

## ARCHITECTURAL CONTROL RULES

### Chumash Village Homeowners' Association, Inc.

Adopted April 13, 2010

An Owner planning an improvement as set forth in Article III, Section 10 of the Declaration, including, without limitation, an improvement to an existing mobile home or relating to construction of a new mobile home on any Condominium mobile home space, must submit to the Association's Architectural Control Committee and/or the Board of Directors a written request for approval. It is understood that if a separate Architectural Control Committee has not been appointed by the Board, the Board shall act as the Architectural Control Committee and the term Committee hereafter used shall also apply to and refer to the Board, acting as the Committee. The Owner's request shall include structural plans, specifications, and plot plans. **Unless the Committee's approval of the proposal is first obtained, no work on the improvement shall be undertaken.**

**{Determination of suitability shall involve reference to the following, but not limited to Governing documents: Most current CC & Rs, Most current Bylaws Architectural Control Rules, Title 25, HCD Rules and Regulations and any other pertinent Governing Documents.}**

Once a work of improvement has been duly approved by the Board and/or the Architectural Control Committee, no material modifications shall be made in the approved plans and specifications and no subsequent alteration, relocation, addition, or modification shall be made to the work of improvement, as approved, without a separate submittal to, and review and approval by, the Committee.

Although it is recognized that the Committee's determination to approve or disapprove an improvement will, of necessity, be subjective to some degree, the members of the Committee shall act reasonably and in good faith. Factors commonly considered by the Committee in reviewing proposed improvements include the quality of workmanship and design; the harmony of the proposed improvement's exterior design, finish materials, and color with that of the existing structures; and the proposed location of the improvement in relation to existing surrounding structures, topography and finish grade elevation. The Owner-applicant may seek reconsideration of any Architectural Control Committee determination by written request to the full Board of Directors within fifteen (15) days after rejection.

The Committee shall be entitled to determine that a proposed improvement or component of it is unacceptable when proposed on a particular Condominium, even if the same or a similar improvement or component has previously been approved for use at another location within the Project, if factors such as visibility from roads, Common Areas, or other Condominiums or prior adverse experience with the product or components used in construction of the improvement, design of the improvement, or its use at other locations within the Project mitigate against construction of the Improvement or use of a particular component of it on the Condominium involved in the Owner's submittal.

**Preliminary Application:** To afford an Owner who is proposing to make substantial Improvements an opportunity to obtain guidance and comment from the Architectural Control Committee before expending substantial sums on complete plans and specifications, any Owner may apply to the Committee for preliminary approval of the proposed Improvement project. Applications for preliminary approval shall be considered and processed as follows:

- (i) Any application for preliminary approval shall be in writing and shall present sufficient detail to apprise the Architectural Control Committee of the general nature, location, dimensions and contemplated exterior colors and finishes of the proposed Improvement.

(ii) Within thirty (30) days after receipt of the application for preliminary approval, the Architectural Control shall grant the preliminary approval only if the proposed Improvement, to the extent that its nature and characteristics are shown to by the application, would be entitled to a final approval on the basis of a full and complete application. Failure of the Architectural Control Committee to act within sixty (60) days after the submittal date shall constitute a preliminary approval.

(iii) Any preliminary approval granted by the Architectural Control Committee shall be effective for a period of ninety (90) days from the date of issuance or such longer period as the Architectural Control Committee, on its discretion, may grant. During that period, any application for final approval that presents complete plans and specifications for the proposed Improvements, consistent with the provisions of the preliminary approval and otherwise acceptable under the terms of the Declaration and any applicable Architectural Rules, shall be approved by the Architectural Control Committee.

(iv) In no event shall any preliminary approval of a proposed Improvement be deemed to constitute final approval authorizing construction of the Improvement. The purpose of the preliminary review procedure is to give the Owner a measure of security in proceeding with the proposed Improvement project and committing funds to it. Final approval shall be based on a complete submittal conforming to the requirements as set forth below, provided that the Committee may, in its preliminary approval, waive any requirements that do not pertain to the proposed Improvement project

**Final Application:** Regardless of whether an Owner elects to seek preliminary approval of a proposed Improvement, all Owners, who desire to undertake any work of Improvement must apply to the Architectural Control Committee and receive its prior approval. The application shall be in writing and shall contain all information that is necessary to reasonably evaluate the nature, design, location and extent of the proposed Improvement including at a minimum, one complete set of plans and specifications for the Improvement project and such additional information as the Committee may reasonably request, either by Architectural Rule or while the project is under review.

To be complete, the plans and specifications for the proposed Improvement shall include a professionally prepared set of plans and the Owner's proposed construction schedule.

If the contemplated Improvement project is of a nature that does not merit extensive plans and specifications, the Architectural Control Committee may waive or modify any of the above plan and specification requirements on receipt of a written request from the applicant to do so.

Plans and specifications shall be submitted to the Architectural Control Committee by personal delivery or First-class mail addressed to the Secretary of the Association or the Chairman of the Architectural Control Committee at the Association's principal office.

In the event the Architectural Control Committee fails to approve or disapprove of plans and specifications within thirty (30) days after submittal of a completed application, the application shall be deemed approved. The Architectural Control Committee decision shall be in writing and if the proposed change is disapproved, the written decision shall include both an explanation as to why the proposed change is disapproved and a description of the procedure for reconsideration of the decision by the Board of Directors.

If a proposed change is disapproved, the applicant is entitled to reconsideration by the Board of Directors at an open meeting.

During the course of construction, representatives of the Architectural Control Committee shall have the right to inspect the jobsite to confirm that the Improvement project is proceeding in accordance with the approved plans and specifications. On the completion of any work of Improvements for which Architectural Control Committee approval is required, the Owner shall give the Architectural Control Committee a written notice of completion. Within thirty (30) days thereafter, the Architectural Control Committee may inspect the Improvement to determine whether it was constructed, reconstructed, altered, or refinished in substantial compliance with the approval plans. If the Architectural Control Committee finds that the Improvement was not erected, constructed, or installed in substantial compliance with the Owner's approved plans, then within the thirty (30) day inspection period the Committee shall give the Owner a written notice of noncompliance detailing those aspects of the Improvement project that must be modified, completed, or corrected. If for any reason the Architectural Control Committee fails to notify the Owner of any noncompliance within thirty (30) days after receiving the Owner's notice of completion, the Improvement shall be deemed to have been constructed in accordance with the approved plans for the project.

If the Owner fails to remedy any noticed noncompliance within thirty (30) days from the date of such notification, the Architectural Control Committee shall notify the Board of Directors in writing of such failure. The Board shall then set a date on which a hearing before the Board shall be held regarding the alleged noncompliance. The hearing date shall not be more than thirty (30) days nor less than fifteen (15) days after the Board issued the notice of noncompliance to the Owner, to the Architectural Control Committee and in the discretion of the Board, to any other interested party.