

ARCHITECTURAL GUIDELINES

PREPARED FOR

VILLAGE COTTAGES HOMEOWNERS ASSOCIATION

Adopted by the Board of Directors
Date: December 29, 1998

VILLAGE COTTAGES HOMEOWNERS ASSOCIATION

ARCHITECTURAL GUIDELINES

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ARCHITECTURAL GUIDELINES
FOR
VILLAGE COTTAGES HOMEOWNERS ASSOCIATION

I PURPOSE

As set forth in the Declaration of Covenants, Conditions and Restrictions, the Architectural Committee is vested with the power to review and approve all Improvements to all Dwelling Units for Village Cottages Homeowners Association. Such Improvements include, without limitation, additions, modifications and alterations to Units, signs, fences, walls, landscaping, screens, patios and patio covers, window treatments, air conditioning units and attic fans, and any other modifications to the exterior of a Dwelling Unit or other Improvements or alterations to your home.

The Architectural Committee does not seek to restrict individual creativity or personal preference, but rather help assure a continuity in design which will help preserve and improve the appearance of the Community and enhance the property values of all Owners in the Community.

The Architectural Committee shall consist of not less than three (3) members. Members of the Architectural Committee shall receive no compensation for services rendered other than reimbursement by the Association for any expenses that might be incurred in performing their duties. The Architectural Committee has the right to retain architects or other construction specialists as may be necessary to perform its duties.

Prior to the commencement of any addition, alteration or construction work of any type on any residential Unit in the Village Cottages Homeowners Association, you must first make application to the Architectural Committee for approval of such work. Failure to obtain approval of the Architectural Committee may constitute a violation of the Declaration of the Restrictions affecting your home, and may require modification or removal of unauthorized works of Improvement at your expense.

A building or other permit may be required by the County of Orange Building Department, or other governmental agencies prior to the commencement of any work. 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.

II. GUIDELINES

A. Submission Procedure Requirements.

- 1) All applicants ("Applications") for Architectural Review Committee approval are to be made on the standard Village Cottages Home Improvement Form (Exhibit A).
- 2) Submission of Applications. All Applications are to be made to the Village Cottages Architectural Review Committee, c/o Merit Property Management, 25910 Acero Street, 2nd Floor, Mission Viejo, CA 92691.
- 3) Reasonable Fees. The Board of Directors, or the Architectural Review Committee, may assess a fee not to exceed \$50.00 per submission for review of plans and specifications required pursuant to these standards.
- 4) Construction Drawings. Plans and specifications for works of Improvement must be prepared in accordance with the applicable building codes, and with sufficient clarity and completeness to enable the Committee to make an informed decision on your request.
- 5) Submission of Application for Improvements. Please forward three (3) sets of your proposed plans and specifications, together with the standard Home Improvement Form (Exhibit A), and the Facing, Adjacent and Impacted Neighbor Statement (Exhibit B) along with the following information to the Architectural Committee to constitute a complete Application. Please mail this information to the address noted above in item #2. One (1) set will be returned to you after completion of the review.
 - a) Plot plan drawn to scale showing the following:
 - i) All proposed Improvements and relevant elevations, together with the desired location of such Improvement to the Unit.
 - ii) Complete dimensions of the proposed Improvements.
 - b) Description of materials to be used, including the proposed color scheme. Samples should be provided.
 - c) Drainage plans (if applicable) where the established drainage pattern might be altered by the proposed Improvement.
 - d) Floor plans (if applicable) showing overall dimensions and area of Improvements reflecting your preliminary design concept.
 - e) Description of proposed construction scheduled.
 - f) Landscape plan and working drawings (if applicable).

- g) If proposed Improvements require access over the Common Area facilities for purposes of transporting labor or materials, written permission shall be required from the Association. Any such requests must be filed with the Board of Directors prior to the commencement of your Improvement.
- h) Any other information or documentation deemed to be necessary by the Architectural Committee in evaluating your request.

B. Failure to Comply with Required Procedures.

Failure to comply with the requirements and procedures set forth herein shall cause your Application 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.

C. Approval by Architectural Committee.

Decisions of the Architectural Committee and the reasons therefore shall be transmitted by the Architectural Committee to the Applicant at the address in the application for approval, within thirty (30) days after receipt by the Architectural Committee. Any application submitted shall be deemed approved, unless written disapproval or a request for additional information or materials by the Architectural Committee shall have been transmitted to the Applicant within thirty (30) days after the date of receipt by the Architectural Committee of such application or additional information.

D. Enforcement.

Failure to obtain the necessary approval from the Architectural Committee, or failure to complete the Improvements in conformity with the plans and specifications approved by the Architectural Committee, may constitute a violation of the CC&R's and may require modifications or removal of any work or Improvement at your expense.

E. Violations.

All Owners in the Village Cottages Homeowners Association shall have the right and responsibility to bring to the attention of the Architectural Committee, any violations of the standards set forth herein.

F. Notice of Completion.

Upon the completion of any construction or reconstruction or the alteration or refinishing of any Improvement, or upon the completion of any other work for which approved plans and

specifications are required, the Owner shall complete and forward a written Notice of Completion (Exhibit C) to the Architectural Committee.

G. Inspection.

Upon completion of any work for which approved plans are required, the Owner shall give written notice of completion to the Architectural Committee. Within sixty (60) days thereafter, the Architectural Committee or its duly authorized representative may inspect such Improvement. If the Architectural Committee finds that such work was not done in substantial compliance with approved plans it shall notify the Owner in writing of such noncompliance within such sixty (60) day period, specifying the particulars of noncompliance, and shall require the Owner to remedy the same.

H. Noncompliance.

If upon the expiration of thirty (30) days from the date of such notification the Owner shall have failed to remedy such noncompliance, the Architectural Committee shall notify the Board 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 the same within a period of not more than forty-five (45) days from the date of announcement of the Board ruling.

If the Owner does not comply with the Board ruling within such period, the Board, at its option, may record a notice of noncompliance in the Office of the Orange County Recorder and may peacefully remove the noncomplying Improvement or otherwise peacefully remedy the noncompliance, and the Owner shall reimburse the Association, upon demand, for all expenses incurred in connection therewith. If such expenses are not promptly repaid by the Owner to the Association, the Board shall levy a Special Assessment against such Owner for reimbursement.

J. Appeal.

In the event plans and specifications submitted to the Architectural Committee 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 thirty (30) days following the final decision of the Architectural Committee. The Board shall submit such request to the appropriate Architectural Committee for review, whose written recommendations will be submitted to the Board. In the event plans and specifications submitted to the Architectural Committee are approved, such decision shall be final unless the decision is appealed to the Board within ten (10) days of the decision by the Architectural Committee. Such decision may be appealed by any member of the Board, the Architectural Committee or any Owner.

Within forty-five (45) days following receipt of the request for appeal, the Board shall render a written decision. The failure of the Board to render a decision within said forty-five (45) day period shall be deemed a decision in favor of the decision made by the Architectural Committee.

III. ARCHITECTURAL STANDARDS

A. Structural or Material Additions or Alterations.

Exteriors of any building shall conform to the material, colors, character and detailing as established on existing Units within the respective Tract.

- 1) Structures in this section shall conform to the original structural character of the existing Dwelling Unit.
- 2) Patio sun shades, arbors and trellis structures shall be of wood construction only, with the exception of vertical supports which may be of stucco or masonry.
- 3) Structures under this section shall be painted to match the colors used on its appurtenant Dwelling.
- 4) Structures in this section shall either have flat or shed roofs, or a form consistent with the existing roof lines.
- 5) In designing this addition, intrusion upon a neighbor's privacy, or the passage of light or air to a contiguous Unit, shall be kept to an absolute minimum.

B. Landscaping and Other Related Improvements.

Nothing shall be altered, constructed on or in or removed from the Association Property or Common Area except upon the written consent of the Board.

C. Drainage.

There shall be no interference with the established drainage pattern over any Unit within the Property, unless an adequate alternative provision is made for proper drainage and is first approved in writing by the Architectural Committee.

D. Gutters and Downspouts.

No gutters, downspouts or scuppers to control water shed from roofs shall be installed without prior approval of the Architectural Committee. Such Improvements shall be primed and painted to match the surface color of its appurtenant Dwelling. Each Owner shall also ensure that the gutters and downspouts serving his/her Dwelling Unit are kept clean and free of debris.

E. Outside Installations.

No radio station or shortwave operators of any kind shall operate from any Unit unless approved in writing by the Architectural Committee, or by the Board of Directors, and the same be contained within a building or underground conduits. No exterior radio antenna, C.B. antenna,

television antenna, or other antenna of any type shall be erected or maintained within the Property unless approved in writing by the Architectural Committee, or by the Board of Directors.

No other appliances or installation on exterior roofs of structures, including, without limitation, roof-top turbine ventilators, shall be permitted unless they are installed in such a manner that they are not visible from streets, Association Property, or neighboring Units, except that attic ventilators and solar panels which are architecturally treated in conformity with guidelines contained in the Architectural Standards and which have been approved by the Architectural Committee shall be permitted.

F. Fences and Walls.

No fence or wall shall be erected, altered or maintained for the benefit of any Unit in the Property, except with the prior written approval of the Architectural Committee. Unless otherwise provided in the CC&R's, all walls or fences initially constructed by Declarant shall be permanently maintained by the Owners of the Units on which they are located. Any alterations or modifications of the walls or fences not addressed herein shall be subject to the prior written approval of the Architectural Committee.

G. Solar Energy Systems.

As provided in Section 714 of the California Civil Code, reasonable restrictions on the installation of solar energy systems that do not significantly increase the cost of the system or significantly decrease its efficiency or specified performance, or which allow for an alternative system of comparable costs, efficiency, and energy conservation benefits may be imposed by the Architectural Committee. Whenever approval is required for the installation or use of a solar energy system, the Application for approval shall be processed and approved by the Architectural Committee in the same manner as an Application for approval of an architectural modification to the Property.

H. Window Coverings.

Curtains, drapes, shutters or blinds may be installed as window covers, provided that any portion of such window cover which is visible to the public is a neutral color (i.e., white, off-white, beige, or a similar light color). No window shall be covered with aluminum foil, sheets, newspapers or similar material not intended or designed for use as a window cover.

I. Temporary Buildings.

No outbuilding, tent, shack, shed or other temporary building or any kind shall be placed upon any portion of the Properties, either temporarily or permanently, except any such structure that does not extend above the height of a fence or wall appurtenant to the Unit. No garage, trailer, camper, motorhome, or recreational vehicle shall be used as a residence in the Properties, either temporarily or permanently.

J. Right to Adopt Additional Architectural Standards.

The Board of Directors may, from time to time, adopt and promulgate additional Architectural Standards to be administered through the Architectural Committee. Copies of such additional Architectural Standards, together with any Rules and Regulations adopted and promulgated by the Board of Directors and/or the Architectural Committee, shall be on file at the office of Merit Property Management.

IV. GENERAL CONDITIONS

- A. No portion of the Property may be used for the storage of building materials, refuse or any other materials, except that building materials maybe kept on any balcony, deck, patio or parking space temporarily, during construction which has been previously approved by the Architectural Committee.**
- B. An oversight of a Covenant, Condition or Restriction, or a Committee policy does not constitute waiver of that rule and therefore, must be corrected upon notice.**
- C. 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.**
- D. Any damage to Village Cottages Homeowners Association Property will be replaced or repaired by a Village Cottage subcontractor. All applicable charges for restoration will be charged back to the responsible Owner and is due and payable within thirty (30) days from notification or assessment of penalties.**
- E. Approval of plans is not authorization to proceed with Improvements on any property other than the Unit owned by the Applicant.**
- F. An Improvement may be repainted without Committee approval, so long as the Improvement is repainted the identical color with which it was last painted in compliance with all applicable restrictions.**

VILLAGE COTTAGES HOMEOWNERS ASSOCIATION

C/O Powerstone Property Management
9060 Irvine Center Drive, Irvine, CA 92618
Phone: (949) 716-3998

HOME IMPROVEMENT FORM (Exhibit A)

Owner:	Date:
Property Address:	
Home Phone:	Cell Phone:
Email Address:	

Type of work proposed (check all that apply):		
LANDSCAPE	HARDSCAPE	EXTERIOR
<input type="checkbox"/> Front yard	<input type="checkbox"/> Wall	<input type="checkbox"/> Lighting
<input type="checkbox"/> Rear yard	<input type="checkbox"/> Pavers	<input type="checkbox"/> Roof
<input type="checkbox"/> Exterior Paint:		<input type="checkbox"/> BBQ
Color Scheme # _____		<input type="checkbox"/> Other: _____
		<input type="checkbox"/> Water Feature
		<input type="checkbox"/> Gate/Fence
		<input type="checkbox"/> Pool/Spa
		<input type="checkbox"/> Patio Cover/Gazebo
		<input type="checkbox"/> Room Addition
		<input type="checkbox"/> Solar Panels

The undersigned owner acknowledges and agrees that no work on the proposed improvements shall commence until written approval is received from the Committee and all conditions of such approval have been satisfied. Failure to obtain the required Committee approval of any improvement or failure to comply with all applicable architectural guidelines and local ordinances/building codes will constitute a violation of the CC&Rs and as the owner, I may be required to modify or remove such improvement at my sole expense.

_____ Owner's Signature	_____ Owner's Printed Name	_____ Date
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Committee Use:

☐ APPROVED AS PRESENTED

☐ APPROVAL CONDITIONED AS FOLLOWS:

☐ DISAPPROVED FOR THE FOLLOWING REASONS:

☐ INCOMPLETE APPLICATION - RETURNED TO APPLICANT/OWNER

Date: _____

COMMITTEE SIGNATURE: _____

DATE: _____

COMMITTEE SIGNATURE: _____

DATE: _____

COMMITTEE SIGNATURE: _____

DATE: _____

VILLAGE COTTAGES HOMEOWNERS ASSOCIATION

FACING, ADJACENT AND IMPACTED NEIGHBOR STATEMENT

(Exhibit B)

The intent is to advise your neighbors who own property adjacent to and in the immediate vicinity of, your lot (property) line or unit. Neighbors must sign this form and may add their comments in the space provided below. Each neighbor must also initial each set of plans. Signing this form does not denote approval of the plans. A neighbor's objection to the plans will not necessarily cause Committee denial of the plans if the plans comply with the Architectural Guidelines.

ADJACENT REAR YARD:

Neighbor Name

Lot # / Address

Signature

ADJACENT REAR YARD:

Neighbor Name

Lot # / Address

Signature

LEFT SIDE:

Neighbor Name

Lot # / Address

Signature

YOUR

HOUSE

RIGHT SIDE:

Neighbor Name

Lot # / Address

Signature

FACING FRONT YARD:

Neighbor Name

Lot # / Address

Signature

FACING FRONT YARD:

Neighbor Name

Lot # / Address

Signature

The undersigned owner acknowledges and agrees to notify the impacted neighbor(s) of any pending construction or exterior modification, which is only permitted during the following times:

8 a.m. – 5 p.m. Weekdays | 8 a.m. – 5 p.m. Saturdays | No work on Sundays or any Federal holidays

Owner's Signature

Owner's Printed Name

Date

Exterior Paint Request – Additional Photos Required (Exhibit C)

Please provide clear photos of your neighbor's homes.

**Digital Photo
(front of house)**

Adjacent Neighbor - Right

**Digital Photo
(front of house)**

Your Home

**Digital Photo
(front of house)**

Adjacent Neighbor - Left

VILLAGE COTTAGES HOMEOWNERS ASSOCIATION

ARCHITECTURAL REVIEW APPLICATION CHECKLIST

CHECKLIST (Homeowner to Complete)

A description of what must be included on each of the drawings required below may be found in the Architectural Guidelines.

Part I – All Improvements

This part lists the submittal requirements for All Improvements, which must be included with any and all submittal requests.

- _____ Completed Home Improvement Application (Exhibit A)
- _____ Facing, Adjacent and Impacted Neighbor Statement (Exhibit B)

Part II – Landscape Improvements

This part must be completed by all applicants for Improvements involving all landscaping in any yard (i.e., plant material, hardscape, spa or pool, fences and walls).

- _____ Landscape Plan (may be included as part of Plans/Drawings)
- _____ Planting Plan (common names and not Latin names)
- _____ Photographs of existing area before proposed construction improvements

Part III – Exterior Improvements

This part must be completed for exterior alterations including, patio covers, trellises, gazebos, balcony, window and door treatment, and material changes.

- _____ Exterior Elevations
- _____ Floor Plans (in the case of detached structures, such as gazebos, floor plans may be included in the Plans/Drawings)
- _____ Photographs of existing area before proposed construction improvements

Part IV – Building Plans/Additions

This part must be completed for space Improvements, such as room conversions affecting the exterior appearance of the homes.

- _____ Exterior Elevations
- _____ Floor Plans (may be included on Plot Plan)
- _____ Roof Plan
- _____ Building Section(s) (if necessary)
- _____ Photographs of existing area before proposed construction improvements

Part V – Exterior Painting

This part must be completed for any exterior repainting.

- _____ Color Scheme Selection from Village Cottages color book or;
- _____ Paint chip samples of all proposed colors denoting the location of each color to be used
- _____ Completed Exhibit C – Additional Photos Required

VILLAGE COTTAGES HOMEOWNERS ASSOCIATION

C/O Powerstone Property Management
9060 Irvine Center Drive, Irvine, CA 92618
Phone: (949) 716-3998

NOTICE OF COMPLETION FORM

Owner:	Date:
Property Address:	
Home Phone:	Cell Phone:
Email Address:	

Type of work completed (check all that apply):		
LANDSCAPE	HARDSCAPE	EXTERIOR
<input type="checkbox"/> Front yard <input type="checkbox"/> Rear yard <input type="checkbox"/> Exterior Paint: Color Scheme # _____	<input type="checkbox"/> Wall <input type="checkbox"/> Pavers	<input type="checkbox"/> Lighting <input type="checkbox"/> Roof <input type="checkbox"/> BBQ <input type="checkbox"/> Other: _____ <input type="checkbox"/> Water Feature <input type="checkbox"/> Gate/Fence <input type="checkbox"/> Pool/Spa <input type="checkbox"/> Patio Cover/Gazebo <input type="checkbox"/> Room Addition <input type="checkbox"/> Solar Panels

Be sure to submit this form by your installation deadline (per your approval letter) and include the following with your Notice of Completion form:

- ☐ Color photographs of all completed improvements

Notice is hereby given that the undersigned is the owner of the above noted property where the work took place and that the improvements proposed in the approved architectural application have been completed in accordance with the Board's written approval.

I understand that I am responsible for correcting any portion of the improvement that does not meet the specifications in the approved plans and that the Board has sixty (60) days from receipt of this notice to inform me of any modifications needed.

_____ Owner's Signature	_____ Owner's Printed Name	_____ Date
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Committee Use:

☐ APPROVED AS PRESENTED

☐ DISAPPROVED FOR THE FOLLOWING REASONS:

COMMITTEE SIGNATURE: _____ DATE: _____

COMMITTEE SIGNATURE: _____ DATE: _____

COMMITTEE SIGNATURE: _____ DATE: _____

VI. ENFORCEMENT POLICY

- A. Any violation that is an alleged violation of the Management Documents, Architectural Guidelines or Rules and Regulations of the Association will be processed according to the procedures outlined herein.**
- B. In the event one or more Members of the Association or Board of Directors file a Violation Report (Exhibit D) the Board would act as follows:**
 - 1) Send a letter to the Owner stating the alleged violation and date needed to cure said violation.**
 - 2) Upon expiration of the cure date, if the violation still exists, a second letter will be sent stating that the failure to abide by Association Architectural Guidelines has imposed a hardship on the Association and the Owner will be asked to attend a hearing with a Board appointed Panel.**
 - 3) The Owner will be notified as to the decision rendered by the Panel as a result of the hearing. If the Owner is found to be in violation of the Association's documents, the Panel will either (a) seek remedy by use of alternative dispute resolution such as mediation or arbitration, (b) apply monetary fines to the Owner's assessment billing, (c) impose a reasonable Reimbursement Assessment upon such Owner, (d) suspend voting privileges of such Owner, or (e) a combination thereof.**
 - 4) If the decision is to pursue a monetary fine system, the Village Cottages Fine Schedule will apply.**

NOTE: A violation is defined as an act in conflict with the CC&R's, Bylaws, Rules and Regulations and Architectural Guidelines of the Association.

EXHIBIT D

VILLAGE COTTAGES HOMEOWNERS ASSOCIATION

RULES AND VIOLATION REPORT

There must be two Owners representing two separate Units of the Association to pursue violations that can not be viewed during an inspection of the community (i.e., barking dog, noise nuisance, garage storage, etc.). Please be as specific as possible to allow the Board to expedite the process in a timely manner. All alleged violations will be evaluated to ensure they are considered an infraction as defined by the Association's legal documents.

REPORT FILED BY:

Name: _____

Name: _____

Address: _____

Address: _____

Phone: _____ Date: _____

Phone: _____ Date: _____

Signature: _____

Signature: _____

Name: _____

Name: _____

Address: _____

Address: _____

Phone: _____ Date: _____

Phone: _____ Date: _____

Signature: _____

Signature: _____

VIOLATION INFORMATION:

Name: _____ Address: _____ Phone: _____
(Alleged Violator's Name) (If Known)

Description of alleged violation: _____

(If additional space is needed, please use reverse side of form.)

Dates and times alleged violation occurs? _____

How often does the alleged violation occur? _____

VII. FINE SCHEDULE

- A. A letter will be sent to the Owner stating the alleged violation.**
- B. A second letter will be sent to the Owner stating the alleged violation continues and this letter will request the Owner appear before the Board.**
- C. If the result of the hearing is a monetary fine, a fine of \$50 will be applied to the Owner's account.**
- D. If the violation continues past the hearing and first fine stage, additional hearings will be scheduled with the Owner and the fines may be doubled with each hearing. Any fines not paid may result in legal action in accordance with California law.**
- E. The Board may determine to use alternative dispute resolutions or cause correction of the violation to effect a cure and the Owner may be responsible for legal fees and/or reimbursement of costs to the Association.**

NOTE: Should a violation occur which imposes a financial obligation on the Association, the party responsible for said violation shall reimburse, by way of a Reimbursement Assessment, the Association for this financial obligation. If, for example, a party damages a fence, tree or any other Association Property, repair and replacement costs will be charged to that party.

VIII. PROCEDURE FOR HOMEOWNER HEARING

- A. Introductions and hearing session procedures.
- B. Statement of violation by acting chairperson.
- C. Violator's statement and presentation of oral or written evidence.
- D. Review of CC&R requirements, Bylaws, and Architectural Guidelines of the Association.
- E. Discussion and questioning of the violator by the Panel.
- F. Questions and final statement by alleged violator.
- G. Homeowner is thanked for coming and told that they will be notified of the Panel's decision within ten (10) business days.
- H. Enforcement procedures as applicable.

Adjournment.

DOCUMENTATION

Name of Violator: _____ Phone Number: _____

Address: _____

Nature of Violation: _____

Panel Ruling: _____

Additional Comments: _____

Date: _____

**THE MATERIAL CONTAINED WITHIN THIS PACKET IS NOT INTENDED TO BE
SUBSTITUTED FOR THE SERVICES OF AN ATTORNEY. THE LAW AND ITS
INTERPRETATION ARE CONSTANTLY CHANGING.**

**PLEASE CONSULT YOUR PROFESSIONAL ADVISOR REGARDING YOUR
INVOLVEMENT IN AN ASSOCIATION.**