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www.nelliegailranch.org

ARCHITECTURAL SUBMITTAL PROCEDURES

Adopted May 21, 2014

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Section 1. General Submission Procedures and Requirements

All NEW construction or landscaping and all alterations to existing structures or landscaping must be approved by the Architectural Review Committee **PRIOR TO THE START OF CONSTRUCTION**. All applications are to be submitted to Nellie Gail Ranch Owners Association administrative offices located at:

25211 Empty Saddle Drive
Laguna Hills, CA 92653-5827
949.425.1477 - phone
949.425.1478 - fax

Applications may be mailed or delivered to the administrative office. All requests for Architectural Review Committee (ARC) approval must be made on the Nellie Gail Architectural Application Form (Exhibit A).

1.1. SUBMITTALS

The submission requirements are outlined below, and can also be found in detail in the Submittal Checklist (Exhibit B) and on the Nellie Gail website at www.nelliegailranch.org. The following are required:

- Two (2) sets of plans,
- One (1) completed application form - Exhibit A,
- Appropriate Review Fee and Completion Deposit.
- Once plans have been approved, a digital copy of the approved plans will be required for Association records.
- Certified surveys are required for all new or replacement perimeter walls, fencing, grading or any improvements on or near property lines, streets and easements or as requested on a case by case basis.

1.1.1. Plans for STRUCTURES (New Residential Construction/Exterior Additions) shall include the following as a minimum:

- i. Site Plan & Grading Plan - must show property lines, setbacks, drainage; trail easement lines, and any walls existing or proposed to be built.
- ii. If property lines are in question a survey must be completed prior to submission of plans.
- iii. Exterior Elevation Drawings (Samples of colors, materials, roofing, height (maximum 35 ft).
- iv. Any other information requested for clarification by the Committee.

1.1.2. Plans for landscaping (Plants & Hardscape) and auxiliary structures/equestrian facilities/sports courts shall include the following as a minimum:

- i. Site Plan & Grading Plan - Show setbacks, drainage, easement lines, property

lines, and any walls existing or proposed to be building with material, color and height (maximum 6 feet).

- ii. Planting Plans - Must indicate plant names, sizes, and location. Plans should also state the following: "All Planted Areas To Be Automatically Irrigated."
- iii. Hardscape Plans - Must indicate all types of materials to be used such as colors, along with pictures of planters, walls, fountains, pools, fireplaces, or other objects that will be integrated into the hardscape plan.
- iv. Exterior Elevation Drawings - Required for above ground structures such as the main house, fencing, auxiliary structures, patio covers, gazebos, pool houses, work rooms, equestrian facilities and the like. Plans must also indicate materials to be used, colors, and roofing material.
- v. Any other information requested for clarification by the Committee.

*** Please note, all plans and specifications for Single Family Residences and Auxiliary Structures must be prepared by an architect, engineer or building designer - licensed or certified as such under the laws of the State of California

1.2. INCOMPLETE SUBMISSIONS

To avoid unnecessary delays and expense, the ARC shall not accept any incomplete submittals for consideration. Incomplete submittals shall be returned to the applicant along with a copy of the checklist noting the areas of deficiency.

1.3. MEETING TIMES

The ARC meets monthly at the administrative office located at 25211 Empty Saddle Dr. Meeting dates and times can be obtained from the administrative office or Association website. In order to be included on the ARC agenda, you must have your submissions into the administrative office by the last business day of the month preceding the regularly scheduled ARC meeting. In consideration of other applicants, the committee tries to limit each presentation to five minutes. The applicant should submit all information necessary to convey the design intent in addition to the minimum requirements outlined in the Submittal Checklist exhibit.

1.4. NOTIFICATION OF ADJOINING PROPERTY OWNERS

A postcard will be sent to the impacted neighbors via USPS by the Association staff. The properties under review for the month will be posted on the Nellie Gail website. Impacted neighbors will be determined by the homeowner and confirmed by the Association's consulting architect. In addition, the Association will post a sign on the front and/or rear of the property under architectural review, for a minimum of one (1) week. The homeowner will be responsible for returning the sign. The cost for unreturned signs will be deducted from the architectural deposit. Signs placed on the property must be returned on or after the review date. If signs are not returned by the date of final inspection, a maximum charge of \$100 per sign may be deducted.

1.5. TIME PERIOD

The Committee shall consider and provide a written response to all completed applications within thirty (30) days after the plans and specifications have been submitted to the committee. Please allow adequate time between the approval and start of the project in case the Committee requests additional information.

If delays in commencement or completion are encountered, the Applicant must make a written request for an extension of the approval, citing the reasons for the delay and the approximate time for continuing the project. Unless extensions are granted in writing, substantial construction must start within 120 days from approval and be entirely completed within 365 days from approval. If a project has not commenced within 120 days after approval, the application becomes null and void and must be resubmitted for approval. Extensions may be granted if requested in writing to the ARC and if granted in writing by the ARC. Extensions will be granted at the discretion of the ARC.

1.6. APPLICATION FEES

Applications are available at the administrative office, or can be obtained on the Nellie Gail website. A non-refundable application fee will be required prior to review by the ARC. The purpose of this fee is to cover the cost of the consultant architect who is here to help you with your application submittal.

The application fee covers the cost of one submittal and one resubmittal. For all subsequent reviews by our paid consultants, the applicant will be charged additional fees unless circumstances warrant a waiver of fees. Fees may be waived for minor changes per plan such as changing colors, as per the ARC's discretion.

For a breakdown of the fees, please see the Fee Schedule (Exhibit C, adopted April 16, 2014), also available at the administrative office or the Nellie Gail website.

1.7. COMPLETION DEPOSIT

A refundable completion deposit may be required upon application submittal. Upon receipt of the Notice of Completion and the ARC site inspection showing conformance to the approved plans, and restoration of any damaged Association common area, Nellie Gail will refund the deposit. The completion deposit may be withheld until an Owner provides the Association with a digital copy of approved plans and notification signs. Return of the completion deposit may be forfeited or reduced as described in Section 1.8 below.

Deposit amounts are noted on the Architectural Fee and Completion Deposit Schedule (Exhibit C, April 16, 2014)

1.8. FORFEITURE OF COMPLETION DEPOSIT

The following reasons will result in forfeiture of the completion deposit.

- a. Damage to Association-owned or maintained property. In the event that damage is caused to Association property / easement, the Association shall repair the property at issue and withhold the cost of such repair from the security deposit. If the cost of the repair exceeds the amount of the security deposit, then the Owner shall pay the balance within fifteen (15) days of notification of payment due.
- b. Failure to complete changes. In the event that any Owner fails to complete changes in accordance with approved plans, the Association may withhold the security deposit. The Association may, at its discretion, remedy the noncompliance and if the completion deposit exceeds the cost for such work the Owner shall immediately reimburse the Association the costs incurred.
- c. Failure to provide a digital copy of approved architectural plans.
- d. Failure to return notification signs.

1.9. TRAIL ACCESS AND COMMON AREA DEPOSIT

In cases where access to the common area and/or trail is required, a trail deposit will be required from Property Owner (Exhibit E). A certificate of insurance and indemnification from the property owner and the contractor may be required. Arrangements must be made with the Association Office PRIOR TO THE START OF CONSTRUCTION. In the event an Owner fails to obtain the required permit for trail use, a cease and desist order may be issued. Please refer to the Equestrian Trail Use Policy for further details regarding trail use, including the deposit schedule.

1.10. CITY BUILDING PERMITS AND COMPLIANCE

Where applicable, Association approval is contingent upon obtaining City and other governmental approvals and permits. Building permits from the appropriate governing agency are required on many improvements, and it is the responsibility of the homeowner to secure any required permits prior to starting a project.

Approval of any improvement by the ARC shall not constitute approval by or compliance with ordinances, regulations and policies of the City. Similarly, approval of any improvement by the City shall not constitute approval of such improvement by the ARC.

1.11. STOP WORK ORDERS

Any construction that has been started without prior ARC approval or work that is not adhering to any approved plan or conditions of approval will be subject to a STOP WORK ORDER. No further work shall be performed, other than safety measures, until ARC approval has been obtained. The property owner will be charged a fee for changes or revisions to projects undertaken without ARC approval.

1.12. COMPLIANCE INSPECTION

In accordance with Article VIII, Section 4 of the CC&Rs, upon completion of any construction, reconstruction, alteration or refinishing of the exterior of any improvement, or upon the completion of any other work for which approved plans were acquired, the Owner shall provide written notification to the ARC. Such written notification shall be provided within thirty (30) days of completion using the Notice of Completion form (Exhibit F).

Within sixty (60) days after receipt of Notice of Completion (Exhibit F), the ARC, or its designated representative, may inspect the improvement to determine whether the improvement was constructed, reconstructed, altered or finished in substantial accordance with the approved plans.

If the ARC finds that such construction, reconstruction, alteration or refinishing was not performed in substantial compliance with the approved plans, the ARC shall notify the Owner, in writing, of such noncompliance within the sixty (60) day period.

Owner shall remedy any noncompliance within thirty (30) days of notification of noncompliance by the ARC.

The Association, during its design review process may access public information, such as Virtual Earth™ or Google Earth™, to assist in its evaluation.

Failure to obtain the necessary approval from the Nellie Gail Ranch Owners Association for work begun or completed will constitute a violation of the Declaration of Covenants, Conditions, and Restrictions and may require modifications or removal of work at the expense of the homeowner.

1.13. DEVIATIONS FROM APPROVED PLANS

Any changes to approved plans must be resubmitted to the ARC. If, after plans and specifications have been approved, the improvements are altered, erected or maintained upon the Lot other than as approved by the ARC, such alteration, erection and maintenance shall be deemed to have been undertaken without the approval of the ARC and shall be unapproved. The property owner will be charged a fee for changes or revisions to projects undertaken without ARC approval.

1.14. APPEAL OF ARCHITECTURAL DENIALS

In accordance with the California Civil Code, any denial of the Committee may be appealed to the Association's Board of Directors for reconsideration. Any appeal of an architectural denial must be made by the affected owner within thirty (30) days of the date the denial is dated. An application for appeal is made only by filling out an "Application for Appeal of Architectural Denial" form (Exhibit G), which may be obtained from the administrative office or the Nellie Gail website.

An Application for Appeal shall be heard at the Board Meeting following submission, so

long as the Application is received at least ten (10) days prior to the date of the meeting. Otherwise, the Application will be considered at the following Board Meeting. In any event, the decision of the Board of Directors in response to any Application for Appeal shall be provided within forty-five (45) days of the date such request is considered by the Board.

The requesting owner is encouraged to attend the Board Meeting at which the Appeal is being considered. In the event the requesting owner cannot attend the Board Meeting, then the owner is encouraged to provide the Board with a written description of the reasons why the Application for Appeal should be granted.

1.15. ABANDONED PROJECT

A project which is partially completed and stopped for any reason is subject to forfeiture of the completion deposit, unless the applicant contacts the Association and submits plans for "standing still" the property in order to protect the surrounding properties from erosion or damage or unsightly conditions. Such work shall begin immediately upon approval of plans by the ARC. This approval will be good for (90) days; with extensions granted at the discretion of the ARC.

1.16. EMERGENCY APPROVAL

Emergency approval may be granted for applications related to the safety of people or property, e.g. roofs, windows and doors. Fees for expedited review, if any, will be the responsibility of the property owner.

1.17. DISCLAIMERS

Only improvements depicted on the plans can be reviewed by the ARC. The Owner is responsible to ensure all improvements are depicted on the plans submitted. Any improvements not depicted on the plans are not approved.

Any modification to the Common Area, including equestrian trails, is strictly prohibited. Owner is responsible to ensure that all improvements are made on the Lot and not on Association property or easements. Owner shall be responsible for removal or alteration of improvements located on Association property or easements.

In the event that the City requires modifications to the plans and specifications previously approved by the Committee, the Owner shall submit to the Committee all modifications to the plans. The Committee shall have the right to review and impose further conditions on such modifications which are not inconsistent with the requirements imposed by the City.

The Committee shall have the right to impose conditions of approval of proposed Improvements which are more restrictive than conditions as may be imposed by the City.

1.18. Construction Rules

No construction signs shall be displayed on any residence. Tradesmen's, contractors, and installers signs of any type, including the signs identifying the residence as the site of their activities or operations are prohibited.

Construction activities shall be made in accordance with City ordinances.

1.19. EXHIBITS

The following exhibits are available for your convenience on the Nellie Gail website at www.nelliegailranch.org or at the Nellie Gail administrative office:

- Exhibit A – Architectural Application Form
- Exhibit B – Submittal Checklist (Minimum Requirements)
- Exhibit C – Architectural Fee and Completion Deposit Schedule
- Exhibit D – Flow Chart
- Exhibit E – Trail Permit Application
- Exhibit F– Notice of Completion Form
- Exhibit G – Appeal of ARC Denial