

Architectural Guidelines

THE MISSION DEL REY Homeowners Association Board of Directors and **THE MISSION DEL REY Homeowners Association ARCHITECTURAL REVIEW COMMITTEE (ARC)** have developed and adopted Architectural Guidelines which are enclosed along with an Architectural Application (**ARC AP**).

Please make additional copies of the enclosed ARC AP for your use, or you may obtain additional ARC Aps from the Association's Management Company:

Performance CAM, LLC
5135 Camino Al Norte #210
N. Las Vegas, NV 89032
Phone: (702) 362-0318
Fax: (702) 331-4188

Though few of us initially like the fact that we must submit our plans to an ARC for review and approval, many homeowners discover that the ARC review process is very helpful. Through the review process homeowners may discover that a particular improvement they are proposing will interfere with or alter drainage and cause flooding or water damage to the foundation, stucco, block walls, or other property belonging to the homeowner or his neighbors. At other times homeowners are grateful that an improvement that was not properly permitted and constructed next door to them must be removed and redone in accordance with building codes and duly inspected by the building department, because the CC&R's do require compliance with all governing agencies regulations and codes.

The ARC's purpose is NOT to impose the personal likes and dislikes of the members of the ARC on their neighbors. **Article 8 pages 37-42** of the CC&R's describes what the ARC does and information the ARC may require from you in order to review your request in a timely manner and be able to make an informed decision about your proposed project. Beginning construction prior to receiving written approval from the ARC, or failure to complete improvements in accordance with the approved plans and in compliance with all applicable governing agencies and building departments codes, ordinances and requirements are violations of the CC&R's. Always keep in mind that violations of the CC&R's and these Architectural Guidelines are subject to action by the Board of Directors, which may include fines, penalties, or immediate restoration of the property to its condition prior to the unapproved work being done.

Please be reminded that **work must NOT begin** on any construction, alteration, addition, grading, excavation, removal, relocation, exterior repainting, demolition, installation, modification, exterior decoration, exterior redecoration, reconstruction of an improvement, improvement, or structure (be it permanent or temporary) **UNTIL** the homeowner submits a completed ARC AP to the ARC, in care of the Management Company, along with all required information about the proposed plan(s), drawings and specifications that describe in sufficient detail what it is that you propose to do, processing fees and deposits required by the **ARC, AND receives written approval of proposed plan from the ARC.**

(Refer to Section 8.4 of the CC&R's).

GENERAL COMMENTS

1. The function of the ARC is to review each submittal for conformity to the intent and provisions of the CC&R's. The ARC has **60 days** from the date of receipt of the completed ARC Application to approve or disapprove the application. If the ARC fails to respond in writing within the **60 days**, then the item is deemed approved. (*Refer to Section 8.4(C) of the CC&R's*).

2. All work must be in a manner consistent with the architectural standards and color palette established by the original construction. Any work that does not comply with the architectural standards and color palette established by the original construction must be reworked to comply and all work will be done at the owner's expense. During the period of Declarant's control, the Declarant and the ARC shall determine if the work is consistent with the architectural standards and color palette, the Board shall make such determinations thereafter.

3. The ARC's approval of proposals or plans and specifications shall not constitute a representation, warranty or guarantee, whether express or implied, that such proposals or plans and specifications comply with good engineering design or with zoning or building ordinances, or other governmental regulations or restrictions. By approving such proposals or plans and specifications, neither the ARC, the members thereof, the Association, the Board, nor Declarant, assumes any liability or responsibility therefore, or for any defect in the structure constructed from such proposals or plans or specifications. Neither the ARC, any member thereof, the Association, the Board, nor Declarant, shall be liable to any Member, Owner, occupant, or other Person or entity for any damage, loss, or prejudice suffered or claimed on account of;

- (a) the approval or disapproval of any proposals, plans and specifications and drawings, whether or not defective, or (b) the construction or performance of any work, whether or not pursuant to the approved proposals, plans and specifications and drawings.

4. ARC Approval of plans is not authorization to proceed with improvements on any property other than the applicant's.

5. ACCESS THROUGH PRIVATE STREETS, ANY BREACH OF BLOCK WALLS, AND ACCESS OVER ANY COMMON PROPERTY NOT ONLY REQUIRES PRIOR APPROVAL OF THE ARC BUT ALSO A CASH DEPOSIT. Access for equipment used in construction must be over or through the applicant's own private property. Building equipment and materials must be contained on the applicant's own private property. Streets may not be blocked with equipment or building material. The amount of the cash deposit will be set by the ARC Committee and must be paid prior to approval being granted and work beginning. The Cash Deposit will be determined by the type of construction that is submitted. The minimum for a cash deposit or bond for a pool installation is **\$2,000.00**. The minimum cash deposit for the temporary removal and/or installation of a return block wall is **\$800**. The Cash deposit is to ensure that any damage done to the common area and block walls is repaired in a timely, workmanship manner acceptable to both the Declarant and Association during Declarant's control, and to the Association thereafter, to assure that any damage done to streets, block walls or Association Common Areas and amenities is properly repaired in a timely manner.

6. In the event construction requires use of adjoining property, the applicant must first obtain written permission from the adjoining property owners and submit that written permission with the ARC.

7. After the ARC AP is reviewed by the ARC, then the Management Company will send you written notification of the ARC Committee's decision.

THE FOLLOWING INFORMATION IS INTENDED AS A HELPFUL GUIDE TO THE MOST COMMONLY ASKED QUESTIONS REGARDING INSTALLING SOME TYPES OF IMPROVEMENTS TO A HOME. THIS LIST IS NOT MEANT TO BE ALL INCLUSIVE. PLEASE REFER TO ARTICLE 8 OF THE CC&R'S FOR MORE DETAILED INFORMATION.

1. AIR CONDITIONING UNITS OR EQUIPMENT: The ARC must approve exterior air conditioning equipment other than the equipment installed as a part of the original construction. *(Refer to Section 10.15(a) CC&R's)*

2. AWNINGS: Require prior written ARC approval

3. BASKETBALL POLES AND BACKBOARDS: Require PRIOR written ARC approval. *(Refer to Section 10.15(a) CC&R's)*

4. DECKS AND BALCONIES: Must receive prior written approval from the ARC.

5. DRAINAGE:

A. Each owner must not in any way interfere with or alter the established drainage pattern. The "established drainage pattern" is defined as the drainage which exits at the time that such Unit is conveyed to a Purchaser *(Refer to Section 10.7 of the CC&R's)*. The Owner must maintain the established drainage pattern on their lot from the time Owner closes escrow. Approval of plans granted by the ARC will be based upon the owner's assurance that he/she has not changed the drainage or has consulted with professionals to insure that positive drainage is maintained and that no alteration is being made that could potentially result in flooding or water damage.

THE HOMEOWNER IS SOLELY RESPONSIBLE FOR ANY RESULTING DAMAGE TO: 1) THEIR OWN PROPERTY (INCLUDING, BUT NOT LIMITED TO, DWELLING, FOUNDATION, BLOCK WALLS, LANDSCAPING, AND PERSONAL BELONGINGS), 2) THEIR NEIGHBORS' PROPERTY (INCLUDING, BUT NOT LIMITED TO, DWELLING, FOUNDATION, BLOCK WALLS, LANDSCAPING, AND PERSONAL BELONGINGS, AND 3) THE COMMON AREAS.

B. To help prevent and/or control water damage to foundations and/or walls, each Owner covenants, by acceptance of a deed to his or her Lot, whether or not so stated in the deed, to not cause or permit spray irrigation water or sprinkler water or drainage on his or her Lot to seep or flow onto, or to strike upon, any foundation, slab, side or other portion of Dwelling, wall (including, but not necessarily limited to, Party Wall and/or Perimeter Wall), and/or any other Improvement. *(Refer to Section 9.8, (c) of the CC&R's)*

6. EXTERIOR LIGHTING (Additional): Must obtain prior written approval from the ARC.

A. All exterior lighting added to the property in addition to the original builder installed lighting must obtain written approval from the ARC PRIOR to installation with the exception of security lighting that meets the following guidelines:

- (a) Additional lighting must be for the purpose of added security, not solely decorative in nature.
- (b) All additional lighting must not be positioned in such a way as to cause a nuisance to any surrounding property. The lighting must not be positioned so as to shine over the back wall.
- (c) All lighting added to the front of the house (in front of the gate/wall) will still require ARC approval.

B. Accent lighting fixtures are allowed in the front yard without prior ARC approval provided:

- (a) The lights are solar powered or of a low light intensity if electric.
- (b) The lights are located along the driveway or entryway sidewalk or as plant material accents.
- (c) The lights are not permitted along sidewalks along streets, along street curbing, or attached to or
- (d) along walls or plant material.
- (e) The lights are not disturbing the neighbors due to the extra lighting at night.
- (f) Spot lights of any type require ARC approval.
- (g) Are of a color and design that complement the architecture of the house.
- (h) The light given off is of a color that is of a white or off-white shade.
- (i)

7. EXTERIOR PAINT: Prior written ARC approval is required for any proposed **CHANGE** to the original exterior paint colors originally established by builder. No ARC approval is required for repainting the exterior of your home with the exact same colors established by builder.

8. FENCING, GATES AND WALLS: All gates, fences, block walls, or extensions of same that were not part of the original construction require prior written ARC approval. *(Refer to Section 10.15 of the CC&R's)*

Unacceptable fence, wall and gate materials include, but are not limited to: aluminum, sheet metal, wire, plastic webbing, reeds, and bamboo, glass block, wood, panels or woven board.

9. LANDSCAPING: Changes to the landscaping must be submitted and approved by the ARC **EXCEPT** that: Normal maintenance of landscaping or replacement of dead or dying plants, shrubs or trees does not require approval of the ARC unless you are altering the previously approved landscape plan any way that might affect drainage, reduce the number of trees and shrubs, or change the dominant elements of the plan.

For example: If you are adding a raised planter, concrete paths or pads, mounds, or replacing grass with desert landscaping (or vice versa), or reducing the amount of plant material, you must receive written approval from the ARC prior to work beginning. (*Refer to Article 8.4(A), (C); Section 9.8; 10.7 and 10.17 of the CC&R's*).

A. LANDSCAPE STANDARDS THAT MUST BE MET:

- (a) Automatic irrigation system must be used to water plant material and said system must be maintained in good working order. The automatic irrigation system must also remain aesthetically consistent with the design and plan of the community.
- (b) Canopies of those trees abutting or overhanging the community walkways, common areas and private streets shall be kept trimmed to insure that seven (7) feet above said walkways, common areas and private streets are kept clear of foliage and limbs.
- (c) All shrubs and plant material shall be trimmed to insure they do not encroach upon community walkways and private streets.
- (d) Plant material shall not exceed twenty-four (24) inches in sight visibility zones, which are typically located on corner lots.
- (e) All grass, mounding, or sprinkler irrigation must remain five (5) feet away from block walls, fences, dwelling, foundation and any concrete paving. Drip irrigation and plants must be a minimum of five (5) feet away. In addition, particular care should be taken during final landscaping of the site so that no plants are adjacent to the structures. As an alternative to planting next to foundations and exterior floor slabs, it is advisable to install decorative landscaping areas such as gravel and/or bark. If decorative areas and/or plants and irrigation are installed less than five (5) feet away from block walls, fences, dwelling, foundation or concrete these areas should be underlain with a polyethylene moisture barrier. The polyethylene should be glued to the foundation with the use of a mastic compound. Watering of landscaped areas at this site should be kept to a minimum (Refer to Section 9.8, (c) of the CC&R's).
- (f) To help prevent and/or control water damage to dwelling, foundations, stucco and/or block walls (including, but not necessarily limited to, Party Wall and/or Perimeter Wall; refer to ARC Section # 5 "Drainage"): no grass, spray irrigation or sprinklers may not be located within **five (5) feet** of block walls, fences, foundation, dwelling and/or any other Improvement; and

B. FRONT YARD LANDSCAPING MINIMUM STANDARDS: If a homeowner wishes to add additional front yard landscaping then an ARC AP must be submitted to the ARC Committee for review. **Front yard landscaping shall consist of at least the following:**

- 2 – 24” box tree
- 8 – 5 gallon plants or shrubs
- ¾” decomposed granite rock (not to exceed 1% sulfate content) - two inches thick (same color installed by Builder OR other color in harmony with the home) over all dirt areas

C. BACKYARD LANDSCAPING MINIMUM STANDARDS: Homeowner must submit an ARC Application for and obtain approval of plans for rear yard landscaping and complete installation of such landscaping within **twelve (12) months** from the close of escrow date (*Please see Section 9.8; 10.17 of the CC&R's*). The ARC Committee will take under consideration the time of year when considering extensions for completion dates. However, plans must be submitted and approved by the ARC prior to original deadline for completion. **Back yard landscaping shall consist of at least the following:**

- 2 – 15 gallon box trees
- 5 – 5 gallon plants or shrubs
- Appropriate ground cover (i.e., decomposed granite rock (not to exceed 1% sulfate content), sod or combination of both, etc.) over all dirt areas.

If a landscape proposal includes installation of a pool and/or spa, the ARC may consider reducing the landscape requirements if the ARC deems such a reduction is appropriate).

D. LANDSCAPE MATERIALS NOT PERMITTED:

- a. White or artificially colored rocks, sandstone rocks (Decorative stones must be decomposed granite in earth tones harmonious with decorative stones installed by Declarant).
- b. Cactus or plant material with thorns located within eighteen (18) inches of public walkways, private streets or common areas.
- c. Common Mulberry, Common Olive, Cottonwood, Weeping Willow, Poplar.

E. The use of decorative granite landscaping rock and gravel is permitted and encouraged. The complete landscaping plan, including type and color of decorative landscaping rock and color of other materials, must be submitted for approval.

F. All statues, temporary ornamentation and embellishments homeowner proposes installing in front yard must be submitted for approval prior to installation.

10. MANIFOLD/BACKFLOW/ANTI-SIPHON VALVES:

A. Valves located in a place visible from the street may be covered with a housing device that blends in with the color scheme of the house.

B. If no device is used and insulation is required due to weather conditions, the insulation covering must be of a conservative color, such as black or earth tones.

11. PATIO FURNITURE: Refer to Rules and Regulations

12. PATIO SLABS, PATIO COVERS AND GAZEBOS: Must receive prior written approval from the ARC. No portion of a Gazebo shall exceed the height of **twelve (12') feet** at its highest point. The homeowner must submit copy of building permit, where required, **BEFORE** work begins.

13. PLAY EQUIPMENT: Must receive prior written approval from the ARC (*Refer to section 10.15 of the CC&R's*)

14. POOLS AND SPAS: Must receive prior written approval from the ARC.

A. Rear and side yard setbacks must meet requirements of the governing agency.

B. Positive drainage, as established per code must be provided to assure that neither water damage, nor flooding will occur.

C. Waterfalls and other features must be built or placed no less than **five (5) feet** away from all property line walls, fences and gates, and must comply with requirements of governing agency.

D. Water slides and/or other related pool accessories must have ARC approval, and must comply with requirements of governing agency.

E. A minimum cash deposit of \$2,000 or a \$2,000 bond must be submitted with the ARC Application and pool/spa contractors plans. It is recommended that the contractor pay the deposit, as these monies will be used to repair any damage the contractor, his subcontractors, agents or assigns does to the streets, curbs, gutters and sidewalks. Additional cash deposit may be required prior to ARC approval being granted.

15. SATELLITE DISHES/RECEIVERS/ANTENNAS: SATELLITE DISHES NO LARGER THAN 39"

IN DIAMETER may be installed without prior written ARC approval (*Please refer to Section 10.16 of the CC&R's*), provided:

A. The dish is installed in a professional manner and cord, cables, wires and dish are properly mounted and secured.

B. Cable, cord or wiring is not draped, strung or hanging in a manner that is visible from the street fronting home. The cable, cord or wiring must match the color of the house or be painted to match the color of the house.

C. The dish is located in the most discrete location possible in order to receive adequate signal (behind block wall, at ground level within backyard is the least objectionable location).

D. If dish must be located above ground level outside the confines of the backyard, the homeowner must provide written documentation from licensed installer that the dish must be located in a specific location in order to receive adequate signal.

E. All other satellite dishes which exceed 39" in diameter, as well as antennas, cables, towers, or other poles must be submitted to the arc for prior written approval before any work or installation may begin.

16. SCREEN DOORS:

Do not require prior written approval from the ARC, provided the screen and screen door is a pre-approved color AND is in harmony with the color scheme of the home.

Pre-approved colors: FRAME SCREEN

White, Cream, Bone, Grey, Bronze, Beige, Tan Charcoal

17. SECURITY BARS/DOORS & STORM DOORS: Must receive prior written approval from the ARC (*Refer to Section 10.13 of the CC&R's*).

18. SOLAR SCREENS:

Do not require prior written approval from the ARC, provided the color of the Solar Screen is a preapproved color.

Pre-approved colors: FRAME SCREEN

White, Cream, Bone, Grey, Bronze, Beige, Tan Charcoal

19. STORAGE SHEDS AND UTILITY BUILDINGS: Must receive prior written approval from the ARC (*Refer to Section 10.11 of the CC&R's*).

A. Must not be visible from the street or common area unless the ARC deems that adequate landscaping is provided to alleviate the visual impact.

B. Must be in harmony with the color palette of the home and architectural style of the community.

C. Minimum setbacks requirements must be met.

20. WINDOWS: Mirror or reflective finishes are prohibited. Any alteration, modification, relocation and/or removal of a window(s) that may be visible from the street, must first be approved in writing by the ARC before said work is done. (*Refer to Section 10.13 of the CC&R's*).

21. YARD ORNAMENTATION:

A. Up to three (3) free-standing potted plants visible from the street do not require prior approval from the ARC provided:

1. The pot(s) are no more than forty inches (40") in height and/or twenty-four inches (24") in width. Any pot larger than either of these dimensions will require ARC approval.
2. The color of the pot(s) is in harmony with the color scheme of the home
3. The pots are not mounted on the dwelling or placed in the driveway.
4. Any plants (live or artificial) are properly maintained.

B. Any statues, temporary ornamentation and embellishments placed in the yard visible from the street do not require prior approval from the ARC provided: *(Refer to ARC Section 9.F)*

1. No more than three (3) items with maximum dimensions of twelve inches (12") by twelve inches (12") by eighteen inches (18") are visible from the street. Any items in excess of these dimensions or numbers will require ARC approval.
2. All items must conform to the harmony of the yard and house and be in good taste. If a question arises as to whether or not an item is in good taste, the Mission Del Rey Board of Directors will make the determination.
- 3.

THE BOARD MAY IMPOSE FINES AND PENALTIES FOR VIOLATIONS OF THE GOVERNING

DOCUMENTS, INCLUDING THESE ARC GUIDELINES.

THE ARC GUIDELINES ARE SUBJECT TO CHANGES, ADDITIONS AND/OR AMENDMENTS UPON

APPROVAL OF A MAJORITY OF THE BOARD OF DIRECTORS.

AMENDMENTS TO THE ARCHITECTURAL GUIDELINES

The Architectural Guidelines may be modified from time to time pursuant to the following criteria:

1. Amendment must be approved by a majority of the Board of Directors.
2. Owners are welcome to submit their written recommendations for changes to the ARC Guidelines to the Board of Directors.
3. Upon adoption by the Board, the Board shall cause the revised ARC Guidelines to be mailed to all homeowners and the revised ARC Guidelines shall become effective **thirty (30) days** after the date they were mailed. In the event that there is a conflict between the Architectural Guidelines and the CC&Rs, the CC&Rs shall prevail.

NONLIABILITY FOR APPROVAL OF PLANS

The ARC's approval of proposals or plans and specifications shall not constitute a representation, warranty or guarantee, whether express or implied, that such proposals or plans and specifications comply with good engineering design or with zoning or building ordinances, or other governmental regulations or restrictions. By approving such proposals or plans and specifications, neither the ARC, the members thereof, the Association, the Board, nor Declarant, assumes any liability or responsibility therefore, or for any defect in the structure constructed from such proposals or plans or specifications. Neither the ARC, any member thereof, the Association, the Board, nor Declarant, shall be liable to any Member, Owner, occupant, or other Person or entity for any damage, loss, or prejudice suffered or claimed on account of (a) the approval or disapproval of any proposals, plans and specifications and drawings, whether or not defective, or (b) the construction or performance of any work, whether or not pursuant to the approved proposals, plans and specifications and drawings.