion from the Owner, the Improvements shall be deemed to be in accordance with the approved plans.
  - 12. Appeals: In the event plans and specifications submitted to the ARC are disapproved thereby, the party or parties making such submission may appeal in writing to the Board. The written request must be received by the Board not more than fifteen (15) days following the final decision of the ARC. The Board shall submit such request to the ARC for review, whose written recommendation will be submitted to the Board. Within sixty (60) days following receipt of the request for appeal, the Board shall render its written decision. The failure of the Board to render a decision within said sixty (60) day period shall be deemed a decision in favor of the applicant.
  - 13. Enforcement: Failure to obtain the necessary approval from the Monteloma Homeowners Association may constitute a violation of the Declaration of Covenants, Conditions & Restrictions and these Guidelines, and may require modification or removal of work at the expense of the homeowner.
  - 14. Amendments: The ARC may amend, in its discretion, these Guidelines. Any amendment to the design guidelines or these submission proceedings shall be in writing and shall be published to all members. An amendment shall be effective no less than thirty (30) days after its publication to any member.